



CPO Report to the Secretary of State for Communities and Local Government

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an Inspector appointed by the Secretary of State
for Communities and Local Government

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TOWN AND COUNTRY PLANNING ACT 1990

AND

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

APPLICATION

FOR THE CONFIRMATION OF

THE BRACKNELL FOREST BOROUGH COUNCIL (BRACKNELL TOWN CENTRE)
COMPULSORY PURCHASE ORDER 2007

Inquiry held on 14 February 2008

File Ref: GOSE/105/1/BRAC/52518

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Bracknell Town Centre, Bracknell, Berkshire

- The Compulsory Purchase Order was made under section 226(1)(a), 3(a) and (b) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 by Bracknell Forest Borough Council on 23 July 2007.
- The purposes of the Order are to facilitate the carrying out of development/redevelopment or improvement on or in relation to the land; and to contribute to the promotion and improvement of the economic, social and environmental well-being of the Borough.
- When the Inquiry closed there were 8 statutory objections and 1 non-statutory objection outstanding. Twenty one objections were withdrawn and no late objections were lodged.

Summary of Recommendation: I recommend that the CPO should be confirmed other than in the respect of land on Plots 43 to 167 where I recommend that the Order should be modified.

PROCEDURAL MATTERS AND STATUTORY FORMALITIES

1. The Acquiring Authority (AA) confirmed that all necessary statutory procedures had been undertaken (CD6.8).
2. The AA and the new owners of Plots 43 and 167, Knightsbridge Green Limited (KGL), have entered into an Undertaking that addresses all concerns regarding these plots. The AA and KGL seek a modification to the Order to exclude KGL's freehold interests in Plots 43 and 167 (BFBC28). The proposed modification is minor and would not prejudice the interests of any party.
3. The AA confirmed that the area of the Order Lands was 20.55 ha as listed in the Statement of Reasons (CD6.4) and not the 21.58 ha as listed in the Statement of Case (CD6.5).
4. Trillium (Objection 19) and McDonalds Restaurants Limited (Objection 22) requested that, following the AA's closing submissions, the Inquiry be adjourned for 2 weeks to allow for agreements to be reached. The AA's preference was that the Inquiry was closed following closing submissions. Trillium act on behalf of the Secretary of State for Communities and Local Government and as such any interest in the land cannot be compulsorily acquired. As to McDonalds, the AA does not seek to acquire McDonald's occupational leasehold or closure of the business. In my view, there has been sufficient time for parties to reach agreement and, in any event, closure of the Inquiry does not prevent agreements being reached. In these circumstances, I saw no benefit in adjourning, and the Inquiry closed on Friday 29 February.

THE ORDER LANDS AND SURROUNDINGS

5. The Order Lands extend to some 20.55ha and lie within Bracknell Town Centre. The lands are framed by Millennium Way to the north, Skimped Hill Lane and Market Street to the south and west and Church Road to the east.
6. Bracknell Town Centre was largely redeveloped during the 1960s and early 1970s. The main retail core, which is pedestrianised, is centred on Charles Square, High Street, Stanley Walk, Crossway and Broadway and is enclosed by a ring road, The Ring. The combination of The Ring and the 1960/70s architecture creates a stark, inward looking town centre (BFBC8.1 Slide 1). Few of the original town centre buildings remain, the majority now comprise

extensive 2 and 3-storey flat roofed buildings, with several taller office and commercial buildings (BFBC8.1 Slide 2).

7. The primary retail core is located around Charles Square, High Street to the west and in the Princess Square Shopping Centre (BFBC23 Appendix 1.1). Broadway, Crossway and High Street to the east are secondary retail areas. Bracknell Market is located to the west of The Ring underneath Winchester House. The Bus Station is separated from the town centre by The Ring and beyond, separated by Market Street, is the railway station. Pedestrian access to the bus and train stations from the town centre is via Stanley Walk, which for the most part is flanked by the blank elevation of the Princess Square Shopping Centre, St Josephs Catholic Church, the Royal British Legion Club and The Silver Jubilee Gardens (BFBC8.1 Slide 1).

THE CASE FOR ACQUIRING AUTHORITY

Introduction

8. The Order relates to an area of 20.55ha required for the comprehensive redevelopment and regeneration of Bracknell Town Centre. The Order Lands are required for the redevelopment, or for execution of works or to facilitate that redevelopment, along with the necessary exchange of land and acquisition of necessary rights, as described in the Schedule to the Order. Land for which all interests are to be acquired is shown coloured pink on the Plans attached to the Order. Land over which new rights are required is shown coloured blue and land to be given in exchange is shown coloured green on the Plans.
9. Acquisition of land and interests will facilitate the urgently needed redevelopment and improvement of the town centre. Redevelopment and remodelling will improve the availability and range of retail facilities to meet modern retail operator requirements, and enhance the attraction of the town centre to enable it to recover and retain expenditure within its catchment, which is currently leaking away. The redevelopment scheme will add vitality and viability to the town centre through the introduction of residential accommodation and leisure uses, improved and updated civic facilities, significant improvements in the public realm and public transport provision, and the provision of investment and jobs. Redevelopment will make a significant contribution to the promotion and improvement of the economic, social and environmental well-being of the Borough.

The Redevelopment Scheme

10. The Scheme, for which 2 planning permissions exist, is for the regeneration of a large part of the town centre (CD5.1 to CD5.16). Outline planning permission was granted in December 2006 and a further outline planning permission exists through the grant of an application under S73 of the Act in November 2007 for substantially the same development, but subject to some minor amendments (BFBC5 paragraphs 4.3 to 4.50). Both permissions are accompanied by S106 Agreements (CD5.8 & CD5.15). Neither application was called-in by the Secretary of State.
11. The Scheme proposes new retail, leisure and commercial floorspace and will deliver a significant number of housing units, of which some 30% would be affordable, and a combined heat and power plant consistent with key principles of sustainability (BFBC5 Section 4 & CD5.6 paragraphs 11.292 to 11.298). The

Scheme includes the relocation of the Council's offices, library and other civic facilities to the south of the town centre to create a new civic square replacing the existing Jubilee Gardens. The Royal British Legion Club, the Police Station and the Magistrates' Court will be relocated to the west of the town centre (BFBC23 Appendix 1.5).

12. The Scheme is divided into 6 development zones (BFBC8.2 Slide 6). Each zone has a parameter plan identifying a maximum and minimum floor space for each land use and maximum and minimum building heights (CD5.13). None of the taller buildings will be higher than the existing tallest buildings.
13. Building on the network of key streets, the Scheme will provide a new order to the public realm and an increase in active edges. These are retail, leisure or cafe uses facing public spaces and streets that provide activity to the façade. The pedestrian environment will be significantly extended with an increase of some 7% in the fully accessible public realm, which will be directly accessed from the town centre streets (BFBC8.1 Slide 5C Images 1 & 2). New at-grade crossings of key traffic links on Millennium Way, Church Road, Skimped Hill Lane and The Ring will supplement existing subway provision where appropriate, breaking the stranglehold of The Ring. New cycle lanes within the town centre linked to the existing external network, including major new facilities will form a strong and cohesive network with access to all sectors of the town centre. Secure public cycle parking at key locations will be provided.
14. Continuity of surface treatment and landscaping will serve to make the town more readable. High quality paving and fixtures will replace the old, both in the new development and in the retained public realm. Landmark water features, public art works and lighting will be employed to increase legibility and orientation within the town, so that way finding will become intuitive.

Northern Development Zone/New Broadway (BFBC8.2 Slides 7A & 7B)

15. New Broadway will be a modern retail environment, with 2 levels of shopping streets wrapped around a large public space that is predominantly covered to facilitate year round and day and evening use. Although covered, the space will be light and airy and naturally ventilated, and together with high quality landscaping, water features and public art will provide the interest and character that consumers demand. There will be some 2,500 car parking spaces conveniently located and accessible. Above the upper level of shops will be a cinema, health club and flats, providing further scale and interest.
16. New Broadway will be an outward looking high quality public space. Each level will be accessed from the north, south, east and west, providing alternative retail circuits and connections to the rest of the town centre. Whilst it is important that New Broadway provides the scale and attraction to meet the requirements of the local consumers, it is critical that the connections with the rest of the town maximise pedestrian circuits throughout the town centre. New Broadway will provide a second major east to west route. The "Arc" plan form of this space allows continuity of movement to the Market to the west and reconnects to the High Street to the east.

High Street and Charles Square (BFBC8.2 Slides 8A & 8B)

17. Charles Square is large, but much of it is unusable because of circulation ramps and supports to the bridge. The Square will be reformed and

significantly modified as a more intimate outdoor space at the intersection of High Street and the new Crossway by removing much of the clutter and increasing levels of daylight and sunlight. On both sides, the existing shops will be extended to provide increased depth and height to meet modern retailer needs and provide a more active retail environment. These extensions will incorporate the existing access to the Grange Hotel. A new space will be created to the north of the High Street that will maximise exposure to the sun. This space will be wrapped with cafes and restaurants at ground floor with flats above. The new Square will form a setting for the existing Listed Building (Boots Opticians) and will remain an important node at the junction of the north/south Crossway and the east/west High Street.

18. High Street, the historic backbone of the centre will be up-graded and refurbished to retain its function as the major east/west link. New ramps at the east and west ends will improve accessibility and provide direct connections to the new Bus Station. Direct connections using the natural slope of the land to New Broadway will be made via Crossway (into New Broadway's upper retail level) and via a new lane created next to the Bull Public House (into New Broadway's lower retail level).

Southern Development Zone – Stanley Walk (BFBC8.2 Slides 9A & 9B)

19. The Royal British Legion building will be removed to provide a direct north-south route and a visual connection to an at-grade crossing of The Ring. The route will be enhanced by further activity in the form of shops wrapping around the southern end of Princess Square and to the ground floor of the development proposed on the existing Jubilee Gardens.
20. Currently, Stanley Walk falls from the entrance to Princess Square to an underpass below The Ring. The St. Joseph's Catholic Church is raised above and set back from Stanley Walk. Replacing the underpass with an at-grade crossing involves a significant change in the existing levels and provides the opportunity to improve access to the Church and its setting.

New Jubilee Gardens (BFBC8.2 Slides 10A & 10B)

21. Having crossed The Ring via the pedestrian crossing from Stanley Walk, pedestrians will enter New Jubilee Gardens (NJGs), a richly landscaped public square incorporating mature planting, water features, public art, and seating. The square will be surrounded by a food store with flats above, hotel, restaurants and cafes with offices above, and the replacement Council offices and library building. NJGs replace the existing Jubilee Gardens and will provide much more useable and active space that will be surrounded by new development. The existing gardens are set away from pedestrian desire lines or other developments, are poorly laid out and not well used.
22. Here, the scale, massing and distribution of buildings will ensure that the NJGs benefit from sunlight and daylight throughout the year. By raising the ground levels, a direct and level connection from the crossing at The Ring, to the crossing to the train station, will remove the difficult routes via 2 underpasses. The civic and retail elements will draw people through the town centre, balancing the effect of the development at New Broadway. NJGs will serve as the major link to the railway station, with raised crossings giving a priority to pedestrians and making access to bus and rail services accessible to all. The

new configuration will also provide glimpsed views into the town centre from the main approach from the south across the southern roundabout.

NW Development Zone – Market Square and Bus Station (BFBC8.2 Slides 11A & 11B)

23. The new Bus Station wraps along the existing Ring and High Street with a new building in Market Square. Users of the Bus Station will have direct access to the High Street and New Broadway, increasing the accessibility and choices for shoppers and visitors to the town centre. The new Bus Station will also include a taxi rank, facilities for community transport and shop mobility. The new Market Square provides the setting for the listed Red Lion Public House. It provides space for a traditional tented market when required but is designed to be a focal place for the uses surrounding it. Landscaping, tree planting and seating will make it usable at all times.

West Development Zone – Market Square (BFBC8.2 Slides 12A & 12B)

24. The Police Station and Magistrates Court, located at the northern part of the Market Street site, will be close to the new Bus Station. Whilst facilities will not be shared between the Police and Magistrates, there will be operational benefits for the 2 to be co-located. Just south of the Magistrates Court will be the relocated Royal British Legion building overlooking a new public square, Legion Square. Direct access will be available from Legion Square to Market Street and the town centre via improved stair and lift facilities through the High Street car park and to the Peel Centre to the west. These relocated facilities require good access to both public transport and public car parking and are ideally located between the Bus Station and the train station.

East Development Zone (BFBC8.2 Slide 13)

25. Here, most of the work includes highways improvements, improvement to access ramps to the High Street (coloured yellow on plan 2) and a replacement for Langley Hall (coloured orange on plan 2).

Public Transport

26. The Scheme includes a new 8-bay Bus Station, bus priority measures within the town centre and elsewhere and funding of a real time information system thus improving penetration by bus. There will be improvements to bus routes and services including an approximate doubling of bus service provision, to be pump primed by a S106 Agreement. A 500 space park and ride facility at Peacock Farm or provision of a financial contribution to the public transport fund will be provided. Additional taxi ranks will be provided.

Highways

27. The Scheme includes significant modifications to the town centre circulation system, utilising the outer box of roads, comprising Millennium Way, Church Road and Market Street/The Ring to remove elements of The Ring and reducing the traffic function of other elements. This will allow for the expansion of the pedestrian area and make efficient use of the remaining infrastructure. Highway improvements are proposed at 13 locations outside the town centre, to mitigate the wider highway impacts of the proposals.

Car parking

28. Some 3,500 additional public car parking spaces will be provided (giving a total of 7,200 across the town centre, including an element for existing offices at restrained levels in accordance with the Masterplan (BFBC11 Appendix 8). There will be co-ordinated management of the parking stock, including a variable message signing system to ensure efficient circulation and use of the car parks. A charging structure reflecting short-stay charges in the sub-region and discouraging long-stay parking. An element of parking revenue will be hypothecated to support increased provision of non-car modes of travel. Private car parking provision for employment and residential uses will be provided at restrained levels, to reflect the town centre location and good non-car accessibility of the development. The scheme will include the implementation of a controlled Parking Zone and Residents Parking Scheme around the town centre, to mitigate any potential local effects.

Mobility Impaired

29. Shopmobility, with good vehicular access for drop-off and accessible car parking will be provided within the northern retail area. Locations for community transport drop-off and collection very close to major facilities, including the retail and civic facilities and a legible route around the town centre are provided for in the design of the circulation system. All new gradients within the expanded pedestrian area will be designed to ensure accessibility. Disabled parking spaces, with at-grade or lift access will be provided in all new public and private car parks.

Travel Plan and Complementary Measures

30. Travel Plans, including various complementary measures will support the development, as an important part of the integrated transport package. They will include preliminary modal split targets, monitoring and enforcement proposals. New and remodelled service areas are proposed to service the retail, leisure and other uses across the town centre. The location of and accesses to the main service areas are shown at PLR 9 (Servicing Plan).

