

**STATEMENT OF REASONS**

Relating to:

THE ROTHERHAM METROPOLITAN  
BOROUGH COUNCIL  
(DINNINGTON MARKET PLACE)  
COMPULSORY PURCHASE ORDER 2025

Rotherham MBC  
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Rotherham

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## 1. INTRODUCTION

- 1.1. This document is the Statement of Reasons of Rotherham Metropolitan Borough Council (“**Acquiring Authority**” or “**the Council**”) for the making of a compulsory purchase order entitled Rotherham Metropolitan Borough Council (Dinnington Market Place) Compulsory Purchase Order 2025 (“**the Order**”). In this Statement of Reasons, the land included in the Order is referred to as “**the Order Land**”.
- 1.2. This Statement of Reasons has been prepared in compliance with Tier 3 - Section 14 of the Guidance on the Compulsory Purchase Process by the Ministry of Housing, Communities and Local Government (October 2024) (“**the Guidance**”).
- 1.3. The Acquiring Authority has made the Order pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 Local Government (Miscellaneous Provisions) Act 1976.
- 1.4. The purpose of the Order is to facilitate the demolition or refurbishment of disused, derelict aging and declining town centre buildings to facilitate a town centre redevelopment which comprises modern commercial space, landscaped town square including a demountable market offer, with associated storage unit, car parking, and servicing capable of meeting the demands of a 21<sup>st</sup> Century local retail environment (“**the Scheme**”).
- 1.5. The Council considers that the Scheme will contribute significantly to the economic, social and environmental well-being of its area by delivering important public benefits as referred to in the following sections of this Statement of Reasons.
- 1.6. The Scheme is proposed to be implemented by means of the redevelopment proposals the subject of a full planning permission with reference RB20240992 (the “**Planning Permission**”).
- 1.7. If confirmed by the Secretary of State for Housing, Communities and Local Government, the Order will enable the Acquiring Authority to acquire compulsorily the Order Land to facilitate the Scheme.
- 1.8. On 7 August 2023, the Council’s Cabinet approved in summary, amongst many things, the following:
  - 1.8.1. the allocation of £11,049,547 of central government grant funding towards the delivery of the Scheme;
  - 1.8.2. the delegation of authority to officers to commission the preparation of Scheme designs;

- 1.8.3. the delegation of authority to officers to negotiate and agree the acquisition of property interests for the purposes of delivering the Scheme;  
and
  - 1.8.4. to approve, in principle, the process of investigating the possibility of exercising compulsory purchase order making powers in the event it is not possible to acquire the land needed for the Scheme within a set period.
- 1.9. The Council's Cabinet on 7 July 2024 approved an additional sum of £1m towards the overall funding of the Scheme (in addition to the central government grant of £11,049,547), the total Scheme (land acquisition, compensation and construction cost) being assessed at £12,049,547. Further in October 2024 the Council resolved to make and then seek confirmation of the Order.
- 1.10. The Council recognises that a compulsory purchase order may only be made if there is a compelling case in the public interest to acquire land (see – paragraph 12.3 of the Guidance). The Council considers that a 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.
- 1.11. This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 215 of the Guidance.

## 2. THE NEED FOR REGENERATION

- 2.1. The Scheme comprises land between Laughton Road and Constable Lane. The enclosing boundary includes 32A Laughton Road, the former indoor market (34 Laughton Road), 36 – 56 Laughton Road, the outdoor market, the colliery band building and associated land, and two passageways at either end. The bus station and the snooker club sit adjacent to the Scheme land. The proposed Scheme land measures approximately 5,500sqm and is shown edged red on the plan at Appendix 1.
- 2.2. The existing properties comprised within the Scheme land include: a burnt-out former retail building, a disused market hall, an off-retail pitch and dated outdoor market site, and a shopping parade that separates the high street from the market square and bus station. Many of these structures are poorly maintained, aging and dated and form a layout which is in conflict with and undermines the effective functioning of Dinnington town centre as a commercial centre, as detailed:
  - 2.2.1. the outdoor market comprises basic low-height, steel pole framed, corrugated metal roofed market stalls on a concrete hardstanding. The layout and design of these stalls are regularly subject to anti-social behaviour, being situated on back land behind the shopping parade fronting Laughton Road. The area has been poorly maintained and the subject of numerous fires and is an escape route for those committing crimes in the neighbouring shops. The surfacing is in extremely poor condition and presents a danger to pedestrians;
  - 2.2.2. the burnt-out building (32A Laughton Road) has been derelict since an arson attack in April 2019 which caused significant damage to the building. No effort appears to have been made by the private sector owner to maintain nor bring forward reuse of the property. In its current condition it presents a potential danger to the public and detracts from the remainder of the high street (Laughton Road) and is an eyesore;
  - 2.2.3. the indoor market has been unused since the Covid-19 pandemic when trading ceased. It is in relatively poor condition and provides further evidence of the degradation of this part of the high street; and
  - 2.2.4. the shopping parade (36 – 56 Laughton Road) is a 1970s parade of terraced, mostly single storey, and part two storey lock up retail units fronting Laughton Road, the principal Dinnington high street. It forms a physical barrier between the high street and the bus station, the principal town centre car parks; and market square. Having been in multiple private

ownerships it has been allowed to deteriorate over a number of years, leaving the tenants with significant water ingress and electrical issues forcing them to close regularly.

***Images of the existing properties within the scheme land can be found at Appendix 2***

- 2.3. The multiple passageways that cross the site from Laughton Road to Constable Lane are narrow, secluded and in a poor state of repair and therefore unsafe for pedestrian users particularly after dark. The passageways are subject to uncontrolled vehicular access.
- 2.4. Land adjacent to the outdoor market and colliery band building is frequently utilised for informal parking despite free car parks being located immediately adjacent to the site.
- 2.5. The current layout and condition of the Scheme land as outlined above has been identified as a key factor in the poor public perceptions of the area, leading to reduced trips to the town centre particularly in the evening. There is a clear and immediate need to intervene.
- 2.6. The Scheme, amongst other things, aims to tackle inequality through direct intervention that will support local growth in the civic, commercial, and cultural sectors. The safeguarding and promotion of these sectors will support a variety of employment opportunities for the local community, and drive business confidence. In addition, the new and refurbished retail units and areas of new public realm have been designed to current Building Regulations standards and will be fully accessible. The new town square will alleviate instances of anti-social behaviour, through the creation of open spaces which promote passive surveillance and create a safe and welcoming environment.
- 2.7. The Council's sustainable approach to improving the area will be centred on repurposing underused brownfield land and derelict buildings alongside investment in public realm to increase footfall to sustainable levels and restore a sense of pride of place. The Council believes that this major capital investment in high quality place making and investment in local amenities will increase confidence in the area and provide an attractive offer to local people that incentivises visits to the town centre and draws in local trade.
- 2.8. Whilst the primary objective for making the Order is to deliver regeneration benefits, an added benefit will be the removal of health and safety risks in the Scheme land, by

reducing instances of antisocial behaviour and removing derelict buildings from the area.

