

LONDON BOROUGH OF CROYDON

**THE LONDON BOROUGH OF CROYDON (WHITGIFT CENTRE AND SURROUNDING LAND
BOUNDED BY AND INCLUDING PARTS OF POPLAR WALK, WELLESLEY ROAD,
GEORGE STREET AND NORTH END) COMPULSORY PURCHASE ORDER 2014**

SECTION 226(1)(a) AND 226(3)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

**SECTION 13 THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND THE ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

OF THE LONDON BOROUGH OF CROYDON

FOR MAKING THE COMPULSORY PURCHASE ORDER

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- 1.4 The schedule to the Order ("Schedule") lists owners, lessees, tenants and occupiers of the Order Land. In addition, it also lists other parties with a qualifying interest in the Order Land as defined by section 12(2) Acquisition of Land Act 1981 including those with the benefit of rights within the Order Land or restrictive covenants that affect titles that make up the Order Land. Where appropriate and reasonably practicable, the Council will consider the grant of equivalent or alternative rights to the current beneficiaries of rights if reasonably required for the continued enjoyment of the property benefitting from the right.....2
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- 2.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to purchase such rights ("New Rights") which are not in existence when the Order is made and are specified in the Order. The New Rights to be created and acquired are reasonably required to enable the demolition of existing properties, the construction of the new development, redevelopment of existing properties and the reasonable use of the completed development and redevelopment. Rights are also required to carry out consequential modifications to properties affected by the Scheme.....3
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- 3.3 Physically, the environment in the town centre is weak and has become degraded, with outdated buildings no longer fit for purpose, poor linkages, low quality public realm and car parking provision. The decline of the town centre has occurred in parallel with the deterioration of its once-booming office market. Prevailing social issues, including crime and fear of crime, have damaged Croydon's image. Despite these perceptions, Croydon's community has a strong sense of local pride. For the past 15-20 years it has been widely recognised that significant change is needed to reverse the town centre's further decline and allow Croydon to fulfil its function as a

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Metropolitan Centre (as recognised in the London Plan). With its beginnings in the 1990s, a major retail led scheme called Park Place ("Park Place") was proposed to bring about a step change in Croydon Town Centre's retail offer. A compulsory purchase order relating to Park Place was confirmed in 2007 by the then Secretary of State but the development was never implemented due to the investment and financial conditions existing at that time. The need for regeneration of the Town Centre and a step change in Croydon's retail offer was clearly recognised at the time of the Park Place proposals. The failure of that development to come forward has made the need for intervention all the more pressing.....4

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.....4
- 3.6 The existing Whitgift Shopping Centre is underperforming with a high vacancy rate. Arranged over two main trading levels (with further upper and lower levels primarily used for back of house functions), the centre has suffered from limited investment since it was built and now appears dated and in need of substantial redevelopment. The centre has approximately 140 units, many of which are small and no longer fit for purpose for retailer's current requirements in respect of unit size and configuration. The former Alders Department Store, to the south west of the Whitgift Shopping Centre, is also within the Scheme's site. The store's design, layout and configuration is not fit for purpose for the requirements of a modern day quality department store. Alders went into administration and the store was vacant for a period of time. It is currently trading as Croydon Village Outlet, a discount outlet store offering a range of retail concessions.....4
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Adopted planning policy acknowledges that a substantial improvement in Croydon's retail and leisure offer is required and the best deliverable opportunity for achieving this is through the comprehensive redevelopment of the Whitgift Centre and surrounding land..... 5

- 3.10 In summary, for many years Croydon has not been fulfilling its function as a Metropolitan Centre as demonstrated by its high vacancy rates, static rental values and a lack of a compelling qualitative retail offer compared to its competing centres. The town centre environment has become increasingly degraded and outdated. In order to address this, Croydon needs to recapture its lost shoppers and leaked expenditure, bring in a much greater range of retailers, including high quality and aspirational retailers, and greatly improve the physical shopping and wider town centre environment, both in terms of quality of retail and leisure floorspace and the surrounding public realm and connectivity. In addition, it will attract a new residential community to the town centre..... 5
- 3.11 The need to achieve a comprehensive redevelopment of the Order Land is in accordance with the Croydon Local Plan and the OAPF. In particular, the broad objectives of the OAPF are as follows:..... 5
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- 3.11.2 consolidate primary comparison retailing in the Retail Core character area (which comprises the Whitgift Centre and adjoining land extending east to Wellesley Road, Centrale and North End);..... 5
- 3.11.3 improve substantially the qualitative offer of retail space in the Retail Core to meet the current requirements of retailers and the aspirations of shoppers;..... 5
- 3.11.4 support the delivery of the Retail Core related outcomes and objectives as set out in paragraph 4.27 of the OAPF;..... 5
- 3.11.5 support the development of a new quality full range department store, located to provide a joined up and comprehensive retail circuit (in the south east quadrant of the Retail Core);..... 6
- 3.11.6 support the provision of additional retail floorspace in the Retail Core, provided that new provision complements the remainder of the Retail Core, and contributes to the quality retail offer; and..... 6
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4.1.2 The land proposed to be acquired is shown coloured pink on the Order Map (the "Pink Land"). The Pink Land includes the existing Whitgift Centre site, the former Alders department store, the two multi-storey car parks and the Whitgift Open Air Car Park (which forms part of the Whitgift Centre) accessed from Wellesley Road to the east of the Whitgift Centre, the office towers known as Blocks A, B, C, D (also known as Centre Tower) and E located within and adjacent to the Whitgift Centre, Focus House and London House on Dingwall Avenue, land to the rear of 11- 15 George Street, the building and land at 96-98 North End and Dingwall Avenue. It also includes the existing Marks and Spencer's store in respect of which it is intended that a redevelopment of the store will be undertaken to link with the Scheme when completed. It also includes parts of the subsoil beneath the highway, including part of the Wellesley Road subsoil which is required to facilitate the construction of "ground anchors" that will extend out from the foundations of the Scheme.....6

4.1.3 The alleyway and escape route extending from North End to the rear of numbers 74-84 North End is also included in the Pink Land as this is an important area at the perimeter of the Scheme which will form an escape and servicing route for the Scheme. This land is included in the Pink Land for safety and security reasons to enable CLP to bring it under its control as part of the comprehensive management regime needed for the Scheme.....7

4.1.4 In respect of the Pink Land the Council is seeking the power to acquire all the interests in the land unless expressly stated in the Schedule to the Order.....7

4.2 New Rights.....7

4.2.1 The land where New Rights are sought is shown coloured blue on the Order Map (the "Blue Land"). These are being acquired pursuant to section 13 of the London Government (Miscellaneous Provisions) Act 1976. A broad summary of why the rights are needed is set out below:.....7

(a) to enable access to land adjoining the Scheme site for the purposes of demolition, construction and future activities such as maintenance and renewal. Scaffolding will need

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to be placed on such land in some cases. Rights to oversail with cranes a number of properties neighbouring the Scheme site are also required;.....7

(b) to carry out boundary treatment works to certain properties that abut the Scheme. This is to ensure that boundary treatments of adjoining land and buildings are well maintained;.....7

(c) to provide support for the Scheme from neighbouring land;.....7

(d) to carry out works on land outside the Scheme site where existing buildings will be affected by the Scheme. This includes situations where existing buildings will in whole or in part will be demolished and/or accesses or fire escapes and service media will be affected by the Scheme. Consequential modification works are required to such property outside of the Scheme to enable it to be brought back into beneficial use. Such works include reconfiguration of shop units, modification of service media and creation of new (temporary and/or permanent) fire escapes, including the right to grant rights over fire escapes to owners and occupiers of neighbouring land. Rights to carry out protective works to such affected properties are also required and in this context the right to enter land to survey is also required; and.....7

(e) to create a construction compound on the landscaped area forming part of the exterior of Green Park House, Poplar Walk.....7

4.2.2 A summary of new the rights sought is set out below. Not all rights are required in respect of each plot within the Blue Land and the Schedule provides full details of the rights to be acquired with respect to each plot:.....8

(a) to enter and remain on land for general construction and maintenance purposes;.....8

(b) to erect scaffolding and/or hoardings;.....8

(c) to swing the jib of a crane loaded or unloaded through the airspace over properties;..8

(d) to carry out surveys of buildings and land;.....8

(e) to enter onto land to make good and carry out protective works;.....8

(f) to carry out boundary treatment works;.....8

(g) to re-grade, resurface and landscape land;.....8

(h) to modify service media;.....8

(i) right to remove a garage structure at the Almshouses on George Street as necessary for the demolition of adjoining structures and future maintenance of the Scheme;.....8

(j) to alter and/or remove fire escapes (either on a temporary or permanent basis) and install fire escapes and to grant rights for owners and occupiers of land to use fire escapes;.....8

(k) to clear land and create a worksite compound in the external parts of Green Park House;.....8

(l) to carry out accommodation and reconfiguration works to properties where buildings will in whole or in part be demolished or accesses reconfigured in order to modify the retained properties so that they me brought back into beneficial use; and.....8

(m) support for the Scheme from properties adjoining the Scheme site.....8

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- 4.2.3 The above New Rights are required to facilitate the construction and maintenance of the Scheme and/or to carry out consequential modification works to properties affected by the Scheme and will only be exercised to the extent necessary for such purpose. The Council will seek to secure such rights by agreement with the owners and occupiers of the land over which the rights are required.....8
- 4.3 The Order Map.....9
- 4.3.1 The Order Map identifies the Order Land and the Pink Land and Blue Land. Individual plot boundaries and numbers on the CPO Map correspond with the Schedule. In addition the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.....9
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- 4.4.2 The Blue Land surrounds parts of the Pink Land and is in a number of different uses but predominantly retail and commercial uses and some residential use on North End and George Street, including the care accommodation at the Almshouses run by the Whitgift Foundation.....9
- 4.4.3 The Order Land is bounded to the north by (and includes part of) Poplar Walk which consists of a part one-way part two-

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way road that runs between North End and Wellesley Road. Green Park House, within the Order Land, lies on the junction between Poplar Walk and Wellesley Road and is a nine storey office building with an area of open hard surfacing next to it. Directly to the north of the Order Land beyond Poplar Walk lies Poplar Walk Car Park, St Michaels Court (four storey residential building) and the Parish Church of St Michael and All Angels, a Grade 1 Listed Building.....9

4.4.4 The Order Land is bounded to the south by (and includes part of) George Street. George Street is a one-way street characterised by mainly four storey buildings with retail uses at ground floor. The west bound tram service runs along George Street. The Hospital of the Holy Trinity (Whitgift Hospital), a Grade 1 listed building, is located on the junction between North End and George Street.....10

4.4.5 The eastern boundary of the Order Land is formed by (but includes part of) Wellesley Road. Wellesley Road (A212) forms part of the Strategic Road Network and is a dual carriageway with an underpass to the south under George Street. The area beyond the Order Land to the east is characterised by medium to high rise office/residential buildings, such as Government Offices at Lunar House (22 storeys) and a new residential led mixed use development at Saffron Square (44 storeys) which is currently under construction. Planning permission has recently been granted at 1 Lansdowne Road for a part 55 storey mixed use building..... 10

4.4.6 The western boundary of the Order Land is formed by North End. North End is Croydon's primary pedestrian street with retail uses on either side, characterised by mainly four storey buildings. Centrale, an enclosed shopping centre, lies to the west opposite the main entrance to the Whitgift Shopping Centre from North End. This is also owned by CLP.....10

4.4.7 The properties along the North End and George Street frontages are within the Central Croydon Conservation Area. There are two Grade 1 listed buildings in close proximity (as described above). The former Electricity Showrooms and offices located on the corner of Wellesley Road and Dingwall Avenue are Grade 2 listed and there are a number of locally listed buildings along North End and George Street.....10

5. 5croydon limited partnership 10

5.1 The Council has entered into an Indemnity Land Transfer Agreement with the Croydon Limited Partnership ("CLP"), which provides an indemnity to the Council and contains the land transfer arrangements in respect of the land to be acquired pursuant to the Order..... 10

5.2 CLP is a Joint Venture between Westfield Shoppingtowns Limited and Hammerson UK Properties Plc that was formed in January 2013. Details of both parties controlling CLP are provided below.....10

5.2.1 Westfield..... 11

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- (a) Westfield has investment interests in 90 shopping centres across Australia, the United States, the United Kingdom, and New Zealand, encompassing around 21,500 retail outlets and total assets under management of £37.8 billion..... 11
- (b) Westfield is a long term owner and manager of assets in the best markets across the world and achieves a global annual footfall of 1.1 billion customers..... 11
- (c) The Westfield approach to shopping centre development, which is also proposed in respect of the Scheme, integrates retail, food, leisure and events experiences..... 11
- (d) In the UK, Westfield owns and manages five operational shopping centres including Westfield London which opened in 2008 and in 2013 attracted over 28 million visitors and achieved annual sales of almost £1 billion. In September 2011, Westfield opened the £1.8 billion Westfield Stratford City which was one of the largest urban regeneration projects ever undertaken in Europe and is the prestigious gateway to the London Olympic Park. It attracts approximately 38 million annual visits and achieves annual sales of almost £1 billion..... 11
- (e) Westfield is a vertically integrated business group undertaking ownership, development, design, construction, funds and asset management, property management, leasing and marketing activities..... 11

5.2.2 Hammerson..... 11

- (a) Hammerson is a leading European retail Real Estate Investment Trust ("REIT") with operations in the UK and France. It has a portfolio of high quality retail assets which includes 20 prime shopping centres, 22 retail parks and investments in nine premium designer outlets. The Company's portfolio generates annual rents of £297 million and, as at 31st December 2013, was valued at £5.9 billion..... 11
- (b) The Company's shopping centre portfolio is home to over 2,000 shops and restaurants and attracts in excess of 250 million visitors per annum. Tenants' sales in the Company's shopping centres are over £4 billion annually. In the UK, Hammerson is the largest direct owner of retail parks with over 500,000 square metres under management. 11
- (c) Hammerson has delivered landmark regeneration schemes, which provide attractive and efficient environments for occupiers, their customers and local communities. It has developed more than half of its eleven UK shopping centres including most recently Bullring in Birmingham, Highcross in Leicester, Cabot Circus in Bristol and Union Square in Aberdeen. It takes a long term approach to investment decisions and one its first schemes, Brent Cross, which opened in 1976, is still held within the portfolio with proposals for a significant new extension being progressed..... 11
- (d) Its latest scheme is Terrasses du Port in Marseille, which is currently under construction and due to open in spring 2014. The project is 100% Hammerson owned and represents an investment of £388.7 million. The scheme, anchored by a Printemps department store, totals 61,000 square metres and will house over 100 high quality retail and restaurant brands as well as provide 6,500 shopper car parking spaces..... 12

6. 6DESCRIPTION OF THE SCHEME 12

- 6.1 The Scheme was granted planning permission and conservation area consent on 5 February 2014 and comprises a comprehensive mixed use redevelopment of the site to create a new retail and leisure destination within Croydon Town Centre replacing the existing Whitgift Centre and former Alders department store. The Scheme allows for up to 136,551 square metres of retail floorspace, leisure facilities of up to 16,428 square metres, community facilities of up to 1,135 square metres, office space of up to 1,921 square metres, car parking of

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approximately 3,500 spaces and up to 32,512 - 48,924 square metres of residential accommodation (comprising 400-600 residential units). The Scheme also comprises a proposed extended and improved entrance to the Scheme at Chapel Walk which CLP has been discussing with the Council and is intended to be the subject of a further planning application..... 12

6.2 The core elements of the Scheme are:-..... 12

6.2.1 the comprehensive redevelopment of the existing Whitgift Centre, former Alders store and surrounding land to provide a retail and leisure destination within Croydon town centre transforming the status of Croydon as a major retail destination through:..... 12

(a) the introduction of a new full range quality department store which will anchor the southern end of the Scheme;..... 12

(b) the introduction of a number of new local, national and international retailers providing a step change in the depth, breadth and quality of the retail offer allowing it to compete with other Metropolitan Centre retail destinations;..... 12

(c) the provision of an improved leisure offer which will enhance and diversify the night time economy and support the town centre's viability and vitality;..... 12

(d) the provision of a number of food and beverage and dining options that will help improve the vibrancy of the town centre and cater for families; and..... 13

(e) a much improved town centre car parking offer which will be in keeping with current retail and leisure centre requirements and support the rest of the town centre;..... 13

6.2.2 improved town centre permeability with the introduction of the 24 hour East West route connecting to East Croydon Station and Croydon Old Town and improvements to public realm around the redevelopment;..... 13

6.2.3 significant works to the public realm for North End coupled with a process to agree and implement a coordinated management and maintenance regime with the local authority;..... 13

6.2.4 integrated management by shopping centre owners that have global experience of operating schemes of this size and diversity that will in itself bring about other benefits such as:..... 13

