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Case Number	19/02130/FUL (Formerly PP-07911203)
Application Type	Full Planning Application
Proposal	Demolition of public house, and ancillary buildings (Use Class A4), and erection of 8no dwellings (Use Class C3) including associated undercroft car parking and formation of access to the highway - (Amended drawings and Asset of Community Value (ACV) Statement)
Location	The Plough Inn 288 Sandygate Road Sheffield S10 5SE
Date Received	10/06/2019
Team	West and North
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## **Approved/Refused Plan(s)**

2. The development shall be carried out in accordance with the following drawings:-

27398 A(00)01 Site Location Plan

27398 A(01)01A Site Plan Existing

27398 (01)02A Site Plan Proposed - Roof Level

27398 (01)03A Proposed Ground Floor

27398 (01)04A Proposed Site Plan - Existing and Proposed Footprints

27398 (01)05 Vehicle Tracking - Parking Scenario 01

27398 (01)06 Vehicle Tracking - Parking Scenario 02

27398 (01)07 Vehicle Tracking - Parking Scenario 03

27398 (02)01A House Type Drawings - Type 01A (Plot 01)

27398 (02)02A House Type Drawings - Type 01B (Plot 05)

27398 (02)03A House Type Drawings - Type 02 (Units 2, 3, 6, 7)

27398 (02)04A House Type Drawings - Type 03A (Unit 04)  
27398 (02)05A House Type Drawings - Type 03B (Unit 08)

27398 (03)01A Site Sections Existing  
27398 (03)02A Site Sections Proposed

27398 (04)01A Site Elevations Existing  
27398 (04)02A Site Elevations Proposed  
27398 (04)03A Site Elevations Proposed  
27398 (04)04A Site Elevations Proposed

27398 (05)01A View west along Sandygate Road - existing  
27398 (05)02A View west along Sandygate Road - proposed  
27398 (05)03A View east along Sandygate Road - existing  
27398 (05)04A View east along Sandygate Road - proposed  
27398 (05)05A View from St Francis Close - existing  
27398 (05)06A View from St Francis Close - proposed  
27398 (05)08A Aerial View 01  
27398 (05)09A Aerial View 02

published on the website on the 20 December 2019

Reason: In order to define the permission

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could

be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

### **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

5. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

6. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

7. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of development.

8. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

Reason: In the interests of traffic safety and the amenities of the locality.

9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

10. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

11. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

12. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

Reason: In order to ensure an appropriate quality of development.

13. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

14. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

15. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

16. The development shall not be used unless the car parking accommodation for 18 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

### **Other Compliance Conditions**

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the side elevation of the western dwellinghouse facing No. 286 Sandygate Road without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the adjoining property.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses hereby approved shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: To ensure that the architectural character of the dwellinghouses is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

### Attention is Drawn to the Following Directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street

Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: dawn.jones@sheffield.gov.uk

2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

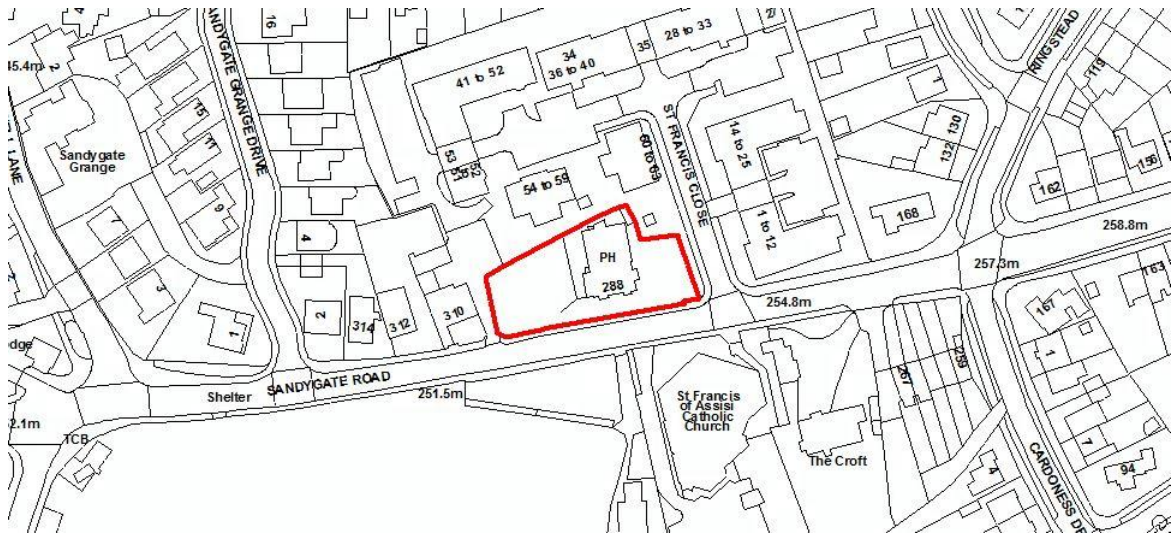
You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

6. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## INTRODUCTION

This application relates to The Plough Inn, a vacant public house that is situated along the northern side of Sandygate Road at its junction with St. Francis Close. The public house closed in April 2016.

The Plough Inn is registered an Asset of Community Value (ACV). It was first registered in May 2015, and then again in April 2018. Under the latter registration it will remain on the ACV register until April 2023. In England, an Asset of Community Value is land or property considered to be of importance to a local community, which is subject to additional protection from development under the Localism Act 2011.

Since its closure, an application to change the use of the public house into a supermarket (Use Class A1) was refused by the Planning and Highways Committee in January 2017 (application reference 16/02925/FUL) for the following reason:

'In the opinion of the Local Planning Authority, the proposal to change the use of the public house (Use Class A4) to retail (Use Class A1) would involve the loss of a building that is considered to be a valued community asset, which before its recent closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community, being designated an Asset of Community Value. The public house is considered to be well regarded by the local community and there are no alternative premises within a reasonable travelling distance for many of the individuals who use the premises. The Local Planning Authority is of the opinion that insufficient evidence has been provided by the applicant to demonstrate that the use of the building as a public house is unviable and incapable of continuing to be used as such for the foreseeable future. To grant planning permission in this instance would therefore be contrary to Paragraph 70 of National Planning Policy Framework (NPPF), which seeks to guard against the unnecessary loss of valued facilities and services.'

In 2017, the applicant purchased the site from Enterprise Inns.

## LOCATION AND PROPOSAL

The Plough Inn is a traditional two-storey building, constructed in natural coursed stone with a twin dual-pitched slate covered roof. The existing building was constructed in 1929, though evidence submitted suggests that a public house has occupied this site, in one form or another, since the mid 1600s.

The Plough Inn sits within a curtilage of approximately 1,215 square metres, which comprises the public house building, small front and side beer gardens and car parks to both its western and eastern sides for approximately 20 vehicles (12 on the western side and 8 on the eastern side). At first floor level is a three bedroom flat that is accessed from inside the building.