- 2.9. In recent years, there has been large-scale growth in housing in the Dinnington area which has led to an increased population. It is considered that the town centre must develop to serve new residential communities, and the Scheme land, in its current state, is a hinderance to the required provision of a town centre that boosts economic growth in the area.
- 2.10. The Scheme involves demolishing the burnt-out building, the former indoor market, the outdoor market, the colliery band building, and the southern half of the shopping parade (36A – 44 Laughton Road). These structures will be replaced with. new commercial units, an open and accessible market square with demountable market stalls that will be dismantled and moved to a secure storage area at the end of the trading day. The market square will be a fully landscaped public realm area to create enhanced pedestrian routes between Laughton Road, the bus station, and the well-used town centre car parks. The remaining northern half of the shopping parade (46 – 56 Laughton Road) will be refurbished to complement the new build elements of the Scheme.
- 2.11. The Scheme has the benefit of financial support from the Ministry of Housing Communities and Local Government (see section 11) and was developed in conjunction with Dinnington Ward Members, Dinnington St Johns Town Council, and the MP for Rother Valley who supported the proposed Scheme from a variety of options that were presented. Jake Richards, the newly elected Member of Parliament for the Rother Valley constituency, strongly supports the Scheme.
- 2.12. Significant public consultation took place in the development of the Council's successful Principal Areas of Growth bid to the Department for Levelling up Homes and Communities (now known as Ministry for Housing Communities and Local Government). The bid focused on a project to bring about significant improvements to Dinnington High Street and market with the aim of revitalising the area, boost local businesses and improve community facilities. The bid secured £11,049,547 funding for the Scheme. The bid followed a consultation exercise with local residents, shopkeepers/commercial occupiers and user of Dinnington High Street. This consultation exercise helped shape the development proposals for the area, with follow up consultation events taking place in October 2023 and throughout 2024 to further inform and develop the proposal culminating in the Scheme.
- 2.13. Feedback from the consultation exercise emphasised the strong local desire for change as the current centre was reported to feel insecure, derelict and in part

unsightly. There was a particular frustration at the unused and derelict buildings. There was a strong desire to see Dinnington High Street thrive. Further details of the consultation process can be found in Section **Error! Reference source not found.** of this Statement of Reasons.



### 3. DESCRIPTION OF THE DEVELOPMENT

- 3.1. The delivery of the Scheme will involve the demolition of the burnt-out building, the former indoor market, the outdoor market, the colliery band building and half of the shopping parade (32A – 44 Laughton Road).
- 3.2. These structures will be replaced with commercial units, a demountable market and a fully landscaped area of public realm to create a new market square and clear routes between Laughton Road, the bus station, and well-used car parks. Storage and facilities will be provided for the market traders. The remaining half of the shopping parade (46 – 56 Laughton Road) will be refurbished to complement the rest of the Scheme.
- 3.3. The acquisition of remaining plots of land (detailed below in Section **Error! Reference source not found.**) of the Order Land, is required to implement the Scheme.

***Images of the proposed development as per the planning permission can be found at Appendix 3.***

#### 4. LOCATION AND DESCRIPTION OF THE ORDER LAND

- 4.1. The Scheme comprises land between Laughton Road and Constable Lane. The enclosing regeneration boundary includes 32A Laughton Road, the indoor market (34 Laughton Road), 36A – 56 Laughton Road, the outdoor market, the colliery band building and associated land, and two passageways at either end of the plot. The Order land is shown edged red and shaded in pink and land over which rights only are to be acquired is shown shaded in blue on the plan at Appendix 1 to this Statement of Reasons.
- 4.2. The Order Land comprises the interests in land that are to be acquired and are necessary to deliver the Scheme.
- 4.3. The outstanding interests the Council is actively seeking to acquire are summarised below and further specific detail around the process of negotiating the acquisition of land by agreement is set out in Section **Error! Reference source not found.**

	<b>Property description</b>	<b>CPO Map Plot reference</b>
1	Freehold of 77 square metres of land adjacent to (retail premises) at 56 Laughton Road (Plot 2), all interests in 56 Laughton Road (Plot 3), and all interests in a further 16 square metres of land (paved area) fronting onto Laughton Road (Plot 4)	2,3 and 4
2	Freehold of land known as Dinnington Market (outdoor market)	5
3	Head Leasehold and Under Leasehold interests in 50 Laughton Road (retail premises)	9
4.	Head Leasehold and Under Leasehold interest in 40 Laughton Road (retail premises) and 5 square metres of adjacent land to the rear	14 and 15
5.	Freehold of land to the south of Dinnington bus station (band hall and car park)	17
6.	Freehold of Dinnington Indoor Market fronting onto Laughton Road (retail premises)	19
7	Freehold of land comprising a derelict shop premises and forecourt at 32A Laughton Road (retail premises)	21

- 4.4. The remaining Order Land within the Scheme is in the Council's freehold ownership but is affected by rights or other interests of a historical nature that either need to be

overridden or acquired compulsorily in order for the Scheme to proceed. The nature and full extent of those interests is uncertain, and therefore not capable of being acquired by negotiation. The purpose of including these interests in the Order Land is to cleanse the title to allow the Scheme to proceed unhindered.

4.5. In addition to the land to be acquired, there are three parcels of land over which rights only are required for delivery of the Scheme. These are:

4.5.1. Land adjacent to plot 5 (Dinnington Outdoor market) and shown as plot 22 on the Order Map;

4.5.2. land adjacent to plot 17 (land to the south of Dinnington Bus Station) and shown as plot 23 on the Order Map; and

4.5.3. land adjacent to plot 19 (Dinnington Indoor Market) and shown as plot 24 on the Order Map.

4.6. For the purpose of all three parcels referred to above, temporary rights over the land in question are required for the purposes of carrying out demolition and any other works associated with the works to deliver the Scheme.

## 5. ENABLING POWERS

- 5.1. The Council has the power under Section 226(1)(a) of the Town and Country Planning Act 1990 (“the **Act**”) to make a compulsory purchase order to acquire land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment, or improvement (including regeneration) on or in relation to the land.
- 5.2. Section 226(1A) of the Act provides that the Council may not exercise this power unless it thinks that such development, re-development, or improvement is likely to contribute to the promotion or improvement (including regeneration) of the economic, social, or environmental well-being of its area.
- 5.3. The Council also has powers to acquire rights only over land pursuant to section 13 Local Government (Miscellaneous Provisions) Act 1976
- 5.4. The Council has had regard to and followed the Guidance in relation to the Order. Paragraph 1.2 of the Guidance provides 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”*
- 5.5. Paragraph 12.3 of the Guidance provides that,  
*“a compulsory purchase order should only be made where there is a compelling case in the public interest”*.
- 5.6. The Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Section 1 of Tier 2 provides specific guidance for local authorities on the use of their powers under section 226 of the Act. Paragraph 98.1 of the Guidance provides that the power is,  
*“intended to provide a positive tool to help local authorities with planning powers to assemble land where this is necessary to implement the proposals in their development plan or where strong planning justifications for the use of the powers exist”*.
- 5.7. The promotion of the Order is in accordance with the Guidance.

## 6. PURPOSE OF THE ORDER AND THE SCHEME

- 6.1. The purpose of the Order is to acquire the Order Land required for the proposed Scheme.
- 6.2. The burnt-out building (32A Laughton Road), the disused indoor market (34 Laughton Road), the outdoor market, the colliery Band building (10 Constable Lane), and units 36A – 44 Laughton Road are to be demolished and replaced with new commercial units, and public realm is to be constructed. The Order Land is needed to construct the new commercial units and to create a clear route from Laughton Road to Constable Lane and a multi-use town square which will be the site of the demountable outdoor market. The Order Land is required to allow the implementation of the Scheme.
- 6.3. The Scheme will deliver a mixed-use development together with new public realm and associated parking, servicing and landscaping that will achieve economic, social, and environmental well-being benefits for the Dinnington area.
- 6.4. In 2022, the Council submitted a bid for Levelling Up Fund monies totalling £19,990,111 to address market failures within the commercial centres of Wath-upon-Deerne and Dinnington. In the March 2023 budget, full funding for the Council's bid was announced as a capital regeneration grant with £11,049,549 allocated to Dinnington.
- 6.5. The aims of the bid, insofar as it related to Dinnington, was to tackle the declining physical infrastructure blighting the town centre. The funding was allocated to facilitate strategic site assembly, demolition of burnt out and problematic buildings, and development of a modern commercial space set around a new town square. The Council believes that using this investment to deliver the Scheme, will drive revitalisation of the high street and create economic, social, and environmental benefits.
- 6.6. The layout and condition of the area has been identified as a key factor in the poor public perception of the area and reduced trips to the town centre particularly in the evenings. The main issues identified at the time that the bid was put together were:
  - 6.6.1. burnt out, disused, and problem buildings;
  - 6.6.2. rising long term vacancies on the high street and declining footfall;
  - 6.6.3. an underperforming market not meeting current demands;
  - 6.6.4. anti-social behaviour and a lack of safety due to the secluded nature of the fixed market stalls behind the Laughton Road shopping parade; and