(a) a unified approach to the security and management of the Scheme to promote a safer and more secure environment;..... 13

(b) controlled management and maintenance of public areas within the scheme and cooperation with the Council to improve the management and maintenance of wider public realm including North End;..... 13

(c) a consistent and proactive approach to leasing and innovation to ensure that through the life of the Scheme it responds to the evolving requirements of retailers; and..... 13

(d) the ability to develop an aligned marketing strategy for Croydon town centre as a retail destination due to the other major shopping centre in the town centre, Centrale, also being owned by CLP;..... 13

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- 6.2.5 key traffic and transport improvements including financial contributions through a planning obligation to tram and bus services, improvements to Wellesley Road and improvements for cyclists;..... 13
- 6.2.6 a design solution that takes into account the proximity of the Conservation Area and the current massing of the town centre environment; and..... 13
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- 6.3.2 The step change in the town centre retail provision will be bought about by the design and development of new retail units within the Scheme that are consistent with the current design and configuration requirements of retailers. Coupled with an integrated leasing strategy that will be designed to bring in the best of local, national and international retailers the depth and breadth of the offer will be significantly enhanced and therefore much improve Croydon's ability to compete with other Metropolitan Centre retail destinations and stem the current leakage of comparison expenditure.. 14
- 6.3.3 The Scheme will be designed to provide the right mix of retailer space drawing on the experience of CLP's recent experiences in developing schemes at Westfield London, Westfield Stratford City and Birmingham Bullring..... 14
- 6.3.4 This will be complemented with the introduction of event spaces, commercialisation sites and retail kiosks improving the ambience of the scheme..... 14
- 6.3.5 The leisure offering could include facilities such as cinemas, bowling and other entertainment zones which are now an intrinsic part of a regional retail destination. These will act as anchor destinations and help improve the vitality and vibrancy of the town centre and especially the night time economy. This will have the additional benefit of improving the feeling of a busy, safe, secure and well managed town centre..... 14
- 6.4 Parking..... 14
- 6.4.1 3,500 car parking spaces (subject to a planning condition limiting the number of spaces that may be used to 3,140, save for 20 days per year to allow for peak shopping periods such as the Christmas period) will be provided across two multi-storey car parks. The existing Whitgift multi-storey car park on Wellesley Road ("Whitgift Car Park") will be retained and extensively refurbished and upgraded to provide a car park in keeping with a modern day retail and leisure centre. The Whitgift Car Park is an integral part of the Scheme and

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it is therefore necessary that it is brought under the control and management of CLP to ensure alignment with the management of the Scheme. A new rooftop multi storey car park will be constructed to the south of the existing car park, above the proposed retail centre. The car parks are a vital component for the experience of customers and in attracting retailers to the Scheme and the wider town centre, including anchor stores who generally require "click and collect" facilities. Westfield and Hammerson have a track record in owning and operating their own car parks and employing the latest in technology and management to deliver a safe and secure parking environment. There will be an allocation for, disabled spaces, Shopmobility and parent and child spaces.
 14

6.5 Linkages and Public Realm..... 15

6.5.1 The provision of the new 24 hour East West route will help to improve the permeability of the town centre and connect with the major transport hub at East Croydon Station and through to Croydon Old Town..... 15

6.5.2 The layout of the Scheme (the parameters of which are established by the outline planning permission) establishes a retail circuit that reinforces and significantly enhances pedestrian linkages to the existing retail elements of the town centre and overcomes existing barriers to pedestrian movements. The Scheme is designed to create an easy and convenient circuit that connects North End, Wellesley Road, Poplar Walk and George Street. This should have a catalytic effect on the rest of Croydon town centre and improve the footfall in other parts..... 15

6.5.3 The Scheme has also been designed to provide linkages through to the other town centre Masterplan areas envisaged within the OAPF including the Mid Croydon Masterplan area extending south of George Street..... 15

6.5.4 New and upgraded public open space will be provided throughout the Scheme..... 15

6.5.5 Five specific areas of public realm will be provided within the Scheme. This will include improvements to Dingwall Avenue to provide a quality approach to the new anchor store, internal open spaces within the retail and leisure centre, enhanced public realm spaces at the perimeter of the site, a publicly accessible rooftop open space and a communal amenity rooftop space for the residential development. The Scheme will also provide for public realm improvements to George Street, Poplar Walk, Wellesley Road, North End, Park Lane and Drummond Road..... 15

6.6 Design Considerations..... 15

6.6.1 The height and massing of the Scheme has been designed to take account of the topography of the town centre and to respect the surrounding existing built form..... 15

6.6.2 The proximity of the Central Croydon Conservation Area and listed buildings has been a key consideration within the

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design evolution. Those elements of the Scheme located towards George Street, North End and Poplar Walk and the maximum and minimum building heights permitted have had close regard to the relationship with the conservation area.
..... 15

6.6.3 Greater height (in particular the proposed residential towers) is achieved towards the Wellesley Road frontage of the Scheme. This greater height and scale of built form provides improved definition compared to the existing built context..... 16

6.6.4 The proposed elevation treatments and building materials are reserved for future consideration. However it is intended that the development will use quality materials..... 16

6.7 Safety and Security..... 16

6.7.1 Safety and security are paramount issues that will be addressed as part of the Scheme. Sole control of the Scheme by experienced shopping centre operators will enable the delivery of a robust and joined up plan to improve the safety and security of the environment and surrounding area. This will be achieved through the deployment of management plans, the integration of the latest in security technology, communication plans with retailers and the proposed introduction of a police office..... 16

6.7.2 The introduction of family friendly leisure uses and increasing the range of restaurants and cafes in the town centre will encourage shoppers to extend their stay and local residents to come into the town centre in the evenings. In addition the new residents living in the town centre will result in 24 hour activity which increases the level of natural surveillance. The combination of retail, leisure and residential creates an environment which is well used throughout the day, in the evenings and at weekends. This greatly improves perceptions of safety, increases footfall and reduces the risk of crime..... 16

6.8 Transport Improvements..... 16

6.8.1 A section 106 package has been agreed with the Council and Transport for London ("TfL") including a contribution to tram services and infrastructure and a contribution to the enhancement of bus services. There will also be significant traffic improvements along the Wellesley Road corridor from Park Lane to Poplar Walk to be secured by planning conditions/section 278 agreement which coupled with the (Council delivered) new at grade crossings will significantly improve the permeability of the town centre. Subject to the section 106 agreement and planning conditions the Council and TfL are satisfied that the residual transport impacts of the Scheme are acceptable..... 16

6.8.2 In respect of the strategic highways network, the proposals have been considered in the context of the OAPF which identifies that the highway network is approaching capacity both within the COA and at key junctions on the A23, for which TfL is the highway authority. The importance of

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implementing improvements in such locations is highlighted in the OAPF due to the increased demand forecast as a result of growth within the COA. TfL and the Council have agreed to make provision for funding and implementation of new strategic highways infrastructure in order to assist in accommodating growth in the COA generally. In particular TfL has offered to provide funding, to be matched in part by the Council, to develop scheme options, undertake feasibility studies and implement improvements to the A23 corridor. The eventual package of improvements to the A23 corridor that will result from this initiative are expected to improve highway conditions. However, these highway improvements will not be completed at the date when the Scheme opens although it can reasonably be expected that they will be brought forward. 16

6.9 Residential..... 17

6.9.1 The residential accommodation is to be focussed on the eastern edge of the site overlooking Wellesley Road. This will be located above the retail/leisure uses of the new shopping centre and does not therefore require any additional land to be acquired to that which is required for the retail/leisure elements of the Scheme. A mix of units will be provided, of which a minimum of 5% of units proposed will be three bedroom homes. 15% of the total residential accommodation will be affordable housing units (a minimum of 10% on site and the remainder offsite or via a commuted sum)..... 17

6.10 Proposed expanded and improved entrance in Chapel Walk..... 17

6.10.1 CLP has entered into pre-application discussions with the Council regarding a further planning application forming part of the Scheme. It relates to the proposed Chapel Walk entrance to the Scheme from North End. CLP wish to widen and improve the entrance to the proposed shopping centre at this point and the proposed application will seek approval for this. This will increase the permeability of the Scheme and provide a stronger entrance point from North End..... 17

7. 7THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE ORDER 17

7.1 The purpose of the Council in making the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of Croydon town centre through the comprehensive redevelopment of the Order Land to provide a substantial improvement in Croydon town centre's retail and leisure offer, improvements to the town centre environment and connectivity and also to provide new housing in the town centre. The Council considers that the retail, leisure, food and beverage and residential, uses comprised in the Scheme, including car parking, public spaces, pedestrian linkages and community facilities, including the proposed development at Chapel Walk, will meet the purpose for which the CPO is being made. The Council thinks that the Order and the Scheme will facilitate the improvement of the economic, social and environmental well-being of its area. The achievement of these aims is also critical to meeting the OAPF objectives..... 17

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- 7.2 The Council considers that there is a compelling case in the public interest for the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests. Having had regard to the provisions of the 1990 Act and the guidance set out in the CPO Circular, the Council considers that acquisition of the Order Land will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area for the reasons explained below..... 17
- 7.3 The overarching consideration for the Secretary of State in deciding when an Order should be confirmed, which is of equal relevance to the Council in reaching its decision, is set out in paragraph 17 of the CPO Circular which states:..... 18
- 7.4 In the context of that overarching consideration, the following issues should be considered:..... 18
- 7.4.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;..... 18
- 7.4.2 the extent to which the Scheme would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;..... 18
- 7.4.3 the potential financial viability of the Scheme, general funding intentions and the timing of available funding;..... 18
- 7.4.4 impediments to implementation and whether the Scheme has a reasonable prospect of going ahead; and..... 18
- 7.4.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe..... 18
- 7.5 Paragraphs 17 – 24 and Appendix A to the CPO Circular, especially paragraph 16 of Appendix A, provide relevant guidance. The issues summarised above are addressed below..... 18
- 7.5.1 The proposals comprised in the Scheme will deliver key elements of the Council's town centre regeneration strategies and are supported in a variety of policy documents, namely, the London Plan (2011), the Croydon Local Plan Strategic Policies (April 2013), the Croydon Opportunity Area Planning Framework (January 2013) and Croydon's Community Strategy 2013 - 2018. The planning framework is set out in more detail in section 8 below. The Community Strategy is referred to in section 9 below. The Council is therefore satisfied that the Scheme is in accordance with the strategic objectives of the adopted planning framework for the COA, Metropolitan Centre and Retail Core..... 18
- 7.5.2 As set out in section 3 above Croydon town centre has been in significant decline for a number of years and it is widely accepted that substantial investment is needed in order to improve the economic, social and environmental well-being of the area. The benefits from the Scheme which will

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contribute towards the economic, social and environmental well-being of the area include the following:..... 19

(a) it will provide a step change in reversing the decline of Croydon Metropolitan Centre through an increased and substantially improved high quality retail offer that will transform the status of Croydon town centre as a major retail destination, and acting as a catalyst to further investment and economic growth;..... 19

(b) a range and critical mass of new high quality retail facilities that improve the variety and diversity of shopping in the town centre including a new full range quality department store, and a range of other modern retail units to meet the requirements of national and independent retailers;..... 19

(c) new leisure and food and drink facilities to provide a diverse town centre and improve its viability and vitality, including the currently underperforming evening economy;..... 19

(d) a significant contribution to economic regeneration as the Scheme represents in excess of £1 billion of investment and will create approximately 4,300 'person years' of construction employment over the anticipated construction period and a potential head count up to 5,000 additional new permanent jobs including full and part-time positions (approximately 3,320 full time equivalents);..... 19

(e) new and improved community facilities in the town centre, for example public realm and, for provision on or off-site, a jobs brokerage and skills hub for training and employment;..... 19

(f) an expected major commercial boost with the opportunity to rebrand Croydon and act as a catalyst for regeneration and unlock the potential to regenerate a number of other sites. In terms of physical regeneration an unsightly area of the town will be redeveloped to a high standard of urban design that will mend the urban fabric and help rejuvenate and enhance the character and appearance of the Central Croydon Conservation Area; 19

(g) between 400 and 600 new homes will be provided including 15% affordable housing provision through a combination of on-site provision and a financial contribution towards off-site provision. These new homes will make a valuable contribution to meeting housing need in the Council's area, the Local Plan Strategic Policies and the COA's housing target improvement to the town centre environment through a major contribution to its public realm with improved streets and public spaces, particularly the introduction of a new east west route which facilitates improved connectivity between East Croydon station and North End;..... 20

(h) investment in highway, pedestrian, cycling and public transport infrastructure in, through and around the town centre;..... 20

(i) the preservation and enhancement of the character and appearance of part of the Central Croydon Conservation Area and listed buildings surrounding the site;..... 20

(j) providing a safe and secure environment in which to shop through controlled management and cooperation with the Council;..... 20

(k) the removal of redundant and obsolete office space and replacement with high quality mixed use development in accordance with planning policy objectives for the area; and 20

(l) the provision of improved car parking that is integrated into the Scheme and the wider town centre..... 20

7.5.3 The objective of the Scheme is to achieve the comprehensive redevelopment and reinvigoration of the Order Land, which is in need of significant change, creating a vital and viable town centre Retail Core through:..... 20

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- (a) strong north south and east west pedestrian routes, including improved links to East Croydon Station, West Croydon transport interchange and the wider town centre;.....20
- (b) the creation of a sense of place by the character and coherence of the Scheme;.....20
- (c) the use of high quality materials and provision of new and upgraded public open space which will form vibrant places of activity;.....20
- (d) integration with the surrounding network of streets; and.....20
- (e) comprehensive improvements to the current outdated environment of the Order Land which is typified by the following:.....20

7.5.4 The section 106 agreement in relation to the Scheme will ensure contributions will be provided towards improvements to bus (£10 million) and tram services (£15 million) in the town centre. Such improvements will be implemented in conjunction with TfL. A contribution of £2.5 million will be provided towards local highway network improvements and a Sustainable Transport Fund of £1.625 million towards delivery of a travel plan.....21

7.5.5 The section 106 agreement also requires a Local Employment and Training Strategy to be implemented by CLP during the construction and operational phases of the Scheme. The strategy will include, forecasting labour requirements, recruitment and training initiatives, targeted recruitment towards local residents (particularly towards targeted wards) and vulnerable and disadvantaged groups, monitoring of targets, job brokerage, apprenticeships/internships, education support, sourcing local contractors/sub-contractors/suppliers where reasonable, and having a flexible approach to respond to new initiatives. It also includes provision for a Job Brokerage and Skills Training Hub, a support strategy for local businesses and a test trading space for local business start-ups within the development.....21

7.5.6 The Scheme will create up to 5,000 new jobs. New employment created will include a range of jobs with various skill levels from entry level positions to managerial roles, offering a variety of full and part time opportunities. CLP have extensive experience in maximising the employment opportunities at the local level via construction apprenticeships, jobs brokerage, local recruitment and retail training schemes. This Scheme therefore represents a major employment opportunity for Croydon and would be make a positive contribution towards tackling worklessness and related social problems. Retail presents huge opportunities for those seeking employment and this is demonstrated by recent experience in Westfield Stratford City. Data shows that over 28% of people employed in the centre were previously unemployed and over a quarter of these people were unemployed for over a year. As a sector, retail has a large amount of entry level employment and retailers have an excellent track record in skills and training programmes to help employees progress in their careers. Successful retail chains are particularly committed to training and management programmes.....22

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- 7.5.7 Overall the Scheme will increase footfall and retail expenditure resulting in significant knock on effects on existing businesses in the area and attract new business to the town centre, as demonstrated by the experience in Shepherds Bush following the opening of Westfield London.....22
- 7.5.8 Successful regeneration encompasses physical improvements, economic benefits and increased social wellbeing. The comprehensive redevelopment proposal will have direct and indirect impacts on social well-being through employment generation and community involvement. Deprivation is closely related to worklessness which in turn impacts on a variety of social issues such as crime, community participation etc.....22
- 7.5.9 Financially, this comprehensive redevelopment would greatly benefit Croydon. The retention of 50% of business rates generated by the new centre and the New Homes Bonus from the residential element of the scheme will increase the Council's revenue stream. In addition, there would be an increase in spending locally by new residents and employees.....22
- 7.5.10 The Scheme, backed by highly experienced developers, represents a huge vote of confidence in Croydon's potential. This Scheme has the critical mass and deliverability required to kick start the regeneration of the rest of the Opportunity Area and successfully rebrand Croydon. Examples include the additional residential, office and hotel developments that have followed the developments at both Stratford City and Westfield London.....23
- (a) Potential viability of the Scheme and general indication of funding intentions.....23
- 7.5.11 Westfield and Hammerson are two substantial developers with considerable experience and resources. CLP has indicated that the Scheme would most likely be internally funded from its own resources.....23
- 7.5.12 In order to ensure that there can be sufficient assurance as to funding and viability the Council has instructed Deloitte to report on a confidential basis. Their conclusion is that there are no impediments to the Scheme proceeding on account of financial viability or availability of funding.....23
- 7.5.13 As described above, the Council has considered the potential financial impediments and is satisfied that there are no such impediments. In addition, the Council is also satisfied that there are no physical or legal impediments to the Scheme proceeding.....23
- 7.5.14 Investigations undertaken by CLP to date have not revealed any physical factors which would impede development.....23
- 7.5.15 Only one interest in the proposed Order Land was found be held on behalf of the Crown. This is a leasehold interest in Electric House, Wellesley Road held by the Home Office over which new rights are proposed to be created and acquired. This is unlikely to be of any significance as discussions with the Home Office have confirmed that their