Development Vehicle and Scheme Implementation

31. Bracknell Regeneration Limited Partnership (BRLP) was set up in April 2003 to undertake large scale development and investment in Bracknell Town Centre. There are currently 2 investors in the Limited Partnership, Schroder Exempt Property Unit Trust (SEPUT) and Legal & General Assurance Society Limited (L&G), both with a 50% share holding. All town centre assets owned by L&G and SEPUT were transferred to BRLP.
32. BRLP is a robust, flexible structure that allows further investors to buy shares in the Limited Partnership increasing the equity base as the requirement for development funding and overall value of the assets increases. BRLP's assets are currently worth in excess of £200m. Around 65% of the value is accounted for by the investment assets, which produce an annual income of some £8.4m and which will not be subject to redevelopment. Thus, this income stream will not be impacted by the implementation of the Scheme.
33. The Scheme will be funded by BRLP securing a mixture of equity (from investors in BRLP) and debt. Currently BRLP has no borrowings against its

assets. Total Scheme development costs will be some £700m of which some £550m will be new capital. BRLP anticipate that the investors will be providing approximately 50% of the finance required to carry out and complete the development from their own resources. The balance of the development finance will be raised by external borrowing. This ratio of investor's funds and external debt is comfortably in line with the investor's corporate policy and market practice.

34. Limited Partnerships are common vehicles, established to allow a number of investors to own large scale assets, unsuitable for single ownership. The structure also enables development and funding risks for complex projects to be shared. There should be no doubt that the structure of BRLP, the covenant strength of the investors and the value of the assets will enable the necessary funds to be secured to carry out the development.
35. Since 2003 BRLP has spent £2.5m acquiring further freehold and leasehold interests in the development site and has recently agreed terms to purchase Eagle House for £14.5m and some £19m has been spent progressing the development proposals. This expenditure includes professional fees and legal expenses in connection with the outline planning applications and all supporting documentation, the Development Agreement with the Council, the Road Closure Order, all work towards making and seeking confirmation of the CPO, site investigations and design work. BRLP has the landholding, financial strength and commitment to carry out and complete the much needed comprehensive regeneration of Bracknell Town Centre.
36. Simultaneous with the formation of BRLP, in April 2003 BRLP and the Council entered into a Development Co-operation and Negotiation Agreement. This obliged both parties to progress new development proposals for the town centre, in particular for BRLP to prepare and submit an outline planning application, generally in accordance with the SPG and both parties to progress negotiations for a Development Agreement.
37. On completion, the Council will own the freehold of the new civic buildings, NJGs and areas of new public realm (BFBC23 Appendix 1.9 Buildings 4). The Police, Court Service and The Royal British Legion will own the freehold of their respective new buildings. BRLP will own the freehold interest in those elements of the scheme developed for its own long term ownership (BFBC23 Appendix 1.9 Buildings coloured red, blue & pink).
38. BRLP's intention is to provide high quality management, with a dedicated on site team across all of its assets in the town centre. Given the scale of BRLP's ownership, there is the opportunity to provide the standards of customer care, security, safety and amenity across the whole of the town centre, comparable with the best shopping centres in the UK. The Council and BRLP are committed to agreeing and implementing a joint town centre management strategy, covering maintenance and management of public realm, public transport, car parking, CCTV & security and marketing and promotions. This is a unique opportunity for a town centre to compete at the highest level.

Development Agreement

39. The Council and BRLP exchanged a Development Agreement in April 2007. This provides for BRLP to undertake a major comprehensive mixed use scheme of

sufficient scale to regenerate the town centre and to act as a catalyst to bring forward the development of other land owned by BRLP and third parties. The Agreement provides for the delivery of approximately 85% of the total approved retail and leisure space, over 300 residential units, new civic buildings, and major improvements to the public realm and transport infrastructure. The boundary of the Order was determined by reference to the development to be undertaken by BRLP, pursuant to the terms of the Agreement. This development in itself is of such a scale that it will be a catalyst for regeneration of other town centre sites and will be sufficiently comprehensive to address the majority of issues facing the town centre.

40. Subject to the satisfaction of certain Conditions Precedent, the Agreement obliges BRLP to undertake the Committed Development which will provide; new civic accommodation; 109 parking spaces; NJGs; the Northern Development Area with a minimum 2,250 parking spaces, 110 residential units of which 64 would be affordable; the Charles Square retail units; a food store or an alternative form of development on the food store site if an operator cannot be secured (parameter plan Blocks S6.1 and S6.2); retail and residential units on the existing Jubilee Gardens site; 200 residential units in the Southern Development Area of which 84 would be affordable; a new Bus Station; public realm and highway works in accordance with the S106 Agreement and any works required under any Agreement to relocate the Royal British Legion, Police or Magistrates' Court. The Committed Development will include A1, A2, A3 and A4 uses with a gross lettable area of approximately 73,530 sq. m. Following satisfaction of the Conditions Precedent the Developer is obliged, as soon as reasonably practicable, to carry out and complete the Committed Development.

Conditions Precedent (BFBC30)

41. Planning Condition - outline planning permission has already been secured discharging this aspect of the condition. A reserved matters application will be prepared and submitted to ensure that the balance of this condition is discharged during the third quarter of 2008. Pre application discussions have been held with the Council in respect of several aspects of the Scheme. Work is underway to discharge pre-commencement planning conditions and town wide planning strategies covering servicing, access, waste management, drainage, sustainability and noise have been submitted for approval. Designs have been advanced and principles established for key elements of the Scheme, particularly buildings comprising the first phases of construction.
42. Site Assembly Condition – this requires a satisfactory CPO free of legal challenge and capable of implementation and for all third party interests in the site of the Committed Development to be acquired. BRLP has been successful in relocating, acquiring vacant possession, and restructuring occupational leases in the development site, to enable the Landlord to recover possession when a property is required for demolition. BRLP will continue to negotiate with all leaseholders to acquire their interests by agreement.
43. Relocation Condition - this requires BRLP to enter into legally binding agreements with the Royal British Legion, Police and Magistrates to acquire their existing freehold interests, to the extent required to implement the Scheme, in exchange for the provision of new freehold relocation buildings. The Development Agreement obliges the Council to provide freehold land on

Market Street currently in its ownership for the relocation buildings. Heads of Terms have been agreed with all 3 parties, and the exchange of Agreements will discharge this condition.

44. Appropriation Condition – the Council is required to appropriate land in its ownership land required for the Scheme and there is no impediment to this.
45. Pre Letting Condition - this requires the Developer to have exchanged lease agreements with 2 anchor stores and 25% by estimated rental value of the retail floorspace plus 50% by estimated rental value of D2 leisure space. Heads of terms have been agreed with Marks & Spencer for 12,820 sq. m, subject to the confirmation and identity of the other anchor tenant. Discussions are in progress with Fenwick and Debenhams, the latter having submitted an offer. BRLP is confident that this condition will be satisfied.
46. Highways Condition - this condition is satisfied when BRLP has secured a Road Closure Order (RCO) free of legal challenge and the Council and BRLP have entered into Highways Agreements for the provision of on and off-site highway works. The RCO was published in May 2007 and the one outstanding objection will be withdrawn once an appropriate undertaking has been given. The extent of the highway works is substantially agreed and a draft document is being finalised between the Council and BRLP. This condition will be satisfied well before the intended start on site.
47. Finance Condition - this condition required BRLP to give notice to the Council that it has obtained sufficient funding on commercially acceptable terms, to enable the Committed Development to be undertaken and completed. Given the covenant strength and resources of the investors in BRLP there is no doubt that the requisite funds will be secured.
48. Initial Phases Design Condition - this requires the Council as BRLP's development partner to approve the principal aspects of design of the main elements of the Committed Development. The parties are working closely together on design development and there are no reasons for delay or failure to discharge this condition.
49. Civic Design Condition - this requires the Council to approve the detailed design for the new civic buildings. Work is well advanced and there are no reasons for delay or failure to discharge this condition.
50. English Partnerships Condition - this will be satisfied when terms have been agreed to quantify payments in respect of clawback, to which English Partnerships is entitled on the disposal or development of Council land required for the scheme and payments for the release of certain restrictive covenants. Negotiations are progressing and no problems are foreseen.
51. Indemnity Provisions - other than costs which are specifically the liability of the Council, the Development Agreement obliges BRLP to bear all costs associated with the development of the scheme and to provide a full indemnity to the Council in respect of costs incurred in relation to preparation, obtaining and implementing an Order, including all land acquisition costs and any blight claims ensuring certainty that funds are available for the Council to meet these liabilities as they arise.

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52. The S106 Agreements ensure delivery of a comprehensive package of transport, environmental and community benefits as part of the Scheme (CD5.15). These include on and off-site highway works, affordable housing, the delivery of a mix of uses, new public realm, public art, public transport improvements by way of capital expenditure and revenue support, and contributions to social amenities, employment and training measures (BFBC23 Appendix 2). In addition to highway and public realm works the S106 Agreements provide for capital contributions and expenditure by the developer in excess of £8m.

Programme, Phasing and Construction Methodology

53. Stanhope Plc is the Project Manager for the design and construction strategies for implementation of the Scheme. The construction procurement process will enable the commencement of construction, for the first phase of development, to commence in 2009. The first critical phases of construction do not require any significant demolition or relocations prior to commencement.
54. The main phasing objectives are:
- early delivery of key relocation requirements to enable delivery of re-vitalised retail floorspace in the northern part of the town, around key trading periods. The Police Station, Magistrates' Court, British Legion, Bus Station, Council Offices and Library are retained until the replacement buildings are available;
 - phasing of other "non critical" works to minimise impact on key town centre functions;
 - maintenance of access for service vehicles to town centre businesses associated with infrastructure, public realm, car parking and highways reconfiguration;
 - minimising the environmental impact on residents and users;
 - providing flexibility for the timing of stand alone sites, either by third parties or BRLP in order to respond to market conditions;
 - continuity of convenient access to public transport;
 - maximisation of the number of car parking spaces throughout the construction period;
 - allowing adequate time for consultation, design, approval and procurement for each part of the project;
 - continuity of convenient and safe pedestrian access around the area and properties immediately adjacent to the construction sites.

Project Phasing

55. All the construction works covered by the development have been split into 2 principal phases. Although they may include other components, these are: - Relocations – where the principal activities are the critical relocations, works and associated highway works to enable completion of the northern element of the Scheme. However, this also includes certain other BRLP works that are likely to take place during this phase (Phase 1). Northern Development Zone

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- the principal activity is provision of the mixed use development around New Broadway. During this phase of development (Phase 2), which is the longest phase, other BRLP development blocks will be undertaken such as that for the food store (BFBC14 Appendix A).
56. Phase 1 includes the relocation works necessary to deliver the main retail component north of the High Street. However, this phase also includes early works to Charles Square and Stanley Walk, in order to strengthen the retail offer in the central part of the town and to help mitigate the loss of the retail provision north of the High Street during construction of Phase 2.
 57. Phase 1 includes the relocation of the Bus Station, which is needed to enable the delivery of NJGs adjacent to the new civic hub. This phase also includes the necessary highways works to create the new Bus Station and NJGs. Whilst the overall phase will take approximately 18 months, certain individual components will take less time and will be the subject of some “sub-phasing” within the overall first phase. NJGs will replace the existing Jubilee Gardens as public open space, and works on the site of the existing Jubilee Gardens will occur during Phase 1.
 58. Phase 2 - Northern Development Zone – works to the Northern Development Zone phase will commence in the north-west, i.e. away from the Police Station, Magistrates Court, Council Offices and Library. These works will commence with service diversions and demolitions.
 59. Infrastructure and Highways – the 2 phases described above include infrastructure and highway works associated with each phase (BFBC14 Appendix B). Whilst the programme and phasing of these works will facilitate the phasing described above, it is the intention that all on site and off-site highway works are completed prior to completion of the Northern Development Zone. Additionally, the strengthening of the infrastructure services will be co-ordinated to enable completion of each phase.
 60. BRLP and Third Party Stand Alone Sites – all the stand alone development sites can be serviced from the existing or modified highways arrangements. The phasing of the infrastructure works makes assumptions about the timing for the development of third party sites development (BFBC23 Appendix 1.5).
 61. Time Slices – BFBC14 Appendix A includes a summary of the phasing works to all development blocks shown in approximate 6 monthly time slices. The time slice plans illustrate all development blocks to be undertaken either by BRLP or third parties for the entire development, based upon BRLP phasing of the Committed Development and an understanding of the timing of the third party developments.
 62. Time Slice 1 (months 1-6) -works commence to Bus Station; relocations (Police Station, Magistrates’ Courts and Royal British Legion); civic hub; works to existing Jubilee Gardens (Stanley Walk residential and retail); west side of Charles Square and associated highways and infrastructure works ongoing.
 63. Time Slice 2 (months 7-12) - Bus Station operational and other time slice 1 works ongoing, although some highways and public realm works completed. Time Slice 3 (months 13-18) - west side of Charles Square complete; NJGs work commences; demolition to west side of Broadway commences; works to

east side of Charles Square commence and other time slice 2 works including associated Highways works ongoing.

64. Time Slice 4 (months 19-24) - Police Station, Magistrates' Court and British Legion complete; civic hub and NJGs complete; retail and residential to existing Jubilee Gardens complete; demolition of east side of Broadway commences; works to buildings around NJGs commences (including food store) and work to create retail unit on side of relocated Royal British Legion commences.
65. Time Slice 5 (months 25-30) - retail on site of relocated Legion building complete; the main works to reconfigure the town centre highways arrangements are completed. Time Slice 6 (months 31-36) - Charles Square east retail complete. Time Slice 7 (months 37-42) - retail and residential development on Crossway complete (part of Northern Development). Time Slice 8 (months 43-50) - food store development complete and New Broadway development complete.
66. Time Slice 9 (months 51-60) - committed development already completed although some phased completions of northern residential during this period.
67. Transport time slices illustrate the access and circulation proposals across the whole town through the highways' reconfiguration phases (BFBC14 Appendix B). Circulation routes across the town will be managed through both the highways reconfiguration and road closures process. The principal reconfiguration of the town centre highways network will be completed 2 years after commencement of Phase One works.

Construction Method Statement

68. Stanhope have an exemplary record in developing large scale projects within urban environments and put great emphasis on minimising disruption to neighbours and the general public. In the last 5 years, Stanhope projects have received 15 national awards related to the construction and delivery of projects (BFBC13 Paragraph 4.3).
69. MACE has been appointed pre-construction manager since 2005 and is responsible for coordinating the development of construction phasing, programmes and methodology. MACE has also assisted in the preparation of the Construction Environmental Management Plan (CEMP) that addresses construction methodology: the development of site specific Environmental Management Plans; public liaison; indicative detailed phasing that will be updated as required; hours of working; measures to control traffic and site access, including: site security; measures to minimise noise, dust and vibration and water pollution; waste management measures; to deal with recycling and waste removal; tree protection and health and safety.

