

THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

AND

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**THE ROTHERHAM METROPOLITAN BOROUGH COUNCIL (3-7 CORPORATION
STREET) COMPULSORY PURCHASE ORDER 2023**

STATEMENT OF REASONS

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1 INTRODUCTION

1.1 This document is the Statement of Reasons of Rotherham Metropolitan Borough Council (“the Council”) prepared in connection with a compulsory purchase order made by the Council on Monday 3rd April entitled Rotherham Metropolitan Borough Council (3-7 Corporation Street) Compulsory Purchase Order 2023 (“the Order”) and submitted to the Secretary of State for Levelling Up, Housing and Communities for confirmation.

1.2 The Order was made having regard to the **Guidance on Compulsory Purchase Process and The Crichel Down Rules (“the CPO Guidance”)** published by the Department of Levelling Up, Housing and Communities in July 2019.

1.3 The Council has made the Order pursuant to Section 226 (1)(a) of the **Town and Country Planning Act 1990 (“the Act”)** and Section 13 of the **Local Government (Miscellaneous Provisions) Act 1976**. In this Statement of Reasons, the land and rights included in the Order are referred to as “the Order Land” and are shown on the plan appended to this Statement of Reasons. The Council is the local planning authority for the Order Land.

1.4 The Council’s purpose in seeking to acquire the Order Land is to facilitate the development, re-development, and improvement of it by way of the delivery of a residential led mixed-use development, including new commercial space in the heart of Rotherham town centre (“the Development”).

1.5 The Council considers that the Development will contribute significantly to the economic, environmental, and social well-being of its area by delivering important public benefits as referred to in section eight below.

1.6. In a Cabinet and Commissioner’s Decision-Making meeting on 26th June 2017, it was resolved that the Order Land would be acquired, and a plan put forward for development in accordance with the emerging **Town Centre Masterplan** and emerging **Local Plan**. At a Cabinet Meeting on 28th March 2022 (Minute 124), Cabinet approved the potential use of compulsory purchase powers as part of strategic land assembly for the Town’s regeneration programme as part of the **Town Investment Plan**. The Council’s Cabinet approved the making and promotion of the 3-7 Corporation Street Compulsory Purchase Order at its meeting on 23rd January, 2023.

2 THE NEED FOR REGENERATION

2.1 Rotherham’s town centre is the Borough’s principal retail and service centre; however, it faces a number of challenges that have been compounded by the Covid 19 pandemic. Although struggling high streets span the nation, Rotherham’s out of town offer (Parkgate and Meadowhall) places the town centre in a uniquely difficult position.

2.2 Since 2011, Rotherham town centre has seen a steady decline in the number of commercial/business premises. In 2011, Rotherham town centre accommodated 331 commercial/business premises, however, by July 2022, this number was 275. In addition to the decline in the number of commercial/business premises available in the town centre, vacancy rates have increased with 76 of these 275 units vacant in July 2022. This represents a vacancy rate of 27.6% (Source: July 2022 Quarterly Vacancy Survey). The proposed project forms part of a wider scheme to regenerate the Town Centre and make it a vibrant place

where people can live, work, shop, and enjoy their leisure time. The proposed development underpinned by the CPO will introduce an active, high-quality streetscape including new commercial premises, which will form part of the wider leisure and cultural quarter developments.

2.3 Located on a key gateway into the town centre, the burnt-out buildings that make up 3-7 Corporation Street (“the Order Land”) have been a long-standing eyesore in Rotherham. The Khyber Pass Indian Restaurant (no.7) suffered fire damage in December 2005 with the ‘Envy’ night club above (no.7) suffering a similar fate in April 2007 (affecting the retail units below). The Muskaan Indian Restaurant (no. 3-5) was also fire damaged in July 2011. All properties were taken out of the ratings listings soon after the fires due to the properties being uninhabitable. Repairs were not made to any of the properties and the businesses never reopened.

2.4 The dilapidated buildings have long impacted on the character and attractiveness of this part of the town centre, within Rotherham Town Centre Conservation Area, with little prospect of the situation changing. The proposed redevelopment of the Order Land offers the opportunity to create a significantly more attractive gateway into the town centre whilst maintaining the existing views of the historic Minster.

2.5 The redevelopment of the Order Land will also bring about a critical change of use, helping to repopulate the town centre and offering modern commercial space to take advantage of the significant leisure-focused investment at Forge Island. One of Forge Island’s main pedestrian access routes leading to and from Corporation Street is in close proximity to the Order Land.

2.6 The Forge Island development is a joint scheme being delivered by Rotherham Council and Muse Developments. Work is now underway on site and once complete, the development will include an 8-screen state-of-the-art boutique cinema, operated by The Arc Cinema, alongside a 69-room Travelodge hotel. All commercial space has now been let with six restaurants confirmed, set within attractive public spaces. In conjunction with this, the Council has also recently successfully acquired no. 4 Corporation Street and the Former Mecca Bingo on Corporation Street. Both properties are located opposite the Order Land and will form part of the wider regeneration of the Leisure and Culture Quarter.