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lease is due to be surrendered in June 2014 and therefore further agreement with them should not be necessary.....23

- 7.5.16 There are no "special kinds of land" within the Order Land such as common land, open space or allotments. There is some operational land of statutory undertakers. All statutory undertakers have been identified and discussions are progressing with them. There are a number of electricity substations in the Whitgift Centre operated by UK Power Networks held pursuant to subleases. In addition, there are leasehold interests which encompass telecommunication apparatus and masts operated by telecommunications companies also within the Whitgift Centre. CLP have been engaging with each of these operators for a number of months. The negotiations are progressing satisfactorily and it is considered that agreement will be reached in all cases. In addition there a number of statutory undertakers who operate apparatus within the Order Land. CLP are also in discussions with all of those undertakers regarding diversion of the apparatus.....23
- 7.5.17 As described above, planning permission and conservation area consent were granted for the Scheme on 5 February 2014 and it is anticipated that a planning application will be submitted in respect of the proposed expanded entrance to the Scheme from North End at Chapel Walk in the coming weeks. Reserved matters applications will be submitted in respect of the detailed design of the Scheme. As a result, it is considered that there are no planning impediments that would prevent implementation of the Scheme.....24
- 7.5.18 An application for an order under section 247 of the 1990 Act was made to the Council in respect of the stopping up of the whole of Dingwall Avenue on 14th March 2014. It is intended that if objections to the application for stopping up order are made, any inquiry will be co-joined with the Inquiry relating to the Order.....24
- 7.5.19 One or more agreements under section 278 of the Highways Act 1980 will be entered into between the Council, TfL and CLP in respect of proposed works to the highway related to the Scheme.....24
- 7.5.20 Licences under the Highways Act 1980 will be required for ground anchors beneath Wellesley Road and any scaffolding, hoarding or oversailing on or over the highway.24
- 7.5.21 The Council and the Greater London Authority are bringing forward proposals to introduce surface level crossings on Wellesley Road, in respect of which funding is available and details of delivery are currently being refined.....24
- 7.5.22 In summary, the Council is satisfied that there are no financial, physical, planning or legal impediments to the Scheme proceeding and that there is a reasonable prospect that it will proceed.....24
- 7.5.23 An application for judicial review of the outline planning permission and conservation area consent in respect of the

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- Scheme has been brought. This will be robustly defended by the Council. In any event, the Order is not tied to a specific planning permission and given the planning framework referred to in this Statement of Reasons, there would be a reasonable prospect of a further planning permission being granted even if the extant planning permission granted on 5th February 2014 were quashed by the Court.....24
- 7.5.24 The purpose for which land is proposed to be acquired is to enable comprehensive redevelopment of the proposed Order Land in accordance with the adopted planning policy framework. The outline planning permission which has been granted and the proposed Indemnity Land Transfer Agreement between the Council and CLP envisage comprehensive redevelopment in accordance with those policies.....25
- 7.5.25 The number and diversity of land interests in the proposed Order Land indicate that the prospects of acquisition of all the available interests by agreement to enable comprehensive redevelopment within a reasonable timescale are unlikely.....25
- 7.5.26 The Council has considered whether redevelopment in accordance with the planning policy objectives might be achieved by individual landowners without the need for compulsory purchase. In order to implement the comprehensive nature of the Scheme including the shopping centre layout and cutting across current land ownerships (physically and in respect of land subject to multiple interests), redevelopment by individual owners is not considered to be a practical option. It would be dependent upon individual owners being willing and able to undertake redevelopment and to do so within an acceptable timeframe and would require a significant degree of co-operation between the current owners and occupiers which to date has not emerged and would be likely to be complex and difficult to achieve. The Council has concluded that it would be likely to result in piecemeal and un-coordinated renovation or redevelopment of parts of the proposed Order Land, with the risk of substantial delays in development coming forward.....25
- 7.5.27 In relation to the prospect of the planning objectives being achieved at a different location, in the present case, the scope for alternative locations is limited by the purposes of the proposed Order which seeks to achieve reinvigoration of the Metropolitan Centre and the Retail Core.....25
- 7.5.28 Overall, it is concluded that there is no plausible alternative which could deliver a comprehensive scheme which meets the planning policy objectives within a reasonable timeframe.25
- 7.5.29 The need for comprehensive redevelopment of the Order Land is acknowledged and supported in the adopted national planning policy framework as summarised at section 8.1.1 below. Delivery of the Scheme would fulfil the key planning policy objectives and transform Croydon's town centre and

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its retail offer. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area as outlined above. The Council considers that there is a reasonable prospect that the Scheme will proceed and that there are no likely realistic alternatives to compulsory purchase to achieve the purposes of the Order. The impact on the human rights of those likely to be affected by the Order is considered in section 11 below. The impact of the Scheme in the context of the Equalities Act 2010 is considered in section 12 below. In the Council's view, the considerable public benefits to be derived from implementation of the Scheme outweigh the harm caused by interference with the human and other rights of those likely to be affected by compulsory purchase. In the Council's view, there is a compelling case in the public interest sufficient to justify the making of the Order.....25

7.5.30 Paragraphs 24-25 of the CPO Circular provide advice on negotiations. In particular, paragraph 24 states:.....26

7.5.31 Insofar as the need to resort to compulsory purchase is concerned, single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Sub-division of the Scheme into separate components controlled by different developers would be unworkable commercially and would fail to meet requirements of the very retailers which the Scheme is seeking to attract to, and in turn, transform the image of Croydon Metropolitan Centre in line with the London Plan and OAPF's clear aspirations. Given the number of third party interests identified in the Schedule, it is unlikely that the Council or CLP will be able to acquire all the necessary interests by agreement within a reasonable timescale. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.....26

7.5.32 Since 2012 Westfield and Hammerson have been building up their interests in the Site. There is an agreement with the Whitgift Foundation who are the freeholder of the majority of the Scheme site, including the Whitgift Centre. CLP acquired the headlease and a 25% share of the ownership of the Whitgift Centre from Royal London Asset Management ("RLAM") in March 2013 following the formation of the joint venture. The remaining 75% ownership of the Whitgift Centre is held by the Whitgift Foundation (25%) (with whom there is an agreement) and the Whitgift Trust (50%). The Whitgift Trust holds the sub lease that has the benefit of the management rights for the centre and the relationship with the occupational interests and a number of other interests around the centre. Discussions are ongoing with the Whitgift Trust's advisors to progress an acquisition by private treaty. Although the above are the significant landholdings within the existing Whitgift Centre there are other major landholder interests within the Order Land that will need to be acquired to facilitate the delivery of the Scheme. These include freehold and long leasehold interests within the former Alders Department Store held by Minerva and associate companies, freehold and long leasehold interests in the Wellesley Road and Alders Car Parks held by Eagle

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Croydon Centre W Limited, Eagle Croydon Centre A Limited and the Council, interests in 60-70 North End held by Legal and General and the Long Leasehold interest in 38 North End held by SI Pension Trustees. There are also some smaller freehold interests to acquire along North End including two trusts; The Ralph Snow Trust and Archbishop Tennison Trust. CLP have been in active discussions with all the major landholders with a view to reach an agreement for the acquisition of the relevant interests through negotiation. These are on-going and information is being sought and exchanged to facilitate valuations being prepared that will lead to CLP being able to make formal offers to landowners. CLP has also been in discussions with Marks and Spencer to explore the opportunities for a redesigned store to integrate with the Scheme. CLP and the Council have agreed a Land Acquisition and Relocation Strategy to provide a framework for negotiations to acquire third party landowner interests. In addition, a discretionary Exceptional Hardship Scheme has been devised to assist certain owner occupiers who would not be eligible to make a valid claim for blight under the statutory regime.26

- 7.5.33 In addition to the major landowners described above, the Whitgift Centre is also home to a significant number of occupational interests that will also need to be acquired. There are other occupational interests on land outside the Whitgift Centre. CLP own and manage the Centrale Shopping Centre that sits opposite the Whitgift Centre and where practicable CLP will use vacant space to facilitate relocations into Centrale. CLP and the Council are also monitoring vacant units elsewhere in the Town Centre to facilitate potential relocations. The implementation of the Land Acquisition and Relocation strategy will be an on-going programme throughout the compulsory purchase process to try and achieve continuity of trade for affected retailers and businesses where reasonably practicable.....27
- 7.5.34 CLP have attempted to contract and progress negotiations with all known occupational tenants. As CLP do not have a contractual relationship with the occupational interests it is likely that conditional agreements will need to be entered into. There are a few occupational tenants that have not wanted to enter into discussions, either because they plan to vacate their units in the short term or they have been unwilling to engage.....27
- 7.5.35 There are also a number of owners and occupiers around the main Scheme site who CLP will need to acquire rights from to facilitate the redevelopment, or reach agreement to carry out accommodation works to their properties.....28
- 7.5.36 First, there is a need to acquire rights that are necessary to carry out demolition, construction and maintenance works such as access, scaffolding, oversailing etc. CLP are also seeking to acquire rights to carry out surveys on properties surrounding the main Scheme site so that the condition of such buildings can be assessed to minimise the risk of any damage being caused by the development works. CLP are also seeking rights to make good any damage caused to properties adjoining the main Scheme site and to treat or

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upgrade land and boundary walls, structures and land adjoining the main Scheme site (the plots where rights are required are comprised in the Blue Land on the Order Map).
28

7.5.37 Secondly, agreement will need to be reached with certain landowners adjoining the main Scheme site to allow consequential modification works such as modification of buildings, fire escapes, access and service media to be undertaken to enable such properties to continue in beneficial use.....28

7.5.38 Significant efforts have been made by the experienced CLP construction team (drawing on their experience from the numerous shopping centre construction projects Westfield and Hammerson have been involved in) to identify all the rights and accommodation works required and these are now being discussed with the relevant landowners and occupiers with the objective of entering into appropriate agreements.....28

7.5.39 The Council considers that the use of its CPO powers to acquire all outstanding interests in the Order Land and the new rights is required as it has not been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale without the Order. The Scheme cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the delivery of the Scheme which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.....28

7.5.40 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 11 below). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in section 12 below).....28

8. 8STATUS OF ORDER LAND AND THE EXTENT TO WHICH THE SCHEME FITS WITH PLANNING FRAMEWORK 29

8.1 National Planning Policy.....29

8.1.1 The National Planning Policy Framework ("NPPF") (2012).....29

(a) The NPPF provides the Government's overarching planning policy guidance and its overriding principle is the presumption in favour of sustainable development. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers. In relation to decision taking, this means "approving developments that accord with the development plan without delay".....29

(b) Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:.....29

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(c) The NPPF also specifically requires planning policies to be positive and promote competitive town centre environments, and seeks to ensure that the vitality and viability of town centres is protected and enhanced through development and that retail and leisure needs are met in full..... 29

(d) The Scheme achieves the significant redevelopment of the Site and meets all relevant core planning principles as outlined in Paragraph 17 of the NPPF. The delivery of this Scheme is in accordance with the Government's overarching policy aspirations for the planning system..... 30

(e) Approximately one third of the development site is outside the Primary Shopping Area ("PSA") as identified in the Croydon Replacement Unitary Development Plan 2006 – Saved Policies 2013 but this area is immediately adjacent to the PSA and will function as an integral part of the comprehensive development. The whole Scheme site is entirely within both the Retail Core as identified in the OAPF and the Croydon Metropolitan Centre as identified in the London Plan and the Croydon Local Plan (Strategic Policies) 2013..... 30

8.1.2 National Planning Practice Guidance ("NPPG") (2014)..... 30

(a) It should be noted that the Government has recently issued the NPPG and cancelled a significant amount of planning policy and guidance but there are no changes of significance in the NPPG and the policy that it replaces which would affect the decision made to make the Order. It follows that the position is broadly consistent with when the Order was granted. 30

8.2 Regional Planning Policy..... 30

8.2.1 The London Plan (2011) and Revised Early Minor Alterations (2013)..... 30

(a) The London Plan acts as the Spatial Development Strategy for London. It sets out policies for accommodating London's growth in a sustainable manner and seeks to ensure that London meets the challenges of economic and population growth..... 30

(b) Croydon is identified as an Opportunity Area within the London Plan. The Mayor's Strategic Policy Direction (as controlled by Policy 2.13) for the Opportunity Area states that:..... 30

(c) Within the London Plan, Croydon is also a designated Metropolitan Centre (the second highest tier of the retail hierarchy with only two International Centres – the West End and Knightsbridge – above it). The Croydon Metropolitan Centre is identified for 'high' future growth potential meaning it can accommodate strategically significant levels of growth with strong demand and / or large scale retail, leisure or office development in the pipeline, with an existing or potential public transport capacity to accommodate it.... 31

(d) Moreover, the London Plan:..... 31

(e) Croydon Metropolitan Centre is in need of significant investment and regeneration. This is recognised in the London Plan and has been an aspiration of Croydon's local planning policy for over a decade. The London Plan (as per Croydon's Strategic Policy Direction) and the subsequent Croydon OAPF (within Section 4) recognise the need to deliver change within the defined Retail Core of the town centre and strongly supports the redevelopment of the Whitgift Shopping Centre as a mixed use retail destination with a range of high density homes and leisure uses. Indeed the Mayor has published proposed draft Further Alterations to the London Plan which recognises that Westfield and Hammerson have sought to realise this Strategic Policy Direction through the submission of a planning application to redevelop the Whitgift Shopping Centre and surrounding land. 31

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(f) The Scheme, anchored by a new department store, would transform the image of Croydon Metropolitan Centre and enable the town centre to attract new upmarket/inspirational retailers. This, in turn, will increase the attractiveness of Croydon Metropolitan Centre to shoppers and other visitors to the town centre and reduce the significant leakage of comparison expenditure, in particular, to competing town centres. 31

(g) This Scheme is a firm statement of investor confidence in the potential for growth in Croydon. This should have a catalytic impact on other schemes in and outside of the Retail Core which have yet to come forward yet, as well as attracting new investment. The scale and the comprehensive approach to major retail and leisure investment is entirely consistent with the aspirations for Croydon Metropolitan Centre as set out in the London Plan..... 32

(h) The redevelopment of the Whitgift Shopping Centre and surrounding land is the single most important opportunity in the heart of the town centre to rebrand Croydon, act as a catalyst for the required regeneration and unlock the potential of a number of other sites which have failed to come forward..... 32

(i) In summary, the Scheme is generally compliant with the London Plan 2011 (and the Revised Early Minor Alterations 2013 and Draft Further Alterations 2014) in which Croydon is identified as a Metropolitan Centre and the town centre (including the proposed Order Land) is identified as an "Opportunity Area" forecast for growth in view of the opportunities it offers for accommodating large scale development, but also as being in need of integrated action to address the strategic challenges it faces. The only area of non-compliance with the London Plan relates to parking standards (the level of proposed car parking slightly exceeds the standards), however in view of the overall benefits of the Scheme neither the Mayor of London nor the Secretary of State considered it necessary to intervene in consequence of this and car parking is to be controlled by condition. The proposed redevelopment site sits wholly within the Retail Core and within the Metropolitan Centre and, as such, it is a suitable location for the redevelopment of the Scheme in line with the London Plan..... 32

8.3 Local Planning Policy..... 32

8.3.1 The Croydon Local Plan (Strategic Policies) (2013)..... 32

(a) The Croydon Local Plan (Strategic Policies) was formally adopted on 22 April 2013. The Croydon Local Plan (Strategic Policies), and the saved policies for the Unitary Development Plan together with the Croydon OAPF, set the local planning policy context. 32

(b) The Croydon Local Plan (Strategic Policies) clearly states that the Croydon Metropolitan Centre will remain the principal location in the borough for retail, office, and cultural uses (including a diverse evening / night-time economy) (Policy SP3.9). The Local Plan goes on to set out that the Council will promote and support all measures to improve the quality of the Borough's stock of retail premises particularly in the Croydon Metropolitan Centre (Policy SP3.11) and favourably consider net increases to the stock of retail premises commensurate with Croydon's retail function as a Metropolitan Centre. Moreover, the Croydon Local Plan (Strategic Policies) sets out how the Croydon OAPF will achieve such targets..... 32