Crane Oversailing

70. Tower cranes will be required to construct the majority of the development. The strategy for tower crane numbers and locations have been based upon a balance of hook-time (the intensity of use of the equipment), unloading zones and oversailing restrictions. All parties subject to crane oversailing will be offered a Crane Oversail Licence. This will include obligations on the Developer

in relation to indemnities and making good damage, insurance, loading restrictions, health and safety requirements and nuisance and disturbance.

71. Tower cranes are inherently quiet in operation and will be subject to stringent safety management policies, both in erection and operational use. During erection and dismantling the Contractor will liaise with the Police and highway authorities as to when these activities will occur.

Sites Outside the Compulsory Purchase Area

72. Development sites with the benefit of the December 2006 planning permission falling outside the scope of the Order fall into 2 categories. The first category is land owned by BRLP comprising land in the north-west development area with permission for office and hotel use (BFBC23 Appendix 1.9 Orange Land). Sites will be brought forward by BRLP in response to market demand. Early development is possible since these sites are not dependant on the Order or RCO confirmation. The second category is land owned by third parties (BFBC23 Appendix 1.9 Yellow Land). The BRLP scheme will undoubtedly provide the catalyst for the development of these sites. These are:

- Comer Homes in the north-west development area. Comer has undertaken pre application discussions with the Council and is preparing plans with the intention of submitting a detailed planning application. Comer have had discussions with BRLP's professional team regarding the physical relationship of the respective developments and have consistently stated their intention of undertaking a high quality residential development;
- Primary Care Trust (PCT) in the north-west development area. The PCT are undertaking consultations to establish the appropriate size of a new health centre and the range of services to be provided;
- Campmoss Developments sites on Market Street. Campmoss have undertaken pre application discussions with the Council;
- sites on Market Street originally owned by Barclays Bank Pension Fund have recently been sold and the new owners are having pre application discussions with the Council;
- CLIL, Enid Wood House on High Street. CLIL have entered into negotiations with the Council who have a leasehold interest in a substantial part of the building to secure vacant possession. They have submitted a planning application and expressed the intention to carry out a mainly residential scheme.

Planning Policy

73. The Scheme accords with the relevant national and local planning policy. There has been no challenge to the Council's case to that effect.

National Planning Policy

74. The Scheme is entirely consistent with Planning Policy Statement 1 – Delivering Sustainable Development (PPS1) in delivering the regeneration of Bracknell Town Centre, using an existing town centre as the focus of a mix of

uses to create a vital and vibrant place, significantly enhancing the quality of the environment (BFBC5, paragraphs 3.1-3.7).

75. The Scheme accords with PPS3 – Housing by dramatically increasing the number of residential dwellings in the town centre, using both previously developed and vacant land (BFBC5 paragraphs 3.8 & 3.9). Housing above the town centre uses will ensure an efficient use of land, whilst adding to the vitality of the area and complimenting the other elements of the Scheme.
76. The Scheme accords with PPS6 – Planning for Town Centres in proposing the regeneration and enhancement of the town centre, which is identified as the major centre within the Borough, and so the key focus for defined town centre uses (BFBC5 paragraphs 3.10 – 3.18 & BFBC10 paragraphs 4.7-4.7 & 4.14). The Scheme will create a focus for the Borough and help to strengthen its economy, as well as the town centre’s physical quality and range of services at a size and scale appropriate for a defined major centre, as well as responding positively to the other aspects of the guidance set out in PPS6.
77. The Scheme is also wholly consistent with the policy and objectives of Planning Policy Guidance 13 – Transport (PPG13), in that the location of the uses proposed within the town centre support the thrust of location policy i.e. good access to public transport links in a mixed use environment (BFBC10 paragraphs 4.1–5.23). The Scheme will pull back significant expenditure to Bracknell, which is currently leaking to more distant centres, so reducing both the need to travel and the overall distance travelled by car. In addition, the parking provision and management of the Scheme will act to restrain use of the private car, and there is an emphasis on non-car modes of travel, with significant existing road space reallocated for pedestrian use within the extended pedestrian area of the town centre. The public transport for the town will be substantially improved, and a new park and ride facility will be constructed. The Scheme will similarly reflect and meet the objective of regional transport policy, using Bracknell Town Centre in its role in the proposed hub and spoke system, with the rebalancing of the transport system within that centre towards more sustainable modes.
78. Travel plans are also proposed to meet regional standards in support of the overall development and each of its constituent parts. New high quality pedestrian and cycle facilities will be created throughout the Town, and the provision of a new Bus Station with a range of bus transport enhancement (including bus priority measures, provision of a real time information system, improved bus routes and services and hypothecation of car park charges to support non-car modes of travel) will significantly enhance access to essential services by means other than the car.

Development Plan Policy

79. The development plan comprises: Regional Planning Guidance for the South East (RPG 9) (RSS); The Berkshire Structure Plan 2001-2016; saved policies in Bracknell Forest Borough Local Plan 2002 and the Core Strategy adopted on 7 February 2008 BFBC2 Section 5 & BFBC5 Section 3).

RSS (CD2.1)

80. The current RSS identifies Bracknell as a Major Town in the Western Policy Area and a prime focus for new development and redevelopment. Key

objectives are to ensure that the quality of life should be raised through significant improvement to the urban environment, and making the urban areas attractive places in which to live, work, shop, spend leisure time and invest. As one of the Region's existing network of larger towns, it is a focus for major retail, leisure and office developments to support an urban renaissance. The Scheme's proposals for the town centre fully accord with the policies in RPG9. They focus development in a prime location in the Borough, raise the design quality of the town centre, make effective use of previously developed land and promote development in the most accessible locations (BFBC5 paragraph 3.22).

Structure Plan (CD3.1)

81. The Structure Plan identifies Bracknell as a Major Town and a principal focus for major development including major retail and key town centre leisure development. It identifies that the town centre has a poor choice of comparison, convenience and specialist shopping and that it is not serving its catchment population. It also identifies that Bracknell has failed to keep pace with other centres in the area, and that there are opportunities for significant redevelopment for comparison, convenience and specialist shopping, as well as incorporating a greater variety of town centre activities to improve the service to its existing catchment.
82. The Scheme meets the policy priorities of the Structure Plan by providing the regeneration and opportunities identified within the town centre, by seeking to raise design quality, locating development in the most accessible location within the Borough, and creating development that is at an appropriate scale for the role of the centre as defined in the Structure Plan (BFBC5 paragraph 3.26).

Local Plan (CD3.2)

83. Relevant policies have been saved as part of the Local Development Framework (BFBC5 paragraph 3.28).
84. Policy E1 permits development, redevelopment and enhancements in the town centre which strengthen and improve the retail area, and regenerate and rejuvenate parts characterised by poor townscape. Development Proposals PE1i and PE1ii set out proposals for the northern and southern areas of the town centre. The former identifies land in the northern sector for comprehensive mixed use development. The latter identifies the southern sector for comprehensive mixed use to include public transport interchange and provision for open space.
85. The Scheme fulfils all these designations through the provision of mixed use development meeting all the policy requirements, as well as enabling the re-provision of key town centre uses, providing high quality open spaces, improved pedestrian and cycle links and the creation of a public transport interchange (BFBC5 paragraph 3.29).

Local Development Framework

86. The Core Strategy is sound and was adopted on 7 February 2008. The policies permit development which will contribute to the comprehensive delivery of the whole town centre with mixed uses, serve the shopping needs of the resident

population and contribute to its role as a transport hub for the Borough. The Scheme is fully compliant with the Core Strategy and relevant emerging policy (BFBC5 paragraphs 4.51-4.52 & 5.1-5.4).

Supplementary Planning Guidance (SPG)

Bracknell Town Centre Urban Design Framework (UDF) (CD3.10)

87. Adopted in 1998 as SPG the UDF sets out an Urban Design Strategy for the town centre. Although largely superseded by the Masterplan the UDF still forms SPG for development control purposes, but where it is in conflict with the Masterplan, the Masterplan will take precedence (BFBC5 paragraph 3.30).

Bracknell Town Centre Masterplan (CD3.6)

88. Adopted in 2002, the Masterplan sets the context for comprehensive redevelopment of the town centre identifying sites for individual uses. The Masterplan aims to transform the town centre into a culturally self confident centre that is mature, vibrant and truly mixed use, hosting a wide range of shopping and leisure activities and that is accessible to all.
89. The Masterplan sets out the Council's regeneration objectives, which include: setting a new direction for the centre to enable its transformation; provide a long term vision for the centre; ensure that redevelopment is commercially realistic and deliverable; promote a mix of uses, catering for all sections of the community; provide high quality and a distinctive character, transforming the perception of the town; encourage sustainable access and encourage easy movement to and within the centre, allowing access from all forms of travel; and encourage best practice for the implementation of energy efficiency and sustainable use of renewable energy sources.

Bracknell Forest Sustainable Community Strategy 2005 (CD3.7)

90. This identifies town centre regeneration as one of 8 community priorities. This Strategy was the product of wide-ranging consultation and the product of the Local Strategic Partnership for the Borough (BFBC5 paragraph 3.35).

Emerging Planning Policy

91. The existing RSS will be superseded by the Regional Spatial Strategy for the South East (CD2.3). Bracknell is identified as a secondary regional centre and sub-regional transport hub and is intended to be the focus for major retail developments, uses which attract large numbers of people, employment and a range of housing provided, where possible, as a part of a wider mixed use development. The emerging RSS has been the subject of an examination in public and report. The report generally supports the relevant policies in the South East Plan applicable to the Scheme and the role of Bracknell, although it suggests that Policy WCBV1, which identifies Bracknell as a sub-regional transport hub as focus for transport in the sub-region should be deleted as a policy, but its contents replicated in a Core Strategy policy covering the role of hubs (BFBC5 paragraph 3.24).
92. Bracknell is located in Sub-Regional Strategy Area 6 where new developments are proposed. The South East Plan specifically confirms that regeneration proposals for Bracknell Town Centre on a scale set out in the Masterplan are

consistent with the South East Plan. The Scheme accords with the Masterplan and is fully in accord with the emerging RSS (BFBC5 paragraph 4.52).

Need for the Scheme and CPO

93. Designated in 1948, Bracknell is a first generation New Town. In the 1960s and 1970s, there were radical changes to the town centre. The road system was completely reconstructed, creating a ring road around an inward-looking town centre. Traffic was excluded from the main shopping area and most of the old shops and other features were demolished to make way for the current town centre. Rapid reconstruction of the town centre has resulted in a monolithic centre, dominated by a single architectural style that is aging at the same time. The Ring because of its stranglehold constrains flexibility of development; the town cannot easily develop secondary or tertiary town centre uses.
94. In 1989 a town centre retail study identified the need for an improved retail offer and highlighted the leakage of expenditure to centres such as Reading Camberley, Windsor and Slough. In 1992, planning permission was granted to L&G for 27,000 sq. m of Class B1 business space, car parking, Bus Station, shops, cafés and a public house on land in the southern part of the town. In February 1996, outline planning permission was granted to Swan Hill for 32,090 sq. m of retail floorspace, 1,000 sq. m of food and drink floorspace, a new library and car parking at Town Square in the north-east corner of the town centre. Neither of these proposals was progressed and neither was of a scale or commercial attractiveness to arrest the decline in the town centre.
95. In 1997, 2 companies, L&G and Bracknell Regeneration Trust (BRT) submitted competing proposals. Both companies sought to enlarge the town centre and create enclosed shopping centres accompanied with new leisure facilities, offices and some housing. The Council supported the scheme by L&G, which proposed 102,200 sq. m of Class A1 retail floorspace, substantial A3 floor space, residential floor space, car parking and highway infrastructure works in a major shopping mall in the north of the town centre, largely focused on the current Broadway and Crossway. The BRT scheme envisaged some 81,000 sq. m of Class A1 floor space, food and drink floorspace, new office accommodation, commercial leisure floorspace, highway infrastructure works and car parking to the south of the town centre.
96. Both applications were called in by the Secretary of State and a joint Inquiry into the schemes and the Bracknell Forest Local Plan Public was held in 1999. Although the Secretary of State accepted the need for development and regeneration of the town centre to prevent its further decline and to enable it to fulfil its role in the shopping hierarchy both proposals were deemed to conflict fundamentally with the then extant Structure Plan 1991-2006 and unacceptably divert trade from Wokingham (CD4.3). The L&G scheme was also rejected on the grounds that the proposed scale of car parking, 7,100 spaces, would act as a disincentive for those shoppers seriously contemplating using public transport in preference to the private car. The Secretary of State acknowledged that the BRT scheme was acceptable in this regard as it only sought to create 3,370 new spaces. The Local Plan Inspector concluded that there was, "ample evidence to demonstrate that Bracknell Town Centre...is in

urgent need of some measure of regeneration, albeit not on the scale which the Council was supporting" (CD3.11 paragraphs 3.8-3.19, page 154).

97. The character of the town centre is increasingly out of step with modern shopping and leisure needs and, critically, the significant affluence of the Borough, in the heart of the economically buoyant Thames Valley. In 2007, a study into the state of Bracknell Forest, to underpin the review of the Sustainable Community Strategy highlighted the strength of the Borough in terms of its economic buoyancy and high representation of firms in the knowledge economy sector (CD 3.12, Section 2).
98. Prosperity in Bracknell Forest is far in excess of the UK average with the district ranked 14 out of 408 districts in the UK. In 2006, average income was £31,351 some 35% above the national average of £23,026 (CD3.12 Section 3.4). Bracknell Forest has a higher than average proportion of residents in the key high spending 25-44 age group, 33.03% compared with the GB average of 28.48% (CD3.12 Table 8). Knowledge-driven activities generate increased demand for higher end employment including managerial, professional and technical workers. Bracknell Forest performs well above average in respect of knowledge workers in the workforce, ranking 36 out of 408 districts in Great Britain (CD3.12. Section 3.3). The extended catchment is also wealthy; Bracknell Forest is one of 6 nearby Boroughs in the top 18 in the country in terms of prosperity (CD3.12 Table 13).
99. The town's dynamic business community identifies a high quality place to live and work as an important factor in recruitment. With the town centre in decline, businesses and their employees see Bracknell as a less appealing place to locate. In 2005, the Council sought feedback from over 200 companies in the Borough (CD4.6). The study showed that a key issue for business is the state of the town centre; 14% considered that the ugly town centre is the principal weakness of the Borough; 17% believe that second to reducing taxes and rates, the priority for the Council is to regenerate the town centre. The quality of the town centre is cited as a barrier to recruitment, as well as concern about the time regeneration seems to be taking to be delivered. The study highlighted a problematic perception of Bracknell's image. Expectations are high that the regeneration of the town centre will help to correct this problem. In a time of increasingly footloose companies, Bracknell's continued economic buoyancy needs to be sustained by the renewal of its image. Local business plainly believes that the town centre is a key part of this, so that Bracknell can compete with other potential locations in England the European Union and beyond.
100. Bracknell has a town centre that has remained largely unchanged since its construction, with the last major development taking place at Princess Square in 1984. Shopping is the UK's most popular leisure activity and steady regeneration of towns across the country and in Bracknell's region has raised the level of customer experience in terms of amenity, services, car parking and general environment. The town centre has faced significant new competition from Reading, Windsor, Basingstoke and Staines and further new competition will emerge over the next 5 years in Camberley, Wokingham, Guildford and Slough. As well as increases in the amount of retail space in these towns there have been improvements in the quality of the existing retail environment and the public realm in Reading, Windsor and Staines (BFBC20 Appendices 1 & 2).