The building stands close to the Sandygate Road frontage, set back from the back edge of the adjoining footway by approximately 4m. The two car parks are served via separate access points from Sandygate Road, one to each side of the building's front elevation.

The public house is situated along the northern side of Sandygate Road in a designated Housing Area as defined in the Unitary Development Plan (UDP). The surrounding area is residential in character with a mix of houses and apartment located to the north, east and west, save for the detached property at no. 310 Sandygate Road to the immediate west which is in office use. To the south, on the opposite side of Sandygate Road, is the Church of St Francis of Assisi and the grounds of Hallam Football Club (FC).

The applicant is seeking full planning permission to demolish the public house and erect eight dwellinghouses in two four storey blocks including associated undercroft car park and formation of new access onto Sandygate Road.

#### RELEVANT PLANNING HISTORY

16/02925/FUL Use of existing public house (Use Class A4) as retail (Use Class A1), single storey side extensions and alterations to car park – Refused 11 January 2017

17/04338/PREAPP Demolition of public house and erection of eight dwellinghouses – Closed 11/05/18

#### SUMMARY OF REPRESENTATIONS

In total, 205 objections and 7 letters of support have been received in response to this application, including representations from Councillor Anne Murphy. Objection letters have also been received from Save Britain's Heritage, Campaign for Real Ale (CAMRA) and the Crookes and Crosspool Green Party. One of the objectors has written on at least 13 occasions

Two rounds of consultation were undertaken; the first on validation of the application and the second in January 2020 following the receipt of an additional planning statement that related specific to the Asset of Community Value (ACV).

A summary of comments received under each round of consultation is listed below.

First round of consultation

Objections:

Loss of a building that is designated an ACV

- It is listed as an Asset of Community Value (ACV), which is a material planning condition and can be the overriding consideration in any planning decision, and can be relisted as an ACV for another 5 years. For an ACV to be overruled the applicant has to show that the property is no longer viable as a public house, it is believed that this has not been achieved as part of the planning application.

- The applicant has made no effort to maintain the building as a public house.

- The applicant has offered unrealistic rent to discourage potential buyers and also make it unviable to run the building as a public house after the cost of renovation and rent.
- Nothing has changed from when the planning committee refused the PH to be converted into a supermarket.
- Clear during the previous application that there was more than adequate local support for the building to be maintained as a public house, both in terms of financial pledges as well as locals being willing to become involved in the running of the PH.
- Demolition of the public house prevents the possibility of it ever becoming a home for the community again.
- A use that would keep the building as it is – such as a community centre, a library or another public house - would be preferable.
- The building was designed by Sheffield architect Wynyard Dixon and is a rare example of his work and inter-war pub designs. It is constructed of local Bole Hill stone reputed to be ‘the finest wall stone available, especially for its quality and durability’.
- The Plough should be considered as a non-designated heritage asset because the earliest recording of a public house on or near the current site was in 1637; the history of The Plough is also inseparable from the history of sport in the area.
- To demolish such a landmark building would fundamentally change the character of the local setting.
- The owner listed the site at twice the market rent, ensuring that nobody would come forward to potentially take over the site.
- It could be possible to renovate the property and maintain the use as a public house whilst also adding residential accommodation, an example given is The York in Broomhill.
- There is not enough evidence to show that the building could not be run as a successful pub.
- Only one short paragraph regarding the ACV has been provided, the paragraph being an opinion from Crosthwaite Commercial which is not a specialist agency in the licencing trade. At the very least a market analysis should have been provided to demonstrate how the offered rent of £50,000 per annum compares to similar public houses in the region. One paragraph is insufficient and does not address the issue of viability. The CAMRA (Campaign for Real Ale) public house viability test has been adopted by many Planning Authorities and has a complex 10 point matrix to assess viability.
- Objection to the demolition of the building, if the building cannot be maintained as a community building it can be converted into dwellings.

- The demolition of The Plough would be contrary to both national and local planning policies as it would result in the loss of a 'valued facility' – since the initial listing as an ACV in 2015 and subsequent relisting in 2018, The Plough has continued to command high level support from the local community.
- The designation as an ACV should be the overriding material consideration when making the decision on the planning application.
- The applicant has failed to provide credible evidence to suggest that the future use of The Plough as a community asset is not a realistic outcome within the meaning of the Localism Act 2011.

#### Condition of the building

- Any damage to the building must be repaired and the building restored.
- The applicant has allowed for significant depreciation of the building by not securing it to intruders and the elements.
- According to the police crime website there is no record of the building being vandalised three times or being reported to the police.

#### Highway Safety

- The proposal would increase traffic on an already busy road.
- Increased parking, traffic and potential highway safety concerns on an already busy stretch of road.
- The proposal will likely result in around 8 more cars on a road where there is already a high level of on street parking, and would exacerbate the pinch-point caused by parking on both sides of the road which is a main artery road to Lodge Moor and Upper Fulwood and is also a bus route.

#### Design/layout Issues

- The design of the proposed houses does not honour the heritage of the Plough Inn.
- The design, appearance and proposed materials for the new housing are not in keeping with the local area and the dwellings would dominate the street scene, the proposed development would also increase the density of buildings and layout on the particular stretch of Sandygate Road.
- The site is too small for 8 dwellings.
- The public house (inter-war constructed) is of architectural interest.
- The proposals are out of keeping with the church opposite.

- The height of the proposed dwellings would dominate the streetscene, be overbearing and cause overlooking to neighbouring properties as well as the football/cricket ground.
- The proposed development would take away views of both The Plough and the football/cricket ground.
- Concern raised about the height of the proposed dwellings.
- The proposed development makes excessive use of dark materials which are out of keeping with the surrounding properties
- The proposed development is a characterless infill with no charm.
- The "town houses" are the wrong style, material and too oppressive for a scenic suburban area.

#### Heritage Issues

- Do not want to lose a stone built heritage building of 90 years which is on the site of a 17th century public house.
- The Public House is of significant historical merit.
- Housing can be built on sites that do not have the history and former beauty of this building.
- No need for additional housing in the area, especially not at the expense of a historically and culturally significant building.
- The demolition of the building would be an act of cultural vandalism.
- The application does not address the architectural, social and historic value of the Plough.
- If demolition is approved, another building of historical significance will disappear from the city.

#### Sporting Heritage/Legacy

- The building should be retained and its link to the oldest football ground should be utilised as a feature to bring tourists to the city.
- The Plough Inn is a part of football history and should remain so.
- Multiple comments refer to the fact that the rules of professional football were written in the building and the historical value outweighs the proposed commercial development.

- This site is the heart of the home of world football, other cities would promote the building as an asset to the city.
- The site should be turned into a tourist attraction given the history and location opposite the world's oldest football ground.
- The building should be converted into a museum for football.
- The sporting heritage of the site is unique.