(c) In addition, the Croydon Local Plan (Strategic Policies):..... 33

(d) The delivery of the Scheme will allow the Council to achieve its key regeneration objectives for the Town Centre as set out in the Croydon Local Plan (Strategic Policies) for the Croydon Metropolitan Centre, as required of it by the Mayor. In particular, the mixed use Scheme is of an appropriate scale for its location and the inclusion of residential and non-residential uses fits with local planning policy. Moreover, the Scheme acknowledges the local policy context in terms of design, heritage and conservation, energy and sustainability and transport issues..... 33

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8.3.2 The Opportunity Area Planning Framework (2013) ("OAPF"). .33

(a) Consistent with Policy 2.13 of the London Plan, the London Borough of Croydon, in partnership with the GLA, prepared an OAPF for Croydon Metropolitan Centre to give effect to its London Plan status as an Opportunity Area. The OAPF was adopted as Mayoral SPG in January 2013 and subsequently by the London Borough of Croydon as SPD in April 2013..... 33

(b) The OAPF strongly supports the potential for a substantially renewed and improved retail offer in the Town Centre. In particular, it stresses a comprehensive redevelopment and renewal approach to much of the Retail Core with a view to offering residents, visitors, shoppers and employees a significant retail destination in South London and beyond. In particular, the OAPF (within Section 4):..... 34

(c) In addition, the OAPF identifies a series of outcomes that new development of the Retail Core should seek to deliver (at Paragraph 4.27):..... 34

(d) Finally, the OAPF clearly identifies that the above outcomes would be most achievable through a comprehensive approach to redevelopment and renewal. This approach is also strongly preferred by the Mayor of London (confirmed at Paragraph 4.29)..... 35

(e) As noted in section 8 above the Scheme accords directly with the objectives of the OAPF to provide a comprehensive redevelopment of the Whitgift Centre and surrounding land to create a high quality mixed-use retail-led destination supported by a range of leisure uses and residential floorspace which will enable Croydon Metropolitan Centre to become a competitive, diverse and vibrant London destination..... 35

(f) Croydon's town centre has been struggling due, in part, to the retail and leisure markets declining significantly over recent years leading in turn to a leakage of expenditure to neighbouring centres and Central London. In order for this pattern to be reversed it is acknowledged that a step-change in Croydon's retail and leisure offer is required and the best opportunity for delivering this is via the comprehensive redevelopment of the Whitgift Shopping Centre and surrounding land. This will allow Croydon's businesses to present an improved offer to prospective employees, thereby allowing Croydon Council a far greater opportunity to meet their strategy of bringing a new community to the town centre. The Scheme therefore goes to the very heart of the OAPF in this respect..... 35

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11.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the public interest exists for the making and confirmation of the Order. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring including the economic, social and environmental well-being improvements referred to above. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.....40

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12.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and..... 40

12.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.. .40

12.2 Section 149 gives greater detail of what each of the above matters involves which the Council has taken into account. The "relevant

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- protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.....41
- 12.3 A full Equality Analysis ("EqA") has been undertaken to assess the impact on protected groups of the making of the Order and implementation of the Scheme, in line with the Equality Act 2010 and Croydon Equality Strategy 2012-16. EqA includes consideration of the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme.....41
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- 12.6 The EqA notes that the Land Acquisition and Relocation strategy and the Exceptional Hardship Scheme agreed between CLP and the Council, taken together with the statutory compensation code, will ensure that fair and non-discriminatory processes are in place. Those responsible for disposing of the completed retail and residential phases will be required, by Part 4 of the Equality Act 2010, to ensure that they do not discriminate against protected groups when selecting tenants and purchasers, in the terms they offer and when managing the completed development.....41
- 12.7 The EqA identifies that there would be temporary negative impacts on groups including age and disability as well as pregnancy and maternity due to disruption in the town centre environment during the construction phase. However, suitable mitigation measures would be put in place during the construction process to reduce the adverse effects on these groups.....41
- 12.8 A potential negative impact has also been identified on businesses around West Croydon station as well as other businesses surrounding the proposed development site, relating to the potential for reduced footfall or a reduction in visitors in the surrounding area either during construction or longer term. Many of these businesses are ethnic minority businesses. However, once the Scheme is complete, the proposed new 24 hour east west Galleria to be created by the development will help to ensure that the Scheme interacts well with surrounding areas, including West Croydon. In addition, the Council will work with the developers to create a suitable environment to cater for a diverse range of ethnic business owners and workers in Croydon. Specialist business advice and translation services are also available from the Council to assist with any issues which arise for these protected groups and others during the development process and beyond.41

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- 12.9 It is considered that once the development proposals have been completed, all groups would benefit from the improved physical environment in Croydon town centre as well as the wider economic benefits stemming from the proposals. The proposed new, well-connected and well-designed public spaces would create quality meeting places which would help to foster good relations between all members of the community. The new public spaces together with the safe improved public links will also help to mitigate crime and the fear of crime, of particular benefit to vulnerable members of protected groups.....42
- 12.10 The development is expected to create some 5,000 permanent new jobs and under the section 106 agreement, the developer is to provide support for training and employment opportunities. The Council will work with CLP to ensure that protected groups are able to take the full benefit of these opportunities.....42
- 12.11 The EqA will be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.....42
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DRAFT FOR CABINET REPORT**1. INTRODUCTION**

- 1.1 On [REDACTED] the London Borough of Croydon (the "Council") resolved to make the London Borough of Croydon (Whitgift Centre and surrounding land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014 (the "Order"). The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990 ("1990 Act"), the Council being of the view that there is a compelling case in the public interest and that the proposed acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land comprising the demolition of existing buildings and the erection of new buildings and structures to provide a comprehensive retail led mixed use scheme comprising a mix of town centre uses including retail, leisure, residential, community facilities and other complementary uses, new and improved publicly accessible access routes, public realm, car parking and associated servicing and infrastructure and is likely to contribute to the achievement of the promotion or improvement of the economic social or environmental well-being of the Borough of Croydon. The Order is also made under section 226(3)(a) of the 1990 Act to acquire land adjoining the land which is required for the purpose of executing works to facilitate its development or use. The Order is also made under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to enable the Council to acquire new rights over land in order to enable the proposed works to be carried out and brought into beneficial use and maintained thereafter.
- 1.2 The land proposed to be compulsorily acquired and/or used pursuant to the Order comprises the existing Whitgift Centre in Croydon Town Centre and adjoining land bounded by and/or including part of Wellesley Road, George Street, North End and Poplar Walk ("Order Land"). Further details of the Order Land are contained in section 4 below.
- 1.3 The Council is promoting the Order to enable the implementation of a comprehensive retail-led mixed use development in Croydon Town Centre on the Order Land (the "Scheme"). This will achieve the Council's purpose in making the Order of facilitating a substantial improvement in Croydon's retail and leisure offer, improvements to the town centre environment and connectivity and also the provision of housing. The Scheme is being promoted by the Croydon Limited Partnership ("CLP"), a joint venture between Westfield Shoppingtowns Limited ("Westfield") and Hammerson UK Properties Plc ("Hammerson"). Both Westfield and Hammerson are highly experienced developers and operators of retail-led mixed use schemes. The Scheme comprises a range of town centre uses including retail, leisure, food and drink, residential accommodation, community facilities, some office space and car parking. The Scheme comprises the retail-led mixed use development in respect of which outline planning permission (12/02542/P) and conservation area consent (12/02543/CA) was granted on 5th February 2014 and a proposed improved and expanded entrance to the Scheme from North End at Chapel Walk in respect of which a further planning application is anticipated. Further details of the Scheme are contained in section 6 below and further information about CLP and Westfield and Hammerson is contained in section 5 below.

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- 1.4 The schedule to the Order ("Schedule") lists owners, lessees, tenants and occupiers of the Order Land. In addition, it also lists other parties with a qualifying interest in the Order Land as defined by section 12(2) Acquisition of Land Act 1981 including those with the benefit of rights within the Order Land or restrictive covenants that affect titles that make up the Order Land. Where appropriate and reasonably practicable, the Council will consider the grant of equivalent or alternative rights to the current beneficiaries of rights if reasonably required for the continued enjoyment of the property benefitting from the right.
- 1.5 The map to the Order ("Order Map") identifies the land proposed to be acquired (coloured pink) and the land on, over or under which new rights are to be acquired (coloured blue). Further information on the Order Map is contained in section 4 below.
- 1.6 The Order has been submitted to the Secretary of State for Communities and Local Government for confirmation pursuant to the Acquisition of Land Act 1981. If confirmed by the Secretary of State the Order will enable the Council to acquire compulsorily the land and new rights included in the Order.
- 1.7 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraph 17 of ODPM Circular 06/04 ("the CPO Circular")) which justifies the overriding of private rights in the land sought to be acquired. The Council considers that a clear and compelling case in the public interest exists for making the Order, as described in the following sections of this Statement of Reasons set out below.
- 1.8 This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 35 of the CPO Circular.

2. 2THE ENABLING POWERS FOR THE CPO

- 2.1 The Council has made the Order pursuant to its powers under section 226(1)(a) and section 226(3)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or, social, and/or environmental well-being of the authority's area. The Order is also made under section 226(3)(a) of the 1990 Act to acquire land adjoining the land so required to facilitate its development or use. The Council is satisfied for the reasons set out below that the purpose of the Order falls within the powers set out above and that the Order may lawfully be made.

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- 2.3 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible to acquire by agreement all interests that are required for the Scheme and it is not certain it will be able to acquire the remaining land by agreement. The purpose in seeking to acquire the land and using sections 226(1)(a) and section 226(3)(a) is set out in detail in section 7 below.
- 2.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to purchase such rights ("New Rights") which are not in existence when the Order is made and are specified in the Order. The New Rights to be created and acquired are reasonably required to enable the demolition of existing properties, the construction of the new development, redevelopment of existing properties and the reasonable use of the completed development and redevelopment. Rights are also required to carry out consequential modifications to properties affected by the Scheme.
- 2.5 The CPO Circular provides guidance to acquiring authorities on the use of compulsory purchase powers and sets out the overarching consideration in paragraph 17 that there must be a compelling case in the public interest for making a compulsory purchase order. The Council has taken full account of this overarching consideration in making this Order. The CPO Circular makes clear that compulsory purchase is intended as a last resort in the event that efforts to acquire by agreement fail. However, the Circular also acknowledges that local authorities will need to consider when the land to be acquired will be needed and should plan a compulsory purchase timetable in parallel with conducting negotiations. The CPO Circular recognises that, given the amount of time needed to complete the statutory procedures, it may often be sensible to initiate compulsory purchase in parallel with such negotiations (paragraph 24 of the CPO Circular).
- 2.6 In summary, in exercising its powers of compulsory purchase the Council is satisfied that it may lawfully do so under the powers set out above and there is a compelling case in the public interest for such exercise and that the public interest is sufficiently important to justify the interference with private rights.

3. BACKGROUND

- 3.1 Croydon town centre is recognised in the London Plan as London's largest Metropolitan Centre. It is identified as an "Opportunity Area" in the London Plan on account of the opportunities it offers for accommodating growth and large scale development, but also because of the need for integrated action to address the challenges it faces.
- 3.2 The proposed redevelopment site forms a key part of Croydon town centre. It is within the Retail Core (the area identified in the Croydon Opportunity Area Planning Framework (2013) ("OAPF"), as the town centre's primary comparison retail location), and within the Croydon Metropolitan Centre. The Retail Core includes the Whitgift and Centrale shopping centres, North End and extends up to Wellesley Road, Poplar Walk, Tamworth Road and Frith Road. Croydon's town

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centre and specifically in the context of the Order, its retail offer has declined significantly over the past two decades or more.

- 3.3 Physically, the environment in the town centre is weak and has become degraded, with outdated buildings no longer fit for purpose, poor linkages, low quality public realm and car parking provision. The decline of the town centre has occurred in parallel with the deterioration of its once-booming office market. Prevailing social issues, including crime and fear of crime, have damaged Croydon's image. Despite these perceptions, Croydon's community has a strong sense of local pride. For the past 15-20 years it has been widely recognised that significant change is needed to reverse the town centre's further decline and allow Croydon to fulfil its function as a Metropolitan Centre (as recognised in the London Plan). With its beginnings in the 1990s, a major retail led scheme called Park Place ("Park Place") was proposed to bring about a step change in Croydon Town Centre's retail offer. A compulsory purchase order relating to Park Place was confirmed in 2007 by the then Secretary of State but the development was never implemented due to the investment and financial conditions existing at that time. The need for regeneration of the Town Centre and a step change in Croydon's retail offer was clearly recognised at the time of the Park Place proposals. The failure of that development to come forward has made the need for intervention all the more pressing.
- 3.4 As a Metropolitan Centre, Croydon serves a wide catchment which extends beyond the Borough boundary. However, not enough Croydon residents are shopping in the town centre with many choosing instead to shop in surrounding centres such as Bromley and central London. Shoppers and their spending are also being lost to Bluewater Shopping Centre in Kent and Purley Way. There is an overwhelming need for Croydon Town Centre to transform its retail offer in order to attract back the custom of its natural catchment.
- 3.5 Croydon does not have the range of retailers compared to its competing centres, including a lack of more upmarket retailers. Whilst Croydon has a large number of national multiples it generally lacks the breadth and range of qualitative offer compared to other Metropolitan Centres.
- 3.6 The existing Whitgift Shopping Centre is underperforming with a high vacancy rate. Arranged over two main trading levels (with further upper and lower levels primarily used for back of house functions), the centre has suffered from limited investment since it was built and now appears dated and in need of substantial redevelopment. The centre has approximately 140 units, many of which are small and no longer fit for purpose for retailer's current requirements in respect of unit size and configuration. The former Alders Department Store, to the south west of the Whitgift Shopping Centre, is also within the Scheme's site. The store's design, layout and configuration is not fit for purpose for the requirements of a modern day quality department store. Alders went into administration and the store was vacant for a period of time. It is currently trading as Croydon Village Outlet, a discount outlet store offering a range of retail concessions.
- 3.7 In addition to an underperforming retail and office market, Croydon's leisure provision is also poor and not befitting the town's Metropolitan Centre status. This is also the case for food and beverage

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provision, especially those that are suitable for families. Moreover, the town centre does not have a quality car parking provision.

- 3.8 The Council has a clear set of policy objectives to tackle the regeneration of the town centre which are set out in the OAPF, the Local Plan Strategic Policies 2013 and within a set of masterplans for the town centre.
- 3.9 The Order Land is the most important regeneration opportunity in the town centre and its proposed redevelopment provides the opportunity to transform Croydon's retail and leisure offer and in doing so transform Croydon's image. The proposed redevelopment of the Order Land also provides the opportunity to act as a catalyst for wider regeneration in Croydon town centre, and to unlock the potential of a number of other town centre sites which have failed to come forward. Adopted planning policy acknowledges that a substantial improvement in Croydon's retail and leisure offer is required and the best deliverable opportunity for achieving this is through the comprehensive redevelopment of the Whitgift Centre and surrounding land.
- 3.10 In summary, for many years Croydon has not been fulfilling its function as a Metropolitan Centre as demonstrated by its high vacancy rates, static rental values and a lack of a compelling qualitative retail offer compared to its competing centres. The town centre environment has become increasingly degraded and outdated. In order to address this, Croydon needs to recapture its lost shoppers and leaked expenditure, bring in a much greater range of retailers, including high quality and aspirational retailers, and greatly improve the physical shopping and wider town centre environment, both in terms of quality of retail and leisure floorspace and the surrounding public realm and connectivity. In addition, it will attract a new residential community to the town centre.
- 3.11 The need to achieve a comprehensive redevelopment of the Order Land is in accordance with the Croydon Local Plan and the OAPF. In particular, the broad objectives of the OAPF are as follows:
- 3.11.1 improve on the COA's status as a major retail location consistent with its London Plan Metropolitan Centre designation;
 - 3.11.2 consolidate primary comparison retailing in the Retail Core character area (which comprises the Whitgift Centre and adjoining land extending east to Wellesley Road, Centrale and North End);
 - 3.11.3 improve substantially the qualitative offer of retail space in the Retail Core to meet the current requirements of retailers and the aspirations of shoppers;
 - 3.11.4 support the delivery of the Retail Core related outcomes and objectives as set out in paragraph 4.27 of the OAPF;

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- 3.11.5 support the development of a new quality full range department store, located to provide a joined up and comprehensive retail circuit (in the south east quadrant of the Retail Core);
 - 3.11.6 support the provision of additional retail floorspace in the Retail Core, provided that new provision complements the remainder of the Retail Core, and contributes to the quality retail offer; and
 - 3.11.7 enhance and enliven the COA high streets through a mixture of physical improvements and a focussed high street retail support and physical improvement plan.
- 3.12 More detailed consideration of the relevant planning policies including the OAPF is contained at section 8 below.