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101. In comparison, Bracknell's current retail offer is limited, consisting of middle and lower middle market fashion retailers, together with a range of service and convenience retailers. The Bracknell Forest Cultural Strategy highlights the main areas of cultural under-provision are social activities such as visiting shops, restaurants, nightclubs and pubs (BFBC3 Appendix VN3). Currently, the centre only functions between 9 a.m. and 5 p.m., the shopping period, with little life or activity after this time.
 102. Modern shopping and leisure aspirations are high and the largely car-borne and affluent population is choosing to shop and eat/drink in the nearby and easily accessible competing centres. Car ownership is higher than the national and South East averages; 35.8% with 2 cars compared with the South East average of 29.6% (CD4.4 Table 8). In terms of market penetration rates, only 25% of the available expenditure in area 1 (Bracknell) and 5% of the available spend in area 2 (the catchment hinterland) goes to Bracknell Town Centre. The Scheme is likely to draw some of the available spend within catchment back to the town centre, creating a more viable and vital centre. The need to reduce the need to travel, and to reduce car trip length are issues that national, regional and local planning and transport policies seek to tackle.
 103. The combined effect of the current retail offer and poor physical environment is that there is an insufficient range of retailers to attract shoppers for major comparison spend trips. Thus, the town is caught in a vicious circle whereby the retail offer is limited and attracts a small proportion of its potential shoppers. This in turn means that there is insufficient business in the town to attract new retailers. Few of the published requirements are from higher quality comparison retailers. The majority of requirements are from service/day to day convenience or value-driven offers.
 104. The extensive redevelopment of the town centre in the 1960's/70's has left the legacy of buildings facing obsolescence with, at present, limited economic impetus for renewal without comprehensive redevelopment. Within Bracknell there are not enough stores of sufficient size, to meet the requirements of many modern retailers, in locations which have the right tenant mix around them or the right quality of environment. Major store units of the principal retail brands are the dynamos of today's retail market and are an essential element of a contemporary retail development. Without these underpinning the town, further leakage to competing towns will continue.
 105. Research groups such as Perfect Information Property, Focus and PROMIS record retailer requirements. In addition, CB Richard Ellis Retail manages its own database to ensure the most comprehensive record of demand. These commonly used databases currently record 45 reported requirements from retailers for Bracknell (BRBC20 Appendix 3). The list includes names such as Zara and The Pier, both of whom have confirmed that their requirement would only be on the basis of a redeveloped and enlarged town centre retail offer.
 106. Moreover, there is a trend among retailers to want to occupy larger stores in order to offer broader product ranges, but also an improved customer experience. Overcrowding of shops and poor customer experience has a negative impact on shopper attitudes, as is revealed in research sponsored by CB Richard Ellis. Key conclusions of the report and factors being addressed by the proposed development are; overcrowding deters high income groups and older shoppers, reducing support for higher price point retailers; high levels of

shopper congestion result in sales losses due to aborted shopping trips; high visitor levels will not necessarily translate into cross shopping between stores unless the tenant mix facilitates the customer's visit objectives through complementary adjacencies. Shoppers want a full range of goods in stock and high levels of customer comfort/facilities which dictate larger stores. More than half of those interviewed perceived shops to be too small to shop comfortably; dwell times are reduced; the poorer the shopping experience, the less time shoppers want to spend shopping. The access experience of arrival and parking is also a strong influence on shopper behaviour. Customer attitudes towards the scale, range and comfort of a shopping experience have been influenced by the perceived optimal standards provided in out-of-town shopping malls.

107. In response to the above, there has been a marked change in store size requirements to accommodate these contemporary expectations. The demands of New Look who currently trade in a store of some 418 sq. m demonstrate these points. Over recent years their trading model has changed such that they now require larger stores. New Look is aware of the town's potential and has confirmed that it would be interested in a store of around 1,859 sq. m. However, this interest is conditional upon the proposed redevelopment being carried out with appropriate anchor stores and a complementary tenant mix to support their retailing style. Without the new development, New Look would not make further investment in the town (BFBC20 Appendix 5).
108. BRLP created 2 retail opportunities close to the Bentsalls Department Store with double height frontage and two trading floors in order to try and attract retailers complementary to Bentsalls. However, BRLP has not been able to let these units to target aspirational retailers. It was clear that 2 new units on their own were insufficient to change the environment in Bracknell, or indeed provide such additional critical mass to attract the required quality of shoppers in sufficient numbers to support the required levels of turnover. The 2 units are now under offer to a value footwear operator and a coffee shop. This demonstrates that a step change in the quality of the retail offer of the town centre needs to be secured if the loss of spending to surrounding centres is to be stemmed and reversed.
109. Notwithstanding the recognised problems of the town centre, Bracknell has for many years been acknowledged within the retail property industry as being a substantial opportunity for regeneration and provision of a modern retail environment. The catchment demographics of Bracknell are among the most affluent of anywhere in the UK and yet the retail provision in this area is poor, in terms of the quality of environment and range of shopping on offer. The expectations of the affluent catchment are, therefore, unfulfilled.
110. The Berkshire Retail Study undertaken for The Berkshire Authorities Joint Strategic Planning Unit and the 6 Berkshire unitary authorities by Colliers CRE in order to inform the Structure Plan preparation assessed the qualitative and quantitative need for new retail development within Berkshire (CD4.5). The study concluded that in Bracknell Town Centre there was a clear qualitative and quantitative need for major retail development because of a mismatch between the available facilities and the community needs. The Study identified

a particular need for non-bulky comparison goods shopping, especially fashion multiples, and specialist shops.

111. Similarly, Colliers CRE 2002 retail study examined the size and nature of the town centre catchment and retail provision in nearby centres; the qualitative deficiencies in the town centre and the consequent need; and the quantitative capacity for additional floorspace to meet outstanding needs (CD4.4). The Study concluded that despite attempts to improve the streetscape through repaving and other measures, the uninspiring architectural quality of the centre created a poor shopping environment (CD4.4 paragraphs 2.8 to 2.13). There was limited provision of shops, especially department/variety stores, and other facilities such as cafes and bars to create a strong attraction. Pedestrian links from the car parks and Bus Station, as well as within the centre were poor. The Study concluded that the design and format of the buildings is heavy, unattractive and unappealing and provides a somewhat depressing and dominant influence on the perception of the centre, compared to historic towns and more recent developments. It concluded that this is difficult to change without undertaking a major and expensive redevelopment (CD4.4 paragraph 6.33).
112. The Study showed that Bracknell was losing a large proportion of trade to nearby centres (CD4.4 paragraph 7.45). Overall it concluded that there was a significant need for additional comparison goods floorspace to serve Bracknell (CD4.4 paragraph 9.15). This was to address the substantial inadequacies of the town centre, so that it could attract shoppers who live in or near to the town, but currently shop elsewhere. Colliers CRE concluded that there was sufficient expenditure to justify in the region of 44,700 to 56,150 sq. m gross of new comparison goods floor space for the period 2006–2011 and that capacity will grow further by 14,000 sq. m for the period 2012–2016 (CD4.4 paragraph 9.13). Paragraph 8.10 states "... larger proposals may be justified in qualitative terms if this results in a development that radically enhances the attractiveness and appeal of the town centre ...".
113. If Bracknell is to attract the appropriate spend from its catchment it needs to offer a diverse and varied range of retail brands encompassing local, regional, national and international retailers, recognising that customers aspire to shop in new and exciting destinations, which provide the full range of products and a satisfying guest experience, including a wide range of restaurants and a high quality shopping environment. Reflecting this gap in the market, discussions with retailers and experience in similar schemes elsewhere supports the view that if there was a critical mass of additional retail in the town centre in a modern environment, then there would be significant retail demand from mid market and premium retailers, which would be more than enough to occupy the new space being created.
114. Premium retailers are by definition comparison retailers. This defines the need of these retailers to be located in clusters to allow shoppers the chance to compare a range of products and styles before making a purchase. It is not possible to introduce premium retailers to a location in an organic piecemeal fashion, as there will not be sufficient sales to be achieved from existing shoppers. Equally, one or 2 new retailers will not in themselves be sufficient to attract new shoppers in sufficient numbers to change the available spend.

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115. The most effective way to break such a vicious circle is to introduce a new retail development which opens on one date. A new development will create demand, provided it has sufficient critical mass and design qualities to attract sufficient numbers of shoppers and retailers. Critical mass is not just the amount of space required in order to effect a step change in the way that the town centre functions as a retail destination, but also a combination of the overall amount of space being delivered and the number and mix of new retail brands being introduced. This will deliver a step change to the town overnight, which will allow aspirational retailers to open in the town at the same time as other similar retailers. The range of offer of these retailers will be sufficient to attract shoppers to the town in sufficient numbers to support them.
 116. There are many examples of developments, which have taken place based on the potential for a town increasing its share of catchment spend, rather than being driven by published requirements. Walton-on-Thames town centre added some 13,900 sq. m of new retail space. Although there were no published requirements from comparison fashion retailers before the scheme was proposed, the development was almost fully let on opening, attracting many high profile fashion names. Relative to a small town centre, 13,900 sq. m was enough critical mass to effect a step change in retailer perceptions and shoppers' habits.
 117. Because the town centre attracts only a nominal percentage of the potential spend from its catchment there is a huge opportunity through development to increase this figure. Bracknell also has a significant advantage in that almost all of the town centre under the control of BRLP, which allows a holistic town-wide approach towards a deliverable Masterplan. Thus, new development will be complementary to the existing town centre and the whole town will be improved as a result. This will ensure that the whole of the town centre improves its appeal, which will attract shoppers in the right numbers to create demand from retailers. Retailers will recognise this model from other towns thereby adding Bracknell to their expansion plans and commit to the redeveloped town centre.
 118. Given the affluent nature of the catchment, confidence is high that a broad range of retailers will recognise the potential trading opportunity. This will create demand from retailers such as Zara, H&M, Next and Gap, as well as in due course other more aspirational names, such as Hobbs, LK Bennett, Planet and Jaeger (BFBC20 Appendices 5 & 7). These latter retailers, occupying smaller sized units, do not plan as far ahead as the larger space users and consequently it would be too early to speak to them at this stage of the development. The nature of the catchment and the context of a town-wide regeneration will also attract many retailers who may be relatively new to trading in the UK. However names such as Hollister, Anthropologie, Banana Republic, Forever 21, Desigual and Hoss would be expected to consider the town if the significant development can be delivered. These retailers are indicative of the range of retailers who could be part of the town centre.
 119. In addition to the importance of the range of retailers being a factor attracting shoppers and other retailers, environment is also a key factor. As a new town, Bracknell does not have any environmental heritage to draw on, in the sense of high quality or historic buildings that create an ambience or air of quality to appeal to the most affluent shoppers and aspirational retailers. Such retailers

and shoppers prefer to be located together in high quality environments. If they do not have a natural heritage to draw on, then a bespoke high quality built environment can still be delivered to satisfy them. Examples of this are the Open Street in Walton-on-Thames which has attracted Hobbs, LK Bennett, Coast and Planet, or the proposed Village in Westfield London which has attracted Bond Street retailers such as Louis Vuitton and Mulberry.

120. The Scheme would not open until 2012/13 and it is too early to be over specific on which retailers will be available to fulfil the merchandising ambitions at that time. The Letting Agents, CB Richard Ellis and Lunson Mitchenall have illustrated a town-wide tenant mix guide which could be achieved if the development were nearing completion today. This effectively provides a benchmark for the realistic ambitions of the scheme and is deliverable (BFBC20 Appendix 6). The optimum tenant mix will be achieved by employing an evolutionary approach to marketing built on the size and market positioning of the department stores. This will follow the well established phases that have been followed in leasing all of the major new shopping centre developments.
121. Once the department stores are in place a leasing programme would then typically progress in 3 distinct phases:
- major shop units – these are the key larger space occupiers who typically would require units between 697 sq m - 2,323 sq m. These retailers provide the rest of the market with the confidence that the scheme will be delivered successfully and will themselves attract the right mix of occupiers. Typical occupiers would include H&M, New Look, River Island, Next and Gap. Letters confirming interest from these retailers are included in BFBC20 Appendix 5;
 - key unit lettings would then follow. These retailers would effectively underpin the more detailed direction of the tenant mix throughout the development, with their value being the strength of their brand and market positioning, rather than the size of store they would operate. They add clarity to the direction of tenant mix in different parts of the proposed development. It would not be expected, however, for such names to express interest in a new development at this stage of the leasing programme. Smaller retailers tend to focus on more immediate opportunities to expand their business. Examples of names in this category could include Jane Norman, Republic, Bank, Hobbs, Timberland and French Connection;
 - finally, the phase of general lettings would continue through to opening. This phase would be for the 12-18 months before opening and is the time when the latest, most active names in the market would be attracted to a new development. This would also be the time when the tenant mix could be differentiated, with the addition of the best quality independent retailers who would by then be reassured by the likely make-up of the overall tenant mix. During this latter stage it is also most likely that international retailers emerging most probably from a London trial store would then consider the opportunity based on the rest of tenants attracted. This final stage and precise mix is difficult to predict in detail because active retailers and successful brands change over time. It is at the final stage, however, when the scale of the

development and the step change in the town's retail offer becomes clear, which in itself generates demand and interest from the market.