- 6.6.5. a lack of clear, safe and well-maintained pedestrian routes between Laughton Road and the bus station and car parks on Constable Lane.
- 6.7. The proposed Scheme, as set out below, will act as a catalyst in helping create a vibrant town centre which in turn will support the economic growth of the town and wider borough. This will be achieved by:
  - 6.7.1. providing a new focal point in the town centre for retail and leisure, as well as providing space for community activities;
  - 6.7.2. removing the current blighted elements which have been the location of anti-social behaviour, transforming the area into a welcoming and safe space;
  - 6.7.3. opening up the high street to the bus interchange;
  - 6.7.4. providing a new temporary 'pop-up' type market offer which will draw new traders and generate a wider and more attractive retail offer;
  - 6.7.5. providing new green space helping to 'soften' the existing surrounding high street and buildings; and
  - 6.7.6. nurturing the creation of an environment that incentivises town centre shopping for the large Dinnington residential communities.
- 6.8. Dinnington is one of the Borough's "Principal Settlements for Growth"; however, the positive investment and growth in housing and employment sites has not, thus far, reached the traditional town centre shopping area.
- 6.9. To deliver transformational regeneration and diversify the local offer, drastic change is required to create a multi-use area that provides a retail, community, and leisure offer.
- 6.10. Commercial units fronting high-quality public realm are proposed to create a destination which will improve the local economy and the lived experience of residents and visitors to the area. These changes will provide more reasons for people to visit and stay longer and act as a catalyst for the local economy that is attractive to all residents. Key features of the proposed Scheme, include:
  - 6.10.1. a high-quality landscaped town square providing a space for the demountable market offer and improved public realm to encourage dwell time;
  - 6.10.2. new and refurbished commercial units fronting the town square;

- 6.10.3. improved pedestrian routes between key zones in the town centre to increase attractiveness and safety;
  - 6.10.4. a storage area to store market stalls and provide WC and refreshment area for market traders;
  - 6.10.5. formalised parking and delivery areas for commercial units to improve public safety.
- 6.11. The Scheme seeks to achieve the following objectives:
- 6.11.1. deliver a town centre regeneration scheme that is truly transformational for the town centre. The Scheme will assist in driving up land values and lay the important foundations for future commercially driven proposals to come forward;
  - 6.11.2. establish an improved market offer delivering markets on multiple days of the week to increase footfall to the town centre and usage of town centre retail;
  - 6.11.3. remove dangerous and disused buildings that are currently blighting the high street and restricting growth;
  - 6.11.4. provide high quality public realm and a town square that will be used for the market and community events going forward;
  - 6.11.5. create one clear through route across the proposed site between Laughton Road and the bus station to improve permeability and safety within the site and to open Laughton Road up to Constable Lane;
  - 6.11.6. provide an attractive town centre that draws in residents and reduces trips to retail locations further afield.

## 7. PLANNING

7.1. A full planning application (ref:RB2024/0992) was submitted on 9 July 2024 by the Council's agent (Jackie Sharpe, Turner and Townsend) and planning permission was granted on 13 September 2024. The Planning Permission comprises the following:

7.1.1. full planning permission for the demolition of various buildings on site which include the existing indoor and outdoor markets, the burnt-out building at 32A Laughton Road, the colliery band building, and 6no. retail units (36A – 44 Laughton Road).

7.1.2. full planning permission for the construction of 6 no. new commercial units (5 allocated for retail, and 1 allocated as a café / restaurant), a landmark commercial / community building, a new landscaped town square to facilitate markets and community events, public realm, and gated back of house areas providing delivery space and formalized car parking for new units.

7.2. The officers' report (that supported the grant of planning permission) concluded that the proposed development that underpins the Scheme was,

*“The application site is allocated for Retail purposes within Dinnington Town Centre and part of the Prime Shopping Street. The new retail units fall within the Prime Shopping Frontage and the uses are broadly acceptable within a retail allocation within an existing town centre. The development also accords with Dinnington Neighbourhood Plan. The proposal is of high quality and appropriate design in accordance with Local Plan Policies and the proposed public realm improvements, the alteration to the market and the new retail units, will raise the profile and improve the physical quality vitality and viability of Dinnington Town Centre. The proposal and in a sustainable location, do not impact on the amenity of neighbouring properties and subject to relevant conditions are acceptable.*

*“Therefore, it is considered that the proposed development would be in compliance with the requirements and provisions set out within national and local planning policies and guidance, including the neighbourhood Plan, and the application is recommended for approval.”*

7.3. It follows from the above that:

7.3.1. that the Scheme is in accordance with the Development Plan and no other material considerations indicate that permission should be refused;



- 7.3.2. planning permission has been granted and a six-week period for Judicial Review has now passed. Therefore, there are not likely to be any planning impediments to the implementation of the Scheme; and
- 7.3.3. notwithstanding this, a summary of compliance of the proposals with relevant planning policy is provided below. All strategies, policies, and plans referenced are in line with the National Planning Policy Framework.
- 7.4. The Scheme is aligned with the objectives of the NPPF in the following ways:
  - 7.4.1. Paragraph 90, the Scheme aims to boost the local economy and restore a sense of pride amongst the community. This aligns with the objective of supporting the growth, management and adaption of town centres;
  - 7.4.2. Paragraph 91 – The proposed Scheme is focused on the existing town centre which is consistent with the sequential test for main town centre uses; and
  - 7.4.3. the Scheme proposal accords with Paragraph 96 because it seeks to improve personal safety and reduce the fear of crime by creating clear legible pedestrian routes and a new high quality public space.

## **ROTHERHAM LOCAL PLAN – CORE STRATEGIES**

### 7.5. CS11 - Tourism and Visitor Economy

CS11 states that developments that improve the image and perception of Rotherham will be supported. Currently, Dinnington would not be viewed as a highly attractive town to visit due to various rundown and unused retail units on the high street. Although some locals do utilise the market, it is not frequented by people from further afield.

This development will create an attractive environment that will encourage people to spend time in the town centre and will portray a positive external image of the borough of Rotherham. The demountable market will be a modern and attractive offer that will help rejuvenate the high street and it is hoped that this improved offer alongside the welcoming and friendly location will draw people to the town from further afield.

Being situated adjacent to the bus interchange and free car parking provides easy access to those wanting to travel by both public and private transport making it an easy place to visit.

### 7.6. CS12 - Managing Change in Rotherham's Retail and Service Centres

This policy sets out the Council hierarchy for investment in town centres across the borough; Dinnington is in the second group of towns, behind Rotherham town centre,

for which investment should be prioritised. The policy also outlines the strategy for provision in each town centre; in Dinnington, the strategy is to improve the range of retail and service provision, reduce vacancies, and improve townscape and landscaping.

The current townscape and landscaping are marred by derelict and unused units as well as poorly kept surfaces. By demolishing units that blight the high street, constructing modern commercial units for rent, and providing high quality public realm, both the townscape and landscape will be vastly improved.

The policy states that neighbourhood shops and shopping parades that provide for local retail and service needs will be safeguarded and improved to help reduce the need to travel and to maintain accessibility and inclusive communities. Although 6 of the retail units in the shopping parade will be demolished as part of the regeneration, 6 new commercial units will be provided as part of the new development ensuring that local retail will not simply continue but will be given a much-needed boost.

Currently, there are various vacant units on Dinnington high street. It is thought that some of the units due for demolition in the shopping parade will be interested in moving into these vacant units while others will be interested in taking on a tenancy in the new units. Interest in the new units is expected to be high with letting costs being set at a fair market rate. Consideration will be given to the types of retailers applying to let the new units to ensure there is a broad range of retail and that units are open during daytime hours.

In addition to the built structures, the improved market offer will create further retail opportunity within Dinnington town centre.