2.7 Although Rotherham’s overall population is projected to increase slowly, the number of households is predicted to increase at a faster rate. Smaller average household sizes will have implications for future housing requirements in the Borough, the types of property required, and available building land. The current low level of house completions falls far short of the predicted need, with housing market conditions impacting on the willingness of house builders to bring forward housing sites for development which restricts the scale of future economic growth. This development can form part of the wider strategy to address this need which aims to deliver varied, mixed housing type, and high-quality town centre living.

2.8 Whilst Corporation Street is not currently a residential destination, the emphasis of the **Town Centre Masterplan** and more recent **Town Investment Plan** is on repopulating Rotherham town centre. The residential market in the town centre is currently limited but redevelopments such as that proposed on the Order Land aim to develop the residential market. The redevelopment proposals intend to deliver a high-quality, private rented

scheme. The investment outlined in section nine will enable the Council to acquire the site and secure delivery of 19 new apartments and 115 sq m of commercial space on the ground floor. A planning application for the redevelopment proposals has been submitted to the Local Planning Authority – further details are provided below.

2.9 Extensive public consultation took place during the preparation of the **Town Centre Masterplan**, highlighting key sites in the town centre such as the Order Land. Workshops, briefing sessions and 1 to 1's were held to ascertain the views of Members, Town Centre stakeholders, and communities.

2.10 A Strategic Engagement Plan formed a key strand of the **Town Investment Plan** (Section 3); MyTown portal was used initially to engage the wider community in understanding the town's needs. As the **Town Investment Plan** was progressed, a more targeted approach was developed, enabling the public to comment directly on proposals via a Virtual Exhibition (in line with Covid 19 restrictions). The presence of the platform was promoted through social media and Council newsletters.

2.11 The Rotherham Town Deal Board is the vehicle through which the vision and the strategy for the town is defined. It produced the **Town Investment Plan**, and informed the Town Deal, including the amount of investment secured through the Towns Fund. The Board has been consulted on the development and is supportive of the approach being taken. They were consulted at each of the monthly meetings and a number of individuals contributed directly to the stakeholder meetings. Alongside the Town Deal Board, the Business Growth Board and Town Centre Sub-group were also consulted.

2.12 Events such as the Rotherham Show have also provided a platform for sharing plans and obtaining feedback from communities regarding Town Centre developments. This feedback suggested local residents are keen to see the site redeveloped given the longstanding eyesore in such a prominent, gateway location in the town centre.

2.13 Finally, the site, in its current state, poses a significant Health & Safety risk. Recently, doors into the former nightclub were broken into and the building had to be re-secured by the Council. Whilst the primary aim of the compulsory acquisition is to deliver the regeneration benefits, an added benefit will be the removal of a health & safety risk. Neighbouring properties have reported antisocial behaviour around the premises, particularly in the alleyway between the two properties. They would therefore welcome the area being secured and managed as part of the development.

3 DESCRIPTION OF THE DEVELOPMENT

3.1 Through the secured investment, set out below, the redevelopment of the Order Land will bring the site into public ownership and demolish the current, derelict buildings, offering a cleared site for redevelopment. Partnership with the private sector (preferred option) will secure the delivery of a residential-led, mixed use development, comprising of 19 apartments (planning use Class C3) and 115 sq m of commercial floorspace over three units (planning use class E), along with access, external landscaping, and car parking.



Figure 1: Visuals for proposed development (AHR Architects, Planning Application Submission)

4 LOCATION AND DESCRIPTION OF THE ORDER LAND

4.1 Details of the land and interests to be acquired are set out in the Schedule to the Order and are shown shaded pink (Land to be acquired) and blue (rights to be acquired) on the map which accompanies it ("the Order Map").

4.2 Set out below is an overview of the land to be acquired and its principal existing uses, together with a summary of why it is necessary to acquire the land for the Development. References to 'Plots' below are to the CPO Plots delineated on the Order Map.