122. Interest in the development proposals from retailers is strong (BFBC20 Appendices 5 & 7). The cumulative total of confirmed requirements for space from the small number of retailers approached to date amounts to almost 65,000 sq m. The level of interest is hugely supportive, bearing in mind the lack of marketing that has taken place to date and the fact that anchor store negotiations have yet to be concluded.
123. It is expected that the degree of interest and the size requirements, from those retailers with whom discussions have taken place, to increase further once more formal presentations are made to them. However, feedback from the retailers highlights that their interest in the town is conditional on a step change being delivered in the scale and quality of the offer. This can only be achieved through the proposed development.
124. The scale of the proposed development comprehensively addresses the quantitative and qualitative needs of Bracknell's retail offer as well as the commercial imperatives of a new shopping centre of major town significance. The retailers within the upper middle and quality aspirational end of the fashion spectrum, that are typically found in major towns, are currently not trading in Bracknell Town Centre but will be attracted by a high quality, well designed scheme of a critical mass sufficient to make a step change and one which will offer the modern flexible and large floor plates which they desire. With high quality, department stores and a well managed leasing strategy, the best contemporary retailer brands will want to trade here.
125. Whilst BRLP and the Council own significant areas of land within the town centre, both permissions include a large area of the town centre, which is in third party ownerships. It was not considered commercially realistic to undertake the whole development permitted under the outline planning permission all at once, nor for this all to be undertaken by one party. However what is required is for sufficient development to be brought forward in one stage, to ensure a step change for the town centre that would act as a catalyst for further redevelopment. This development needs to provide significant infrastructure, particularly in terms of alterations to the highway network and enhanced public transport infrastructure. This is to reduce the impact of The Ring and to enable the remaining development permitted under the outline schemes to come forward.
126. The Council and BRLP own the majority of land in the town centre which comprises the site of The Scheme (BFBC23 Appendix 1.3). The Council and BRLP own 87.4% of the land required to implement the Scheme. Third party freeholds, some 12.6% of the site to be acquired, represent small individual parcels of land within the whole site. Individually they are not capable of development in accordance with the outline planning permission or the Council's planning policy. Failure to secure these outstanding plots would prevent completion of site assembly and frustrate delivery of the much needed comprehensive scheme, which is required to address the widespread decline and need for renewal of much of the town centre. This could not be achieved by small scale piecemeal development.

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127. This approach will allow BRLP and other owners of third party development sites, to bring forward redevelopment proposals on their standalone sites once the necessary regenerated town centre infrastructure is in place. The regeneration will act a catalyst for redevelopment. As such, it will implement the principles adopted in the development plan framework which promotes Bracknell's regeneration. It is clear from the history of Bracknell over the past 15 years that development on too modest a scale is simply inadequate to deliver the step change that the town centre needs. The Order Lands include an area sufficient to enable the key elements of the Masterplan to be constructed, securing the transformation that is urgently needed
 128. Although the town centre site is largely within the ownership of the Council and BRLP, it does include a number of interests (freehold and leasehold), which make it necessary to proceed with Compulsory Purchase powers to assemble the site within a reasonable timescale. The Order is required to support the delivery of the Scheme. The area of land included in the Order is broadly in line with the extent of the land are included for title reasons, to ensure that there are no impediments to the delivery of the Scheme and that the Council can obtain all necessary rights to ensure the construction and operation of the development.
 129. The Council is satisfied that the change that the Scheme will deliver will have a significant regenerative effect on Bracknell in itself. It will enable the delivery of the principal elements of the outline permission, and, thus meet the urgent need to regenerate the town centre. The development proposed is of a large scale. It will result in significant improvements in the quality and scale of retail, leisure and residential development, as well as the majority of the infrastructure required by the Masterplan/outline planning permission.
 130. Without the proposed scale of development, delivered within a controlled timescale, the risk remains of the town centre failing to re-establish itself as a vibrant and economically successful are. The failure to implement the earlier development proposals demonstrates the difficulty where anything less than a holistic development is proposed. Only a comprehensive approach will secure regeneration in accordance with planning policy and community aspirations.
 131. Bracknell's current relatively low position in the retail hierarchy for a town of its catchment size will not stand still. Without the proposed redevelopment its already low position will decline, as competing towns impact further on the Bracknell catchment, as has been the pattern for much of the past 20 years.
 132. The importance of regenerating the town centre extends beyond the immediate shopping benefits. Bracknell has a successful business economy located close to the town centre and around the Borough. There are more than 40 multinational companies located in the area, many of which generate substantial wealth for the area and the Thames Valley region. These businesses have clustered in Bracknell because of the exceptional road network, proximity to Heathrow and London and the established skills base.
 133. The Bracknell Forest Partnership (BFP) is the Local Strategic Partnership for the Borough. BFP comprises representatives from the public, community, business and voluntary sectors working together to improve the quality of life of all those who live, work in and visit Bracknell Forest. The BFP is responsible for the preparation of the Sustainable Community Plan which sets out the

overarching strategy for all partners' plans in the Borough (CD3.13). Since 2002, the Community Plan has consistently identified Bracknell town centre regeneration as a priority for action. This was re-stated through an extensive consultation on the current Sustainable Community Strategy adopted in 2005. Work to support town centre regeneration and sustain town centre vitality is reflected in the key outcomes contained in the Bracknell Forest Local Area Agreement, signed with the Government in March 2007 (CD3.13).

134. Regeneration of the town centre is one of the top priorities of the Council as confirmed in its latest Medium Term Objectives, which were the subject of public consultation in autumn 2007. The Council has followed this up by aligning its medium term objectives to create a town centre fit for the 21st century; this is Priority One of the Council's overarching priorities (BFBC3 Appendix VN1). The Council is responsible for seeking to improve the social, environmental and economic well-being of the Borough. By securing the development that would be enabled by this Order, there is no doubt that the well-being in the Borough would be enhanced significantly. There have been no alternative proposals put forward by third parties that would address the need for substantial regeneration. Since 2001, the Council has consulted widely and the only proposals by third party landowners have focused on tightly defined parcels of land, rather than strategic regeneration proposals on the scale that experience demonstrates Bracknell needs.

Site Assembly and Negotiations with Landowners

135. Before making the Order, the Council carefully considered the approach of bringing forward a significant part of the Scheme in one go (CD6.2 & CD6.3). The Council is satisfied that reasonable efforts have been and will continue to be made by BRLP to acquire the necessary land and rights to carry out the development.
136. In September 2003 the Council and BRLP instructed DTZ to provide consultancy services relating to the acquisitions of land interests. From November 2003, BRLP sent letters to and held meetings with stakeholders, and several public exhibitions have been held to inform interested persons about the proposed development. The Council also sought to keep the public informed through wide ranging consultations and publications (BFBC17 Appendix 2 and BFBC3 Appendix VN2).
137. A variety of newsletters and publications were produced and distributed to provide an update of details of the regeneration scheme for the town centre, including references to the planning process, the acquisition of interests, and that compulsory purchase powers would be used (BFBC17 Appendix 3).
138. BRLP and the Council between them made strenuous efforts to consult with all parties likely to be affected by the Order, including keeping the public up to date with the progress of the regeneration proposals and entering into discussions with parties affected from 2003 onwards (BFBC3 Appendix VN2). Interested parties have been invited to enter into discussions with the Council and BRLP, with a view to ascertaining if their interests can be relocated within the Scheme or alternatively with a view to agreeing the appropriate level of compensation for the acquisition of interests, details of such discussions with the Objectors are detailed in (BFBC17 Appendix 4).

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139. Negotiations have been continuing with all affected parties, with the aim of concluding as many acquisitions as possible by private treaty negotiations. However, it is the case that some parties have not been interested in negotiating a disposal of their leasehold interests until they felt that there was some certainty that the proposals would proceed. Whilst the Council and BRLP remain fully committed to securing ownership of properties with the Order by way of private treaty, it is clear that the Order is required to provide certainty that this can be done and the development can proceed speedily, in order to satisfy the needs of the community.

Acquisition of Land Act 1981

140. Under S19 (1) (a) of the Acquisition of Land Act 1981 the Council publicised its application for a certificate from the Secretary of State to authorise the purchase of Jubilee Gardens. This process has been carried out in parallel with seeking the confirmation of the Order. The press notices in relation to the Section 19 certificate were published on the 11 October and 7 November 2007 and covered details of the intent of the Authority to purchase Jubilee Gardens (4841 sq. m) for use as a development site and the identification of a larger replacement space, NJGs (5675 sq. m) in the Southern Development Zone. No objections to the acquisition of this land were received.

The Objections

Plot Nos. 42, 43 & 48

Address: 8 Crossway

Name of Objector: DP Realty Limited & Full House Restaurants Limited

Legal Interest: Tenant and Sub-Tenant of Plot 48 and rights of way over Plots 42 and 43.

Case for the Objector

141. There have been negligible negotiations to acquire interests to date and thus the need for the CPO has not been demonstrated. Compulsory purchase is not necessary where majority of land controlled by BLRP and a viable redevelopment could be achieved without the CPO. The effect of the CPO will be to discourage the piecemeal development that creates the variety that can be an important part of the vitality of town centres. The CPO is likely to lead to the creation of the type of monolithic, single ownership development that lies at the root of the perceived ills of the existing town centre.

Response by the Council

142. BRLP and the Council have been in discussion with DP Realty and the Franchisee since June 2006 and a draft Agreement was forwarded in September 2007 (BFBC17 Appendix 4 pages 33 & 34).
143. The Scheme is required to deliver the objectives of local planning policy and the Masterplan. This requires a large redevelopment scheme of the nature proposed. Alternative redevelopment proposals which miss out the various properties dotted around the site, which are either in freehold or leasehold ownership of third parties, would not provide a sufficient quantum and level of

development to deliver the significant infrastructure improvements, improvements to the public realm and relocation of the civic and administrative functions, which are required to secure the redevelopment of the town centre, as demonstrated by the failure of earlier proposals. Similarly, small-scale redevelopment proposals have failed to deliver a regenerated town centre. All of the land included within the Order is required to ensure the delivery of the Scheme. In particular, the location of the objector's premises in the Crossway is in an important position within the town centre redevelopment and a viable scheme could not be delivered without the ability to develop this area. Given the benefits that the Scheme will deliver in the public interest, these clearly outweigh the individual impact on the affected landowners and those with interests arising from the acquisition of the land and those interests, which in any event would be compensated in line with the statutory compensation code (BFBC2 paragraph 6.16).

144. Bracknell town centre has been the subject of piecemeal development since the development of Princess Square in the 1980s i.e. small scale approvals to individual shop units. Since this time both the vitality and viability of the centre has decreased. The Council does not agree that piecemeal development will secure an increase in vitality to a scale required, as this has been the only option available over the past 20 years and slowly the centre has declined becoming less and less vital (BFBC5 paragraph 8.25).

Plot Nos. 59, 60 & 171

Address: 36 High Street

Name of Objector: Boots Opticians Limited

Legal Interest: Leasehold interest in Plot 171 and rights of way over Plots 59 & 60

Case for the Objector

145. There has been no attempt to acquire the required interests by private treaty. The AA has not provided any certainty as to the rights to be acquired over land on the edge of the CPO boundary relating to No. 36 High Street. Confirmation of the Order will have an adverse effect on Boots' commercial interest. The business is viable and the AA has been unable to provide a suitable alternative location for the business. The AA has failed to demonstrate that the proposed scheme is viable. The AA has failed to establish that there is a compelling case in the public interest to satisfy the test set out in S226 (1) of the Act.

Response by the Council

146. There is no intention to acquire Boots' occupational leasehold interests or to interfere with the use and occupation of their premises. The rights to be acquired relate to Plots 59 & 60 and right to oversail Plot 171 in order to swing the boom of the crane.
147. Plot 60 is the service yard which provides rear access to Boots and included to allow the service yard to be reconfigured and enlarged. The yard will continue to serve Boots together with the adjoining shops plus the new development to the east and north. BRLP will ensure that access is available to the rear of

Boots at all reasonable times during the course of the development and on completion of the scheme Boots will have the benefit of the new yard.

148. Plot 59 is an office building known as Ginger's Court which is to be demolished. Ginger's Court is situated behind Boots and it has rights to use a loading bay at the rear of Ginger's Court and an internal corridor which connects the loading bay with the external passage between Ginger's Court and the rear of Boots. Since Ginger's Court is to be demolished these rights need to be acquired. However, this will not prejudice Boots' ability to service their building since delivery vehicles will be able to park in the same position as they do now and goods can then be trolleyed from the vehicle to the rear of Boots alongside 42 High Street, a distance equal to that over which goods need to be trolleyed under the current arrangements (BFBC22 paragraphs 7.12.3 to 7.12.5).
149. There will be no practical change to the means of servicing Boots nor will there be any change to the pedestrian means of access whatsoever. The Order does not affect Boots use and occupation of 36 High Street nor their ability to operate their business from this property. Thus, the Order does not adversely impact on Boots' commercial interests (BFBC22 paragraphs 7.12.7 & 7.12.8). Boots has been approached about rights of access to and oversailing of the Objector's property (BFBC17 Appendix 4 pages 39 to 42).
150. The Council and BRLP have used strenuous efforts to acquire freehold and leasehold interests by private treaty over the last few years, to the point that they control the majority of the freehold interests, and that the remaining freehold and leasehold interests are fragmented and a CPO is now required to facilitate acquisition of the remaining interests to allow the redevelopment of the town centre in a timely manner. This is not the first attempt to regenerate Bracknell in the last 15 years, and therefore the development is long overdue, and the Order is not premature.
151. The extensive land ownerships of BRLP and the Council, the financial strength of the current shareholders and the Development Agreement show that the Scheme is clearly capable of implementation and there will be no legal, physical or financial impediments to it proceeding.
152. There is an overwhelming need for the regeneration of the town centre. The urgent need, taken together with the benefits which the Scheme supported by the Order will deliver, constitutes a compelling case in the public interest for the confirmation of the Order.
153. The impact of construction will be carefully managed to minimise disruption to adjoining premises. Boots will benefit in the long term from the regeneration of the town centre, which will deliver major environmental improvements, a substantial increase in the scale, quality and depth of the retail offer and a very significant increase in visitor numbers.

Plot Nos. 103, 107, 108, 112 & 113

Address: Units 1A, Charles Square

Name of Objector: Matte Plc (previously Etam Plc)

Legal Interest: Rights of way over Plots 103, 107, 108, 112 & 113

Plot Nos. 103, 107, 108, 112 & 113

Address: Unit 15A Charles Square

Name of Objector: Evans Retail Properties Limited

Legal Interest: Rights of way over Plots 103, 107, 108, 112 & 113

Plot Nos. 103, 107, 108, 112, 113 & 175

Address: 45 High Street

Name of Objector: The Early Learning Centre (ELC)

Legal Interest: Tenants and occupiers of Plot 175 and rights of way over Plots 103, 107, 108, 112 & 113

Cases for Matte and Evans

154. There has been no attempt to acquire the required interests by private treaty. The AA has not provided any certainty as to the rights to be acquired over or under land. Confirmation of the Order will have an adverse effect on Matte's commercial interest. The business is viable and the AA has been unable to provide a suitable alternative location for the business. The AA has failed to demonstrate that the proposed scheme is viable. The AA has failed to establish that there is a compelling case in the public interest to satisfy the test set out in S226 (1) of the Act.

Case for ELC

155. The ELC is a viable business, the AA has been unable to stipulate a suitable alternative access and service provisions and the application will have an adverse impact on ELC's commercial interests. There has been no attempt to negotiate with ELC and acquire the relevant interests by private treaty. The AA has not provided any certainty as to the provision and maintenance of access during the construction phase. The AA has not demonstrated the viability of the scheme and failed to establish that there is a compelling case in the public interest to satisfy the test set out in S226 (1) of the Act.