4. 4DESCRIPTION OF THE ORDER LAND, LOCATION AND NEW RIGHTS

4.1 The Order Land

- 4.1.1 The land proposed to be compulsorily acquired and/or used pursuant to the Order comprises the existing Whitgift Centre in Croydon town centre and adjoining land bounded by and/or including part of Wellesley Road, George Street, North End and Poplar Walk ("Order Land"). The Order Land consists of different parcels of land occupied by a variety of town centre uses, primarily consisting of the Whitgift Centre, the former Alders department store, retail units in North End and George Street, a number of largely vacant office buildings, multi-storey car parks adjacent to the Whitgift Centre and other car parks. The Order Land is in a variety of ownerships. Full details of the ownership of each interest in the land and the new rights comprised in the Order are contained in the Schedule to the Order and shown on the map which accompanies the Order ("the Order Map") but in summary the land included in the Order is as follows.
- 4.1.2 The land proposed to be acquired is shown coloured pink on the Order Map (the "Pink Land"). The Pink Land includes the existing Whitgift Centre site, the former Alders department store, the two multi-storey car parks and the Whitgift Open Air Car Park (which forms part of the Whitgift Centre) accessed from Wellesley Road to the east of the Whitgift Centre, the office towers known as Blocks A, B, C, D (also known as Centre Tower) and E located within and adjacent to the Whitgift Centre, Focus House and London House on Dingwall Avenue, land to the rear of 11- 15 George Street, the building and land at 96-98 North End and Dingwall Avenue. It also includes the existing Marks and Spencer's store in respect of which it is intended that a redevelopment of the store will be undertaken to link with the Scheme when completed. It also includes parts of the subsoil beneath the highway, including part of the Wellesley Road subsoil which is required to facilitate the construction of "ground anchors" that will extend out from the foundations of the Scheme.

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- 4.1.3 The alleyway and escape route extending from North End to the rear of numbers 74-84 North End is also included in the Pink Land as this is an important area at the perimeter of the Scheme which will form an escape and servicing route for the Scheme. This land is included in the Pink Land for safety and security reasons to enable CLP to bring it under its control as part of the comprehensive management regime needed for the Scheme.
- 4.1.4 In respect of the Pink Land the Council is seeking the power to acquire all the interests in the land unless expressly stated in the Schedule to the Order.

4.2 New Rights

- 4.2.1 The land where New Rights are sought is shown coloured blue on the Order Map (the "Blue Land"). These are being acquired pursuant to section 13 of the London Government (Miscellaneous Provisions) Act 1976. A broad summary of why the rights are needed is set out below:
- (a) to enable access to land adjoining the Scheme site for the purposes of demolition, construction and future activities such as maintenance and renewal. Scaffolding will need to be placed on such land in some cases. Rights to oversail with cranes a number of properties neighbouring the Scheme site are also required;
 - (b) to carry out boundary treatment works to certain properties that abut the Scheme. This is to ensure that boundary treatments of adjoining land and buildings are well maintained;
 - (c) to provide support for the Scheme from neighbouring land;
 - (d) to carry out works on land outside the Scheme site where existing buildings will be affected by the Scheme. This includes situations where existing buildings will in whole or in part will be demolished and/or accesses or fire escapes and service media will be affected by the Scheme. Consequential modification works are required to such property outside of the Scheme to enable it to be brought back into beneficial use. Such works include reconfiguration of shop units, modification of service media and creation of new (temporary and/or permanent) fire escapes, including the right to grant rights over fire escapes to owners and occupiers of neighbouring land. Rights to carry out protective works to such affected properties are also required and in this context the right to enter land to survey is also required; and
 - (e) to create a construction compound on the landscaped area forming part of the exterior of Green Park House, Poplar Walk.

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4.2.2 A summary of new the rights sought is set out below. Not all rights are required in respect of each plot within the Blue Land and the Schedule provides full details of the rights to be acquired with respect to each plot:

- (a) to enter and remain on land for general construction and maintenance purposes;
- (b) to erect scaffolding and/or hoardings;
- (c) to swing the jib of a crane loaded or unloaded through the airspace over properties;
- (d) to carry out surveys of buildings and land;
- (e) to enter onto land to make good and carry out protective works;
- (f) to carry out boundary treatment works;
- (g) to re-grade, resurface and landscape land;
- (h) to modify service media;
- (i) right to remove a garage structure at the Almshouses on George Street as necessary for the demolition of adjoining structures and future maintenance of the Scheme;
- (j) to alter and/or remove fire escapes (either on a temporary or permanent basis) and install fire escapes and to grant rights for owners and occupiers of land to use fire escapes;
- (k) to clear land and create a worksite compound in the external parts of Green Park House;
- (l) to carry out accommodation and reconfiguration works to properties where buildings will in whole or in part be demolished or accesses reconfigured in order to modify the retained properties so that they me brought back into beneficial use; and
- (m) support for the Scheme from properties adjoining the Scheme site.

4.2.3 The above New Rights are required to facilitate the construction and maintenance of the Scheme and/or to carry out consequential modification works to properties affected by the Scheme and will only be exercised to the extent necessary for such purpose. The Council will seek to secure such rights by agreement with the owners and occupiers of the land over which the rights are required.

4.3 The Order Map

4.3.1 The Order Map identifies the Order Land and the Pink Land and Blue Land. Individual plot boundaries and numbers on the CPO Map correspond with the Schedule. In addition the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

4.4 Description and location of the Order Land

4.4.1 The Pink Land includes the Whitgift Centre which is bounded by Poplar Walk, Wellesley Road, George Street and North End. The shopping centre is arranged over two principal trading floors with back of house facilities at other levels. There is also office space made up of five (largely vacant) tower blocks of various heights between 10 and 24 storeys above the shopping centre. The Pink Land also encompasses the former Alders department store. There are three main car parks on within the Pink Land, including the Whitgift Car Park (to the north accessed from Wellesley Road with egress onto Poplar Walk), Whitgift Open Air Car Park (located centrally with access and egress from Wellesley Road) and Alders Car Park (to the south of the site with access and egress from Dingwall Avenue). The Whitgift Centre and former Alders store and adjoining car parks provide an outdated shopping and town centre environment in comparison to competing centres that have benefitted from major investment. The land between Dingwall Avenue and to the rear of the properties along George Street (numbers 11-25) is very poorly maintained. This land (like the Shopping Centre itself) has received limited investment since the early 1990s and as a result the buildings have a dated internal and external appearance. The adjoining environment and public realm is generally degraded and in need of investment and management.

4.4.2 The Blue Land surrounds parts of the Pink Land and is in a number of different uses but predominantly retail and commercial uses and some residential use on North End and George Street, including the care accommodation at the Almshouses run by the Whitgift Foundation.

4.4.3 The Order Land is bounded to the north by (and includes part of) Poplar Walk which consists of a part one-way part two-way road that runs between North End and Wellesley Road. Green Park House, within the Order Land, lies on the junction between Poplar Walk and Wellesley Road and is a nine storey office building with an area of open hard surfacing next to it. Directly to the north of the Order Land beyond Poplar Walk lies

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Poplar Walk Car Park, St Michaels Court (four storey residential building) and the Parish Church of St Michael and All Angels, a Grade 1 Listed Building.

- 4.4.4 The Order Land is bounded to the south by (and includes part of) George Street. George Street is a one-way street characterised by mainly four storey buildings with retail uses at ground floor. The west bound tram service runs along George Street. The Hospital of the Holy Trinity (Whitgift Hospital), a Grade 1 listed building, is located on the junction between North End and George Street.
- 4.4.5 The eastern boundary of the Order Land is formed by (but includes part of) Wellesley Road. Wellesley Road (A212) forms part of the Strategic Road Network and is a dual carriageway with an underpass to the south under George Street. The area beyond the Order Land to the east is characterised by medium to high rise office/residential buildings, such as Government Offices at Lunar House (22 storeys) and a new residential led mixed use development at Saffron Square (44 storeys) which is currently under construction. Planning permission has recently been granted at 1 Lansdowne Road for a part 55 storey mixed use building.
- 4.4.6 The western boundary of the Order Land is formed by North End. North End is Croydon's primary pedestrian street with retail uses on either side, characterised by mainly four storey buildings. Centrale, an enclosed shopping centre, lies to the west opposite the main entrance to the Whitgift Shopping Centre from North End. This is also owned by CLP.
- 4.4.7 The properties along the North End and George Street frontages are within the Central Croydon Conservation Area. There are two Grade 1 listed buildings in close proximity (as described above). The former Electricity Showrooms and offices located on the corner of Wellesley Road and Dingwall Avenue are Grade 2 listed and there are a number of locally listed buildings along North End and George Street.

5. 5CROYDON LIMITED PARTNERSHIP

- 5.1 The Council has entered into an Indemnity Land Transfer Agreement with the Croydon Limited Partnership ("CLP"), which provides an indemnity to the Council and contains the land transfer arrangements in respect of the land to be acquired pursuant to the Order.
- 5.2 CLP is a Joint Venture between Westfield Shoppingtowns Limited and Hammerson UK Properties Plc that was formed in January 2013. Details of both parties controlling CLP are provided below.

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5.2.1 **Westfield**

- (a) Westfield has investment interests in 90 shopping centres across Australia, the United States, the United Kingdom, and New Zealand, encompassing around 21,500 retail outlets and total assets under management of £37.8 billion.
- (b) Westfield is a long term owner and manager of assets in the best markets across the world and achieves a global annual footfall of 1.1 billion customers.
- (c) The Westfield approach to shopping centre development, which is also proposed in respect of the Scheme, integrates retail, food, leisure and events experiences.
- (d) In the UK, Westfield owns and manages five operational shopping centres including Westfield London which opened in 2008 and in 2013 attracted over 28 million visitors and achieved annual sales of almost £1 billion. In September 2011, Westfield opened the £1.8 billion Westfield Stratford City which was one of the largest urban regeneration projects ever undertaken in Europe and is the prestigious gateway to the London Olympic Park. It attracts approximately 38 million annual visits and achieves annual sales of almost £1 billion.
- (e) Westfield is a vertically integrated business group undertaking ownership, development, design, construction, funds and asset management, property management, leasing and marketing activities.

5.2.2 **Hammerson**

- (a) Hammerson is a leading European retail Real Estate Investment Trust ("REIT") with operations in the UK and France. It has a portfolio of high quality retail assets which includes 20 prime shopping centres, 22 retail parks and investments in nine premium designer outlets. The Company's portfolio generates annual rents of £297 million and, as at 31st December 2013, was valued at £5.9 billion.
- (b) The Company's shopping centre portfolio is home to over 2,000 shops and restaurants and attracts in excess of 250 million visitors per annum. Tenants' sales in the Company's shopping centres are over £4 billion annually. In the UK, Hammerson is the largest direct owner of retail parks with over 500,000 square metres under management.
- (c) Hammerson has delivered landmark regeneration schemes, which provide attractive and efficient environments for occupiers, their customers and local communities. It has developed more than half of its eleven UK shopping

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centres including most recently Bullring in Birmingham, Highcross in Leicester, Cabot Circus in Bristol and Union Square in Aberdeen. It takes a long term approach to investment decisions and one its first schemes, Brent Cross, which opened in 1976, is still held within the portfolio with proposals for a significant new extension being progressed.

- (d) Its latest scheme is Terrasses du Port in Marseille, which is currently under construction and due to open in spring 2014. The project is 100% Hammerson owned and represents an investment of £388.7 million. The scheme, anchored by a Printemps department store, totals 61,000 square metres and will house over 100 high quality retail and restaurant brands as well as provide 6,500 shopper car parking spaces.

6. DESCRIPTION OF THE SCHEME

6.1 The Scheme was granted planning permission and conservation area consent on 5 February 2014 and comprises a comprehensive mixed use redevelopment of the site to create a new retail and leisure destination within Croydon Town Centre replacing the existing Whitgift Centre and former Alders department store. The Scheme allows for up to 136,551 square metres of retail floorspace, leisure facilities of up to 16,428 square metres, community facilities of up to 1,135 square metres, office space of up to 1,921 square metres, car parking of approximately 3,500 spaces and up to 32,512 - 48,924 square metres of residential accommodation (comprising 400-600 residential units). The Scheme also comprises a proposed extended and improved entrance to the Scheme at Chapel Walk which CLP has been discussing with the Council and is intended to be the subject of a further planning application.

6.2 The core elements of the Scheme are:-

- 6.2.1 the comprehensive redevelopment of the existing Whitgift Centre, former Alders store and surrounding land to provide a retail and leisure destination within Croydon town centre transforming the status of Croydon as a major retail destination through:
 - (a) the introduction of a new full range quality department store which will anchor the southern end of the Scheme;
 - (b) the introduction of a number of new local, national and international retailers providing a step change in the depth, breadth and quality of the retail offer allowing it to compete with other Metropolitan Centre retail destinations;
 - (c) the provision of an improved leisure offer which will enhance and diversify the night time economy and support the town centre's viability and vitality;

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- (d) the provision of a number of food and beverage and dining options that will help improve the vibrancy of the town centre and cater for families; and
 - (e) a much improved town centre car parking offer which will be in keeping with current retail and leisure centre requirements and support the rest of the town centre;
- 6.2.2 improved town centre permeability with the introduction of the 24 hour East West route connecting to East Croydon Station and Croydon Old Town and improvements to public realm around the redevelopment;
- 6.2.3 significant works to the public realm for North End coupled with a process to agree and implement a coordinated management and maintenance regime with the local authority;
- 6.2.4 integrated management by shopping centre owners that have global experience of operating schemes of this size and diversity that will in itself bring about other benefits such as:
- (a) a unified approach to the security and management of the Scheme to promote a safer and more secure environment;
 - (b) controlled management and maintenance of public areas within the scheme and cooperation with the Council to improve the management and maintenance of wider public realm including North End;
 - (c) a consistent and proactive approach to leasing and innovation to ensure that through the life of the Scheme it responds to the evolving requirements of retailers; and
 - (d) the ability to develop an aligned marketing strategy for Croydon town centre as a retail destination due to the other major shopping centre in the town centre, Centrale, also being owned by CLP;
- 6.2.5 key traffic and transport improvements including financial contributions through a planning obligation to tram and bus services, improvements to Wellesley Road and improvements for cyclists;
- 6.2.6 a design solution that takes into account the proximity of the Conservation Area and the current massing of the town centre environment; and
- 6.2.7 up to 600 residential town centre homes including affordable housing.

6.3 Retail and Leisure provision

- 6.3.1 In the south eastern quadrant of the Scheme a new anchor store is proposed of modern and quality design that is intended for occupation by a new full range quality department store to complement the existing Marks and Spencer on North End.
- 6.3.2 The step change in the town centre retail provision will be brought about by the design and development of new retail units within the Scheme that are consistent with the current design and configuration requirements of retailers. Coupled with an integrated leasing strategy that will be designed to bring in the best of local, national and international retailers the depth and breadth of the offer will be significantly enhanced and therefore much improve Croydon's ability to compete with other Metropolitan Centre retail destinations and stem the current leakage of comparison expenditure.
- 6.3.3 The Scheme will be designed to provide the right mix of retailer space drawing on the experience of CLP's recent experiences in developing schemes at Westfield London, Westfield Stratford City and Birmingham Bullring.
- 6.3.4 This will be complemented with the introduction of event spaces, commercialisation sites and retail kiosks improving the ambience of the scheme.
- 6.3.5 The leisure offering could include facilities such as cinemas, bowling and other entertainment zones which are now an intrinsic part of a regional retail destination. These will act as anchor destinations and help improve the vitality and vibrancy of the town centre and especially the night time economy. This will have the additional benefit of improving the feeling of a busy, safe, secure and well managed town centre.

6.4 Parking

- 6.4.1 3,500 car parking spaces (subject to a planning condition limiting the number of spaces that may be used to 3,140, save for 20 days per year to allow for peak shopping periods such as the Christmas period) will be provided across two multi-storey car parks. The existing Whitgift multi-storey car park on Wellesley Road ("Whitgift Car Park") will be retained and extensively refurbished and upgraded to provide a car park in keeping with a modern day retail and leisure centre. The Whitgift Car Park is an integral part of the Scheme and it is therefore necessary that it is brought under the control and management of CLP to ensure alignment with the management of the Scheme. A new rooftop multi storey car park will be constructed to the south of the existing car park, above the proposed retail centre. The car parks are a vital component for the experience of customers and in attracting retailers to the Scheme and the wider town centre, including anchor stores who generally require "click and collect" facilities. Westfield and Hammerson have a track record in owning and operating their own car parks and employing the latest in technology and management to deliver a safe and secure parking

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environment. There will be an allocation for, disabled spaces, Shopmobility and parent and child spaces.