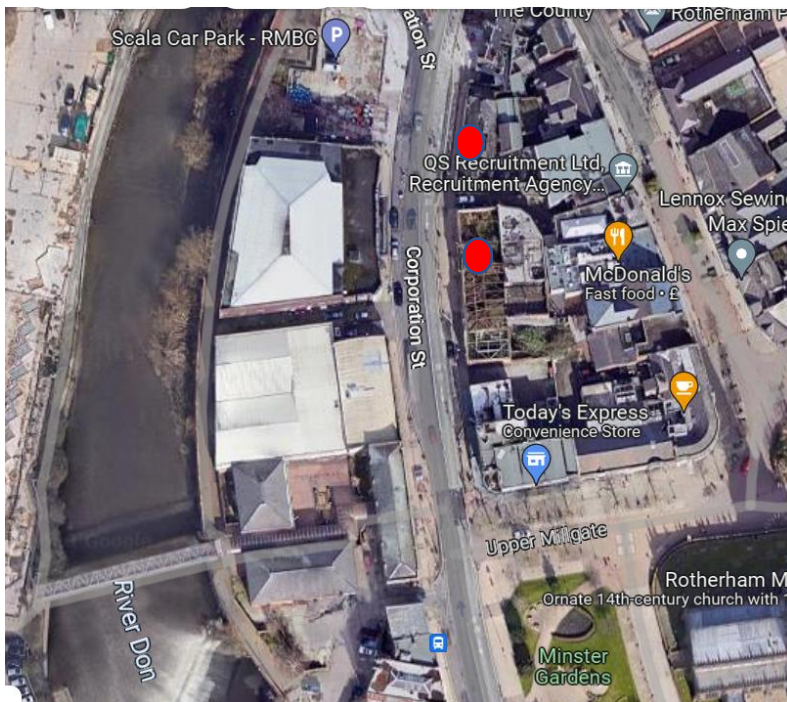


Figure 2: Location of 3-7 Corporation Street (Red Dots) taken from Google Maps



Figure 3: Current derelict state of buildings on the Order Land

4.3 Land to be Acquired

The order seeks the acquisition of two freehold land plots (plot numbers 1 and 3); the land is shown coloured pink on the Order Map. The land comprises a former night club and Indian restaurant which are badly fire damaged, vacant, and derelict (Plots 1 and 3). Plot 2 on the Order Plan is in the ownership of the Council. Plot 4 is an extension of plot 9 but is unknown ownership.

4.4 Rights to be Acquired

The order seeks the acquisition of rights that exist over plots 2 and 4. The rights, which service properties on Bridgegate, will be reinstated on completion of the scheme construction but will need to be altered to enable the construction of the scheme (albeit access during construction will be maintained at all times to the rear of the Bridgegate Properties).

4.5 New Rights to be Acquired

4.5.1 The Order seeks the acquisition of new rights over the land which is shown shaded blue on the Order Map. The proposed rights, in summary, comprise the following:

1. to enter and remain on the land and pass and re-pass across the land with or without vehicles, machinery, equipment and materials for all purposes in connection with the construction, maintenance, use, renewal, repair, removal and replacement of land, property and buildings and service media adjacent to or abutting the land. **(Plot 5 & 6)**

2. to erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land **(Plot 5 & 6, 7 & 8, Plot 9)**
3. to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises. **(Plots 9 to 19)**
4. to carry out and maintain works to protect Structures on the land, to underpin foundations on the land, to carry out works to re-grade, resurface and landscape the land and to repair and maintain the land, and reinstate boundary walls between the land **(Plot 5 & 6, 7 & 8)**
5. to demolish/partially demolish the boundary/retaining walls as required, to construct new boundary/retaining walls as required **(Plot 5 & 6, 7 & 8),**
6. to clean, improve, and repair the exterior of the Premises and maintain and renew such works **(Plot 7, 8 & 9)**
7. to undertake the necessary works to the Premises required to complete the scheme **(Plot 5, 6, 7, 8 & 9).**

5 PLANNING HISTORY OF THE ORDER LAND

5.1 The Local Planning Authority's online Planning Portal indicates that in 2019 full planning permission (Ref. RB2019/0838) was granted conditionally in respect of the Order Land for a hotel, including commercial development over 2,3 and 4 storeys to introduce an active street presence. The plans, submitted by Rothgen Ltd, comprised demolition of existing buildings and erection of 69 room hotel with associated ground floor restaurant /bar and meeting rooms, and a standalone ground floor retail unit. The Gross Internal Area (GIA) was 2,861 sq. metres.

5.1.1 During the consideration of the application, the scheme was amended by cutting back the third-floor store to the northern end so that views of the Minster's western half from the north could be retained.

5.1.2 This permission has now expired, however, the previously approved principle of cutting back the third-floor storey to maintain views of Grade I-listed Rotherham Minster has been applied to the current planning application.

5.2 Prior to this there were number of planning applications submitted relating to this site (prior to the fire damage), the most recent of which are:

RB1998/0203 – Alterations to roof, extension, and construction of new fire exit –
Granted Conditionally – 20/03/98

RB2001/1291 – New entrance doors and glass canopy – Granted Conditionally –
01/11/01

5.3 In 2021, designs submitted by the Council were also considered (pre-application only) for a fully residential scheme comprising of 3 x two-storey 2-bed townhouses and a four-storey apartment block. This development would deliver 14 residential units in total, alongside 8 associated parking spaces at the rear. The current proposals for the Order Land are an evolution of this proposal reflecting feedback from the pre-application process including, the stepped arrangement to retain views of the Minster, and setting the residential units back from the street to create a landscaped space in front to improve residents' privacy.