#### Local Economy

- The building is an important asset to the local economy.

#### Residential Amenity Issues

- Loss of privacy for adjoining properties.
- Overshadowing to neighbouring properties.
- The green screening (to the Northern boundary of the site) is considered to be a token gesture, to protect the privacy of the proposed dwellings rather than the existing properties.

#### Other Issues

- Construction work would be disruptive to properties near the site.
- Flats could be built on unused land instead.
- There are too many new housing developments underway in Crosspool.
- Additional housing will not benefit the city.
- Any development on the land should make use of the existing building.
- Flooding issues.

#### Councillor Anne Murphy

- The local community made a clear decision in 2017 and 2018 to oppose the redevelopment of the public house and to back plans for community ownership of the site.
- The proposed conversion of the building for use as a supermarket was unanimously rejected by the planning committee which opened the way for the community to make a bid. Over 300 local people were prepared to invest their own money based on a professional business plan which demonstrated how the Plough Inn could be maintained as a thriving public house, meeting a wide range of community needs and interests.

- The previous owners opted to go with a local developer rather than the local community, purely for profit.
- A second community application to list the site as an Asset of Community Value was approved in 2018.
- The developer is aware of the local feeling, but in their view, profit comes before local democracy.
- Business and profit are important but not at any cost.
- The proposal for use as a community public house was the best of both worlds – a community asset run for profit to be reinvested back into the community.
- The Plough Inn is a building with significant historical football heritage and is opposite the oldest football ground in the world – this must stand for something in Sheffield’s footballing heritage and history.
- The local community should be able to invest in this building to return it to its former glory and bring it back to life as one of the historical homes of Sheffield’s football history.

#### CAMRA (The Campaign for Real Ale):

- Since Enterprise Inns (previous owners of The Plough Inn) took ownership of the site it appears that there has been no serious maintenance work on the site, suggesting that Enterprise Inns as well as the current owners have left the pub to rot.
- The Plough Inn was rebuilt in 1929 and is an important example of an inter war public house which, according to Historic England are ‘rare and overlooked buildings’. National planning policy recognises the importance of protecting historic assets as well as their settings, as was confirmed in the decision taken by the Local planning Authority to refuse the application to convert the property into a supermarket.
- The oldest football ground in the world, the site of the first football game recognised by FIFA, is occupied by the second oldest club in the world – Hallam FC and is opposite the Plough, inside which, the rules of football were written. The historical value of the venue outweighs speculative commercial development. It is a cultural icon which should be protected.
- The site was recently relisted as an ACV (Asset of Community Value) which protects its status as a public house, this was made possible by the widespread support from the local community and also local organisations.
- The application does not provide any evidence to suggest that the site is not viable for use as a public house. The developer states that no offers were received to lease the pub, this is because it was offered at an unrealistic rent of £50,000 per annum when average rents in the local area are between £24,000 and £29,000 per annum.

- The proposed development would see the Plough replaced by eight dwellings, none of which would be affordable for local people.
- The opposition to development of the site is about more than saving a pub, it is about gaining wider recognition of the historic role of the area in the sporting history of Sheffield.
- The Plough should be allowed to return to the former use as a community pub.

#### Crookes & Crosspool Green Party:

- Although the application is different from the previous scheme to use the building as a supermarket, the facts and justifications for refusal of the application remain.
- The Plough is an important focal point in the community.
- For over a century it was the organisational focus for the football and cricket clubs which are opposite the application site.
- Until recently it was a valued and well-frequented drinking and eating place for local residents.
- In recent years, tenants have been overcharged and discouraged from maintaining a thriving, imaginative public house.
- The fabric and facilities of the pub have not been maintained.
- There has been considerable local interest to run the pub, but conditions have been so costly that this was not possible, if conditions were right and fair the pub still has potential to be a thriving part of the community.
- It is an Asset of Community Value and local residents have mobilised to protect it, they should be given the opportunity to maintain it as a community pub.

#### Save Britain's Heritage

- Save Britain's Heritage states that they object to the demolition of this historic public house linked to sporting history and the loss felt by the local community. The building is an important non-designated heritage asset with significant local support and should be retained and adapted for future uses.
- The Plough is a building of historical significance and has been closely linked to both Hallam Football Club and Hallam FC. The building is a good example of an interwar public house.
- There have been significant and sustained local opposition, including from local councillors, and that there is a strong local support for community ownership with over 300 people prepared to personally invest.



- The balanced judgement required of the LPA under paragraph 197 of the NPPF should weigh the scale of any harm against the significance of the heritage asset. The proposed redevelopment does not sufficiently offset the harm it would do to the existing building and the character of the surrounding community through its demolition.

- Owing to the vandalism, it is considered that a comprehensive viability analysis for repair and conversion should be undertaken. A detailed assessment of the existing building in terms of its condition is expected, adaptability and reuse so that the LPA can reach a balanced decision on the proposal.

- Sheffield's Core strategy (Objective 12) seeks to protect and enhance Sheffield's Natural Environment and Distinctive Urban Heritage. It is considered that the current scheme does neither to enhance the local heritage nor is the proposed design sufficient to offset the harm to the asset of significant community value. SAVE therefore recommends that the application is refused.

#### Neutral Comments:

- Object to the demolition of the building but would prefer dwellings to a supermarket, believe that the use of brick would help the site remain in keeping with rather than spoil the feel of the local area.

#### Sheffield FC

- Sheffield FC have confirmed that the Sheffield Rules were written in a greenhouse on East Bank Road belonging to Sheffield statesman Asline Ward.

- Contrary to reporting, the Sheffield Rule book and Sheffield FC have no association with The Plough.

#### Comments in Support:

- Whilst not architecturally breath-taking, the proposed scheme is an attractive scheme to provide much needed new housing in a city that is lagging behind targets for new-build housing.

- The site is brownfield, if brownfield sites such as this are not redeveloped the only alternative is to release swathes of greenbelt land.

- The public house was sold as it was unviable – pubs become unviable when local people do not go in.

- Perhaps the applicant can be persuaded to put a blue plaque on the finished development commemorating the site's links to local football history.

- The site is an eyesore and appears to be falling into further disrepair which is having a detrimental impact on the wider estate.

- The proposed housing will improve the area immensely and tidy up an underused site which is deteriorating rapidly.
- The building is infested with rats and is therefore a health risk to nearby properties.
- With regard to the links to football and cricket history, the building is not the original building where Hallam Cricket Club and Hallam FC were founded, that building was demolished.
- The comments referring to the football rules being written inside The Plough are untrue.

A letter has been received from the Vice Chairman of Hallam FC. He states that the building has become a derelict building over the past 18 months and it is time to move on with the redevelopment of the site, and irrespective of its final use will then re-vitalize the local area rather than creating an eyesore in the centre of it. It is considered that the site should now be developed, which will benefit the community and that the granting of a secondary ACV only adds to the problems that area already been endured by those in the immediate vicinity of the shell of its former self.

