

Detailed Assessment of the Nomination of The Cherry Tree, 2 Carter Knowle Road, S11 9FU

Assets of Community Value Nomination Assessment			
DATE OF SUBMISSION	21.10.2016	DATE DECISION TO BE MADE BY:	16. 12.2016 – delay due to objection and nominator's response
NOMINATED ASSET	The Cherry Tree, 2 Carter Knowle Avenue, Sheffield, S11 9FU		
NOMINATION SUBMITTED BY:	Carter Knowle & Millhouses Community Group		

Step 1

Part A and B criteria for assessing whether an asset is of community value is in accordance with that set out in the Assets of Community Value (England) Regulations 2012. Each section contains a reference to the relevant legislation but please refer to the guidance notes accompanying this document when assessing the nomination. The paragraph numbering (e.g. A1 etc.) links between this assessment form and the guidance notes.

PART A-CRITERIA SPECIFIED IN THE ASSET OF COMMUNITY VALUE REGULATIONS 2012	CHECKLIST
A1. Is the nominating organisation an eligible body to nominate? (Section 5 of the Regulations)	Pass

A2. Does the nominating body have a local connection to the asset nominated? (Section 4 of the Regulations)	Pass
A3.Does the nomination include the required information about the asset? (Section 6 of the Regulations)	Pass
A4. Is the nominated asset outside of one of the categories that cannot be assets of community value? (Schedule 1 of the Regulations)	Pass
IF 'YES' TO ALL OF PART A, MOVE TO PART B IF 'NO' TO ONE OR MORE OF PART A, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS	Pass
PART B -ESTABLISHING THE CURRENT OR RECENT NON-ANCILLARY (PRIMARY) USE THAT THE APPLICATION IS BASED ON	CHECKLIST
B1. Does the nomination form establish the current or recent usage of the asset which is the subject of the nomination to be an actual and non-ancillary usage ? (Part 5, Chapter 3, Section 88 (1) and (2) of the Localism Act 2011.)	Pass
IF YES, GO TO STEP 2. IF NO, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS	

Part C and D criteria for assessing whether an asset is of community value has been developed by Sheffield City Council based on Part 5, Chapter 3, Section 88 of the Localism Act 2011.

Section 88 of the Localism Act states that the asset will be considered to be one of community value if:

- a) its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so. *(the legislation does not provide for a specific period, but as a general rule use in the past five years is considered to be relevant)*
- b) that use is not an ancillary one; and
- c) for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land that has been in community use in the recent past, it is realistic to think that there will be community use within the next five years (in either case, whether or not that use is exactly the same as the present or past); and
- d) it does not fall within one of the exemptions.

PART C

CRITERIA FOR DETERMINING WHETHER THE USAGE CURRENTLY OR IN THE RECENT PAST FURTHERS SOCIAL WELLBEING AND INTERESTS OF THE LOCAL COMMUNITY			
C1. What is the 'local community' of the asset as defined by the geographical area?	Evidence provided by nominee	The public house is mainly used by customers who live relatively close. However, some users do travel from further afield, many of whom used to live in the area or have family there.	
	Evidence gained from other relevant sources (owner, Ward member etc.)		
C2. What is the current/recent use of the asset? <i>(types of activities)</i>	Evidence provided by nominee	Public House	

	Evidence gained from other relevant sources (owner, Ward member etc.)		
C3. How well is/was the asset used? (<i>evidence of the building/property/land use</i>)	Evidence provided by nominee	<p>It is a very popular pub, with considerable use during the early evening and at weekend lunchtimes by individuals and mixed groups including families. Later evenings are often also busy when there are music events or quiz nights.</p> <p>In response to the owner's objection the nominator states that the owners have allowed the Cherry Tree to become run down with a view to selling it off.</p>	
	Evidence gained from other relevant sources (owner, Ward member etc.)	In response to the nomination the owner of the pub has provided a written response which states that the pub is neither busy nor popular and this is borne out by the trading figures.	
C4. What will the impact be if the usage ceases? If usage has ceased already, what has the impact been?	Evidence provided by nominee	<p>The pub would no longer be able to provide the following services which further the social wellbeing and interests of the local community:</p> <ul style="list-style-type: none"> • The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being.. • The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such 	