6 PLANNING FRAMEWORK

6.1 National Planning Policy

6.1.1 The **National Planning Policy Framework** ("NPPF") published in July 2021 sets out the Government's planning policies for England and how they are to be applied. It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Therefore, at the heart of the NPPF is 'the presumption in favour of sustainable development' which should be seen as the 'golden thread' running through both plan-making and decision-taking.

6.1.2 The NPPF's 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.

6.1.3 The NPPF ensures the vitality of town centres remains a priority, specifically recognising the role of residential diversification. It states, '*Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services.*' The buildings on Corporation Street will have proximity to transport networks, local shops, and services. By providing accessible, modern, high-quality apartments of varying sizes, we are offering opportunities for all demographics of the population including families, older people and students/young professionals to live in the town centre.

6.2 Local Planning Policy and Guidance

6.2.1 Rotherham Local Plan Core Strategy supports the regeneration of the Town Centre, identifying the need for diversification as a priority. Similarly, vacant and derelict buildings and the lack of private sector interest are identified as key challenges in fulfilling this. The strategy aims to 'put the Town Centre first' in the pursuit of economic viability and vibrancy, making it the primary location for business, commerce, culture, and leisure.

6.2.2 The site is within Rotherham town centre but falls outside of the primary and secondary shopping frontages. In the **Rotherham Sites and Policies Document**, the site is designated as a Retail allocation site (ref: R3) and lies within the Rotherham Regeneration area (as defined in the Core Strategy). Policy SP24 'Rotherham Town

Centre Regeneration' indicates that for this site, the Council will encourage the development of retail floorspace at ground floor level with residential uses above.

6.2.3 Given the retail allocation of the site, the Local Planning Authority have advised provision of a Class E use to be located on the ground floor, ideally a restaurant or café, would be welcomed. However, it is recognised that these uses would require consideration in respect of their impact on the residential amenity of future residents. The introduction of commercial space alongside the apartments would aid in enhancing the vitality and viability of the town centre by redeveloping this long-standing derelict site. In light of the above the Acquiring Authority are of the firm view that the proposed redevelopment of 3-7 Corporation Street fits comfortably with the planning policy position for this site and, accordingly, there are no planning impediments to the proposed development coming forward.

6.3 The Council's Corporate and other policies

6.3.1 The **Town Centre Masterplan** and more recent **Town Investment Plan** have proposed and pursued a consistent strategy to address town centre challenges. These long-standing issues would be partially remedied by an increase in town centre living and an increased leisure and cultural offer to draw people into Rotherham, creating an upward trajectory for the town centre. The new Leisure and Culture Quarter creates a concentrated development zone for these provisions around the Corporation Street, Minster Gardens and Forge Island area.

6.3.2 The **Town Investment Plan** provided the framework through which investment from Town Deal and Levelling Up Funds would be targeted. The TIP identified four broad themes:

- Celebrating
- Place Making
- Developing
- Connecting

The redevelopment of the Order Land links specifically to three of these themes:

- **Celebrating:** Careful design and development that is sensitive to the surrounding Conservation Area will ensure uninterrupted views of the Minster, protecting and enhancing heritage and cultural assets
- **Developing:** By removing these derelict buildings and bringing the land into public sector control, the project will secure a vibrant residential-led mixed-use development in this key gateway location.
- **Place Making:** This project does not sit in isolation; it will be developed alongside and as an integral component of the ambitious Leisure and Culture Quarter with high quality public realm; all supporting the diversification of the town centre offer.

6.3.3 The project is also aligned with the **Rotherham Housing Strategy** which specifically refers to the creation of a new urban community in the town centre as a key action, alongside it's themes of:

CREATING HOMES: Providing new homes to meet Rotherham's housing need.

STRENGTHENING PLACES: Investing in Rotherham’s existing housing and communities.

6.3.4 Council Priorities (Council Plan):

- Every neighbourhood thriving
- People are safe, healthy, and live well
- Expanding economic opportunity
- A cleaner, greener local environment

Rotherham Council Plan 2022/2025 revealed the community’s views of the town centre, highlighting resident’s concerns about the lack of quality housing available, feeling vulnerable, and a lack of activity and life in the evenings. In response to this, the Plan prioritises the creation of ‘a vibrant town centre where people want to shop, work, and live’. Providing residential units at 3-7 Corporation Street, together with modern commercial space that could be used for new shops, restaurants or cafes will contribute positively to these priorities.