#### Second round of consultation

#### Loss of a building that is designated an ACV

- The additional material posted by the applicant is mostly a re-hash of documents already submitted. This includes correspondence concerning the marketing of the Plough and the rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.
- This application is full of inaccuracies, inconsistencies and misleading information. This is especially evident in the statements concerning the ACV, marketing and redevelopment. From the outset, the applicant's intention was to redevelop the site hence his willingness to pay a development price of £450,000 plus £90,000 VAT (Land Registry Ref. SYK658265).
- There is no evidence that the client considered the option of continuing to operate the site as a public house. The applicant completed the purchase of the site in September 2017 and by the end of November had already submitted a pre-application enquiry 'with a view to exploring the redevelopment of the site' (letter from DLP Planning dated 14/02/2018). Further confirmation of the applicant's intention to redevelop the site is evident in the same letter from DLP, which states that our client is becoming increasingly concerned that the nomination has been made as a mechanism by which to frustrate their intentions to redevelop the site for housing.
- The proposed development goes against the will of the community and ignores the views of a thriving community group which had a viable plan to develop the site prior to its purchase by the developer.

- The building has an ACV, the purpose of which is to protect assets such as the Plough from profit driven developers, objection is raised to the solicitor's statement in the recent amendment to the application.

- In the right hands the pub could thrive.

- The White Lion public house in Hankelow quoted by the applicant as an example of a pub which was not viable is now in community ownership and undergoing substantial refurbishment.

- The building is historic and should remain in the community, it should be restored to its original purpose – a place for the community to come together.

- As the application involves an ACV, it meets one of 3 criteria of the 'Added Value Test'. In cases such as this the applicant would usually be required to include a 'consultation supporting statement' as part of the application. No such statement has been included and public consultation is conspicuous by its absence. The only reference to community consultation in the application are an email from the then Vice Chairman of Hallam FC which was written in 2018 in response to the proposed designation as an ACV, and a copy of the minutes of the High Peak Management Company LTD dated 24th October 2017. Neither documents are specifically relevant to the application.

- Whilst public houses have been closing nationwide in recent years, it should be stressed that more pubs are now opening than closing, showing that the sector has turned a corner and market conditions are improving, which improves chances of the viability of the use of the Plough as a public house.

- The recent planning history of a site is a relevant consideration in planning decisions. In 2017, the local authority rejected Sainsbury's application for change of use based on the Plough's listing as an ACV. It was accepted that there were no alternative community facilities within a reasonable distance;

- This is a perfectly viable site for a public house which has for years been wilfully made to appear to be failing by successive developers, because of its particularly high land value.

- Nothing has changed since the last proposal was submitted to convert the pub, which attracted unprecedented levels of objection from the local community. The New owner has made only a charade of trying to let it as a pub, asking more than twice the market rent ensuring no one would come forward.

- The pub is protected until 2023 by an ACV order stating it's importance as a community asset, and it's demolition should not even be considered by the Planning Committee.

- The Stainton letter (25/11/2019) that accompanies the application is wrong in some material facts. The White Lion is now owned by the community and the latest news shows work taking place as recently as December 2019, to rebuild the pub. Whilst Ms Stainton tries to suggest the ACV should not be a material consideration, she

ignores the precedent already set by Sheffield Council on 10/1/17, when the Planning Committee accepted the importance of the ACV and unanimously vetoed the Sainsburys' proposal.

- The additional material posted is mostly a reworking of documents previously submitted. This includes correspondence concerning the marketing of the Plough and the rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.

- Contrary to reports, the Save the Plough campaign has collected enough money from crowd funding backed by a similar amount from an anonymous backer to support the running of a community pub.

- The previous owners "Pubco" Enterprise Inns seemed to have little interest in keeping it as a pub - as evidenced by the rapid turn-over of tenants trapped into rigid contracts that ensured financial failure. One would suspect these companies treat their pubs as land-banks

Response to correspondence from DLP Planning and HLW Keeble Hawson (Dec 20th 2019):

- The correspondence dates back to 2018 and concerns the re-nomination of the Plough as an ACV so it is hard to understand the relevance to the current application.

- The correspondence was disregarded by the relevant committee of the Local Planning Authority when the Plough was added to the City Council's Register of Assets of Community Value.

- Notwithstanding the above the correspondence is factually inaccurate – for instance, DLP state that 'No community interest group is noted on the ACV registered as having requested to become a potential bidder'. The Plough Community Pub LTD gave notice to the Local Authority that it intended to bid and the statutory moratorium period was triggered, this is a matter of public record.

- The correspondence from HLW Keeble Hawson contains false statements such as: 'Our client understands that at no point was the community group seeking to re-list the property able to demonstrate to Enterprise Inns. Group PLC proof of funding for its proposed purchase of the property for £435,000 last summer'. The community group did make an offer of £435,000 and did provide proof of funding, this was demonstrated to the committee that added the Plough to the Register of Community Assets in April 2018 and is a matter of public record.

Condition of building

- The applicant is arguing that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the condition of the site with the current owner. The building should have been

maintained in a fit and proper condition for its current permitted use as a public house.

- At the time of purchase, the building was in a sound condition albeit in need of an internal refurbishment. Prior to submitting a bid to purchase the site, the Plough Community Benefit Society Ltd commissioned an independent report on the costs of bringing the site back into operational use. The total estimated costs of necessary renovations was circa £60,000. In this application, the agent states that the current estimated costs of bringing the building back into viable use is £450,000. The discrepancy in these figures needs a full explanation and indicates serious failings in the maintenance of the building by the current owner.
- There is no reference to what security measures have been in place, no maintenance works are described nor are there any mentions of remedial works.
- It is not credible that vandals have caused the scale of damage alleged to have taken place. Confusion also arises over the number of burglaries alleged to have occurred.
- The current condition of the building is the sole responsibility of the applicant and no advantage in the planning process should be gained from this.
- The agent also states that 'no stripping out whatsoever has been carried out by our client'. This seems at odds with the observations of local residents.
- The applicant is arguing that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the site with the owner and the building should have been maintained in a proper condition for its current permitted use as a public house.

#### Highway Safety Issues

- Extra vehicles will cause further parking issues.
- Vehicular access to the site would be hazardous – Sandygate Road is already a busy thoroughfare, particularly when there are events at the church, football/cricket ground. The safety of pedestrians and motorists will be put at risk.
- The proposed development would add further strain to local infrastructure.
- Insufficient parking provision. The proposes 8 dwellings on the site will invariably have 2 vehicles each, even though not enough parking is being provided. These vehicles will add to congestion and CO2 emissions, as against the use as a pub, when most of the regulars came on foot.
- The plans do not show storage three bins each property will need.