#### 7.7. CS14 - Accessible Places and Managing Demand for Travel

CS14 looks at how accessibility should be promoted through the proximity of people to employment, leisure, retail, health, and public services. One element of this is locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

The proximity of this proposed development to Dinnington bus interchange makes the new offer accessible via public transport and will encourage the use of buses. It is hoped that by improving the local retail and leisure offer, private car journeys will be

reduced as locals choose to utilise the town centre over more distant retail alternatives.

Provision has been allocated on the scheme for bike storage to encourage sustainable travel to and from the new development.

#### 7.8. CS21 – Landscape

This policy states that new development will be required to safeguard and enhance the quality, character, distinctiveness, and amenity value of the borough's landscapes.

- Proposals that reduce the negative visual impact of landscape detractors will be encouraged.
- Landscape works shall be appropriate to the scale of the development.
- Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

The current landscape of Dinnington town centre is marred by landscape detractors such as burnt out and unused buildings, poorly maintained vegetation, and uneven, dated surfacing. Not only do these detractors negatively impact upon the character and quality of the town centre, but they also pose significant safety risks.

7.9. This proposal will remove landscape detractors, creating a safer environment, well surfaced public realm, and sympathetic natural landscaping. An appropriate area that will form a new town square has been allocated for public realm, seating, and planting to bring character to Dinnington town centre and provide a distinctive market and retail offer.

7.10. Surfacing and planting have been chosen to last for the lifetime of the development and have been selected to ensure the area will remain attractive and high quality while keeping maintenance requirements to a minimum.

#### 7.11. CS28 - Sustainable Design

CS28 looks at the sustainability of proposed designs and outlines the requirements to respect and enhance place and develop quality.

The proposed design has taken account of all elements outlined in CS28 to provide a spatially and contextually relevant mix of public space, commercial units, and public use buildings. The proposal is respectful of the existing townscape in Dinnington with roof heights and building designs complementing surrounding architecture whilst creating a modern and safe sense of place. Once complete, the area will provide an

attractive offer for people of all ages as well as for businesses and will foster civic pride and a sense of identity and place.

The layout of the site has been designed to allow for easy through routes to the high street from the bus interchange and car parks, whilst also creating an area of high-quality public realm that will be an attractive area to spend time. Appropriate landscaping has been included to provide balance to the scheme and encourage a healthy and enjoyable environment.

The building design is visually attractive and unique providing a distinctive commercial offer as well as a new landmark commercial / community building. By framing the public realm with the buildings, feelings of safety will be increased due to increased natural surveillance. Additionally, building heights have been carefully considered to ensure they are sufficiently high to avoid climbing.

Appropriately sized areas to the rear of the units have been allocated for deliveries, parking, and waste management. These areas will be securely gated and enclosed to prevent anti-social behaviour. In so doing, one clear route will be created, removing the current safety issue of multiple unlit passageways. Bollards and hard landscaping will be introduced at both ends of the scheme to guard against the risk of terrorist activity.

The retained shopping parade units will be refurbished to complement the rest of the development. This refurbishment will ensure the units are fit for purpose for the lifetime of the development and will tie the existing high street to the new development.

Overall, the design will improve the character, quality, and function of the area.

#### 7.12. CS29 - Community and Social Facilities

*CS29 reads as follows: 'The Council will support the retention, provision, and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being, and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. The Council will seek to enable provision through a variety of local authority, private sector, and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible.'*

This proposal includes a new commercial / community use building that may be used for a wide variety of community purposes and will allow for involvement of the community through its opening onto the new town square.

## **ROTHERHAM LOCAL PLAN – SITES AND POLICIES**

### **7.13. SP19 - Development within Town, District and Business Areas**

The proposed area for this development is classed as a main shopping area. Five of the new units will be retail units and fall within the primary retail frontage boundary with the sixth lying outside of this boundary and allocated for café/restaurant operation. The commercial/community building will also be located outside of the primary retail frontage boundary.

SP19 states that,

*”Retail and service centres are much more than a collection of shops. Associated services and outlets providing for visiting members of the public are appropriate and essential; banks, cafés, pubs, estate agents and take-aways are just a few examples, all of which can reinforce pedestrian flows and are preferable to long-term vacancies.”*

The café / restaurant unit will increase footfall to the new town square and provide a diversified offer for those visiting the town centre. Alongside this, the commercial / community building provides a social and leisure offer by allowing for community activity to occur within the heart of the town centre. Both units assist in increasing the vitality and viability of the town centre.

### **7.14. SP20 - Primary Shopping Frontages**

SP20 explains that for the protection and enhancement of the concentration of A1 shops within areas allocated for primary frontages, any proposals for A2 or A3 uses at ground floor level must not dilute the concentration of A1 shops below 65%, detract from the appearance or character of the frontage, or create an inactive frontage.

The proposed development will increase the concentration of A1 shops compared to the existing concentration in the shopping parade with A5 units being replaced with A1 usage. It is proposed that the sixth unit, which will be outside of the primary shopping frontage boundary, be allocated for A3 usage; this will not dilute the concentration of A1 shops and will create an active frontage that adds to the distinctive character of the new town square. The café/restaurant unit will not undermine the retail attraction of the centre but will positively contribute to the liveliness of the development.

The commercial/community building, falls outside of the primary shopping frontage boundary in Dinnington town centre.

### **7.15. SP21 - Secondary Shopping Frontages**

The site does not fall within the secondary frontage boundary as outlined on the retail centres map.

7.16. SP32 Green Infrastructure and Landscape

SP32 outlines how proposals for all new developments should support the protection, enhancement, creation, and management of multifunctional green infrastructure assets and networks. This includes landscaping at a scale and impact proportionate to the development to meet the needs of future occupants and users.

7.17. CS 21 Landscape outlines that where opportunities exist, the Council, and its partners, will support landscape enhancement, restoration, reclamation, and other environmental improvements to enhance the quality, appearance, and attractiveness of the borough and encourage future investment, development, and tourism.

The development site has great potential to enhance the borough. There is little existing green infrastructure apart from a single tree within the site boundary. There are no Areas of High Landscape Value or significant landscape features which need to be considered.

The inclusion of high-quality public realm and creation of a greener and healthier environment through urban planting is a key part of the development and its success. The proposal includes the planting of 22 proposed native trees, a SuDs planting scheme, and ornamental planting. The proposal is appropriate for the scale of the development.

In partnership with Natural England (through the Yorkshire & Humber Green Infrastructure Mapping Project 2010) a strategic network of existing and potential Green Infrastructure has been identified at the regional scale. Dinnington, and the surrounding area does not form part of Strategic Regional, sub regional, or district Green Infrastructure Corridors. It does, however, form part of the local green infrastructure opportunities and will provide some enhancement to this network.

7.18. SP55 - Design Principles

SP55 outlines how all forms of development are required to be high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. Various additional elements of this policy will be outlined below.

The proposed development will provide a vast improvement to the working environment for retailers on Laughton Road, the character, safety, and attractiveness

of the area, and the functioning of the space. It is thought that this proposal will raise the standard of design in Dinnington town centre.

Considerable consideration has been given to the context within which the new development will be constructed. Building heights complement adjacent existing buildings, materials have been chosen to sympathetically function alongside existing buildings, and the size of the units is relevant and appropriate for Dinnington town centre.

The landscaping has been designed to provide an attractive and functional space that is high-quality and can be maintained for the lifespan of this development.

The design honours the history and heritage of the area incorporating elements that will make the area distinctive and provide a sense of identity. It is thought that one of the walls of the retail parade will be set aside for public artwork.

The proposed development will create a greater sense of safety within Dinnington town centre by clearly demarcating the public and private spaces using gates and fences to prevent access to private areas. The public space will be well lit, and appropriate CCTV will be provided with the commercial units also providing natural surveillance over the area.

A waste strategy has been developed for the site with clear areas allocated for waste to the rear of the units.