6.3.5 The town centre is identified in the **Rotherham Economic Growth Plan** as a key priority for investment. Vacant properties, absent landlords, and the scale of property held in investment trusts are identified as key barriers to its transformation. The Order Land typifies these issues with an absent landowner who has been unable or unwilling to bring forward redevelopment of this site following fire damage and vacancy over many years. Bringing the site into public sector ownership and working with the private sector to secure its redevelopment will directly tackle the long-standing issues this site has faced.

6.3.6 In terms of the Government’s ‘Levelling Up’ agenda, ‘left behind’ regions of the UK are a priority and Town Centres are seen as a crucial part of communities and local economies. In recognition of this, the Council has been awarded £31.6m from the Towns Fund programme and £12.6 million from the Future High Streets Fund towards the regeneration of the town centre. The acquisition and development of the derelict properties that make up 3-7 Corporation Street is an important component of this transformative programme.

6.4 Planning Permission

A full planning application was submitted on 3rd January 2023 (RB2023/0001) by the Council’s agent (Joe Mothersole, Turner and Townsend) and feedback from statutory consultees is currently being addressed. The application is due to be determined in April 2023. Due to the Order Land being situated in the Conservation Area a full planning application was required including an accompanying detailed heritage impact assessment. Feedback on the application has been received from Historic England which supports the proposed development.

7 THE NEED AND JUSTIFICATION FOR THE ORDER

7.1 By virtue of Section 226(1)(a) of the Act the Council has the power to make a compulsory purchase order for any land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation

to, the land. The Council believes that the acquisition of the Order Land will facilitate the carrying out of development as follows:

- Bringing the site into public ownership and enabling the prompt removal of the derelict buildings via demolition
- Enable the Levelling Up and Towns Fund grants to be deployed to support the redevelopment through the appointment of a developer, or direct delivery by the Council.

7.2 Section 226(1A) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area. For the reasons set out below and elsewhere within this Statement of Reasons, the Council is of the firm view that the Development will so contribute.

7.3 Section 226(4) of the Act provides that it is immaterial that the development, re-development, or improvement may be carried out by a third party.

7.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire such new rights over land as are specified in a compulsory purchase order. The CPO Guidance provides guidance on the use of these compulsory purchase powers. The Introduction to the CPO Guidance states that:

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”

7.5 The main body of the CPO Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Tier 2, Section 1 provides specific guidance for local authorities on the use of their powers under Section 226. Paragraph [95] provides that:

“This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.”

7.6 The Acquiring Authority is of the firm view that the proposed redevelopment of the Order Land fully accords with the criteria at paragraph 95 of the CPO Guidance. In particular, the purpose for which the Order Land is to be acquired fits in with the adopted planning framework for the area; the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social, and environmental wellbeing of the area; and that purpose could not be achieved by any other means such as alternative proposals put forward by owners of the land or alternative locations.

8 ECONOMIC, SOCIAL, AND ENVIRONMENTAL WELL-BEING

8.1 The Acquiring Authority is of the firm view the redevelopment of the Order Land will contribute to the repopulation of the town centre and form part of the wider regeneration of the Leisure and Culture Quarter, consequently providing a significantly improved and vibrant local environment. As such, the proposed redevelopment will contribute significantly to the economic, social, and environmental well-being of the area.

8.2 Housing: Rotherham has an ongoing and ever-increasing demand for local housing that improves housing quality and provides a choice of dwellings of different size, type, and affordability.

8.2.1 The redevelopment of the Order Land will introduce new, quality residential space on a derelict brownfield site, in a sustainable town centre location. The Town Investment Plan predicts smaller average household sizes emerging over the life of the plan, so the provision of 1- and 2-bedroom apartments will make a valid and relevant contribution to future local housing needs.

8.2.2 By providing modern, sustainable, high-quality housing, living conditions for new residents will be positive, and the removal of unsafe, derelict buildings from the town centre landscape will improve users' impressions of town centre safety. People living in the town centre make a significant contribution to its regeneration, increasing footfall, and instilling pride in homes and the area in which residents live.

8.3 Transport: The **Town Investment Plan** identifies that 27% of households in Rotherham do not own a car. New homes at the Order Land will enable people to live in a sustainable town centre location with access to all essential amenities. The public transport network, offering access across the Borough and region through the rail, tram train and bus, is located within a 5-minute walk of the site. With residents within walking/cycling distance to local destinations and transport links this will reduce the need for use of private vehicles. The location and accessibility of the site for amenities and the public transport networks maximises residents' ability to participate in active travel, contributing to healthy lifestyle choices and a greener environment.

8.4 Economy: The stock of small businesses in Rotherham is below the national average. The provision of small commercial units as part of the development, together with the diversification of the town centre and opportunity arising from the Forge Island development (outlined in section 2.6), will encourage and facilitate investment from smaller businesses in the area. The redevelopment of the Order Land will deliver modern commercial space offering a prime opportunity for local investment and small businesses to establish and grow as part of the reinvigorated town centre offer. In turn, it will leverage additional private sector investment in the town centre and this catalyst will have a positive effect on property values in the vicinity.