		<p>social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.</p> <ul style="list-style-type: none"> • New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends. The research is available at: http://www.camra.org.uk/pubs-wellbeing • Live music events are often hosted at the pub • The pub hosts advertising for local events. The circular lounge-room is available for birthday parties, family gatherings and occasions [40 people capacity] • There is a beer garden attached to the pub which is used and enjoyed by local people • A children's play area for local families is also available at the pub • The pub hosts regular quiz nights which bring the community together • There is free parking available which is accessed by the wider community • This pub is a member of CAMRA's LocAle scheme, committed to serving locally produced real ales and meeting consumer demands for local produce • Local sports teams meet in the pub 	
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		The pub offers a Dart Board	
	Evidence gained from other relevant sources (owner, Ward member etc.)	Prospective lessee advises that there is not a children's play area. The owner also believes there will be no impact on the community if usage of the Property as a public house ceases because the local residents already prefer to go elsewhere.	
C5. Does it/did it meet the social interests of the community as a whole and not the users/customers of a specific service? (<i>examples would include use by local community groups or sporting clubs</i>)	Evidence provided by nominee	<p>Yes - customers come from most age-groups and the area housing is mostly owner-occupied but with some social housing. The nominator states the that local groups and sports teams meet at the pub but no specific details were provided.</p> <p>In response to the owner's objection the nominator has advised that they believe the owners have allowed the Cherry Tree to become run down with a view to selling it off and that they have deliberately undermined the trading potential of the Cherry Tree in order to pursue a higher value "alternative use" option for the pub.</p>	
	Evidence gained from other relevant sources (owner, Ward member etc.)	The owner states the pub is neither busy nor popular and this is borne out by the trading figures. The owner also believes there will be no impact on the community if usage of the Property as a public house ceases because the local residents already prefer to go elsewhere.	
C6. How is the building/property/land	Evidence provided by nominee	Positively. It is highly regarded by the wider	

regarded by the community? (community consultation, evidence of support)		community. - see the evidence above for response to Carter Knowle & Millhouses Community Group's proposal to nominate it as an ACV. We have also had support for this Application from Banner Cross Neighbourhood Group and from Ecclesall Forum – both groups areas being contiguous with our area.	
	Evidence gained from other relevant sources (owner, Ward member etc.)	The owner states the pub is neither busy nor popular and this is borne out by the trading figures. The owner also believes there will be no impact on the community if usage of the Property as a public house ceases because the local residents already prefer to go elsewhere.	
	RATIONALE		
IF THE NOMINATION PASSES PART C, GO TO PART D. IF THE NOMINATION FAILS PART C, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS			

PART D: This section considers whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community).

CRITERIA FOR DETERMINING WHETHER (FOR 'CURRENT' USES) THERE WILL CONTINUE TO BE SOCIAL USE OF THE ASSET OR (FOR 'RECENT' USES) THAT IT IS REALISTIC TO THINK THERE WILL BE COMMUNITY USE AGAIN WITHIN THE NEXT FIVE YEARS.

D1. What is the proposed future use of the asset? (types of activities)	Evidence provided by nominee	At present, the pub is under threat, and therefore the proposed future use of the property is to continue as a public house. If in the future, the owner wishes to sell it, we would consider our options for a purchase bid in	
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		collaboration with the community and other organisations such as CAMRA, and the Plunkett Foundation, who help people set up and run pubs as community cooperatives.	
	Evidence gained from other relevant sources (owner, Ward member etc.)	<p>Planning Application - 16/02791/FUL - demolition of the pub and erection of a single/two storey retail unit with parking</p> <p>https://planningapps.sheffield.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</p>	
D2. Will it meet the social interests of the community as a whole and not the users/customers of a specific service?	Evidence provided by nominee	<p>The pub will further the social wellbeing and interests of the local community in the future by continuing to provide the above mentioned services (see C4). If the property remains as a pub which ACV status would help ensure, it would continue to meet the social interests of the community by:</p> <ul style="list-style-type: none"> Having a food menu enjoyed by the local community Having a beer garden which is enjoyed by local people Hosting weekly quiz nights which bring the community together Having local groups and sports teams meet at the pub. Having social-education groups to support the isolated and lonely meet there 	
	Evidence gained from other relevant sources (owner, Ward member etc.)	Prospective Lessee advises a local food store may meet 'daily needs' of 'local residents' 'and so may 'better serve this purpose in this location.	
	RATIONALE		

IF THE NOMINATION PASSES PART D, FOLLOW PROCESS FOR ELIGIBLE NOMINATIONS
IF THE NOMINATION FAILS PART D, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS

RECOMMENDATION	To refuse the registration of The Cherry Tree, 2 Carter Knowle Avenue, Sheffield, S11 9FU, as an Asset of Community Value.
REASON FOR DECISION	
DECISION TAKEN BY	
DATE	