Response by the Council re Matte

156. It is not intended to acquire Matte's occupational leasehold interest nor to affect, interfere with or change the pedestrian or vehicle means of access to the property. The acquisition of the adjacent plots 107 and 113 over which the objector has rights will affect signs and display windows on the side elevation to Charles Square and a first floor fire escape.
157. Implementation of the Scheme involves the construction of a new retail unit in Charles Square immediately adjacent to Dorothy Perkins, obscuring the existing Dorothy Perkins name signs and display windows on the side elevation. However, the main shop front entrance and signage will not be affected in any way. BRLP will undertake to carry out all necessary building works and will leave the wall inside the shop plastered and decorated, ready to receive shop fitting. Regarding the fire escape at first floor, BRLP will undertake to either maintain the existing route or to provide an appropriate alternative route to ensure that means of escape are maintained at all times.

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158. The proposals will not adversely affect the Dorothy Perkins business or reduce the attractiveness of the shop unit. The use and occupation of the retail unit will not be materially, adversely affected. Whilst building works will be carried out in Charles Square adjacent to the unit, these will be phased to minimise disruption and those works adjoining Dorothy Perkins will take less than 12 months to complete. The retail units opposite and south of Dorothy Perkins will not be affected and will continue trading as normal. On completion of the Scheme, Dorothy Perkins will be situated in an improved and busier retail environment. An undertaking was sent Matte's solicitors to address their concerns on 14 January 2008 and negotiations are continuing (BFBC17 Appendix 4 pages 42 to 45).

Response by the Council re Evans

159. It is not intended to acquire Evans' occupational leasehold interest nor to affect, interfere with or change the pedestrian or vehicle means of access to the property. Evans' use and occupation of the premises will not be affected nor their ability to carry out their business. Evans' lease does confer pedestrian rights over the common parts of Charles Square including areas that are to be demolished and redeveloped. In the case of the first floor walkways these are removed from Evans' property, with no direct connection between the 2 and have no bearing on the access to or use and occupation of the Evans shop. Charles Squares will be redeveloped creating an improved retail environment and public realm and will remain an important pedestrian route. Pedestrian access through Charles Square, to and from Evans' shop, will be maintained at all times.
160. The proposals will not adversely affect the business or reduce the attractiveness of the shop unit. The use and occupation of the retail unit will not be adversely affected. On completion of the scheme, Evans will be situated in a much improved and busier retail environment. There is no reason why Evans should lose goodwill or be disadvantaged by construction of the Scheme. The only works proposed to be carried out immediately adjacent to them involve the construction of a single shop unit and repaving and environmental improvements which will benefit the location.

Response by the Council re ELC

161. The Order seeks to acquire the right to swing the boom of a tower crane through the airspace above the unit. An undertaking was sent to ELC in December 2007 to address their concerns and negotiations are continuing (BFBC17 Appendix 4 pages 46 to 48).
162. The acquisition of buildings and rights in Charles Square is to allow larger, more modern retail units to be provided within an improved public realm. Charles Square will remain a major pedestrian thoroughfare and become a much stronger element of the town centre retail offer. In the reference to parts of High Street, the Objector is presumed to be referring to Plot 81. The purpose of including this land in the Order is to enable the block of shops at 40-52 High Street, opposite the premises occupied by ELC to be extended forwards by 3m to bring them in line with the upper floors of the building. This will create better quality, more visible retail units and help to improve the retail environment in this area of High Street where the ELC trade.

Response by the Council on common concerns raised by Matte, Evans and ELC

163. The Council and BRLP have used strenuous efforts to acquire freehold and leasehold interests by private treaty over the last few years, to the point that they control the majority of the freehold interests, and that the remaining freehold and leasehold interests are fragmented and a CPO is now required in order to facilitate acquisition of the remaining interests to allow for redevelopment in a timely manner. This is not the first attempt to regenerate Bracknell in the last 15 years, and therefore the development is long overdue, and is not premature
164. The extensive land ownerships of BRLP and the Council, the financial strength of the current shareholders and the Development Agreement show that the Scheme is clearly capable of implementation and there will be no legal, physical or financial impediments to it proceeding.
165. There is an overwhelming need for the regeneration of the town centre. The urgent need, taken together with the benefits which the Scheme supported by the Order will deliver, constitutes a compelling case in the public interest for the confirmation of the Order.
166. Access to the town centre will be maintained at all times throughout the construction works. On and off-site highway works and construction of the development will be phased to minimise disruption. None of the 3 town centre multi storey car parks, providing spaces for shoppers, are affected by the scheme and no spaces are lost as a result of the development. Vehicle access for servicing and pedestrian access to the units will not be affected by the scheme and pedestrian access to and from High Street through Charles Square to Stanley Walk will be maintained at all times.

Plot no. 79

Address: First Floor, Eagle House

Name of Objector: Trillium (PRIME) Property GP Limited (On behalf of Secretary of State for Communities & Local Government formerly Secretary of State for Environment)

Legal Interest: Leasehold interest in Plot 79

Case for the Objector

167. Trillium is responsible for the management of the premises which are currently vacant. Trillium has recently refurbished the property at considerable expense. The attraction of new tenants is being adversely affected by the scheme underlying the CPO. There have been no attempts made to negotiate with Trillium to acquire the premises and as such it is premature for the AA to conclude that compulsory acquisition is necessary. Trillium is not convinced that the CPO and the underlying scheme are in the public interest, capable of being delivered and that there is a need to include the property within the CPO boundary.

Response by the Council

168. The Council and BRLP have been in dialogue with agents acting for Trillium, in connection with the letting of the vacant premises since the closure of the

former Job Centre which occupied Plot 79, and with agents acting for Trillium on compulsory purchase matters. Terms have now been agreed by BRLP to purchase Eagle House and legal documentation is being agreed. Accordingly BRLP is now in a position to have negotiations with the Objector in respect of terms for surrender of their lease. The dialogue with Trillium and their agents has been ongoing since 4 February 2005 (BFBC17 Appendix 4 pages 48 to 51).

169. There is an overwhelming and proven need for the regeneration of the town centre. The urgent need for the redevelopment of the town centre, taken together with the benefits which the Scheme supported by the Order will deliver, constitute a compelling case in the public interest for the confirmation of the Order. The Council are satisfied that the Scheme is capable of delivery within the life of the CPO. The development programme proposed by the Council and the Developer is aimed to deliver the much needed regeneration of Bracknell Town Centre in the most time efficient manner, to arrest the further decline of the centre and provide the new investment as soon as possible.
170. The first floor premises, in part, are situated above 2 shop units, 87 & 89 Broadway, comprising a 2-storey wing at the northern end of Eagle House. To enable construction of the North Development Zone this 2-storey section of Eagle House needs to be demolished. It is impossible to retain and build around the property and failure to acquire the objector's leasehold interest would prevent the construction of the entire North Development Zone, which in turn would prejudice the wider regeneration of Bracknell town centre.

Plot no. 28

Address: 68 to 70 Broadway

Name of Objector: Woolworths Plc

Legal Interest: Leasehold interest in Plot 28

Plot no. 79

Address: Unit 1 Eagle House

Name of Objector: McDonalds Restaurants Limited

Legal Interest: Tenants and Occupiers of Plot 175

Case for the Objectors

171. Woolworths and McDonalds are not convinced that the proposed scheme is in the public interest. A detailed planning application has not been submitted and no details of the Scheme have been provided to enable an assessment to be made as to whether or not the scheme will enhance their trading positions, or the vitality of the town centre. Woolworths and McDonalds are not convinced that the disruption to the existing businesses will outweigh the suggested public benefits of the scheme.
172. Woolworths and McDonalds are not convinced that the proposed Scheme is viable. No details or justification have been provided within the Statement of Reasons to support occupier interest or commitments from other retailers. In the absence of such detail, the publication of the CPO is premature.

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173. Woolworths and McDonalds are aware of the outline form of the proposed Scheme. Thus, there is no reason why the premises cannot be excluded from the CPO boundary and the Scheme constructed around these premises so as to avoid disrupting their trading positions.
174. Woolworths and McDonalds are extremely concerned about the potential disruption to their profitable trading positions as a consequence of the proposals if the CPO is confirmed. It is highly likely that the businesses will close in these locations, as there will be limited opportunity to relocate within the town centre. There have been no direct approaches from BRLP or the Council and Woolworths and McDonalds have received no assistance to identify and secure relocation properties. It is imperative that if the businesses are to have any opportunity of relocating in advance of the scheme works commencing then the developer must at this stage give a formal commitment to acquire the premises and meet the reasonable costs of relocation.

Response by the Council

175. The Council's key objective is to secure the regeneration of Bracknell Town Centre. This has been clearly stated for a number of years and supported each time the Council undertakes any planning consultations. The main example of this was the overriding finding of the Masterplan consultation where the clear message from the public was to see regeneration happen quickly, thus demonstrating the need to respond to the public interest on this issue.
176. An outline planning permission was granted for comprehensive redevelopment on the 21 December 2006. Subsequently this has been amended by way of a S73 Application, which was approved by the Council and issued on 9 November 2007. Both permissions provide a sufficient level of certainty as to the form of development which will be constructed upon the site and therefore the consequent land take required and the purpose for which all land is required.
177. Both applications were supplemented by a design statement identifying the type and feel of development along with information on the public realm. This, together with the mix of uses proposed for the centre will undoubtedly lead to a significantly more vital centre than currently exists. The introduction of the increased and revitalised retail space is likely to be a key attraction to the centre. The 2002 Bracknell Retail Study at Table 8 on market penetration rates outlines that only 25% of the available expenditure in area 1 (Bracknell) and 5% of the available spend in area 2 (the catchment hinterland) goes to Bracknell Town Centre (CD4.4). The Scheme is likely to draw back some of the available spend within catchment back to the town centre creating a more viable and vital centre.
178. The substantial increase in residential and leisure related uses will all help in the revitalisation of the town centre, in particular the night time economy. The centre is often deserted after office hours, with only 3 public houses and a handful of fast food premises and restaurants. The proposals will radically increase the number of leisure facilities and will also substantially increase the number of people living in the centre, all examples identified in PPS6 as uses that help in creating vital and viable town centres.
179. Reserved matters approvals pursuant to the S73 application will substantially deal with issues of detailed design. The material submitted with the S73

application contained a Design and Access Statement which identified the key design features of the development which are envisaged (CD5.13). For the purposes of the Order it is considered the planning approval and supplementary information submitted will achieve a vital town centre. The original outline permission and the S73 permission clearly set the quantum, type, mix and disposition of uses that will clearly contribute to creating a sustainable and vital centre, which will be further secured by way of the S106 Agreements.

180. The extensive land ownerships of BRLP and the Council, the financial strength of the current shareholders and the Development Agreement show that the Scheme is clearly capable of implementation and there will be no legal, physical or financial impediments to it proceeding.
181. There is an overwhelming need for the regeneration of the town centre. The urgent need for the redevelopment of Bracknell, taken together with the benefits which the Scheme supported by the Order will deliver constitutes a compelling case in the public interest for the confirmation of the Order. BRLP has shown and is satisfied that there is more than sufficient occupier interest in all of the space to be developed to justify the Scheme. The Order is not premature and is required now in order that implementation of the scheme is not delayed or prevented.
182. If the Woolworth's interest is not acquired, making it impossible to implement a comprehensive development involving the closure of Broadway and The Ring, the only option available to BRLP would be to redevelop the existing buildings within their plots. This would not be a viable or practical option since it would perpetuate the existing outdated and unsuccessful retail layout of small shop units, unsuited to modern retail requirements, with an absence of anchor stores and car parking to generate pedestrian flow. Accordingly only by comprehensive redevelopment can the future of the northern area of the town centre be secured as a successful, vibrant retail destination. It is impossible to retain and build around the property and failure to acquire the objector's leasehold interest would prevent the construction of the entire North Development Zone, which in turn would prejudice the wider regeneration the town centre.
183. BRLP and DTZ have been in discussion with Woolworths and its agents since July 2003 (BFBC17 Appendix 4 pages 52 to 57). Efforts are being made to identify suitable premises to relocate Woolworths to, in order to avoid the closure of the business. BRLP and the Council have been in discussion with McDonald's since 19 May 2004 (BFBC17 Appendix 4 pages 57 to 60). The Council's evidence to the Inquiry shows how all statutory tests in Circular 06/04 are met.
184. It is not intended to acquire McDonald's occupational leasehold interest or to seek the closure, removal or disruption of their business. The purpose of the Order is to enable the Council and BRLP to acquire sufficient rights to implement an important element of the Scheme, which seeks to improve the permeability of the town centre by providing attractive pedestrian routes between key points. The Scheme includes a new north/south retail street between the existing Bentalls store at the western end of High Street by McDonald's and the main anchor store at the western end of the North Development Zone. To create a safe and attractive pedestrian route where the

potential for pedestrian and vehicle conflict is minimised it is necessary to control the location of parking for delivery vehicles to McDonald's and the access and use of the loading area.

Plot no. 175

Address: 43 High Street

Name of Objector: Adams Childrenswear Limited

Legal Interest: Tenants and Occupiers of Plot 175

Case for the Objector

185. The CPO is not required and a suitable scheme could take place without the need for the property or rights to be acquired. Even if it is demonstrated that the property or the rights are required to facilitate the development, there is no evidence of proven retailer demand given the amount of floorspace/number of units being created and the potentially unrealistic nature of the rentals required in an uncertain retail environment. Thus, there is no case for the CPO in its current or modified form.
186. The Scheme, during construction and in the longer term, will damage the vitality of the town. Adams operates on low margins and will be at risk by the disturbance and changes. The CPO contains uncertainty as to the direct and indirect impact on the property. This is inconsistent with the right to know its full impact in terms of acquisition of property, alternative servicing arrangements, and the continuance of the public realm and/or any temporary rights granted.
187. The increased floorspace will damage the vitality of Bracknell. The idea that it will attract more customers is uncertain given the economic climate and strong competition from other towns that will still remain attractive.

Response by the Council

188. The Order is required to enable development in line with the approved proposals for the centre. The only rights proposed to be acquired by the Order are oversail rights and not the lessee's occupational interests. Since publication of the Order further work has been undertaken to assess the need for oversail rights and in this instance, there is no need to acquire such rights and the Council will offer an appropriate undertaking. No rights are being acquired by the CPO which directly affects the pedestrian or vehicle means of access to the property and the tenant's use and occupation of the premises. The Scheme will not affect Adams' ability to operate and trade from the premises.
189. As to vitality there is an overwhelming need to redevelop Bracknell Town Centre. Currently, it only functions between 9 a.m. and 5 p.m., the shopping period, with little life or activity after this time. The shopping offer is poor and the centre lacks the impression of a vital and vibrant place. Without dramatic changes the centre will continue to get worse and the Order is imperative to achieving this change. The proposed Scheme will dramatically increase the vitality of the centre through the mix of uses and the new and improved public realm and architecture.