8.5 Environment: The removal of the long-standing eyesore of the burnt-out buildings that currently occupy the Order Land, together with its subsequent redevelopment, will significantly enhance the character and vibrancy of the area.

8.5.1 The scheme will enhance the built environment of Rotherham Town Centre Conservation Area and together with the neighbouring Forge Island leisure

development will build confidence in the market, and local pride in Rotherham can be restored.

8.5.2 A full structural survey has not been undertaken due to the lack of full access and unsafe state of the buildings. There have been a number of environmental health and community safety concerns relating to the property, particularly linked to the impact on neighbouring properties from vermin, the use of the shell of the building by rough sleepers, and reports of anti-social behaviour and criminal activity in and around the properties. The proposals will remove a potential health and safety risk from the environment as well as tackling anti-social behaviour by improving passive surveillance from businesses and residential properties, contributing to reducing crime and anti-social behaviour in the wider vicinity.

9 DELIVERY AND RESOURCES

9.1 The responsibility for the delivery of the Development is set out below. In June 2021, Rotherham succeeded in securing £31.6 million from the Towns Fund and £1 million Gainshare recovery funding from South Yorkshire Mayoral Combined Authority (SYMCA). In October 2021, this was followed by an award of £40 million as part of the Government's Levelling Up Fund. The order land was specifically referenced as a priority in the preparation of the successful Towns Fund and Levelling Up bids.

9.2 In March 2022, Cabinet authorised the strategic acquisition of the Freehold and Leasehold interests in specific areas necessary to implement the regeneration plan. This included 3-7 Corporation Street and the wider Leisure and Culture Quarter. In May 2022, a further progress report, including 3-7 Corporation Street, was considered by Cabinet. This report specifically sought approval to utilise the secured funding for implementing the Regeneration Programme and provided delegated approval for the 3-7 Corporation Street Full Business Case. This enabled the Strategic Director of Regeneration and Environment, in consultation with the S. 151 Officer and the Cabinet Member for Jobs and the Local Economy to approve the Business Case and start the delivery process.

9.3 Through the investment, the project will bring the site into public ownership and demolish the current, derelict buildings, offering a cleared site for redevelopment. Partnership with the private sector (preferred option) will secure the delivery of a residential-led, mixed use development. The Council has worked closely with local developers to deliver similar successful schemes across the Town Centre, following a 'build to rent' template. This delivery model has proven successful on other sites (Old Market, Keppel Wharf, Imperial Buildings) located in close proximity to 3-7 Corporation Street. Developers, Iliad, were procured by the Council to deliver these residential led mixed use developments and in 2009, they successfully delivered more than 110 new apartments. The developments were facilitated through Housing Market Renewal funding which bridged the viability gap. These 3 schemes were successfully completed in 2009/10 and have maintained high occupancy levels ever since (100% as of June 2022).

9.4 Some soft market testing with developers has been undertaken to explore views on mix of uses, size of units, tenure, and deliverability for 3-7 Corporation Street. Feedback has been provided lending support to the appropriateness of a residential led scheme on this site with nearby town centre build to rent schemes proving successful.

9.5 More recently, HMP Developments have completed 10 apartments in the Westgate Chambers complex. These apartments have been all been let in recent months with strong demand resulting in better than anticipated rental levels being achieved. HMP Developments are continuing the redevelopment of Westgate Chambers with phase 2 currently underway to deliver 19 more apartments for rent.

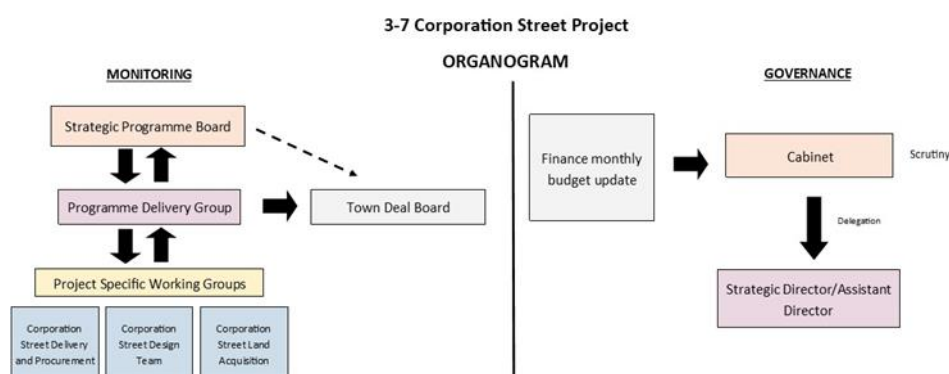
9.6 Whilst commercial premises in the Town Centre have struggled in recent years, all the six class E units at Forge Island were recently let in advance of construction. The proximity of the scheme to Forge Island provides an opportunity for the commercial units to accommodate anticipated ‘over-spill’ demand created by the development.