#### Design/layout Issues

- The proposed development is too high, much higher than the ridgeline of the existing building.
- The proposed dwellings are too close to Sandygate Road and will be overbearing to the street.
- Out of keeping with the materials and style of the original hamlet of Sandygate.
- The proposed development is unnecessarily big, particularly in height. The visuals clearly make this point and are changing the landscape.
- A smaller development would be preferable, built in keeping with the local style.

#### Heritage Issues

- The Plough is part of the City's heritage, once destroyed that heritage can never be replaced.

#### Sporting Heritage/legacy

- The building has a long history connected to football which would be lost if the property was demolished. The connection to football is an untapped area of economic development for the city.
- Can the Council compulsorily purchase the building and restore it? The site could drive football history tourism, people already visit from all over the world.
- The site is linked to the second oldest football club and the oldest ground in the world.
- The public house should be turned into a local community-run themed pub on the origins of football.

#### Other Issues

- The existing car park has been used as a dump for building waste, vehicle and portacabin storage, the building itself is becoming increasingly dilapidated due to neglect with no evidence of maintenance or care for the property.
- The development includes no affordable housing.
- There is too much housing in this area of Sheffield and too little consideration of the congestion and air pollution created in Crosspool and the whole of the Manchester Road/Broomhill/Whittam Road/Western Bank/Brook Hill corridor.
- The Council is taking firm action to improve air quality in the centre of the city and should do the same in the suburbs.

Councillor Anne Murphy

- The amended information provided by the applicant is mostly a re-hash of documents already submitted, the new material does not demonstrate continuous marketing of The Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's viability test. Information from a local landlord suggests that the valuation of £50,000 per annum was over double the usual asking price.
- The applicant argues that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the condition of the site with the current owner. The building should have been maintained in a fit and proper condition for its current permitted use as a public house.
- Concerns about the apparent unlawful use of the site as a waste disposal facility – unattended fires have been observed within the car parks; cars with no registration plates have also been stored on site, these concerns are the subject of a Planning Enforcement enquiry.
- The Local Planning Authority should give consideration to issuing a requirement for the building to be reinstated to its former condition, as it was at the time of purchase when an independent report was commissioned and which demonstrated that no major building work was required and that the cost of any internal refitting was manageable within a realistic business plan.
- Worth noting that the White Lion public house in Hankelow quoted by the applicant as an example of a pub which was not viable is now in community ownership and undergoing substantial refurbishment.

#### Sheffield and District CAMRA

- As stated in our previous submissions regarding planning applications for this site, we believe that the Plough should be functioning as a Community pub, with the added attraction of its key place in the history of world football. A small internal museum would not be inappropriate.
- This planning saga commenced when the previous owners, Enterprise Inns (EI), decided to deliberately run-down their historically important asset before closure in 2015. Since then, there has been no serious maintenance work and the subsequent owners, Spacepad UK, have left the pub to rot. Planning law places responsibility for the condition of the site with the current owner. By law, the building should have been maintained in a fit and proper condition for its current permitted use as a public house.
- The site has deteriorated to such an extent that some local residents claim it is an 'eyesore.' These concerns are currently the subject of a Planning Enforcement enquiry regarding the unauthorised use of the site as a waste disposal facility and a storage site for unregistered vehicles. An Enforcement Notice has been recommended. Sheffield CC should issue a requirement for the building, and site, to be reinstated to the condition it was in at the time of purchase from Enterprise Inns. At that point, an independent report, commissioned by the Plough Community Benefit Society Ltd demonstrated that, in order for the pub to reopen, no major

building work was required and that internal refitting costs were manageable within a realistic business plan.

- If the owners fail to reinstate the property, the Council should exercise its power to compulsorily purchase in order to avoid further deterioration. The authority should also take note of the action of Westminster City Council in ordering a developer to rebuild the Carlton Tavern after it had been demolished without prior planning permission.

- The additional material posted by the applicant on 20/12/2019 is essentially a re-mix of previously submitted documents, including correspondence concerning the marketing of the Plough and the exorbitant, and unrealistic, rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.

- The recent planning history of a site is also a relevant consideration in planning decisions. In 2017, The local authority rejected Sainsbury's application for change of use based on the Plough's listing as an ACV and it accepted that there were no alternative community facilities within a reasonable distance. In 2018, following the sale of the Plough, the local authority re-listed the pub as an ACV.

- As there have been no material changes in the reasons why the Plough was listed as an ACV, this should remain an overriding consideration in any decision.

- The pub is adjacent to the ground of Hallam FC (the 2nd.oldest football club in the world). Hallam occupy Sandygate, the oldest football ground in the world, the site of the first football game (Hallam v Sheffield FC) as recognised by FIFA. The Plough should be allowed to return as both a community pub and a key player in the developing Sheffield Football History experience.

- The public house should be protected as an important part of the city's footballing history.

#### Support

- The building has deteriorated further since the application has been submitted.

- The ACV is not legal binding and can be withdrawn at any time. The ACV was granted July 2015. The Plough closed in April 2016. If the community had used the pub in the intervening months, then it would not have closed.

#### Non-material Matters

A number of non-matter matters were also raised by objectors including:

- The proposed dwellings would lower the value of existing properties.

- The proposal fails to comply with the Electronic Communications Code (EC), despite the site as existing containing a mobile phone mast, no allowance has been



made within the plans to accommodate the mast – in fact there is no mention of the mast at all within the application. Under the ECC, an agreement between the networks, service provider and land owner should only be terminated on the grounds of redevelopment if they ‘could not reasonably’ redevelop ‘unless the code agreement comes to an end’. In the opinion of the objector, it would be perfectly possible to redevelop and maintain the mast on the present site.

- Does the applicant have a valid waste transfer licence for the used building materials dumped from other sites.

## PLANNING ASSESSMENT

### The Principle of Development – Policy and Land Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council’s development plan comprises the Core Strategy which was adopted in 2009, and the saved policies of the Unitary Development Plan, which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of Paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making.

Paragraph 213 of the NPPF confirms that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, Paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

As Sheffield can demonstrate a five year housing supply (currently 5.1 years) the most important policies in the determination of this application are not automatically considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

The application site is located within a Housing Area. In Housing Areas, housing is listed as the preferred use under UDP Policy H10. The proposal to demolish the public house and erect 8 dwellinghouses would therefore comply with this policy.

The proposal would involve the development of previously developed land. As defined in the NPPF, previously developed land is land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. The proposal would therefore represent the development of a previously developed site and would accord with Core Strategy Policy CS24, which states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policy CS24 is consistent with the NPPF, which at paragraph 118 says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Core Strategy Policy CS26 promotes the efficient use of land for new housing and identifies that a density of between 30-50 dwellings per hectare is appropriate in parts of the urban area that are not near to high frequency bus routes. More up to date guidance is however contained in the NPPF which carries increased weight over Policy CS26 as Sheffield's housing need is now greater than it was when the Core Strategy was published.