The site will be accessible for all people regardless of their age, size, ability, or disability. The landscaping will allow people of any ability to move through the development with ease and to access all the functions available on the site. The development is legible in that users can easily find their way around the site.

The site is currently too permeable, meaning there are too many access routes through the area, which has created issues with anti-social behaviour and crime. By creating a clear route through the area that has natural and digital surveillance, users will understand how to use the site, and the site will feel safe to use throughout the day and night.

#### 7.19. SP59 - Shop Front Design

SP59 explains that the Council is committed to creating centres and shopping environments that are welcoming and attractive, projecting an image of quality and friendliness. The design of shop fronts has a major role to play in creating such quality environments. They are designed to attract attention, but this needs to be done sympathetically to the building upon which they are imposed and to the street scene in general. The promotion of good shop front design is therefore seen as essential.

The shop fronts have been designed to complement the building design and not detract from the overall street scene, while setting a higher standard for shop frontages in Dinnington. The frontages maximise the glazing facing onto both the street and the town square to create a modern and clean feel.

Shutter boxes will be located away from view and will not obstruct the architectural features of the buildings. Canopies have been included in the overall design with the majority being fixed, and one larger retractable canopy being included for the café / restaurant unit to allow for outdoor seating.

All doorways and entrances will be accessible to people with disabilities with the recessed frontages being shallow enough to avoid any issues with accessibility being created.

## **DINNINGTON ST JOHN'S NEIGHBOURHOOD PLAN**

### 7.20. STC1 - Enhancing the Character, Attractiveness, Safety, and Accessibility of Dinnington Town Centre

According to STC1, development proposals will be required to demonstrate how they contribute to enhancing the character, attractiveness, safety, and accessibility of Dinnington Town Centre.

The area proposed for development is currently unattractive, unsafe, void of character, and not accessible for all. This development provides attractive public realm and built edifices and simultaneously creates one safe and accessible route through from the car parks and bus station to Laughton Road. By demolishing half of the shopping parade, surveillance through from Laughton Road to Constable Lane will be provided. This safety will be enhanced by lighting and CCTV in the public realm and natural surveillance from the new commercial units.

The heritage elements of the public realm will create character and a sense of pride in the town centre.

Current surfacing makes the area inaccessible for various people, the newly surfaced area will provide ease of access for people of all abilities.

The materials chosen for the buildings are in keeping with the surrounding buildings. Further to this the heights and sizes of the units has been dictated by the town centre context.

### 7.21. STC2 - Shop Front Design in Dinnington Town Centre



STC2 states that development proposals to alter, replace or introduce shop fronts will be required to be of high quality, contributing to an overall improvement in terms of urban design and architecture.

This development will provide a higher standard of architecture and design within Dinnington town centre by introducing tasteful and attractive shop frontages.

The recessed frontages will provide greater visibility into the shops from various angles. This design element will also provide unique units that enhance the streetscape.

Each shop frontage will be equipped with a roller shutter for security.

#### 7.22. BED2 - Design and Infrastructure

BED2 states that the design and master planning of development proposals should support the creation and maintenance of inclusive and healthy communities.

Current access routes between Constable Lane and Laughton Road via the outdoor market feel unsafe and are poorly surfaced having been poorly maintained. This development will provide one safe route through from the bus interchange and the wider Dinnington community to Laughton Road which will be accessible to people of all ages. Surfacing and surveillance will be improved creating a safe accessway.

Buildings will be accessible to people of all ages and have been designed to avoid anti-social behaviour by ensuring the single storey elements are high enough to prevent climbing. Hidden corners will be eliminated in this new scheme to remove the opportunities for crime, and back of house areas will be gated and fenced.

This opportunity will enhance the retail draw of Dinnington for other towns in the area. The development will create a distinctive retail area and provide opportunities to create visitor interest in the town centre.

Any landscaping on the scheme has been designed to be maintainable for the lifespan of the development.

## 8. CONSULTATION

- 8.1. The Council has sought to engage the public, businesses, and key stakeholders in developing plans for Dinnington throughout the project lifespan and prior to funding being confirmed. Since project initiation, an engagement plan has been developed to ensure a wide audience are consulted throughout the lifespan of the project.
- 8.2. The Government supported Scheme has been developed in conjunction with Dinnington Ward Members, Dinnington St John's Town Council, and the MP for Rother Valley who supported the proposed scheme from a variety of options that were presented.
- 8.3. Significant public consultation took place in the development of the Council's principal areas of growth bid. The feedback from this consultation informed the development of the bid and has shaped the resultant proposal for Dinnington.
- 8.4. In October 2023, consultation events took place with members of the public, key stakeholders, and businesses to listen to views and ideas. Feedback from this session was used to further inform and develop design plans.
- 8.5. Further engagement events took place in March 2024 to showcase how the previous consultation had impacted on the proposed Scheme. Responses to the detailed plans were positive with the majority of residents expressing an eagerness to see the plans come to fruition as soon as possible.
- 8.6. Local newspapers and newsletters have been used alongside social media posts, website content, and printed content to ensure events and key messages are communicated to as broad an audience as possible. The significant reach of these posts has been reflected in the high number of people attending consultation and engagement events.
- 8.7. Residents stated that their main concerns were that there were disused and burnt-out buildings in the area and that the outdoor market stalls and multiple access routes through the site were unsafe and often the site of anti-social behaviour. Residents expressed frustration regarding the stagnancy of the area due to private ownership being unwilling to invest in the site. A popular opinion among residents was that they wanted to see the market offer continue and improve as it is well used and provides a good atmosphere on market days.
- 8.8. As can be deduced by comparing the Scheme with the feedback from consultation events, the Council has paid keen attention to the thoughts and views of residents, businesses, and stakeholders to develop a Scheme that tackles the issues in the area and provides a significant positive impact.

## 9. ACQUISITION NEGOTIATIONS

- 9.1. The Guidance states that the acquiring authority should take reasonable steps to understand the impact of the exercise of CPO powers on those with an interest in land through direct engagement with those parties and attempt the acquisition of the land and rights by agreement (Tier 1, para 2.2).
- 9.2. The Council has engaged with all affected parties and has made offers to acquire the relevant interests on compensation code terms in the shadow of a compulsory purchase. Affected occupiers whose interests can be acquired without the need to use compulsory purchase powers are being offered compensation on better than statutory terms set out in Section 37 Landlord and Tenant Act 1954.
- 9.3. In particular Paragraph 19.1 of the Guidance provides as follows:
- 9.3.1. Para 19.1(a) – the Council should provide full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and a timetable of events in an accessible format.  
The Council's agent hand delivered initial letters to all affected parties and discussed the process involved in effecting land assembly. Affected parties were informed of their entitlement to appoint agents to represent them.
- 9.3.2. Para. 19.1(b) – Council should inform affected parties of publicly available guidance including the Guidance, the Department's plain English guides and any information or guidance published by the Council;  
The Council provided links to the plain English guide on the .gov website. Links to the site will be re-issued with the CP Notices.
- 9.3.3. Para 19.1(c) – the Council should appoint a specified case manager during the preparatory stage to act as a point of contact for those with concerns about the acquisition process.  
The Council's appointed agent has been the contact and 'go between' for all affected parties. Further, where appropriate occupiers have been provided with the contact details of the Project Managers, Council service dealing with the Scheme and named Estates Officers.  
The Council's agent has been in touch with all affected parties inviting them to appoint an appropriately qualified and experienced compulsory purchase practitioner. The majority of affected parties have appointed

agents, and fee undertakings have been agreed between the Council and those appointed agents.

- 9.3.4. Para. 19.1(e) – the Council should where appropriate offer advice and assistance to affected occupiers in respect of relocation and provide details of and discuss available relocation properties.

The Council's asset management team have assisted displaced occupiers in seeking relocation premises. Undertakings have also been given for affected occupiers to appoint agents to locate suitable alternative relocation premises. Temporary relocations of displaced occupiers within the red line boundary are being explored, although it is unlikely that sufficient units will be available to accommodate all displaced occupiers in units owned by the Council. Pre-lets in the new scheme are being discussed with site occupiers. The Council's agent is in the course of agreeing terms for a relocation of the hot food takeaway at 40 Laughton Road.