9.7 The overall cost of the scheme was estimated to be £5.5 million following the production of a Cost Management Plan in June 2022. This plan took account of land acquisition costs, inflation and a contingency. The Town Deal, Levelling Up Funds, and Gainshare Funds will be used to purchase the site, undertake demolition, and contribute to the viability of the proposed Development, making this a deliverable and attractive proposition for a developer:

- Town Deal: £2,647,664
- Levelling Up Fund: £537,724
- Gainshare Fund: £75,000

9.8 The Council is already in receipt of the funding outlined above, so works to demolish and clear the site can begin as soon as the land is in public ownership. The timescales for defraying the funding are March 2024 for Levelling Up, and March 2026 for the Town Deal contribution, meaning that it is crucial to progress the development at this time. In the project Full Business Case signed off by the Council, commitment was given to direct delivery of the scheme should procurement of a private sector developer prove unsuccessful.

9.9 Monitoring and evaluation of the project outputs will be undertaken by the Council’s Programme Management Team within RIDO (Rotherham Investment and Development Office). M&E will be in accordance with both the Council’s procedures and Government requirements following the Governance structure outlined below:



10 LAND NEGOTIATIONS

10.1 Following the third fire in 2011, the owner was interested to know if the Council would purchase the buildings or offer financial incentives for redevelopment. At the time, a lack of a strategic plan for the area, as well as lack of ready funding and resource, meant that the Council could not justify a purchase. In 2014, a South Yorkshire based property developer, submitted a pre-application for the creation of 48 apartments on 4 upper floors and commercial space on the ground floor. The formal planning application, however, was never submitted and no progress was made on the proposed scheme.

10.2 In 2017, following preparation of the Town Centre Masterplan, the Council issued letters to the landowner, outlining their wish to engage to bring the site forward for development as part of wider regeneration plans for the town centre. A further, subsequent letter outlined the Council's willingness to buy the properties if that was the landowner's preferred option. No responses were received to either of these letters. The owner subsequently proposed a hotel scheme on the site. This was granted planning consent in August 2019 with a condition requiring demolition of the existing buildings within 12 months. This consent was not implemented and has since lapsed, despite an extension to the planning permission until May 2021 (due to COVID).

10.3 As a result of the lack of progress in bringing any form of development forward the Council, in May 2021, re-engaged with the Landowner to seek an acquisition. In April 2022, Gateley Hamer were appointed by the Council to conduct negotiations and seek to agree a purchase to bring the land into public ownership. A wide gulf between a realistic value for the site and the owner's expectations led to an unsuccessful conclusion in this period.

10.4 More recently, whilst the owner/owner's representatives have been engaging, it has not been possible to reach an agreement. As part of the engagement with the landowner, the Council explored if the residential-led mixed use development could be brought forward by the landowner. In response, the owner's representative suggested a social housing scheme on the site, with residential on all floors (i.e no commercial space on the Ground Floor) but advised they would struggle with the viability and deliverability of bringing this forward.

10.5 The focus of the Town Centre Masterplan is on the creation of mixed, sustainable communities, in line with the Rotherham Housing Strategy. The Council considered that a social housing scheme does not provide the public advantage that the Council-developed scheme will provide. Social housing is already well provided in the Town Centre with 367 homes provided across Wellgate, Wharnccliffe, and the rest of the Town Centre.

10.6 Recent Council-led schemes have illustrated further demand for market rental properties. Out of 171 houses and apartments built at Westgate Riverside, Millfold Rise, and Wellgate Place (completed in summer 2022) nearly 100 were designated as Council affordable, rental properties and are now fully let. Other properties intended for sale as part of shared ownership and open market schemes have proved popular but not all have sold. To satisfy demand for rental properties in the town centre, the Council has changed the previously proposed tenure of some additional units, notably Portland House flats. This indicates a growing, buoyant 'build to rent' market supporting the repopulation of the Town Centre and reactivating the Culture and Leisure Quarter.

10.7 The Council is not aware of the landowner having a track record of delivering similar schemes and therefore, considering the history, type of development proposed, and issues of financial viability are not confident a scheme will be brought forward whilst in the current ownership. The Council has continued negotiations and will continue to engage with the owner but there is no certainty the acquisition can be agreed at a realistic value and in reasonable timescales.

10.8 The landowner, as indicated at the Land Registry, has recently passed away and his Estate is now likely to be subject to Probate. An offer to acquire the property has been put in writing and issued to the solicitors dealing with the matter. As a result of these circumstances, the inability to reach agreement on the acquisition, timescales relating to the funding and the prior non-cooperation of the landowner it is considered necessary to make and serve the Order.