Paragraph 122 of the NPPF promotes the efficient use of land subject to the consideration of a variety of factors including housing need, viability, the desirability of maintaining the areas prevailing character and setting, promoting regeneration, and the importance of securing well designed and attractive places.

The 8 dwellings proposed represents a density of approximately 65.8 dwellings per hectare. This is greater than the recommended density for this area. However taking account its accessibility, appropriate layout (discussed later in the report), the fact that Sheffield has a supply of deliverable housing land just above 5% and the increased weight of the NPPF over policy CS26, the scheme is considered to be acceptable from a density perspective.

Demolition of building that is registered an Asset of Community Value (ACV)

Under the Localism Act 2011, The Plough Inn was registered an Asset of Community Value (ACV) in May 2015, and then again in April 2018.

Development Plan policy in respect of community facilities is contained within UDP policies CF1 and CF2. Policy CF1 relates to the provision of new community facilities. Policy CF2 (Keeping Community Facilities) sets out that development which would result in the loss of community facilities will be permitted if:

- a) The loss is unavoidable and equivalent facilities would be provided in the same area; or
- b) The facilities are no longer required; or
- c) Where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

Although the UDP's definition of community facilities (pp169-170) is limited to uses in Use Class D1 usually provided by the public sector, the NPPF recognises the social benefits of public houses in promoting healthy and safe communities. Paragraph 92 part a) of the NPPF, states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments, with community facilities including local shops, meeting places, cultural buildings, public houses and places of worship.

The House of Commons Written Statement (HCWS221) (26 Jan 2015) also notes that 'Pubs play an important role in our local communities. They provide valuable local hubs that strengthen community relationships and encourage wider social interaction'.

The listing of an ACV lasts for 5 years, after which time, and unless the community group has applied and been granted for its listing to be renewed, the property is automatically delisted and the restriction imposed by the covenant are removed.

The listing process allows a community asset to be listed when it satisfies the requirements of Section 88 (1) or (2) of the Localism Act 2011. Part (2) is relevant in this case. It says which say that: there should be a time in the recent past when an actual use of the building furthered the social wellbeing or interests of the local community; and it should be realistic to think that there is a time in the next five years when there could be a use of the building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. Both elements of the test require there to be a local community.

Under the terms of the legislation, once listed, an ACV:

- can become a material consideration in planning applications;

- is subject to provisions which allow time for it to be purchased by a group representing its users or the local community; and

- it can be compulsorily purchased 'if the asset is under threat of long-term loss to the community.'

When considering planning applications that have ACV status, paragraph 2.20 of the Department for Communities and Local Government's non-statutory guidance states that 'it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted considering all the circumstances of the case.' Such a judgement would depend upon the level of interest received as part of the application, in this case substantial, and the evidence received from representations that the public house is, or until recently has been used, effectively as a community facility.

Once a property has been registered, the owner of an ACV must inform the local authority if they wish to sell the asset. If a qualifying community group wants to purchase the asset, the group can trigger a moratorium for six months, to allow them the opportunity to raise the money to purchase the asset. However, there is no requirement for the owner to sell to a community group. The ACV listing only improves the chances of the community group being able to purchase the asset by providing more time to raise funds. There is no requirement for the owner to sell the asset at a discount.

The Plough Inn was nominated as an ACV in May 2015 and registered in July 2015. In designating the public house as an ACV, it was determined that The Plough Inn supported community groups and community activities that catered for the interests of a wide cross section of the local community. The Council was satisfied that, from the evidence provided in connection with its nomination, the public house is very well regarded by the local community and did not consider that there were any alternative premises within a reasonable travelling distance for many of the individuals who use the public house. There was no objection to its designation. The Council's reasons for registering it refer to the community it serves and the way it serves the community and concluded that:

'The Property [The Plough] is a thriving pub that principally serves the residents of Crosspool, Sandygate and Tapton Hill. It supports certain community groups and community activities that cater for the interests of a wide cross section of the local community.'

In April 2016, The Plough Inn closed.

In August 2016, an application (planning reference No. 16/02925/FUL) was submitted on behalf of Sainsbury's PLC to change the use of the public house to a supermarket (Use Class A1). In support of the application, the previous owners of the public house (Enterprise Inns) stated that it was unviable as a pub with figures (takings) provided at the time showing that it was making a loss. In considering the change of use application, officers were of the opinion that the applicant had failed to provide sufficient evidence to demonstrate that the use of the building as a public house is unviable and incapable of continuing to be used for the foreseeable future.

The application was presented to the Planning and Highways Committee in January 2017 where it was refused by Members for the sole reason that the proposal would involve the loss of a building that is considered to be a valued community asset, which before its closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community. It was refused in accordance with paragraph 70 of an earlier version of the NPPF, which sought to guard against the unnecessary loss of valued facilities and services.

Following the refusal of the application, Enterprise Inns put the public house up for sale. In doing so, the Council was notified of the owner's intention to sell the building, which set in motion the opportunity of the qualifying community group (Plough Community Benefit Society) to purchase the public house. The qualifying community group triggered a moratorium for six months to allow the group the opportunity to raise the money to purchase the asset.

From evidence submitted from the representations received, in 2017 more than 300 local residents donated the sum of £120,000 towards a £435,000 bid to purchase the public house, this being the estimated market value of the building for use as a public house as prescribed by The Plough Community Benefit Society. Despite this bid, the community group failed to purchase the public house and it was sold to the applicant in September 2017 at a cost of £450,000. As previously stated, the ACV legislation provides no requirement for the owner to sell to a community group with the ACV listing only improving the chances of the community group being able to purchase the asset by providing more time to raise funds. There is also no requirement for the owner to sell the asset at a discount. Enterprise Inns were therefore within their right to sell to the highest bidder, irrespective of the intentions of the new owner. Following the sale of the public house in September 2017 it was removed from the Register of Assets of Community Value in accordance with the legislation.

In October 2017 the applicant submitted a pre-application enquiry seeking informal planning advice in respect of a proposal to demolish the public house and erect eight dwellinghouses.

In April 2018, The Plough Inn was re-registered as an ACV. In registering the public house, the panel stated that despite the public house being closed for nearly 2 years, the previous community use of the Plough was 'recent past use' that would satisfy the first limb of the test in Section 88 (2) of the Localism Act. The panel went on to say that it was noteworthy that the community holds the property in high regard, which was evident by the creation of the nominating group and their efforts to bid for the property when it was put on the market, and that the group appeared to be well organised in respect of pursuing a future community use and that a previous application for planning permission was refused on the site.

The panel concluded that the previous use furthered the social well-being and interests of the local community, and with regard to the second limb of the test in terms of whether it was realistic to think that a future community use could come forward within the next five years, the panel concluded that notwithstanding the owner's intentions to pursue a residential development, it was realistic to think that as a range of possible outcomes co-existing for the property, there is a time in the

next five years when there could be non-ancillary use of the building that would further (whether or not in the same way as before) the social well-being or social interesting of the local community.