6.5 Linkages and Public Realm

- 6.5.1 The provision of the new 24 hour East West route will help to improve the permeability of the town centre and connect with the major transport hub at East Croydon Station and through to Croydon Old Town.
- 6.5.2 The layout of the Scheme (the parameters of which are established by the outline planning permission) establishes a retail circuit that reinforces and significantly enhances pedestrian linkages to the existing retail elements of the town centre and overcomes existing barriers to pedestrian movements. The Scheme is designed to create an easy and convenient circuit that connects North End, Wellesley Road, Poplar Walk and George Street. This should have a catalytic effect on the rest of Croydon town centre and improve the footfall in other parts.
- 6.5.3 The Scheme has also been designed to provide linkages through to the other town centre Masterplan areas envisaged within the OAPF including the Mid Croydon Masterplan area extending south of George Street.
- 6.5.4 New and upgraded public open space will be provided throughout the Scheme.
- 6.5.5 Five specific areas of public realm will be provided within the Scheme. This will include improvements to Dingwall Avenue to provide a quality approach to the new anchor store, internal open spaces within the retail and leisure centre, enhanced public realm spaces at the perimeter of the site, a publicly accessible rooftop open space and a communal amenity rooftop space for the residential development. The Scheme will also provide for public realm improvements to George Street, Poplar Walk, Wellesley Road, North End, Park Lane and Drummond Road.

6.6 Design Considerations

- 6.6.1 The height and massing of the Scheme has been designed to take account of the topography of the town centre and to respect the surrounding existing built form.
- 6.6.2 The proximity of the Central Croydon Conservation Area and listed buildings has been a key consideration within the design evolution. Those elements of the Scheme located towards George Street, North End and Poplar Walk and the maximum and minimum building heights permitted have had close regard to the relationship with the conservation area.

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- 6.6.3 Greater height (in particular the proposed residential towers) is achieved towards the Wellesley Road frontage of the Scheme. This greater height and scale of built form provides improved definition compared to the existing built context.
- 6.6.4 The proposed elevation treatments and building materials are reserved for future consideration. However it is intended that the development will use quality materials.

6.7 Safety and Security

- 6.7.1 Safety and security are paramount issues that will be addressed as part of the Scheme. Sole control of the Scheme by experienced shopping centre operators will enable the delivery of a robust and joined up plan to improve the safety and security of the environment and surrounding area. This will be achieved through the deployment of management plans, the integration of the latest in security technology, communication plans with retailers and the proposed introduction of a police office.
- 6.7.2 The introduction of family friendly leisure uses and increasing the range of restaurants and cafes in the town centre will encourage shoppers to extend their stay and local residents to come into the town centre in the evenings. In addition the new residents living in the town centre will result in 24 hour activity which increases the level of natural surveillance. The combination of retail, leisure and residential creates an environment which is well used throughout the day, in the evenings and at weekends. This greatly improves perceptions of safety, increases footfall and reduces the risk of crime.

6.8 Transport Improvements

- 6.8.1 A section 106 package has been agreed with the Council and Transport for London ("TfL") including a contribution to tram services and infrastructure and a contribution to the enhancement of bus services. There will also be significant traffic improvements along the Wellesley Road corridor from Park Lane to Poplar Walk to be secured by planning conditions/section 278 agreement which coupled with the (Council delivered) new at grade crossings will significantly improve the permeability of the town centre. Subject to the section 106 agreement and planning conditions the Council and TfL are satisfied that the residual transport impacts of the Scheme are acceptable.
- 6.8.2 In respect of the strategic highways network, the proposals have been considered in the context of the OAPF which identifies that the highway network is approaching capacity both within the COA and at key junctions on the A23, for which TfL is the highway authority. The importance of implementing improvements in such locations is highlighted in the OAPF due to the increased demand forecast as a result of growth within the COA. TfL and the Council have agreed to make provision for funding and implementation of new strategic highways infrastructure in order to assist in accommodating growth in the COA generally. In particular TfL has offered to provide funding, to be matched in part by

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the Council, to develop scheme options, undertake feasibility studies and implement improvements to the A23 corridor. The eventual package of improvements to the A23 corridor that will result from this initiative are expected to improve highway conditions. However, these highways improvements will not be completed at the date when the Scheme opens although it can reasonably be expected that they will be brought forward.

6.9 Residential

6.9.1 The residential accommodation is to be focussed on the eastern edge of the site overlooking Wellesley Road. This will be located above the retail/leisure uses of the new shopping centre and does not therefore require any additional land to be acquired to that which is required for the retail/leisure elements of the Scheme. A mix of units will be provided, of which a minimum of 5% of units proposed will be three bedroom homes. 15% of the total residential accommodation will be affordable housing units (a minimum of 10% on site and the remainder offsite or via a commuted sum).

6.10 Proposed expanded and improved entrance in Chapel Walk

6.10.1 CLP has entered into pre-application discussions with the Council regarding a further planning application forming part of the Scheme. It relates to the proposed Chapel Walk entrance to the Scheme from North End. CLP wish to widen and improve the entrance to the proposed shopping centre at this point and the proposed application will seek approval for this. This will increase the permeability of the Scheme and provide a stronger entrance point from North End.

7. 7THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE ORDER

7.1 The purpose of the Council in making the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of Croydon town centre through the comprehensive redevelopment of the Order Land to provide a substantial improvement in Croydon town centre's retail and leisure offer, improvements to the town centre environment and connectivity and also to provide new housing in the town centre. The Council considers that the retail, leisure, food and beverage and residential, uses comprised in the Scheme, including car parking, public spaces, pedestrian linkages and community facilities, including the proposed development at Chapel Walk, will meet the purpose for which the CPO is being made. The Council thinks that the Order and the Scheme will facilitate the improvement of the economic, social and environmental well-being of its area. The achievement of these aims is also critical to meeting the OAPF objectives.

7.2 The Council considers that there is a compelling case in the public interest for the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests. Having had regard to the provisions of the 1990 Act and the guidance set out in the CPO Circular, the Council considers that acquisition of the Order Land will facilitate the carrying out of

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development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area for the reasons explained below.

7.3 The overarching consideration for the Secretary of State in deciding when an Order should be confirmed, which is of equal relevance to the Council in reaching its decision, is set out in paragraph 17 of the CPO Circular which states:

"A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

7.4 In the context of that overarching consideration, the following issues should be considered:

- 7.4.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;
- 7.4.2 the extent to which the Scheme would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.4.3 the potential financial viability of the Scheme, general funding intentions and the timing of available funding;
- 7.4.4 impediments to implementation and whether the Scheme has a reasonable prospect of going ahead; and
- 7.4.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.

7.5 Paragraphs 17 – 24 and Appendix A to the CPO Circular, especially paragraph 16 of Appendix A, provide relevant guidance. The issues summarised above are addressed below.

Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area

7.5.1 The proposals comprised in the Scheme will deliver key elements of the Council's town centre regeneration strategies and are supported in a variety of policy documents, namely, the London Plan (2011), the Croydon Local Plan Strategic Policies (April 2013), the Croydon Opportunity Area Planning Framework (January 2013) and Croydon's Community Strategy 2013 - 2018. The planning framework is set out in more detail in

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section 8 below. The Community Strategy is referred to in section 9 below. The Council is therefore satisfied that the Scheme is in accordance with the strategic objectives of the adopted planning framework for the COA, Metropolitan Centre and Retail Core.

Contribution to the social, economic and environmental well-being of the area

7.5.2 As set out in section 3 above Croydon town centre has been in significant decline for a number of years and it is widely accepted that substantial investment is needed in order to improve the economic, social and environmental well-being of the area. The benefits from the Scheme which will contribute towards the economic, social and environmental well-being of the area include the following:

- (a) it will provide a step change in reversing the decline of Croydon Metropolitan Centre through an increased and substantially improved high quality retail offer that will transform the status of Croydon town centre as a major retail destination, and acting as a catalyst to further investment and economic growth;
- (b) a range and critical mass of new high quality retail facilities that improve the variety and diversity of shopping in the town centre including a new full range quality department store, and a range of other modern retail units to meet the requirements of national and independent retailers;
- (c) new leisure and food and drink facilities to provide a diverse town centre and improve its viability and vitality, including the currently underperforming evening economy;
- (d) a significant contribution to economic regeneration as the Scheme represents in excess of £1 billion of investment and will create approximately 4,300 'person years' of construction employment over the anticipated construction period and a potential head count up to 5,000 additional new permanent jobs including full and part-time positions (approximately 3,320 full time equivalents);
- (e) new and improved community facilities in the town centre, for example public realm and, for provision on or off-site, a jobs brokerage and skills hub for training and employment;
- (f) an expected major commercial boost with the opportunity to rebrand Croydon and act as a catalyst for regeneration and unlock the potential to regenerate a number of other sites. In terms of physical regeneration an unsightly area of the town will be redeveloped to a high standard of urban design that will mend the urban fabric and help rejuvenate and enhance the character and appearance of the Central Croydon Conservation Area;

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- (g) between 400 and 600 new homes will be provided including 15% affordable housing provision through a combination of on-site provision and a financial contribution towards off-site provision. These new homes will make a valuable contribution to meeting housing need in the Council's area, the Local Plan Strategic Policies and the COA's housing target improvement to the town centre environment through a major contribution to its public realm with improved streets and public spaces, particularly the introduction of a new east west route which facilitates improved connectivity between East Croydon station and North End;
- (h) investment in highway, pedestrian, cycling and public transport infrastructure in, through and around the town centre;
- (i) the preservation and enhancement of the character and appearance of part of the Central Croydon Conservation Area and listed buildings surrounding the site;
- (j) providing a safe and secure environment in which to shop through controlled management and cooperation with the Council;
- (k) the removal of redundant and obsolete office space and replacement with high quality mixed use development in accordance with planning policy objectives for the area; and
- (l) the provision of improved car parking that is integrated into the Scheme and the wider town centre.

7.5.3 The objective of the Scheme is to achieve the comprehensive redevelopment and reinvigoration of the Order Land, which is in need of significant change, creating a vital and viable town centre Retail Core through:

- (a) strong north south and east west pedestrian routes, including improved links to East Croydon Station, West Croydon transport interchange and the wider town centre;
- (b) the creation of a sense of place by the character and coherence of the Scheme;
- (c) the use of high quality materials and provision of new and upgraded public open space which will form vibrant places of activity;
- (d) integration with the surrounding network of streets; and
- (e) comprehensive improvements to the current outdated environment of the Order Land which is typified by the following:

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- (i) the Order Land is currently incapable of meeting the long established regeneration objectives for the town centre to substantially improve and increase its range and quality of retail provision to enable it to fulfil its function as a regional centre and Metropolitan Centre and to contribute to the Council's policies which seek to:
 - (1) improve the economic competitiveness of Croydon through providing additional and substantially improved retail facilities; and
 - (2) transform the attractiveness of Croydon as a town in which to invest and live;
- (ii) there is a lack of sense of place and spaces and streets with little architectural or townscape identity;
- (iii) retail units are physically constrained in width, depth and height, and fail to meet the requirements of modern retailers in terms of size and configuration as demonstrated by the high existing vacancy rates and short term lettings;
- (iv) there is little provision for useable open space either within the town centre or the Order Land;
- (v) there are barriers to pedestrian flows;
- (vi) there are poor links from the Order Land to the wider town centre;
- (vii) the perception of people within the local and surrounding area that Croydon town centre is run down and outdated and provides an unattractive retail environment; and
- (viii) the lack of investment over previous years.

7.5.4 The section 106 agreement in relation to the Scheme will ensure contributions will be provided towards improvements to bus (£10 million) and tram services (£15 million) in the town centre. Such improvements will be implemented in conjunction with TfL. A contribution of £2.5 million will be provided towards local highway network improvements and a Sustainable Transport Fund of £1.625 million towards delivery of a travel plan.

7.5.5 The section 106 agreement also requires a Local Employment and Training Strategy to be implemented by CLP during the construction and operational phases of the Scheme. The strategy will include, forecasting labour requirements, recruitment and training initiatives, targeted recruitment towards local residents (particularly towards targeted

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wards) and vulnerable and disadvantaged groups, monitoring of targets, job brokerage, apprenticeships/internships, education support, sourcing local contractors/sub-contractors/suppliers where reasonable, and having a flexible approach to respond to new initiatives. It also includes provision for a Job Brokerage and Skills Training Hub, a support strategy for local businesses and a test trading space for local business start-ups within the development.

Catalytic Effects

- 7.5.6 The Scheme will create up to 5,000 new jobs. New employment created will include a range of jobs with various skill levels from entry level positions to managerial roles, offering a variety of full and part time opportunities. CLP have extensive experience in maximising the employment opportunities at the local level via construction apprenticeships, jobs brokerage, local recruitment and retail training schemes. This Scheme therefore represents a major employment opportunity for Croydon and would be make a positive contribution towards tackling worklessness and related social problems. Retail presents huge opportunities for those seeking employment and this is demonstrated by recent experience in Westfield Stratford City. Data shows that over 28% of people employed in the centre were previously unemployed and over a quarter of these people were unemployed for over a year. As a sector, retail has a large amount of entry level employment and retailers have an excellent track record in skills and training programmes to help employees progress in their careers. Successful retail chains are particularly committed to training and management programmes.
- 7.5.7 Overall the Scheme will increase footfall and retail expenditure resulting in significant knock on effects on existing businesses in the area and attract new business to the town centre, as demonstrated by the experience in Shepherds Bush following the opening of Westfield London.
- 7.5.8 Successful regeneration encompasses physical improvements, economic benefits and increased social wellbeing. The comprehensive redevelopment proposal will have direct and indirect impacts on social well-being through employment generation and community involvement. Deprivation is closely related to worklessness which in turn impacts on a variety of social issues such as crime, community participation etc.
- 7.5.9 Financially, this comprehensive redevelopment would greatly benefit Croydon. The retention of 50% of business rates generated by the new centre and the New Homes Bonus from the residential element of the scheme will increase the Council's revenue stream. In addition, there would be an increase in spending locally by new residents and employees.

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- 7.5.10 The Scheme, backed by highly experienced developers, represents a huge vote of confidence in Croydon's potential. This Scheme has the critical mass and deliverability required to kick start the regeneration of the rest of the Opportunity Area and successfully rebrand Croydon. Examples include the additional residential, office and hotel developments that have followed the developments at both Stratford City and Westfield London.

Reasonable prospect of Scheme Proceeding:**(a) Potential viability of the Scheme and general indication of funding intentions**

- 7.5.11 Westfield and Hammerson are two substantial developers with considerable experience and resources. CLP has indicated that the Scheme would most likely be internally funded from its own resources.
- 7.5.12 In order to ensure that there can be sufficient assurance as to funding and viability the Council has instructed Deloitte to report on a confidential basis. Their conclusion is that there are no impediments to the Scheme proceeding on account of financial viability or availability of funding.

(b) Lack of impediments and details of other required consents and orders

- 7.5.13 As described above, the Council has considered the potential financial impediments and is satisfied that there are no such impediments. In addition, the Council is also satisfied that there are no physical or legal impediments to the Scheme proceeding.
- 7.5.14 Investigations undertaken by CLP to date have not revealed any physical factors which would impede development.
- 7.5.15 Only one interest in the proposed Order Land was found to be held on behalf of the Crown. This is a leasehold interest in Electric House, Wellesley Road held by the Home Office over which new rights are proposed to be created and acquired. This is unlikely to be of any significance as discussions with the Home Office have confirmed that their lease is due to be surrendered in June 2014 and therefore further agreement with them should not be necessary.
- 7.5.16 There are no "special kinds of land" within the Order Land such as common land, open space or allotments. There is some operational land of statutory undertakers. All statutory undertakers have been identified and discussions are progressing with them. There are a number of electricity substations in the Whitgift Centre operated by UK Power Networks held pursuant to subleases. In addition, there are leasehold interests which encompass telecommunication apparatus and masts operated by telecommunications

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companies also within the Whitgift Centre. CLP have been engaging with each of these operators for a number a months. The negotiations are progressing satisfactorily and it is considered that agreement will be reached in all cases. In addition there a number of statutory undertakers who operate apparatus within the Order Land. CLP are also in discussions with all of those undertakers regarding diversion of the apparatus.