- 9.3.5. Para. 19.1(g) – the Council should consider providing a 'not before' date for acquisition;

The Council is not in a position to provide “not before” dates at this time. However, as soon as it is clearer as to how long the Order confirmation process will take the Council is willing to consider providing such dates. In any event, the Council has made it clear through its agent that it would always seek to avoid taking possession of any of the Order land in the run up and during the busy Christmas trading period.

- 9.4 The Council has secured the agreement to acquire 9 of the 18 properties and parcels of land that are required for the Scheme.
- 9.5 The Council is continuing to negotiate with the remaining interest holders to acquire the outstanding 10 interests outlined in the Order Land and will continue alongside and throughout the process for confirming the Order.
- 9.6 Of the remaining 10 interests outlined in the Order Land, terms have been agreed with three interest holders and are with solicitors to complete. Terms are close to being agreed with a further two interest holders.

9.7

The remaining interests to be acquired are set out in the table below:

<b>Property to be acquired CPO Schedule and Map reference</b>	<b>Nature of interest</b>	<b>Owner/Tenant</b>	<b>Current negotiations</b>
56 Laughton Road Plots 2,3 and 4	Freehold SYK469282	Shelby Investments Limited	Purchase terms have been agreed and the matter is with solicitors
56 Laughton Road Plot 3	Leasehold SYK510186	Paul Alexander Munden and Susan Jane Munden	Purchase terms have been agreed and the matter is with solicitors
Dinnington outdoor market (Plot 5)	Freehold SYK200718	Donna Nixon	Purchase terms have been offered by the Council; negotiations are on-going with the property owner's agent
50 Laughton Road (Plot 9)	Long Leasehold SYK538924	Cobani Property Limited	Purchase terms have been offered by the Council; negotiations are on-going with the property owner's agent
50 Laughton Road (Plot 9)	Sub lease	Ahmet Gungor	Negotiations are ongoing with the tenant's agent
40 Laughton Road (Plots 14 and 15)	Long Leasehold SYK531221	Alaa Al Najafi	Purchase terms have been agreed and the matter is with solicitors
Plots 14 and 15	sub-lease	Max's Pizza	Relocation terms are close to being agreed

Dinnington colliery Band building and commercial land situated south-west of Dinnington Bus Station and Dinnington Indoor Market, S25 2PS (Plot 17)	Freehold SYK655515	Joanne Elizabeth Brookes-Wright, Mark David Fenton and Sally Georgina Brennan as Trustees of the Dinnington Colliery Band	Relocation terms are close to being agreed
Dinnington Indoor Market, 34 Laughton Road, Dinnington, Sheffield, S25 2PS (Plot 19)	Freehold SYK264444	William John Carroll and Roy James Mugglestone	Purchase terms have been offered by the Council, negotiations are on-going with the property owner's agent
32A Laughton Road (Plot 21)	Freehold SYK248042	Audrey Beryl Mugglestone and Yvonne Mugglestone and Roy Mugglestone	Purchase terms have been offered by the Council, negotiations are on-going with the property owner's agent

## 10. JUSTIFICATION FOR THE USE OF ORDER MAKING POWERS

- 10.1. The Guidance requires the Council to demonstrate that there is a compelling case in the public interest to acquire the Order Land.
- 10.2. The key matters demonstrating a compelling case in the public interest for the Order (having regard to the Guidance) are set out below.
- 10.3. Paragraph 109 of the Guidance – What factors will the confirming authority take into account *in deciding whether to confirm a compulsory purchase order under section 226(1)(a)?*

*Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits but the factors which the Minister can be expected to consider include:*

- *whether the purpose for which the land is being acquired fits in with the development plan for the area (including the adopted local plan for the area or, where no such up-to-date local plan exists, with the draft local plan) and the National Planning Policy Framework.*
- *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.*
- *whether the purpose for which the local authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse (see below). It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.*
- *The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the confirming authority that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the local authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.*

- 10.4. The first three of these factors are considered in turn in detail as follows:-

***Whether the purpose for which the land is being acquired fits in with the adopted development plan for the area and the National Planning Policy Framework***

- 10.5. The Order will enable the Scheme to be fully realised in accordance with the Planning Permission.
- 10.6. As explained in Section 7 above, the Scheme was granted planning permission on **13<sup>th</sup> September 2024**. The Scheme was granted permission on the basis that it is in accordance with the development plan and other material considerations, (see paragraph 9 on page 11 of the planning application officers' report).
- 10.7. The Council is therefore satisfied that the Scheme as a whole is in accordance with the strategic objectives of the adopted planning framework.

***The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.***

- 10.8. The Council is satisfied that the Scheme will make a material contribution to all of the wellbeing objectives. The basis for this conclusion is outlined below.

Economic well-being

- 10.9. The Scheme will promote and improve the economic well-being of the area by:
- 10.9.1. maximising the opportunity presented by the size and location of the site, enabling it to take full advantage of its strategic position in the heart of Dinnington. This space is currently poorly utilised and does not encourage the dwell time that is required to improve economic well-being;
  - 10.9.2. providing a reason for visitors to come to the town centre and extend their stay, maximising vitality and viability;
  - 10.9.3. improving the perception of Dinnington town centre, attracting more visitors and reversing the cycle of decline it currently faces;
  - 10.9.4. expanding the market offer to include multiple market days and various market types. Making the market square the 'heart' of the retail centre by opening it up to Laughton Road; this will amplify its importance and significance to the town centre and to the traders and shoppers who use the space;
  - 10.9.5. removing vacant retail space and burnt-out buildings;



- 10.9.6. consolidation of the retail provision which will have a knock-on impact to help rejuvenate Laughton Road as a whole and reduce the rates of vacant units;
- 10.9.7. catalysing additional investment and development in the town centre;
- 10.9.8. developing at a suitable yet impactful scale to create a more commercially viable investment destination to deliver a step change in property values;
- 10.9.9. generating new employment opportunities across a range of sectors including through the construction phase and within the development once the units are completed; and
- 10.9.10. creating a flexible town square that can host various events increasing footfall and spend.

#### Social well-being

- 10.10. The Scheme will promote and improve the social well-being of the area by:
  - 10.10.1. creating a new vibrant public space for the enjoyment of local people and visitors, whilst also creating new uses for the local community and retailers alike;
  - 10.10.2. adopting and implementing design principles which foster social interaction and a sense of community, specifically by creating a more pleasant public realm that delivers a legible and safe space centred around a new town square;
  - 10.10.3. providing a commercial / community unit that can be used by members of the community;
  - 10.10.4. diversifying the town centre offer, not competing with the rest of the town centre, but providing a better place to visit; and
  - 10.10.5. generating better life experiences through improved connectivity and by replacing disused and derelict buildings and structures with a vibrant redevelopment.