190. The amount of additional floorspace has been established using a proven method, identifying the capacity available for additional floorspace in the centre. This has been considered during the preparation of the Masterplan and during the consideration of both the original and the S73 applications. At no stage has it been suggested or considered likely that this level of development will damage the vitality of the centre. The additional floorspace is needed to re-establish vitality and create a fully functioning successful centre. There is no doubting the strong retailer demand for space within Bracknell and there will be ample demand to fill the Scheme.

Conclusions

191. Paragraph 1 of the Memorandum to Circular 06/04 says that compulsory purchase powers are an important tool for local authorities to use as a means of assembling the land to help deliver social and economic change, so that they can contribute towards effective and efficient urban regeneration, the revitalisation of communities, and the promotion of business-leading to improvement in the quality of life. The making of this Order to secure the redevelopment of Bracknell Town Centre is a paradigm example of the exercise of such powers to secure these objectives. This Scheme is the kind of development that Government is rightly identifying and promoting in the Circular.
192. The Circular goes on to explain that bodies possessing compulsory purchase powers are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay. The relevance of that advice to the Council's use of its powers to make this Order for Bracknell Town Centre could not be more appropriate. It is vital that this invaluable Scheme is achieved without delay. The need for regeneration is urgent and the benefits it will bring are overwhelming. Nothing has been identified which should or could properly inhibit the confirmation of this Order, to enable this Scheme to be implemented by the Council and BRLP as soon as possible. It is in the interests of all that the Order to be confirmed as quickly as possible.
193. Circular 06/04 identifies in Annex A paragraph 16 that when making decisions about whether to confirm an order under S226(1) (a) of the 1990 Act, the Secretary of State can be expected to consider:
- whether the purpose for which the land is being acquired fits in with the adopted planning framework;
 - the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
 - the potential financial viability of the scheme for which the land is being acquired;
 - whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
194. In light of the comprehensive unchallenged evidence it is the Council's case that:
- the proposals are consistent with the adopted planning framework;

-
- the proposals will strongly contribute to the economic, social and environmental well-being of the area;
 - the Scheme is demonstrably viable;
 - it is not possible to achieve the objectives of the proposals in any other way, nor would it be possible to acquire the land required by the proposals by agreement in a reasonable timescale.
195. In all of those circumstances, this is a case where it is right that the Order should be confirmed.
196. Circular 06/04 also identifies in the Memorandum at paragraph 22 that the AA will need to be able to show that the Scheme is unlikely to be blocked by any impediments to implementation and that in addition to financial impediments, physical and legal factors need to be taken into account. The evidence demonstrates that there are no such impediments to implementation and no financial reason why the Scheme will not proceed. Planning permissions exist for the development to proceed, and substantial progress has already been made, as well as substantial financial commitments to the implementation of the Scheme, and all necessary Stopping-Up Orders have already been sought.
197. The Council has properly considered and taken into account the advice in paragraph 24 of the Memorandum to Circular 06/04 that compulsory purchase is a last resort, and that AAs should seek to acquire land by negotiation where practicable. The evidence shows the great lengths the Council and BRLP have gone to in the negotiations for acquisition, and the significant successes that have been achieved. Nevertheless, the Circular notes that, given the amount of time which needs to be allowed to complete the compulsory purchase process, it may be sensible for the AA to initiate the formal procedures in parallel with negotiations. Thus, it was entirely appropriate for the Council to pursue the Order in tandem with its continuing negotiations.
198. The Circular advises that a CPO should only be made where there is a compelling case in the public interest. The evidence shows that here, there is a compelling case in the public interest to confirm the Order so that the Scheme can proceed as soon as possible. The Secretary of State is invited to confirm the Order in its entirety subject only to the minor modification that has been identified.

CONCLUSIONS

The numbers in [] brackets give the source in the preceding paragraphs of the material used.

199. The Compulsory Purchase Order (CPO) is made by Bracknell Forest Borough Council under S226 (1) (a), 3 (a) and (b) of the Town and Country Planning Act 1990 and S13 of the Local Government (Miscellaneous) Provisions Act 1976.
200. Pursuant to S226 (1) (a) the Order seeks to acquire all interests in the lands, except where otherwise stated to facilitate the carrying out of development/redevelopment or improvement on or in relation to the land and contribute to the promotion and improvement of the economic, social and environmental well-being of the Borough. The Order is also made pursuant to S226 (3) (a) and (b) to acquire adjoining land to execute works or facilitate development or use and also to authorise the acquisition of exchange land. In addition, the Order is made pursuant to S13 of the 1976 Act to enable the Council to purchase new rights over land to allow the works to be carried out and completed. The purpose of the Order is to assemble land and acquire rights for the redevelopment and regeneration of a significant part of Bracknell Town Centre (The Scheme).
201. The Council granted outline planning permission, including partial siting and means of access for the demolition of buildings and redevelopment for a mix of uses including retail use, food and drink, leisure uses, residential accommodation, business uses, Police Station, a Magistrates Court, British legion building, civic facilities including a library and Council Offices, community health centre, hotels, education facilities, energy centre, new Bus Station, car parking, new means of access, public open space, associated servicing, highway works and integrated transport measures, landscaping and improvements to the public realm (04/01129/OUT) in December 2006 [10]. A further outline planning permission exists through the grant of an application under S73 of the Act for substantially the same development (07/00623/OUT) in November 2007 [10]. Both planning permissions are accompanied by S106 Agreements [52]. Neither application was called-in for a decision by the Secretary of State.

Planning Policy

202. Relevant national planning policy is contained in Planning Policy Statements 1, 3 and 6 – Delivering Sustainable Development (PPS1) and Housing (PPS3), Planning for Town Centres (PPS6) and Planning Policy Guidance 13 – Transport (PPG13) [74 to 78].
203. Through using an existing town centre as the focus of a wide mix of uses to create a vital and vibrant place, significantly enhancing the quality of the environment contributing to the regeneration of a dated and underperforming town centre, the proposed scheme accords with the objectives of PPS1 and PPS 6 [75, 76 & 100 to 104]. Similarly, the emphasis on a mixed use development, the improvement of pedestrian and public transport penetration, the restraint on car parking and the promotion of travel plans would ensure that the scheme would be consistent with the policy and objectives of PPG13 [26 to 30, 77 & 78].

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204. The development plan comprises: Regional Planning Guidance for the South East (RPG 9) (RSS); The Berkshire Structure Plan 2001-2016; saved policies in the Bracknell Forest Borough Local Plan 2002 and the adopted Core Strategy [79].
205. The RSS and Structure Plan identify Bracknell as a Major Town and a principal focus for major development including major retail and town centre leisure development [80 & 81]. In particular, the Structure Plan identifies the deficiencies in the town centre's shopping offer, its inability to adequately serve its catchment and the need for regeneration [81]. In this context, by seizing the opportunities identified within Bracknell Town Centre for regeneration, and by significantly improving the design quality and appearance of the centre with a development that is at an appropriate scale for the role of the centre, and locating it in the most accessible location within the Borough, the Scheme wholly accords with the thrust of strategic planning policy [82].
206. Saved policies in the Local Plan and policies within the adopted Core Strategy, which is the most up to date planning policy document, provide for significant development within the town centre and provide support for a development of the scale and nature of that proposed by Bracknell Regeneration Limited Partnership (BRLP) development [83 to 86]. In my view, the proposed Scheme fully accords with the thrust of local development plan policy.
207. Development plan policy is supplemented by adopted supplementary planning guidance, the most relevant of which is the Bracknell Town Centre Masterplan. Adopted in 2002. The Masterplan sets out the Council's regeneration objectives for the town centre and envisages development of a form and scale broadly consistent with the proposed scheme [88 & 89].
208. The existing RSS will be superseded by the Regional Spatial Strategy for the South East [91]. Bracknell is identified as a secondary regional centre and sub-regional transport hub and is intended to be the focus for major retail developments, uses which attract large numbers of people, employment (including large scale leisure and office developments) and a range of housing provided, where possible, as a part of a wider mixed use development. The emerging plan, which has reached an advanced stage of preparation, confirms that regeneration proposals for Bracknell Town Centre on a scale set out in the Masterplan are consistent with the South East Plan [91 & 92].

Need

209. Since 1989 there have been 3 retail studies that comprise a substantial body of independent analysis, which show that there will be more than sufficient retail capacity to accommodate the scale of development proposed without materially affecting the vitality and viability of the city centre [94, 110 & 111]. Collectively, they identify the urgent quantitative and qualitative need for new floor space, to address, amongst other things, the poor quality of much of the existing floor space in the town centre [104 & 111].
210. The appearance, character and retail offer of the town centre is increasingly out of step with the nature of its catchment and the aspirations of local consumers [97 to 99]. With the exception of Waterstones and Bentalls Department Store, Bracknell's current retail offer is very limited, consisting

mostly of middle and lower middle market fashion retailers, together with a limited range of service and convenience retailers [101].

211. Although generally clean, litter free and the landscape areas well maintained, Bracknell is a singularly unattractive town centre where the 1960s/70s architecture and layout is depressing; it has no townscape merit and the town centre lacks any presence or vibrancy. The centre is introspective, presenting for the most part oppressive blank elevations to The Ring, which constrains further development and restricts north/south and east/west pedestrian movements. Broadway and Crossway are secondary shopping areas where pedestrian flows were noticeably low during my visits and I have no reason to conclude that these observations were unusual. The Market area is located to the west on the opposite side of The Ring, accessed by steps, a convoluted ramp system and a sub-way. This is a singularly unattractive and unsuccessful area.
212. Whilst High Street and Charles Square were noticeably busier areas, they are cluttered and lack focus and cohesion. Moreover, despite being relatively young (40 to 50 years) several buildings showed obvious signs of deterioration. Stanley Walk, beyond the entrance to the Princess Square Centre, despite being the main access to the bus and train station, has no active frontages and is visually very poor and uninviting. The main access to Jubilee Gardens is from this part of Stanley Walk and although the Council keeps this area in good repair and presentable, the gardens appear largely unused and isolated.
213. Evening activity within the town centre is almost non-existent. At the time of the Inquiry, the Bull Public House on High Street (west) was vacant and apart from a few hot food takeaways there was little sign of activity. During the Inquiry, on a number of occasions, I visited the town centre during the evening where I observed little or no activity. Once, I walked the whole length of the town centre from Market Street in the south to Town Square in the north via Stanley Walk, Charles Square, Crossway and Broadway without seeing a single person. These observations reinforce the submissions regarding the paucity of the town centre offer [101 & 103].
214. Attempts to arrest the decline of Bracknell Town Centre and improve its overall offer/attractiveness stretch back to the early 1990s. However, either because the scale of the developments proposed was inadequate or conflicted with the objectives of the development plan, these efforts failed [94 to 96 & 108]. Whilst the requirements of modern retailers have changed, particularly in terms of the size of unit required, little has changed within the town centre. Moreover, surrounding towns have risen to the challenge and improved/extended their shopping offer to the detriment of Bracknell [100]. Thus, I have no reason to disagree with the submission that the limited current demand for representation in the town centre in its current form is restricted to service/day to day convenience or value driven offers [103].
215. Notwithstanding the serious limitations of the existing town centre there are hopeful signs. The catchment is economically buoyant and even in today's financial climate is likely to remain so and continue to out-perform the national average. Higher order retailers are expressing an interest in being represented in Bracknell [45 & 105]. Although it is clear that their interest is dependent on significant improvements to the fabric and form of the town

centre [105]. Moreover, other land owners in the town centre are beginning to consider investing in redevelopment of some sites [72]. However, it is clear from the recent activity of BRLP that tinkering with the existing appearance/format of existing units will not be sufficient to provide the impetus necessary to revive the fortunes of the town centre [108].

216. I am utterly convinced, based on the unchallenged submissions of the AA and my observations of the town centre, that what is badly needed is a substantial step change in the appearance and format of the town centre. In this context, I agree with the AA that the most effective way to break the vicious circle of decline [103] is to introduce a new retail development with sufficient critical mass that opens on one date [115]. This view is also supported by the research undertaken by Colliers CRE, which concluded that the problems of Bracknell would be difficult to change without undertaking a major and expensive redevelopment [111]. I agree that without the type of development proposed, such is the state of Bracknell Town Centre, the town centre would continue to lack the quantity and quality of retail space needed to retain/improve its place in the retail hierarchy, to reflect the objectives of emerging and adopted strategic planning policy [80, 81 & 91]. Moreover, the town centre would continue to lose out to new developments in other city and town centres and out-of-centre locations.
217. Whilst detailed designs for the replacement units has yet to take place, the unchallenged architectural evidence presented by the AA shows that there is a clear concept for their design. From what I have seen and read of the concept, I am confident that a scheme could be put in place that would replace the blandness of the 1960s/70s with a town centre development that reflected the best of current retail design [12 to 25]. Moreover, no alternative schemes or strategies have been proposed by any party that could achieve the much needed and necessary regeneration of the fabric and fortunes of Bracknell Town Centre [194].
218. In light of the above and having regard to the advice contained in Circular 06/2004 the AA has established the basis and justification for a CPO, in terms of the need for the development and compliance with national planning guidance, development plan policy and emerging planning policy. I am confident that the proposed Scheme is necessary for and will contribute to the improvement of the economic, social and environmental well-being of the Bracknell Forest area [194].

Prematurity

219. Outline planning permission, which includes details of siting and means of access, has been obtained. The scope of this permission is well defined by development parameters contained in the planning conditions and accompanying s106 Agreements. These parameters relate to floor space, car parking provision, height, massing and footprint of the buildings and the line of pedestrian routes [52]. Thus, there is a clear idea of how the project can be taken forward and of the likely impact on the surrounding area and the interests of the landowners and tenants. Thus, the serving of a CPO is not premature.