- 7.5.17 As described above, planning permission and conservation area consent were granted for the Scheme on 5 February 2014 and it is anticipated that a planning application will be submitted in respect of the proposed expanded entrance to the Scheme from North End at Chapel Walk in the coming weeks. Reserved matters applications will be submitted in respect of the detailed design of the Scheme. As a result, it is considered that there are no planning impediments that would prevent implementation of the Scheme.
- 7.5.18 An application for an order under section 247 of the 1990 Act was made to the Council in respect of the stopping up of the whole of Dingwall Avenue on 14th March 2014. It is intended that if objections to the application for stopping up order are made, any inquiry will be co-joined with the Inquiry relating to the Order.
- 7.5.19 One or more agreements under section 278 of the Highways Act 1980 will be entered into between the Council, TfL and CLP in respect of proposed works to the highway related to the Scheme.
- 7.5.20 Licences under the Highways Act 1980 will be required for ground anchors beneath Wellesley Road and any scaffolding, hoarding or oversailing on or over the highway.
- 7.5.21 The Council and the Greater London Authority are bringing forward proposals to introduce surface level crossings on Wellesley Road, in respect of which funding is available and details of delivery are currently being refined.
- 7.5.22 In summary, the Council is satisfied that there are no financial, physical, planning or legal impediments to the Scheme proceeding and that there is a reasonable prospect that it will proceed.

Judicial Review in respect of the Outline Planning Permission

- 7.5.23 An application for judicial review of the outline planning permission and conservation area consent in respect of the Scheme has been brought. This will be robustly defended by the Council. In any event, the Order is not tied to a specific planning permission and given the planning framework referred to in this Statement of Reasons, there would be a reasonable prospect of a further planning permission being granted even if the extant planning permission granted on 5th February 2014 were quashed by the Court.

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- 7.5.24 The purpose for which land is proposed to be acquired is to enable comprehensive redevelopment of the proposed Order Land in accordance with the adopted planning policy framework. The outline planning permission which has been granted and the proposed Indemnity Land Transfer Agreement between the Council and CLP envisage comprehensive redevelopment in accordance with those policies.
- 7.5.25 The number and diversity of land interests in the proposed Order Land indicate that the prospects of acquisition of all the available interests by agreement to enable comprehensive redevelopment within a reasonable timescale are unlikely.
- 7.5.26 The Council has considered whether redevelopment in accordance with the planning policy objectives might be achieved by individual landowners without the need for compulsory purchase. In order to implement the comprehensive nature of the Scheme including the shopping centre layout and cutting across current land ownerships (physically and in respect of land subject to multiple interests), redevelopment by individual owners is not considered to be a practical option. It would be dependent upon individual owners being willing and able to undertake redevelopment and to do so within an acceptable timeframe and would require a significant degree of co-operation between the current owners and occupiers which to date has not emerged and would be likely to be complex and difficult to achieve. The Council has concluded that it would be likely to result in piecemeal and un-coordinated renovation or redevelopment of parts of the proposed Order Land, with the risk of substantial delays in development coming forward.
- 7.5.27 In relation to the prospect of the planning objectives being achieved at a different location, in the present case, the scope for alternative locations is limited by the purposes of the proposed Order which seeks to achieve reinvigoration of the Metropolitan Centre and the Retail Core.
- 7.5.28 Overall, it is concluded that there is no plausible alternative which could deliver a comprehensive scheme which meets the planning policy objectives within a reasonable timeframe.

Overall justification: whether there is a compelling case in the public interest for the Order

- 7.5.29 The need for comprehensive redevelopment of the Order Land is acknowledged and supported in the adopted national planning policy framework as summarised at section 8.1.1 below. Delivery of the Scheme would fulfil the key planning policy objectives and transform Croydon's town centre and its retail offer. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area as outlined

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above. The Council considers that there is a reasonable prospect that the Scheme will proceed and that there are no likely realistic alternatives to compulsory purchase to achieve the purposes of the Order. The impact on the human rights of those likely to be affected by the Order is considered in section 11 below. The impact of the Scheme in the context of the Equalities Act 2010 is considered in section 12 below. In the Council's view, the considerable public benefits to be derived from implementation of the Scheme outweigh the harm caused by interference with the human and other rights of those likely to be affected by compulsory purchase. In the Council's view, there is a compelling case in the public interest sufficient to justify the making of the Order.

Efforts to acquire by agreement

- 7.5.30 Paragraphs 24-25 of the CPO Circular provide advice on negotiations. In particular, paragraph 24 states:

"Before embarking on compulsory purchase and throughout the preparation and procedural stages, acquiring authorities should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."

- 7.5.31 Insofar as the need to resort to compulsory purchase is concerned, single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Sub-division of the Scheme into separate components controlled by different developers would be unworkable commercially and would fail to meet requirements of the very retailers which the Scheme is seeking to attract to, and in turn, transform the image of Croydon Metropolitan Centre in line with the London Plan and OAPF's clear aspirations. Given the number of third party interests identified in the Schedule, it is unlikely that the Council or CLP will be able to acquire all the necessary interests by agreement within a reasonable timescale. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.

- 7.5.32 Since 2012 Westfield and Hammerson have been building up their interests in the Site. There is an agreement with the Whitgift Foundation who are the freeholder of the majority of the Scheme site, including the Whitgift Centre. CLP acquired the headlease and a

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25% share of the ownership of the Whitgift Centre from Royal London Asset Management ("RLAM") in March 2013 following the formation of the joint venture. The remaining 75% ownership of the Whitgift Centre is held by the Whitgift Foundation (25%) (with whom there is an agreement) and the Whitgift Trust (50%). The Whitgift Trust holds the sub lease that has the benefit of the management rights for the centre and the relationship with the occupational interests and a number of other interests around the centre. Discussions are ongoing with the Whitgift Trust's advisors to progress an acquisition by private treaty. Although the above are the significant landholdings within the existing Whitgift Centre there are other major landholder interests within the Order Land that will need to be acquired to facilitate the delivery of the Scheme. These include freehold and long leasehold interests within the former Alders Department Store held by Minerva and associate companies, freehold and long leasehold interests in the Wellesley Road and Alders Car Parks held by Eagle Croydon Centre W Limited, Eagle Croydon Centre A Limited and the Council, interests in 60-70 North End held by Legal and General and the Long Leasehold interest in 38 North End held by SI Pension Trustees. There are also some smaller freehold interests to acquire along North End including two trusts; The Ralph Snow Trust and Archbishop Tennison Trust. CLP have been in active discussions with all the major landholders with a view to reach an agreement for the acquisition of the relevant interests through negotiation. These are on-going and information is being sought and exchanged to facilitate valuations being prepared that will lead to CLP being able to make formal offers to landowners. CLP has also been in discussions with Marks and Spencer to explore the opportunities for a redesigned store to integrate with the Scheme. CLP and the Council have agreed a Land Acquisition and Relocation Strategy to provide a framework for negotiations to acquire third party landowner interests. In addition, a discretionary Exceptional Hardship Scheme has been devised to assist certain owner occupiers who would not be eligible to make a valid claim for blight under the statutory regime.

- 7.5.33 In addition to the major landowners described above, the Whitgift Centre is also home to a significant number of occupational interests that will also need to be acquired. There are other occupational interests on land outside the Whitgift Centre. CLP own and manage the Centrale Shopping Centre that sits opposite the Whitgift Centre and where practicable CLP will use vacant space to facilitate relocations into Centrale. CLP and the Council are also monitoring vacant units elsewhere in the Town Centre to facilitate potential relocations. The implementation of the Land Acquisition and Relocation strategy will be an on-going programme throughout the compulsory purchase process to try and achieve continuity of trade for affected retailers and businesses where reasonably practicable.
- 7.5.34 CLP have attempted to contract and progress negotiations with all known occupational tenants. As CLP do not have a contractual relationship with the occupational interests it

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is likely that conditional agreements will need to be entered into. There are a few occupational tenants that have not wanted to enter into discussions, either because they plan to vacate their units in the short term or they have been unwilling to engage.

- 7.5.35 There are also a number of owners and occupiers around the main Scheme site who CLP will need to acquire rights from to facilitate the redevelopment, or reach agreement to carry out accommodation works to their properties.
- 7.5.36 First, there is a need to acquire rights that are necessary to carry out demolition, construction and maintenance works such as access, scaffolding, oversailing etc. CLP are also seeking to acquire rights to carry out surveys on properties surrounding the main Scheme site so that the condition of such buildings can be assessed to minimise the risk of any damage being caused by the development works. CLP are also seeking rights to make good any damage caused to properties adjoining the main Scheme site and to treat or upgrade land and boundary walls, structures and land adjoining the main Scheme site (the plots where rights are required are comprised in the Blue Land on the Order Map).
- 7.5.37 Secondly, agreement will need to be reached with certain landowners adjoining the main Scheme site to allow consequential modification works such as modification of buildings, fire escapes, access and service media to be undertaken to enable such properties to continue in beneficial use.
- 7.5.38 Significant efforts have been made by the experienced CLP construction team (drawing on their experience from the numerous shopping centre construction projects Westfield and Hammerson have been involved in) to identify all the rights and accommodation works required and these are now being discussed with the relevant landowners and occupiers with the objective of entering into appropriate agreements.
- 7.5.39 The Council considers that the use of its CPO powers to acquire all outstanding interests in the Order Land and the new rights is required as it has not been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale without the Order. The Scheme cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the delivery of the Scheme which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.
- 7.5.40 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 11 below). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in section 12 below).

8. STATUS OF ORDER LAND AND THE EXTENT TO WHICH THE SCHEME FITS WITH PLANNING FRAMEWORK

8.1 National Planning Policy

8.1.1 The National Planning Policy Framework ("NPPF") (2012)

- (a) The NPPF provides the Government's overarching planning policy guidance and its overriding principle is the presumption in favour of sustainable development. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers. In relation to decision taking, this means "approving developments that accord with the development plan without delay"¹.
- (b) Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:
- (i) proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
 - (ii) encourage the effective use of land by reusing brownfield land;
 - (iii) promote mixed use developments;
 - (iv) conserve heritage assets in a manner appropriate to their significance;
 - (v) actively manage patterns of growth to make the fullest possible use of public transport; and
 - (vi) take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- (c) The NPPF also specifically requires planning policies to be positive and promote competitive town centre environments, and seeks to ensure that the vitality and viability of town centres is protected and enhanced through development and that retail and leisure needs are met in full.

¹ NPPF, Paragraph 14

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- (d) The Scheme achieves the significant redevelopment of the Site and meets all relevant core planning principles as outlined in Paragraph 17 of the NPPF. The delivery of this Scheme is in accordance with the Government's overarching policy aspirations for the planning system.
- (e) Approximately one third of the development site is outside the Primary Shopping Area ("PSA") as identified in the Croydon Replacement Unitary Development Plan 2006 – Saved Policies 2013 but this area is immediately adjacent to the PSA and will function as an integral part of the comprehensive development. The whole Scheme site is entirely within both the Retail Core as identified in the OAPF and the Croydon Metropolitan Centre as identified in the London Plan and the Croydon Local Plan (Strategic Policies) 2013.

8.1.2 National Planning Practice Guidance ("NPPG") (2014)

- (a) It should be noted that the Government has recently issued the NPPG and cancelled a significant amount of planning policy and guidance but there are no changes of significance in the NPPG and the policy that it replaces which would affect the decision made to make the Order. It follows that the position is broadly consistent with when the Order was granted.

8.2 Regional Planning Policy

8.2.1 The London Plan (2011) and Revised Early Minor Alterations (2013)

- (a) The London Plan acts as the Spatial Development Strategy for London. It sets out policies for accommodating London's growth in a sustainable manner and seeks to ensure that London meets the challenges of economic and population growth.
- (b) Croydon is identified as an Opportunity Area within the London Plan. The Mayor's Strategic Policy Direction (as controlled by Policy 2.13) for the Opportunity Area states that:

*"One of the potential Strategic Outer London Development Centres, Croydon is also recognised as London's largest 'Metropolitan' town centre and one of the capital's two strategic office centres outside central London. **The Council's strategy will need to be built upon to re-brand the offer of Croydon to meet modern commercial needs, realising its competitive advantages and good public transport accessibility.** This will entail consolidating its strengths as a strategic office location through mixed-use re-development and enhancements to the business environment." (emphasis added)*

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- (c) Within the London Plan, Croydon is also a designated Metropolitan Centre (the second highest tier of the retail hierarchy with only two International Centres – the West End and Knightsbridge – above it). The Croydon Metropolitan Centre is identified for 'high' future growth potential meaning it can accommodate strategically significant levels of growth with strong demand and / or large scale retail, leisure or office development in the pipeline, with an existing or potential public transport capacity to accommodate it.

- (d) Moreover, the London Plan:
 - (i) states that development in town centres should sustain and enhance vitality and viability, support and enhance the quality and diversity of town centre retail and be in scale with the centre;

 - (ii) supports development proposals which provide high quality social infrastructure (Policy 2.15);

 - (iii) identifies Croydon as a strategic office location (as per Croydon's Strategic Policy Direction); and

 - (iv) seeks to optimise housing potential taking into account local context and character, and design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range (Policy 3.4).

- (e) Croydon Metropolitan Centre is in need of significant investment and regeneration. This is recognised in the London Plan and has been an aspiration of Croydon's local planning policy for over a decade. The London Plan (as per Croydon's Strategic Policy Direction) and the subsequent Croydon OAPF (within Section 4) recognise the need to deliver change within the defined Retail Core of the town centre and strongly supports the redevelopment of the Whitgift Shopping Centre as a mixed use retail destination with a range of high density homes and leisure uses. Indeed the Mayor has published proposed draft Further Alterations to the London Plan which recognises that Westfield and Hammerson have sought to realise this Strategic Policy Direction through the submission of a planning application to redevelop the Whitgift Shopping Centre and surrounding land.

- (f) The Scheme, anchored by a new department store, would transform the image of Croydon Metropolitan Centre and enable the town centre to attract new upmarket/inspirational retailers. This, in turn, will increase the attractiveness of Croydon Metropolitan Centre to shoppers and other visitors to the town centre

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and reduce the significant leakage of comparison expenditure, in particular, to competing town centres.

- (g) This Scheme is a firm statement of investor confidence in the potential for growth in Croydon. This should have a catalytic impact on other schemes in and outside of the Retail Core which have yet to come forward yet, as well as attracting new investment. The scale and the comprehensive approach to major retail and leisure investment is entirely consistent with the aspirations for Croydon Metropolitan Centre as set out in the London Plan.
- (h) The redevelopment of the Whitgift Shopping Centre and surrounding land is the single most important opportunity in the heart of the town centre to rebrand Croydon, act as a catalyst for the required regeneration and unlock the potential of a number of other sites which have failed to come forward.
- (i) In summary, the Scheme is generally compliant with the London Plan 2011 (and the Revised Early Minor Alterations 2013 and Draft Further Alterations 2014) in which Croydon is identified as a Metropolitan Centre and the town centre (including the proposed Order Land) is identified as an "Opportunity Area" forecast for growth in view of the opportunities it offers for accommodating large scale development, but also as being in need of integrated action to address the strategic challenges it faces. The only area of non-compliance with the London Plan relates to parking standards (the level of proposed car parking slightly exceeds the standards), however in view of the overall benefits of the Scheme neither the Mayor of London nor the Secretary of State considered it necessary to intervene in consequence of this and car parking is to be controlled by condition. The proposed redevelopment site sits wholly within the Retail Core and within the Metropolitan Centre and, as such, it is a suitable location for the redevelopment of the Scheme in line with the London Plan.

8.3 Local Planning Policy

8.3.1 The Croydon Local Plan (Strategic Policies) (2013)

- (a) The Croydon Local Plan (Strategic Policies) was formally adopted on 22 April 2013. The Croydon Local Plan (Strategic Policies), and the saved policies for the Unitary Development Plan together with the Croydon OAPF, set the local planning policy context.
- (b) The Croydon Local Plan (Strategic Policies) clearly states that the Croydon Metropolitan Centre will remain the principal location in the borough for retail, office, and cultural uses (including a diverse evening / night-time economy) (Policy SP3.9). The Local Plan goes on to set out that the Council will promote

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and support all measures to improve the quality of the Borough's stock of retail premises particularly in the Croydon Metropolitan Centre (Policy SP3.11) and favourably consider net increases to the stock of retail premises commensurate with Croydon's retail function as a Metropolitan Centre. Moreover, the Croydon Local Plan (Strategic Policies) sets out how the Croydon OAPF will achieve such targets.

- (c) In addition, the Croydon Local Plan (Strategic Policies):
 - (i) adopts a flexible approach towards community facilities in the Borough (Policy SP3.10);
 - (ii) seeks to deliver a minimum of 13,300 homes between 2011 and 2021 through, in part, concentrating development in the places with the most capacity to accommodate new homes whilst respecting the local distinctiveness of the 'Places of Croydon' and protecting the borough's physical, natural and historic environment (Policy SP2.2);
 - (iii) seeks provision of between 15 to 50% affordable housing provision on such sites (Policy SP2.4); and
 - (iv) requires development of high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities (Policy SP4.1).
- (d) The delivery of the Scheme will allow the Council to achieve its key regeneration objectives for the Town Centre as set out in the Croydon Local Plan (Strategic Policies) for the Croydon Metropolitan Centre, as required of it by the Mayor. In particular, the mixed use Scheme is of an appropriate scale for its location and the inclusion of residential and non-residential uses fits with local planning policy. Moreover, the Scheme acknowledges the local policy context in terms of design, heritage and conservation, energy and sustainability and transport issues.