#### Environmental well-being

- 10.11. The Scheme will promote and improve the environmental well-being of the area by:
  - 10.11.1. using air source heat pumps
  - 10.11.2. utilising passive building design measures, including good levels of natural daylight and ventilation plus energy efficiency technologies throughout;

- 10.11.3. designing out the unappealing elements which are contributing to the site's lack of success, including burnt out buildings, unused buildings, unsafe and uneven passageways, hidden areas, and old unsafe market stalls;
  - 10.11.4. improving pedestrians' ability to navigate the area by carefully considering layout in order to promote movement between core uses and spaces;
  - 10.11.5. the provision of high-quality public realm including a key civic space in the form of a new town square;
  - 10.11.6. the inclusion of heritage elements including detailing in the hard landscaping and permanent public furniture;
  - 10.11.7. developing at a suitable scale which respects context;
  - 10.11.8. maximising soft landscaping to create pleasant, versatile spaces especially in the square;
  - 10.11.9. providing parking spaces for the units only and blocking any vehicular access onto site other than market trader access for setup;
  - 10.11.10. encouraging a shift towards bus patronage with the adjacent bus station; and
  - 10.11.11. creating a vibrant centre near to new and existing residential developments, reducing the reliance on car movements to travel further afield.
- 10.12. For the reasons set out above, the Council believes that the Scheme will contribute significantly to the improvement of the economic, social, and environmental well-being of the area

#### **Alternatives to using Order making powers**

***Whether the purpose for which the local authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.***

#### ***Delivery***

- 10.13. Delivery of the Scheme in an alternative location was another option considered and discounted. The Site itself, its condition, location and level of deterioration are in themselves the reason for public sector intervention. It could be argued that should

the buildings have been appropriately managed and maintained by the various private sector owners the need for public intervention would be limited. The site also represents a key regeneration opportunity within Dinnington Town Centre; its urban location, transport links, brownfield nature, and ability to sustainably contribute to the wider strategic aims are also key elements in its selection as a suitable site for the development. Within the town centre there are no locations capable of the required impact (due to size and quality) that could bring economic, social, and environmental improvements whilst also housing the market, removing unsightly and unsafe buildings, and creating a new town square. As such, there were no alternative locations within the town centre identified as viable for taking the Scheme forward.

- 10.14. Delivery of alternative uses on the site was discounted given the need to deliver retail vibrancy, whilst making the area safe and enjoyable. Without full ownership of the site, the Scheme will not be able to be progressed. The Council have designated Dinnington as a principal settlement of growth, and town centre transformation at this scale is a key element to ensuring growth. The town is facing challenges relating to a declining retail offer despite growth in residential development; the town must adapt to reflect the needs of the growing Dinnington population. The proposals will deliver a mixed-use scheme, which will contribute towards The Council's aspiration to transform the town into a destination of choice. The Council is not aware of any alternatives for the whole Site being brought forward by any third parties.

### **Design Evolution**

- 10.15. In the development of the design, it became increasingly clear that without owning the whole site, it would be impossible to deliver a safe, cohesive, and effective regeneration scheme on the site. Most of the existing buildings on the site have a poor street presence and are laid out throughout the site to create a confusing maze of passageways and hidden areas. The re-use or redevelopment of most of these structures would fail to create the transformative development that could be achieved on the site. It was therefore determined that the most viable approach would be to demolish the problematic and disused structures and buildings and reorientate the design to create a legible Scheme that reinvents Dinnington town centre. A mix of buildings sizes have been utilised, inspired by the scale of the surrounding area to improve pedestrian flow as well as providing one new through route to create safe linkage between Laughton Road, the development, and the well-used car parks on Constable Lane.
- 10.16. The ground floors which front on to the town square are to be active uses, to provide a vibrant environment and replace currently disused and burnt-out buildings. Within

the redevelopment new public realm is to be created that will be usable for community events as well as for the weekly markets. This will attract footfall as well as providing a key identity for the rejuvenated area.

- 10.17. Scale and massing have been considered in detail and respond to the existing context. A pitched roof has been introduced to the new commercial units fronting Laughton Road, as well as to the new community / commercial unit adjacent to the bus station to reflect the local vernacular.

### **Compelling case in the public interest**

- 10.18. Paragraphs 13.1-13.4 of the Guidance state as follows: – *How will the confirming authority consider the acquiring authority's justification for a compulsory purchase order?*

*13.1 The confirming authority when considering a compulsory purchase order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.*

*13.2 The confirming authority will consider each case on its own merits and this guidance is not intended to imply that the confirming authority will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired. However, a confirming authority will need to understand, and the acquiring authority be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.*

*13.3 The acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale. If it is unable to do so, then it may be difficult to show conclusively that the compulsory acquisition of the land included in the compulsory purchase order is justified in the public interest. However, it will not always be possible for acquiring authorities to have specific, detailed proposals for the land include in a compulsory purchase order beyond the general planning framework for the area (including a masterplan for the land) which has been endorsed by the acquiring authority). In these cases, the confirming authority will expect the statement of reasons accompanying the submission of the compulsory purchase order to include a summary of the planning framework for the land concerned in sufficient detail to give reassurance of the use of the land following acquisition and the justification for the timing of the acquisition.*

*13.4 The confirming authority will need to be satisfied that the interests of those affected by the exercise of the compulsory purchase powers have been considered. The confirming authority will also have regard to any mitigation offered by the acquiring authority when considering the impact of the exercise of the compulsory purchase powers included in the compulsory purchase order on affected parties.*

- 10.19. The Council considers it has demonstrated throughout this Statement of Reasons that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered.
- 10.20. The Council has the necessary resources provided by central government (together with its own resources of £1m) through a capital regeneration grant to deliver the Scheme.

## 11. FUNDING

11.1. Paragraph 109 of the Guidance provides that when deciding whether to confirm a compulsory purchase order the confirming authority can be expected to consider:

*“The potential financial viability of the Scheme for which the land is being acquired, a general indication of funding intentions and of any commitment from third parties, will usually suffice to reassure the confirming authority that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the local authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.”*

11.2. Paragraph 14.1 of the Guidance addresses the information that an acquiring authority needs to provide in respect of the resource implications of a scheme. It states:

*“In preparing its justification for the compulsory purchase order, the acquiring authority should address:*

a) *Sources of funding - the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:*

- *The degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme;*
- *The basis on which the contributions or underwriting is to be made*

b) *Timing of that funding - funding should generally be available now or early in the process. Failing that, the confirming authority would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date., In some circumstances, it would be reasonable for an acquiring authority to acquire land with little prospect of the scheme being implemented for a number of years. For example, where funding is available to acquire the land for master planning purposes, but the actual delivery of the underlying scheme is not immediate.*

*Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice."*

**Funding for the CPO**

- 11.3. The compensation payable to affected parties as a result of the Order will be met by the Council. The Council, having obtained independent professional advice from a chartered valuation surveyor at Gateley Hamer as to the estimated liability for the compensation that may be payable, is satisfied that it has the resources to meet all compensation payments arising from the implementation of a confirmed Order. The resources are committed to this project and are immediately available.

**Funding for Scheme Delivery**

- 11.4. The Scheme is fully funded by the Council through a combination of its own funding of £1m from the Council's 'Towns and Villages' budget, approved by the Council's Cabinet on 29 July 2024 and central government grant funding of £11,049,547. The total cost of delivering the Scheme is estimated to be £12,049,547.

## 12. IMPEDIMENTS TO DELIVERY

12.1. Paragraph 15.1, of the Guidance deals with the question of impediments to the Scheme. It states:

*“It is not expected that all impediments to the delivery of a scheme will have been removed or overcome by the point at which the decision on the confirmation of a compulsory purchase order is made. It may be necessary to assemble land before removing or overcoming certain impediments to maximise the opportunities that exist for an area. The acquiring authority will however need to be able to show that the implementation of the scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments. These include:*

- *the programming of any infrastructure accommodation works or remedial work which may be required*
- *any need for planning permission or other consent or licence”*

12.2. Planning permission for the Scheme was granted on **13<sup>th</sup> September 2024**. There are no unusual or onerous pre-commencement conditions to be complied with; other conditions can be discharged within the delivery timetable described below.

12.3. The Council set out in Section 13 below that it will now seek to procure a construction contractor following the grant of Planning Permission. The delivery section of this Statement of Reasons sets out the proposed indicative timeframe and phasing for the demolition and construction works.

### Conclusion

12.4. The Council is therefore satisfied that there are no physical or legal impediments to the Scheme proceeding.



### 13. DELIVERY

- 13.1. In July 2023, Rotherham Council's Cabinet gave approval to commission the design of the redevelopment of the Dinnington site.
- 13.2. The Council commissioned AHR Architects, the lead architect on the Council's Multi-Disciplinary Consultant Contract, to undertake the development of the design to RIBA Stage 3.
- 13.3. A strategy for the Procurement of a principal contractor to take forward the works is currently under development and due to be implemented in early 2025, leading to an anticipated award and subsequent commencement in early 2025.
- 13.4. The phasing of demolition and construction of all the various elements of the Scheme is outlined below. This shows why all of the Order land is critical to the Scheme and why it is required as soon as possible.