Deliverability/Viability

220. BRLP is a limited partnership company which currently has 2 investors, comprising Schroder Exempt Property Unit Trust (SEPUT) and Legal & General Assurance Society Limited (L&G), both with a 50% share holding [31]. L&G and SEPUT already own considerable land holdings in the town centre and these assets have been transferred to BRLP. Whilst L&G and SEPUT each own 50% of BRLP there is the opportunity for investors to buy shares thus increasing the equity base [32]. BRLP assets are currently worth in excess of 200m. However, 65% of this value is accounted for by investment assets that produce an annual income stream of some £8.4m and which will not be subject to redevelopment and not affected by the implementation of the scheme.
221. The Council and BRLP own the majority of the land, some 87%, required to implement the scheme [126]. Since 2003 BRLP has spent £2.5m acquiring further freehold and leasehold interests in the development site, some £14.5m has recently been committed to acquiring Eagle House and some £19m has been spent progressing the development proposals [35 & 52]. In this context, I am confident that the necessary resources required to deliver this project are available and that there is every prospect of the development being successfully implemented.
222. In light of the above, there is, in my mind, no doubt that the resources necessary to carry out and complete the scheme are readily available to the BRLP. Given the development plan background and the presence of a well defined albeit outline planning permission I consider there are no planning impediments to the delivery of this development. Moreover, as an indicator of retailer confidence, an agreement has been reached with a potential major anchor tenant and another has submitted an offer [45]. Thus, having regard to the guidance in Circular 06/2004, I consider there is more than a reasonable prospect of the scheme going ahead. However, given the nature and scale of the proposed scheme, the variety of the interests outstanding, I conclude that it could not be carried out in a reasonable time without the CPO. There is no policy requirement in Circular 06/2004 that the full viability of a scheme must be demonstrated. However, the matters referred to above, give substantial comfort to the view that the development would be viable.

Need for Individual Units, Temporary/Permanent Relocation

223. Critical mass is important because development of a certain scale will be required to establish a strong retail circuit and a focus for wider regeneration. The anchor stores and other higher order retailers need this critical mass of appropriate retailing activity supporting them. Circular 06/2004 does not require the AA to provide for the temporary or permanent relocation of retailers from the centre. Thus, the fact that the AA has not made alternative arrangements for existing retailers to trade during the construction period is not a reason not to confirm the Order. Should the Order be confirmed, the financial impact of the Order on individual businesses is a matter for compensation and not something for this Inquiry.

Insufficient Negotiations

224. The Circular, paragraph 24, indicates that the AA should seek to acquire land by negotiation wherever practical. However, there is, in my view, no reason

why negotiations cannot run in parallel with the prosecution of a CPO. Indeed, the Circular recognises that given the amount of time which needs to be allowed to complete the compulsory purchase process it may be often sensible for the AA to initiate the formal procedures in parallel with negotiation. Here, it is clear from the evidence, that substantial and prolonged efforts have been made by BRLP to acquire land and rights by negotiation [136]. Indeed the substantial number of acquisitions and agreements that have been made are a testament to that process [126]. Thus, I do not consider this type of objection to be a sound reason for not confirming the Order.

Disruption

225. Given the magnitude of the proposed redevelopment it is inevitable that there would be some disruption to users of the immediate area. However, this is something which has been addressed by Stanhope Plc as project managers and MACE as pre-construction managers [53 & 69]. Moreover, it has to be appreciated that even if there was to be piecemeal refurbishment of the town centre there would be disruption and disturbance to existing activity possibly over a much longer period, because of the need to coordinate the activities of numerous landowners/interested parties. The redevelopment would be carried out in phases and pedestrian access into surrounding streets untouched by the development would be maintained [54 to 67]. As with the continuity of pedestrian movement through and around the redevelopment site, the scheme has been designed to maintain as far as possible, continuity of existing service arrangements and off-street car parking.
226. Thus, whilst there would be disruption, where losses are quantifiable, compensation arrangements are available. Notwithstanding, I consider, given the substantial quantitative and qualitative need for additional and improved retail floor space in the town centre, the added benefits of townscape improvement and impetus to regeneration of nearby areas, the harm caused through disruption would be substantially outweighed by the benefits flowing from the redevelopment.
227. Given the scale of the development, the use of cranes appears, in my experience, to be the optimum solution to enabling the works to be carried out [70]. Whilst I understand the reservations some people might have about working in areas that would be over-sailed, the operations would be governed by Health and Safety Regulations and there is no evidence that such activities would result in unacceptable risk to nearby occupiers. Moreover, in many cases the degree of over-sailing is relatively limited.

Objections

DP Realty Limited & Full House Restaurants Limited, 8 Crossway, Plot Nos. 42, 43 & 48; **Boots Opticians Limited**, 36 High Street, Plot Nos. 59, 60 & 171; **Matte Plc (previously Etam Plc)**, Unit 1A, Charles Square, Plot Nos. 103, 107, 108, 112 & 113; **Evans Retail Properties Limited**, Unit 15A Charles Square, Plot Nos. 103, 107, 108, 112 & 113; **The Early Learning Centre (ELC)**, 45 High Street, Plot Nos. 103, 107, 108, 112, 113 & 175; **Trillium (PRIME) Property GP Limited** (On behalf of Secretary of State for Communities & Local Government formerly Secretary of State for Environment), First Floor, Eagle House, Plot no. 79; **Woolworths Plc**, 68 to 70 Broadway, Plot no. 28; **McDonald's Restaurants Limited**, Unit 1 Eagle

House, Plot no. 79; **Adams Childrenswear Limited**, 43 High Street, Plot no. 175.

228. Given my conclusions in paragraphs 202 to 227 above, I consider there is nothing else in the submissions that would outweigh the AA's reasons for acquiring the properties or rights to justify upholding any of the objections.

Conclusions

229. The redevelopment and extension of Bracknell Town Centre is well founded in development plan and emerging development plan policies. There is a well documented quantitative and qualitative need for additional retail floor space within the town centre. The increase in floor space can be accommodated without material harm to the vitality and viability of the centre. Bracknell Town Centre is dated and introspective and the retail offer is largely secondary. The proposed redevelopment would provide a substantially improved retail offer, would result in significant townscape improvements and provide for significantly improved pedestrian access through and within the development. Relocation and redevelopment of the bus station and consequent improvements in the service would provide for significant public transport improvements. Redevelopment would provide for the regeneration of surrounding third party sites.
230. The developer is an experienced retail centre developer with substantial financial strength. Substantial sums have already been spent on land acquisition and design. Outline planning permission has been granted and is accompanied by comprehensive S106 Agreements. There are, in my view, no planning or financial impediments to the development proceeding. To exclude individual units from the Order would prevent the implementation of the development. Given the scale of the development, there is likely to be some disruption to activities within the surrounding area. However, the likely impacts have been assessed and are capable of mitigation. Notwithstanding, the likely disruption the long term benefits of the development, in my view, heavily outweigh the short term harm arising from disruption.
231. I am satisfied that without the CPO, that the scale of the improvements proposed and required could not be carried out within a reasonable period of time. Thus, having regard to the guidance contained in Circular 06/2004, I consider that there is a compelling case in the public interest to confirm the Order for the compulsory acquisition of all the plots and rights listed in the Order.

RECOMMENDATION

232. I recommend that The Bracknell Forest Borough Council (Bracknell Town Centre) Compulsory Purchase Order 2007 be confirmed subject to the suggested modification referred to at Paragraph 2 above and contained in Document BFBC28.

George Baird

George Baird

APPEARANCES

FOR BRACKNELL FOREST BOROUGH COUNCIL

Mr Timothy Corner QC and Mr James Strachan, instructed by Berwin Leighton Paisner, Adelaide House, London Bridge, London EC4R 9HA

They called:

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Mr Philip Rudd BEng MSc CEng MICE FIHT
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Mr Mark Henderson BSc (Hons) MRICS IRRV.
Director, DTZ.

Mr Mark Disney BSc (Hons) MRICS.
Senior Director, CBRE.

Mr David Gregory BSc MRICS.
Development Manager, The New Bracknell Company Limited.

DOCUMENTS

BRACKNELL FOREST BOROUGH COUNCIL

| | |
|---------|--|
| BFBC1 | Summary proof of evidence of Victor Nicholls |
| BFBC2 | Proof of evidence of Victor Nicholls |
| BFBC3 | Appendices to proof of evidence of Victor Nicholls |
| BFBC4 | Summary proof of evidence of Andrew Hunter |
| BFBC5 | Proof of evidence of Andrew Hunter |
| BFBC6 | Appendices to proof of evidence of Andrew Hunter |
| BFBC7 | Proof of evidence of Mike Davies |
| BFBC8.1 | Appendices to proof of evidence of Mike Davies |
| BFBC8.2 | Rationale for and summary of changes to the OPP |
| BFBC9 | Summary proof of evidence of Philip Rudd |
| BFBC10 | Proof of evidence of Philip Rudd |
| BFBC11 | Appendices to proof of evidence of Philip Rudd |
| BFBC12 | Summary proof of evidence of Rob Watts |
| BFBC13 | Proof of evidence of Rob Watts |
| BFBC14 | Appendices to proof of evidence of Rob Watts |
| BFBC15 | Summary proof of evidence of Mark Henderson |
| BFBC16 | Proof of evidence of Mark Henderson |
| BFBC17 | Appendices to proof of evidence of Mark Henderson |
| BFBC18 | Summary proof of evidence of Mark Disney |
| BFBC19 | Proof of evidence of Mark Disney |
| BFBC20 | Appendices to proof of evidence of Mark Disney |
| BFBC21 | Summary proof of evidence of David Gregory |
| BFBC22 | Proof of evidence of David Gregory |
| BFBC23 | Appendices to proof of evidence of David Gregory |
| BFBC24 | Rebuttal written representation of Philip Rudd v Beeline Buses Limited and First Group Plc |
| BFBC25 | Rebuttal proof of evidence of David Gregory v Thames Valley Police Authority |
| BFBC26 | Rebuttal written representation of David Gregory v O2 (UK) Limited |
| BFBC27 | Opening submissions |
| BFBC28 | Joint Statement with KGL |
| BFBC29 | Summary of Responses to Objectors |
| BFBC30 | Development Agreement Conditions Precedent Progress Schedule |
| BFBC31 | Closing Statement |

CORE DOCUMENTS

CD1 NATIONAL POLICY GUIDANCE & LEGISLATION

- CD1.1 ODPM Circular 06/2004: Compulsory Purchase and The Crichel Down Rules
- CD1.2 Planning Policy Statement 1: Delivery Sustainable Development (PPS1)
- CD1.3 Planning Policy Statement 3: Housing (PPS3)
- CD1.4 Planning Policy Statement 6: Planning for Town Centres (PPS6)
- CD1.5 Planning Policy Guidance 13: Transport (PPG13)
- CD1.6 Section 226 of Town and Country Planning Act 1990
- CD1.7 Section 13 of Local Government (Miscellaneous Provisions) Act 1976
- CD1.8 Section 16 of Local Government (Miscellaneous Provisions) Act 1976
- CD1.9 Extracts of Acquisition of Land Act 1981
- CD1.10 Section 6 of the Human Rights Act 1998 and Article 1, Article 6 and Article 8 of European Convention of Human Rights
- CD1.11 CABE - By Design - Urban design in the planning system: towards better practice
- CD1.12 Planning Policy Statement 12: Local Development Frameworks
- CD1.13 Creating Strong Safe and Prosperous Communities Statutory Guidance: Draft for Consultation - November 2007
- CD1.14 DCLG Circular 01/06: Guidance on Changes to the Development Control System

CD2 REGIONAL POLICY GUIDANCE

- CD2.1 Regional Planning Guidance for the South East (RPG9) - March 2001
- CD2.2 Regional Transport Strategy (Chapter 9 of the Regional Planning Guidance for the South East RPG9) - July 2004
- CD2.3 South East Plan: Draft Plan for submission to Government - March 2006
- CD2.4 Inspectors Report of Examination in Public of South East Plan - August 2007

CD3 LOCAL POLICY

- CD3.1 Berkshire Structure Plan 2001-2016
- CD3.2 Bracknell Forest Borough Local Plan 2002 & List of Saved Policies
- CD3.3 Core Strategy Development Plan Document (Submission) - November 2006
- CD3.4 Inspector's Report on Core Strategy Development Plan Document - November 2007
- CD3.5 Core Strategy Development Plan Document (Draft version to be taken to Council with a view to Adoption 31/01/2008) - November 2007
- CD3.6 Bracknell Town Centre Masterplan- Supplementary Planning Guidance 2002
- CD3.7 Bracknell Partnership's Sustainable Community Strategy - October 2005
- CD3.8 Bracknell Borough Council's Local Transport Plan 2006/2011
- CD3.9 Bracknell Forest Local Area Agreement- March 2007
- CD3.10 Bracknell Town Centre Urban Design Framework - January 1998
- CD3.11 The Bracknell Forest Borough Local Plan Inquiry Inspector's Report 2001
- CD3.12 The State of the Borough: An Economic, Social and Environmental Audit of Bracknell Forest - Report by Local Futures May 2007
- CD 3.13 Bracknell Sustainable Community Plan: Shaping Tomorrow Together: A Community Plan for Bracknell Forest - 2002/2003 and Beyond

CD4 RELEVANT PLANNING DOCUMENTS

- CD4.1 1989 Retail Study - Healey & Baker
- CD4.2 1998 Retail Study - Berkshire County Council
- CD4.3 Secretary of State's decision letter 2001 - Bracknell Town Centre
- CD4.4 2002 Retail Capacity Study and Impact Analysis - Colliers CRE
- CD4.5 2002 Colliers CRE Berkshire Retail Study
- CD4.6 Employment Potential Study 2005- Vail Williams Research

CD5 PLANNING APPLICATION & SUPPORTING DOCUMENTS

Outline Planning Application and supporting documents

- CD5.1 Summary of Application for Outline Planning Permission and Listed Building Consent, Planning Documentation, Site Wide Access Review, Outline Planning Application Form, Listed Building Consent Application Form and additional submitted material comprising Outline Planning Application and Listed Building Consent Application- November 2004
- CD5.2 Environmental Statement
- CD5.3 Further Submission of details under the Outline Planning Application and Listed Building Consent May 2005
- CD5.4 Regulation 19 Submission May 2005
- CD5.5 Further Regulation 19 Submission September 2005
- CD5.6 Report to Planning and Highways Committee 9 February 2006 and Minutes
- CD5.7 Report to Planning and Highways Committee 27 July 2006 and Minutes
- CD5.8 Section 106 Agreement dated 19 December 2006
- CD5.9 Outline Planning Permission issued 21 December 2006
- CD5.10 Listed Building Consent issued 10 February 2006

Section 73 Application and supporting documents

- CD5.11 Section 73 Application Form and Summary of Bracknell Town Centre Regeneration- June 2007
- CD5.12 Environmental Statement
- CD5.13 Parameter Plans
- CD5.14 Report to Planning and Highways Committee and Minutes 20 September 2007
- CD5.15 Section 106 Agreement dated 5 November 2007
- CD5.16 Outline Planning Permission for Section 73 Application issued 9 November 2007

CD6 CPO DOCUMENTS

- CD6.1 CPO and Order Maps
- CD6.2 Committee Report to Council on 12 July 2006 to use CPO Powers and Minutes
- CD6.3 Report to Executive Members on 2 May 2007 to use CPO Powers and Resolution
- CD6.4 Statement of Reasons - Bracknell Forest Borough Council
- CD6.5 Statement of Case - Bracknell Forest Borough Council
- CD6.6 Letters of Objection to the CPO
- CD6.7 Objectors' Statements of Case
- CD6.8 Conformities Note & Appendices