8.3.2 The Opportunity Area Planning Framework (2013) ("OAPF")

- (a) Consistent with Policy 2.13 of the London Plan, the London Borough of Croydon, in partnership with the GLA, prepared an OAPF for Croydon Metropolitan Centre to give effect to its London Plan status as an Opportunity Area. The OAPF was adopted as Mayoral SPG in January 2013 and subsequently by the London Borough of Croydon as SPD in April 2013.

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- (b) The OAPF strongly supports the potential for a substantially renewed and improved retail offer in the Town Centre. In particular, it stresses a comprehensive redevelopment and renewal approach to much of the Retail Core with a view to offering residents, visitors, shoppers and employees a significant retail destination in South London and beyond. In particular, the OAPF (within Section 4):
- (i) sets out a strong preference for regeneration to occur across "*a large part of the Retail Core*" in a "*holistic and comprehensive way*";
 - (ii) promotes the removal of redundant office space in the town centre and encourages new office space in the New Town and East Croydon;
 - (iii) has the broad objective of helping to deliver new community, leisure, education, health and cultural facilities; and
 - (iv) identifies that the Retail Core (within which the Scheme site is located) should include 1,100 new homes over the next 20 years.
- (c) In addition, the OAPF identifies a series of outcomes that new development of the Retail Core should seek to deliver (at Paragraph 4.27):
- (i) regenerate the retail offer in line with the Croydon Opportunity Area's designation as a Metropolitan Centre;
 - (ii) provide a retail-led, mixed-use destination;
 - (iii) provide for approximately 1,100 homes across the Retail Core over the 20 year life of the OAPF (this objective extends over a wider area than the Scheme site);
 - (iv) provide other uses including leisure and complementary work space;
 - (v) provide a new quality, full range department store that would achieve a joined up, comprehensive and complementary retail circuit across the whole of the Retail Core;
 - (vi) secure high quality architecture and design for the built environment across the COA;
 - (vii) provide a joined up servicing and delivery access;

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- (viii) provide a high quality 24 hour publicly accessible east/west route from Wellesley Road to Old Town;
 - (ix) provide new and improved east/west and north/south routes;
 - (x) enhance the streets and roads within and surrounding the Retail core area including: Wellesley Road, North End, Poplar Walk, George Street, Church Street, Church Lane, Frith Road and Tamworth Road as well as the internal routes;
 - (xi) locate tall buildings closest to Wellesley Road away from the most sensitive locations in terms of privacy, heritage security and overshadowing; and
 - (xii) connect to and help deliver a COA wide district energy system where feasible.
- (d) Finally, the OAPF clearly identifies that the above outcomes would be most achievable through a comprehensive approach to redevelopment and renewal. This approach is also strongly preferred by the Mayor of London (confirmed at Paragraph 4.29).
- (e) As noted in section 8 above the Scheme accords directly with the objectives of the OAPF to provide a comprehensive redevelopment of the Whitgift Centre and surrounding land to create a high quality mixed-use retail-led destination supported by a range of leisure uses and residential floorspace which will enable Croydon Metropolitan Centre to become a competitive, diverse and vibrant London destination.
- (f) Croydon's town centre has been struggling due, in part, to the retail and leisure markets declining significantly over recent years leading in turn to a leakage of expenditure to neighbouring centres and Central London. In order for this pattern to be reversed it is acknowledged that a step-change in Croydon's retail and leisure offer is required and the best opportunity for delivering this is via the comprehensive redevelopment of the Whitgift Shopping Centre and surrounding land. This will allow Croydon's businesses to present an improved offer to prospective employees, thereby allowing Croydon Council a far greater opportunity to meet their strategy of bringing a new community to the town centre. The Scheme therefore goes to the very heart of the OAPF in this respect.
- (g) The Development meets the series of outcomes listed above that the OAPF asks of new development in the Retail Core.

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- (h) The Scheme represents a major step in unlocking the potential for Croydon to realise the full scope of its Metropolitan Centre status as provided by the London Plan and, importantly, will help Croydon Metropolitan Centre achieve the clear objectives set out in the OAPF.

8.4 Historic Environment

- 8.4.1 Parts of the Site are located in the Central Croydon Conservation Area and there are a number of listed buildings outside, but in the vicinity of the site.
- 8.4.2 The London Plan states that development should provide a high quality design response that is informed by the surrounding historic environment and the impact of tall buildings proposed in sensitive locations to be given particular consideration (Policy 7.4).
- 8.4.3 The London Plan also requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail (Policy 7.8).
- 8.4.4 This view is reflected in the Croydon Local Plan which requires development to respect, and optimise opportunities to enhance, Croydon's heritage assets, their setting and the historic landscape, including through high quality new development and public realm that respects the local character and is well integrated and will strengthen the protection of and promote improvements to Statutory Listed Buildings and Conservation Areas (Policy SP4.12).
- 8.4.5 The OAPF requires the location of tall buildings closest to Wellesley Road away from the most sensitive locations in terms of privacy, heritage security and overshadowing (Paragraph 4.27).

8.5 Summary of Planning Policy Position

- 8.5.1 The Scheme proposal is generally compliant with the Development Plan as a whole and accords directly with the objectives of the OAPF. The area of non-compliance with the London Plan relates to parking standards. However, neither the Mayor of London nor the Secretary of State considered it necessary to intervene in consequence of this and car parking is to be controlled by condition. It also complies with the NPPF, taking into account the recently published National Planning Policy Guidance. Importantly, the proposal meets the strategic policy requirements for the Croydon Metropolitan Centre contained in the London Plan and Croydon Local Plan (Strategic Policies). Therefore, it is considered that when taken as a whole the Scheme proposal generally complies with the Development Plan and planning framework, and generally achieves the sustainable development aim in terms of social, economic and environmental sustainable development.

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9. **9WELL-BEING OBJECTIVES AND THE COUNCIL'S SUSTAINABLE COMMUNITY STRATEGY**
- 9.1 The Scheme will deliver actions and improvements identified in the Council's sustainable community strategy for promoting or improving the social, economic and environmental well-being of its area, consulted upon and maintained by the Council for the purpose of section 4 of the Local Government Act 2000.
- 9.2 "Croydon's Community Strategy 2013-18" ("Community Strategy") was prepared by the Council following engagement with more than 20,000 local people and agreement with the Local Strategic Partnership, comprising representatives from local public and voluntary sector bodies and local businesses. The Community Strategy sets out a vision for the type of place the borough of Croydon has the potential to be by 2040 (describing it, by then, as a "city") with six headline priorities to support this vision:
- 9.2.1 an enterprising city;
 - 9.2.2 a sustainable city;
 - 9.2.3 a caring city;
 - 9.2.4 a connected city;
 - 9.2.5 a learning city; and
 - 9.2.6 a creative city.
- 9.3 The Community Strategy sets out an action plan for delivery of each of these priorities. Those relevant to the Scheme are set out below. In relation to enterprise, the Community Strategy identifies, as a priority, the need to increase inward investment and diversity in the local economy. Activities are to focus on enhancing Croydon as a centre for commercial and public services, complementing those of central London. Proposed actions include the development of Croydon as the primary retail centre and destination for cultural and leisure activity in the region which will, in turn, increase footfall and retail sales in the town centre. The enterprise objectives identify the need to address both adult and youth unemployment in the borough and note that providing local residents with necessary skills will require strong public/private partnership with employers to "up-skill staff". The learning objectives identify the need to increase adult learning to ensure that local people have wider access to a variety of better paid jobs and vocational opportunities.
- 9.4 The connected city objectives include the need to improve roads and public transport capacity, cycling and walking facilities. The caring city objectives focus on the need to promote a place noted for its safety, openness and community spirit where all people are welcome to live and work, including the improvement of community safety. Creative city objectives include actions to improve recreational facilities and create more public art space.

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- 9.5 The sustainability objectives aim to reduce the borough's CO₂ emissions through a combination of measures including the promotion of a district energy scheme, promotion of sustainable transport and ensuring that the built environment is capable of mitigating and adapting to climate change. The identified actions also include the provision of affordable, sustainable housing to ensure a range of housing types to meet the changing needs of residents and providing a built environment which will support vibrant, sustainable and successful communities.
- 9.6 As noted in paragraph 5.2, the Scheme will make a significant contribution to the economic, social and environmental well-being of the area and through implementation of the related planning permission and agreement it will contribute to a number of the important actions identified in the Community Strategy including:
- 9.6.1 the creation of up to 5,000 additional jobs in the town centre (approximately 3,320 full time equivalents depending on precise final use classes) with a potential further 330 indirect jobs such as in new supply chains;
 - 9.6.2 approximately 4,300 'person years' of construction employment;
 - 9.6.3 investment in targeted training and employment support initiatives during both the construction and operational phases;
 - 9.6.4 targeted programmes to support and engage local young people;
 - 9.6.5 new homes including the provision of affordable housing;
 - 9.6.6 infrastructure and public realm benefits including the provision of public art;
 - 9.6.7 improvements to community safety and security;
 - 9.6.8 high standards of sustainable design and construction methods; and
 - 9.6.9 provision for connection to any future district heating scheme.
10. **10SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**
- 10.1 **Listed building and conservation area**
- 10.1.1 The Almshouses are Grade 1 listed buildings within the Order Land. In addition, there are two Grade 1 listed buildings and one Grade 2 listed building located close to but outside the Order Land, as well as a number of locally listed buildings along North End and George Street.
 - 10.1.2 Part of the Order Land is within the Croydon Central Conservation Area.

10.2 Special categories of land

10.2.1 There is no land within the Order Land which is owned by another local authority, by the National Trust or which forms part of a common, open space land or fuel or field garden allotment.

10.2.2 The Order Land includes land owned by statutory undertakers which gives such land owners a separate and additional power to object to the Minister responsible for their undertaking in accordance with section 16 Acquisition of Land Act 1981. This includes a number of electricity substations owned by UK Power Networks. The Order land also contains statutory undertaker and telecommunications operator apparatus. The Council and CLP will seek to put in place appropriate agreements with such statutory undertakers and telecommunications operators and discussions have already commenced to achieve this. If necessary, in respect of telecommunications operators, the Council will consider exercising powers under section 272 of the Town and country Planning Act 1990 at the appropriate time.

11. 11HUMAN RIGHTS CONSIDERATIONS

11.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights ("Convention Rights").

11.2 Convention Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home). In addition, in effect, Article 14 prohibits discrimination, on any grounds, in the way public authorities secure enjoyment of the rights protected by the European Convention on Human Rights.

11.3 In relation to the rights protected under Article 1 of the First Protocol (right to peaceful enjoyment of possessions) the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are accurately reflected in paragraphs 17 and 18 of the CPO Circular:

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"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."

11.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the public interest exists for the making and confirmation of the Order. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring including the economic, social and environmental well-being improvements referred to above. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

11.5 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

12. **12EQUALITY ACT 2010**

12.1 In discharging all its functions, the Council has a statutory duty under section.149 of the Equality Act 2010 to have due regard to the need to;

12.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

12.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

12.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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- 12.2 Section 149 gives greater detail of what each of the above matters involves which the Council has taken into account. The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 12.3 A full Equality Analysis ("EqA") has been undertaken to assess the impact on protected groups of the making of the Order and implementation of the Scheme, in line with the Equality Act 2010 and Croydon Equality Strategy 2012-16. EqA includes consideration of the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme.
- 12.4 The EqA for the proposed compulsory purchase order identifies that the wider community potentially affected would include:
- 12.4.1 those who currently own or occupy land within and around the affected area including business and land owners;
 - 12.4.2 current visitors as well as future visitors to the affected area for work or leisure and to use the retail and other town centre facilities; and
 - 12.4.3 those who live within or around the affected area now or will do so in the future.
- 12.5 The potential impact on each of the protected groups is examined in detail within the EqA.
- 12.6 The EqA notes that the Land Acquisition and Relocation strategy and the Exceptional Hardship Scheme agreed between CLP and the Council, taken together with the statutory compensation code, will ensure that fair and non-discriminatory processes are in place. Those responsible for disposing of the completed retail and residential phases will be required, by Part 4 of the Equality Act 2010, to ensure that they do not discriminate against protected groups when selecting tenants and purchasers, in the terms they offer and when managing the completed development.
- 12.7 The EqA identifies that there would be temporary negative impacts on groups including age and disability as well as pregnancy and maternity due to disruption in the town centre environment during the construction phase. However, suitable mitigation measures would be put in place during the construction process to reduce the adverse effects on these groups.
- 12.8 A potential negative impact has also been identified on businesses around West Croydon station as well as other businesses surrounding the proposed development site, relating to the potential for reduced footfall or a reduction in visitors in the surrounding area either during construction or longer term. Many of these businesses are ethnic minority businesses. However, once the Scheme is complete, the proposed new 24 hour east west Galleria to be created by the development will help to ensure that the Scheme interacts well with surrounding areas, including West Croydon. In addition, the Council will work with the developers to create a suitable environment to cater for a diverse range of ethnic business owners and workers in Croydon.

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Specialist business advice and translation services are also available from the Council to assist with any issues which arise for these protected groups and others during the development process and beyond.

- 12.9 It is considered that once the development proposals have been completed, all groups would benefit from the improved physical environment in Croydon town centre as well as the wider economic benefits stemming from the proposals. The proposed new, well-connected and well-designed public spaces would create quality meeting places which would help to foster good relations between all members of the community. The new public spaces together with the safe improved public links will also help to mitigate crime and the fear of crime, of particular benefit to vulnerable members of protected groups.
- 12.10 The development is expected to create some 5,000 permanent new jobs and under the section 106 agreement, the developer is to provide support for training and employment opportunities. The Council will work with CLP to ensure that protected groups are able to take the full benefit of these opportunities.
- 12.11 The EqA will be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 12.12 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes provision, dial-a-ride, shop mobility, employment and training opportunities, public realm and public transport improvements. These features of the proposals will assist in ensuring that protected groups have equal access to the new jobs, facilities and homes in a major growth area.

13. 13OTHER RELEVANT INFORMATION

- 13.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact :

Sean Murphy (legal queries) (Tel: 020 8760 5768 extension 64986)

or

Janet Davies (general queries) (Tel: 020 8726 6000 extension 61539)

Both at Croydon Borough Council.

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- 13.2 Owners and tenants of properties affected by the Order who wish to negotiate a sale or discuss matters of compensation with the Developer should contact the Developer's Surveyor:

[] at [] on [].

- 13.3 The Royal Institution of Chartered Surveyors (RICS) operates a Compulsory Purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact the RICS on 0870 333 1600 or via its website: www.rics.org.

14. **14INSPECTION OF THE ORDER**

Copies of the Order and Order Map can be inspected during office hours at the Acquiring Authority's offices at the []. Inspection may be made between [Xam and Xpm XX to XX and Xam to Xpm on XX and XX] at [] and between [Xam and Xpm XX to XX and Xam to Xp.m. on XX] at [] and are available for inspection on the Council's website (www.croydon.gov.uk).

15. **15INQUIRY PROCEDURE RULES**

- 15.1 This statement of reasons is not intended to be a statement of case in accordance with the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.

16. **16DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF AN INQUIRY**

- 16.1 Documents and plans may be inspected at the same venues and times as the Order, identified in paragraph 14 above.

16.2 **List of Documents**

- 16.2.1 National Planning Policy Framework 2012
- 16.2.2 ODPM Circular 06/2004
- 16.2.3 London Plan (2011) and Revised Early Minor Alterations (2013)
- 16.2.4 Croydon Local Plan (Strategic Policies) 2013
- 16.2.5 Croydon Opportunity Area Planning Framework 2013
- 16.2.6 Croydon Replacement Unitary Development Plan (UDP) 2006 -Saved Policies 2013
- 16.2.7 Croydon's Community Strategy 2013-2018
- 16.2.8 Central Croydon Conservation Area
- 16.2.9 Conservation Area General Guidance

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- 16.2.10 Town Centres Draft Supplementary Planning Guidance to the London Plan January 2013
- 16.2.11 West Croydon Masterplan 2011
- 16.2.12 London Plan supplementary guidance (SPG) 'Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation' 2012
- 16.2.13 Strategic Flood Risk Assessment and Surface Water Management Plan
- 16.2.14 2014 Equality Analysis
- 16.2.15 Planning application documents (reference: 12/02542/P) and Environmental Assessment documents
- 16.2.16 Land Acquisition and Relocation Strategy
- 16.2.17 Proposed Exceptional Hardship Scheme
- 16.2.18 Section 106 Agreement
- 16.2.19 The Terms of the Indemnity Land Transfer Agreement

Dated [] 2014