#### **Sequencing, phasing and anticipated timeframes**

- 13.5. The phasing and timeframe of the development are dependent on the date of acquisition of the required plots.
- 13.6. The first activity to take place on the site is the decant of retail tenants to allow for demolition. Decant of units 36 – 44 Laughton Road will take place within 6 months of acquisition. The scheme cannot progress without ownership of these buildings, as well as the indoor market, burnt-out building, colliery band, and outdoor market, justifying the requirement for the Order Land.
- 13.7. Demolition of the burnt-out building, indoor market, outdoor market, units 36A – 44 Laughton Road, and the colliery band building will follow decant and the acquisition of all property. The demolition phase is scheduled to take 4 months.
- 13.8. Demolition will allow for the development of new commercial units, a new town square, and the commercial / community unit to be brought forward. Construction is scheduled to take 12 months.
- 13.9. The refurbishment of the retained units at 46 – 56 Laughton Road will take place as part of the overall scheme. Tenants in these units will remain in situ for as long as possible, but there will be a requirement to vacate the units for an agreed period of time to enable the block to be refurbished.
- 13.10. The deadline for spend of the funding is currently March 2026. However, the Council has been invited to profile spend up to March 2028 in the latest return to Government.
- 13.11. The programme for the Scheme is significantly well developed, its logic has been tested with the Council's consultancy team. Accordingly, the Order Land is required

as soon as possible to enable the programme to proceed as planned, to allow the planning permission to be implemented, and for the full social, economic, and environmental benefits of the Scheme to be unlocked for Dinnington town centre and the wider borough.

- 13.12. To conclude, the framework by which delivery of the Scheme is being pursued by the Council is well developed. The timeframe demonstrates why the Order Land is required as soon as possible to allow the Scheme to proceed to enable the implementation of the Planning Permission which will unlock the much needed social, economic, and environmental benefits for Dinnington town centre.

## 14. PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS

### Public Sector Equality Duty

- 14.1. Paragraph 6.1-6.2 of the Guidance addresses how the Public Sector Equality should be considered in the compulsory purchase regime. It states:

*"All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.*

*For example, an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly or people with a disability to be over-represented in low -income groups. As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This might mean that the acquiring authority devises a process which promotes equality of opportunity by addressing particular problems that people with certain protected characteristic might have (e.g., making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice).*

- 14.2. An Equality Impact Assessment ("EqIA") for the redevelopment of the site has been carried out (Appendix 4). This will be monitored and reviewed throughout the promotion and implementation of the Order to ensure that the Council complies with the public sector equality duty when making decisions associated with the Order and so that any impact may be measured and mitigated as appropriate.
- 14.3. EqIAs have been carried out at each decision stage in the development of the Scheme and prior to any consultation having been undertaken. The findings, impact and any proposed mitigation has been captured in the Council's standard EqIA process and a specifically drafted document for the purposes of this Statement of Reasons, a copy of which appears at Appendix 4.

- 14.4. In summary the EqIA demonstrates the level of consultation undertaken, the efforts the Council has made to consult with groups representing people with protected characteristics and the contact the Council has had with those directly affected by the Order and the Scheme i.e., landowners and occupiers.
- 14.5. The Council has made every endeavour to ensure those directly affected are able to contact the Council and its representatives with ease and that adequate information about the Scheme and its impact is made available in user-friendly formats and accessibly, by offering translation services, numerous consultation events as well as 121 sessions providing named officer contact details and providing information in written and spoken form in person and via other means e.g., website and letter.
- 14.6. It is concluded that overall, the Order and resultant Scheme is thought to, overall, offer benefit to the wider community and on an individual basis to those with protected characteristics. The Scheme itself creates a safer and more accessible environment with the potential to attract new operators capable of delivering more services to improve social cohesion.
- 14.1. Regarding existing operators, each has the opportunity to relocate nearby or within the Scheme without business interruption. Investors and operators are offered compensation above statutory requirements to ensure they are adequately compensated for any loss of investment.

#### Human Rights

- 14.2. 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...*”.
- 14.3. 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 carried out in accordance with the law, in this case the Town and Country Planning Act 1990 in respect of land to be acquired and section 13 Local Government (Miscellaneous Provisions) Act 1976 in respect of new rights only to be acquired. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme 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.

- 14.4. 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 may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, 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.
- 14.5. 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 1 of the First Protocol to the Convention.
- 14.6. 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 considered in the exercise of the Council’s powers and duties.
- 14.7. 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, and environmental and public benefits which the proposals will bring.
- 14.8. The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully considered. 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.
- 14.9. There has been public consultation on the proposals to regenerate this area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. 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 for by law.

## **15. SPECIAL CONSIDERATIONS**

- 15.1. There are no listed buildings within the boundary of the site and no proposals to demolish any listed buildings.
- 15.2. The proposed Scheme does not fall within a Conservation Area.

**16. SPECIAL CATEGORIES OF LAND**

16.1. None



## **17. EXTENT OF THE SCHEME**

- 17.1. Section 6A (1) of the Land Compensation Act 1961 provides that “The no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land (see rule 2A in section 5)”.
- 17.2. For the purposes of section 6A, the “scheme” means the scheme of development underlying the acquisition.
- 17.3. Section 6 explains that the underlying scheme is to be the scheme provided for by the Order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.
- 17.4. The Order authorises the compulsory acquisition of land for the purposes of Order.
- 17.5. The Council considers that the redline of the Planning Permission reflects the extent of the Scheme to be disregarded for the purposes of assessing compensation. A copy of a plan showing the extent of the Scheme is appended to this Statement of Reasons as Appendix 1.

## 18. ADDITIONAL INFORMATION

18.1. For any enquiries related to the CPO the first point of contact at the Acquiring Authority is:

Legal queries

Lesley Tattersall, Solicitor

[lesley.tattersall@rotherham.gov.uk](mailto:lesley.tattersall@rotherham.gov.uk) or [legal.property@rotherham.gov.uk](mailto:legal.property@rotherham.gov.uk)

Tel: 01709 254727

18.2. Owners and tenants of properties affected by the CPO who wish to negotiate a sale or discuss matters of compensation should contact:

David Strafford, Gateley Hamer, [david.strafford@gateleyhamer.com](mailto:david.strafford@gateleyhamer.com),

Tel: 07788 312424

18.3. This Statement of Reasons is not intended to be a statement required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.

## 19. DOCUMENTS

- 19.1. Documents in connection with the Order have been deposited at the Council's Offices at Riverside House, Main Street, Rotherham, S60 1AE and at Dinnington Community Library, Laughton Road, Dinnington, S25 2PS and can be viewed during normal opening hours.
- 19.2. The following is a list of documents the Council intends to refer to should there be a public inquiry albeit this list is not exhaustive, and should there be a public inquiry the Acquiring Authority may put forward further documents:
  - 19.2.1. CPO (including CPO Schedule).
  - 19.2.2. CPO map.
  - 19.2.3. The Compulsory Purchase Process Guidance (October 2024)
  - 19.2.4. Relevant reports to and resolutions/decisions of the Cabinet and Council
  - 19.2.5. Planning Application, supporting documents and related committee reports
  - 19.2.6. Rotherham Place Based Investment Strategy
  - 19.2.7. Principle Areas of Growth – Capital Regeneration Grant Application
  - 19.2.8. National Planning Policy Framework
  - 19.2.9. The Scheme Master Plan

## APPENDIX 1 – SCHEME LAND

[this needs to be inserted]

## APPENDIX 2 – EXISTING LAND & PROPERTIES IMAGES

[this needs to be inserted]

## APPENDIX 3 – PROPOSED SCHEME IMAGES

[this needs to be inserted]

## APPENDIX 4 – EQUALITY IMPACT ASSESSMENT