In June 2019, the applicant submitted a full planning application seeking approval to demolish the public house and erect 8 dwellinghouses ( the subject of this report). During the course of the application, and in response to lengthy discussions between the applicant's agents and officers, an additional planning statement was submitted that responded to a number of issues that officers considered to be most relevant in assessing the proposal specific to the ACV listing (Matters Relating to 'The Plough Inn' ACV Listing, prepared by Axis Architecture, dated November 2019).

#### Commercial marketing of the public house

The applicant instructed Crosthwaite Commercial (CC) to market the premises in June 2018 and a 'To Let' board was erected on the premises in July 2018. Details provided from Crosthwaite Commercial state that details were circulated to prospective occupiers in the licenced trade and all the local and regional commercial property agents. In addition to this, it has been confirmed that the property has been advertised on the Crosthwaite Commercial website, and since 2018, the public house appeared on various internet based property websites including the Rightmove Commercial Property link. The marketing details submitted show that rental offers were invited in the region of £50,000 per annum.

Crosthwaite Commercial stated that there was initial interest in the rental of the public house, and in August 2018, terms to lease the building by a local company as a public house were agreed and solicitors were instructed. A rent of £45,000 per annum for the first three years was agreed rising to £50,000 per annum thereafter. However, this offer fell through following the prospective tenants attempt to re-negotiate the terms of the new lease, which was considered to be unacceptable by the applicant.

Since that time, Crosthwaite Commercial has stated that they have had little serious interest and no serious offers. It is their estimate that half a dozen viewings have been undertaken since it was first marketed, some proposing the continuation of the pub and others contemplating a restaurant. In their assessment, Crosthwaite Commercial has stated that, despite the continued marketing of the public house, they now have serious doubts that a tenant can be found who is prepared to spend the capital required to restore the public house as well as the first floor living accommodation, which is currently inhabitable. Crosthwaite Commercial have also confirmed that, while rental offers in the region of £50,000 per annum were invited, this figure was not 'set in stone' and they have always been prepared to be flexible. In addition, Crosthwaite Commercial has stated that no ingoing premium was asked for, which is unusual in the pub market.

In terms of marketing, officers queried the rental value of £50,000 (in the region of) as there were concerns that this was excessively high compared to similar public houses in the area. For example, the rental values of public houses in the vicinity of the site found that the rental value in respect of Bulls Head and Ranmoor Inn, both located in Fulwood were understood to be in the region of £20,000 and £36,000

respectively. While it is difficult to provide a direct comparison between the public houses, with factors such as location and type and size of accommodation (commercial floorspace and flat) all relevant in terms of rental value, it is nevertheless important to assess whether the amount referred in the marketing is a rent than any reasonable tenant would be prepared to pay.

In support of the rental value of £50,000, the applicant has stated that it is not reasonable to compare The Plough Inn with the other public houses cited by objectors as the other pubs are tied to a brewery, which generates a lower rent in comparison to free houses. Landlords of public houses tied to a brewery are largely limited to purchasing their beer from the pub company/brewery. Free houses, such as The Plough Inn, have the freedom to purchase from different breweries/companies and negotiate competitive prices.

The applicant was advised to provide evidence of this as a means of comparison, and has provided details of the Devonshire Arms in Middle Handley, which had a rental value in October 2017 in the order £55,000 per annum with around £350,000 spent on refurbishment. While only one example of a non-tied public house was provided by the land agent, it is evident that free houses can secure a higher rental values than public houses tied to breweries. It is also of note, in officers' opinion, that the public house was marketed 'in the region of £50,000', meaning that the rent was not fixed to this amount and could through negotiation be subject to a lower rent or include rent free periods. In addition to this, Crosthwaite Commercial make reference to the fact that The Plough Inn includes 3-bed living accommodation which could command rental in the region of £15,600 per annum in isolation, but which was included within the rental value of the public house.

The local planning authority's independent assessor has confirmed that the rental figure of £50,000 per annum is reasonable for a free house and would not, in his opinion, act to discourage potential tenants. In coming to this view, he gives weight to the following:

- The Plough Inn is a 'free of tie' entity;
- it includes 3-bedroom living accommodation;
- any incoming tenant would expect to incur capital expenditure towards the fixtures and fittings;
- terms were previously agreed at £45,000 (although this fell through); and
- as the freeholder, whatever the costs of works to the fabric of the building at the time of the marketing, these were to be undertaken at the cost of the applicant and not the ingoing tenant.

On this last point, the independent assessor states that, without evidence to the contrary, it is reasonable to accept the applicant's position that they would cover necessary works to the fabric of the building as a result of vandalism and the condition of the building due to general deterioration.

In addition, the applicant has confirmed in writing that the cost of refurbishing the building would not include works to the fabric of the building which, as owner of the building, would be undertaken at his expense. This would include making the building watertight, the replacement of services (e.g. the heating system) and any structural damage incurred as a result of the building remaining vacant or through vandalism.

The independent assessor researched a number public houses that were currently to let, and while the majority have rental values significantly less than £50,000, there are pubs in the vicinity that do demand a higher rental value, including the Doctors Orders on Glossop Road with a rent of £50,000 per annum and an ingoing cost of £42,647, and the Three Merry Lads on Redmires Road, which was being marketed for £65,000 per annum with an ingoing cost of £74,685.

While he acknowledges that the rental value exceeds the amount of 'tied' public houses and would require the incoming tenant to pay to refurbish the building to their requirements, it is not unrealistic to assume that an incoming tenant would be prepared to accept the costs and undertake capital expenditure to bring the building back into viable use. On this basis, it is considered that the rental figure can be justified and is a figure that would not price out genuinely interested parties in leasing the public house.

Since the closure of the public house in 2016, it is clear that the building has deteriorated. To bring the building back into a viable use would therefore require significant capital expenditure, and would be significantly greater than the amount estimated at the time the community group placed a bid on the building (believed to be in the order of £60,000). In addition to this, the applicant has provided evidence that the public house has been broken into on at least four occasions, resulted in extensive vandalism. The applicant has provided two police incident numbers, the details of which include the removal of catering kitchen equipment, extensive flood damage due to the stripping out of all copper pipework serving the toilets and heating system, and extensive damage to the floorboards. The applicant accepts that the current condition of the building is much worse than when it was originally marketed and, despite representations citing that the poor condition of the building is as a result of the neglect of the applicant, officers have no evidence to suggest that the applicant has wilfully or deliberately neglected the building in order to achieve a more favourable planning outcome.

The applicant has confirmed that it has always been accepted that an ingoing tenant would be required to fund some capital expenditure, and that he was always agreeable to negotiate terms of the rent, including accepting a rent free period, as well as bear the costs of works to the fabric of the building.