10.9 In December 2022, local residents/neighbouring properties were notified of the Council's plans to submit a planning application. No responses were received. In January 2023, requests for information were sent out to neighbouring properties, including those who may have access rights across the land and those potentially with interests within the red line boundary that may be impacted by the new rights. The Council have engaged, and continue to engage, with those that have rights impacted as well as those interests where new rights are required, in order to reach an agreement ahead of the use of compulsory purchase powers. The Council will continue to carry out negotiations with all third parties throughout the procedural stages of the Order.

11 RELATED ORDERS AND SPECIAL KINDS OF LAND

11.1 None

12 HUMAN RIGHTS ACT

12.1 In determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights ("the Convention"). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is all the land necessary in order to secure the delivery of the Development and does not include land which is not required for that purpose.

12.2 Article 1 of the First Protocol to the Convention states that "...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...". Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be done in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Development are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in

the implementation of the proposals and those private rights which will be affected by the Order.

12.3 Article 6 of the Convention provides that: “In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. An Equalities Impact Screening has also been prepared and made available.

12.4 All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State for Communities and Local Government, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.

12.5 Article 8 of the Convention states that: “Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.” The Council considers that the interference with this right that will result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing the much-needed regeneration of the area), and will be proportionate having regard to the public benefits that the regeneration will bring.

Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

12.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and 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. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate.

12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.

12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the

interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate. If objections are received, a public inquiry will be held into the Order, and those whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided under national law.

13 CONCLUSION: COMPELLING CASE IN THE PUBLIC INTEREST

13.1 The CPO Guidance sets out guidance for acquiring authorities regarding the making and confirmation of CPOs. This includes key policy tests which the Secretary of State will expect to be satisfied before a CPO is confirmed.

13.2 Paragraph 106 of the CPO Guidance advises that, in deciding whether or not to confirm a CPO, the Secretary of State can be expected to consider factors including the following:

13.2.1 whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date framework exists, with the draft Local Plan and the NPPF

13.2.2 the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social, or environmental wellbeing of the area; and

13.2.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

13.3 Paragraph 13 of the CPO Guidance provides that it will be difficult to show conclusively that the compulsory acquisition of land is justified in the public interest if the acquiring authority cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale.

13.4 Paragraph 2 of the CPO Guidance refers to the taking of steps by an acquiring authority to acquire land by agreement where possible.

13.5 Accordingly, the Council considers that the tests in section 226(1)(a) and section 226(1)(A) of the Act are met, the criteria in the CPO Guidance is satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

14 CONTACT DETAILS

14.1 All those owners and occupiers affected by the Order, whether relating to homes or businesses premises, who wish to speak to the Council's agents regarding the purchase of their interests are requested to contact: James Dewey at Gateley Hamer on either 020 7653 1696 or at james.dewey@gateleyhamer.com

14.2 This is a non-statutory statement which is not intended to constitute the Council's Statement of Case under the 2007 Rules.

15 LIST OF DOCUMENTS

15.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed below. The list is not exhaustive, and the Council may also refer to additional documents in order to address any objections made to the Order:

Guidance on Compulsory Purchase Process and The Crichel Down Rules (“the CPO Guidance”), Department of Levelling Up, Housing and Communities, July 2019

Section 226 (1)(a) of the Town and Country Planning Act 1990 (“the Act”) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976

Rotherham Town Centre Masterplan (Prepared by WYG for Rotherham Metropolitan Borough Council), September 2017

Rotherham Local Plan and Core Strategy

<https://www.rotherham.gov.uk/downloads/download/37/local-plan-core-strategy-documentation>

Cabinet Meeting on 28th March 2022 (Minute 124) Cabinet Minutes

Cabinet Meeting on 16th May 2022 (Minute 149) Cabinet Minutes

Cabinet Meeting on 23rd January 2023 (Minute 105) Cabinet Minutes

Equality Impact Screening and Carbon Impact Assessment (Rotherham Metropolitan Borough Council)

Rotherham Town Investment Plan (Rotherham Town Deal Board) 2021

Council Engagement Newsletters/Email <https://www.rotherham.gov.uk/news>

National Planning Policy Framework, Ministry of Housing, Communities & Local Government, July 2021

Rotherham Sites and Policies Document [Local Plan Sites and Policies documentation – Rotherham Metropolitan Borough Council](#)

Rotherham’s Housing Strategy 2022-2025 (Rotherham Metropolitan Borough Council) 2015

Rotherham Council Plan 2022-2025 [Council Plan 2022-25 – Rotherham Metropolitan Borough Council](#) 2022

Rotherham Economic Growth Plan 2015-2025 (Rotherham Metropolitan Borough Council) 2015

Rotherham Town Centre: Quarterly Vacancy Survey, July 2022 (Rotherham Metropolitan Borough Council)

15.2 The Order, Order Schedule and Order Map are all available as separate documents.