To establish the likely cost of repairs and to renovate the building, the applicant commissioned Edge Property Solutions, a building cost consultant, to undertake an assessment of the property. They estimated a cost of £450,000, based on repairs to the fabric, internal shell works and a complete fit-out including fixtures, fittings and equipment to make it operational. This was based on their experience of working with Ember Inns and the level of fit-out specification that they would expect.



The applicant notes that the actual cost of repairing the building could be significantly less than this, and that the cost of the fit-out would be at the discretion of the new tenant, ranging from 'cheap and cheerful' to the type of comprehensive refit that Ember Inns provide. This argument would also apply to the property's first floor 3-bedroom flat and function room.

It is noted that one of the objectors has stated that an alternative approach to assessing a fair market rent for a property is to use its 'rateable value', which is set by the Valuation Office Agency (VOA). In determining the rateable value of a property, the VOA takes account of various factors such as size, location, and in the case of public houses, the expected 'fair maintenance trade' of each establishment.

In considering the rateable value, it was noted that the rateable value of The Three Merry Lads and The Ranmoor Inn are £20,750 and £35,250 respectively, whereas The Plough Inn is only £9,250. The local planning authority's independent assessor again examined this information and has advised that it would be unreasonable to use the rateable value in determining the rent for The Plough Inn on account of it being closed, lead to a significantly lower figure. Business rates are based on trading figures, which are not available for The Plough Inn given the length of time it has been closed. They can vary significantly from property to property.

In addition to the marketing carried out by the applicant, Members are also advised that prior to this, the public house was marketed for sale by the previous owner (Enterprise Inns) for a continuous period from September 2012. During this time, it is understood that only one realistic offer from Sainsbury's PLC was received to lease the store as a supermarket.

While a number of objections have been received in relation to the extent of marketing undertaken, in officers' opinion the marketing of the public house has been sufficient for the purposes of seeking a new tenant.

The public house was marketed for sale between September 2012 up to the date the applicant purchased the site in September 2017 (5 years). Following the purchase, the applicant has actively marketed the public house for rent for nearly 3 years, and while this has been unsuccessful, it does not remove the fact that this has been done.

Many concerns have been raised in relation to the rental value and high costs of refurbishing the building, but it has been found that the rental figure is not unreasonable. It is also considered that a genuine attempt has been made to retain the public house as an ongoing concern, and that the rental value of the public house, together with any necessary capital expenditure, does not raise significant concerns that would require the applicant to re-market the property at a lower rental value in order to attract more interest or to undertake significant upfront capital expenditure that would make it more marketable to a potential tenant.

As set out earlier, UDP Policy CF2 sets out that development which would result in the loss of community facilities will be permitted in instances where the loss is unavoidable and equivalent facilities would be provided in the same area; where the

facilities are no longer required; or where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

Notwithstanding that the definition of community facilities in the UDP does not include public houses, the NPPF recognises their community value in paragraph 92 of the Framework and, in this instance, officers acknowledge that The Plough Inn provided social benefits to the local community. This is evident by the high number of objections received and the setting up of the community group in connection with the ACV.

However, it is also considered that there are a number of venues in the close vicinity offering community use and benefits. These include:

- the venue for hire at Hallam FC, which includes a bar;
- community facilities at the St Francis of Assisi Church, which has a meeting room that can be booked for external events;
- the Crosspool and District Youth Sports Trust community centre of Coldwell Lane which includes a sports hall, meeting room and sports field; and
- Stephen Hill Methodist Church, which hosts a range of events such as parent and baby classes and dance classes.

In addition, within 800m of the application site there are two public houses, the Sportsman Pub at Bentley Lane and The Crosspool Tavern, both of which are within walking distances of the catchment area of Crosspool.

It is evident, in officers' opinion, that the wider area includes a number of buildings that provide community facilities which could be considered to further the social wellbeing or interests of the local community, and which comply with the policy CF2 requirement for equivalent accommodation to be readily available elsewhere, though it is acknowledged that there is no statutory definition on which to base such a judgement.

Moreover, given the time that has lapsed since the public house closed, it is felt that the weight that can be given to the public house as a community facility has diminished. This may not be the case were the site the only potential facility, or if facilities were short on the ground, but the loss to the wider community is not considered to be so harmful that it should be retained regardless. Officers do not consider that the Plough Inn, while well regarded by some members of the community, comprises the centre of the community and provides facilities that cannot readily be found elsewhere in the vicinity.

As previously stated within this report, one of the reasons for registering an ACV is to give a qualified community group the opportunity to purchase the asset when it comes up for sale by allowing a 6 month moratorium to raise funds. One of the shortcomings of the Act is that there is then no right of first refusal for that group. Rather, the owner can sell the asset to whom they choose, which in most instances would be the highest bidder, as was the case here.

The moratorium was duly triggered in respect of The Plough Inn, and irrespective of the bid offered by the community group, this bid was ultimately unsuccessful and resulted in the applicant purchasing the building.

Officers are satisfied that reasonable endeavours have been made by the applicant to market the public house as a going concern. Our independent assessor concluded that the applicant sought a reasonable rental figure for a free house in this location with three bedroom living accommodation. The applicant confirms that he would have covered the costs of fabric repairs and the cost of fitting out the pub would have been funded by an incoming tenant, which is also reasonable.

With virtually no realistic prospect of the site being used for a future community use, and with permitted rights removed for ACV listed public houses, it is thought that the site would likely fall into further disrepair.

As such, it is considered that the proposal to demolish the public house and redevelop the site for housing can be justified.

Officers acknowledge that in August 2017, the Planning Inspectorate upheld a decision to refuse planning permission to demolish the Cherry Tree Inn, a public house at Carter Knowle Avenue that was and continues to be registered as an ACV. That application sought to demolish the public house and erect an A1 retail development, under planning application No. 16/02791/FUL. In dismissing the appeal (APP/J4423/W/17/3171556), the Planning Inspector recognised that the two nearest public houses to the site were approximately 500m away, but that due to the hilly nature of the site, they were not within a reasonable walking distance for all the community and so were less likely to act as a meeting place for the local community.

Similar to the Plough Inn, the Cherry Tree Inn included a number of testimonials from patrons regarding the Inns' community value as well as a petition with over 1,000 signatures opposing the proposed redevelopment of the site. However, the key difference between the two applications is that, unlike the Plough Inn, the Cherry Tree Inn was trading as a public house at the time of the application and continues to do so, also that the level of marketing of the public house had not been carried out for the length of time or as exhaustively as The Plough Inn has been. Officers do not therefore consider that the two applications are similar in nature, with exception that both related to the redevelopment of public houses registered as AVCs for alternative uses.

Design Issues and effect on the character and appearance of the surrounding area

The relevant policies of the development plan in respect of design issues are UDP Policies BE5 and H14 (a) and Core Strategy CS74.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. It encouraged original architecture where it does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment on corner sites and designs that take advantage of the site's natural features.

Policy H14 (a) seeks new buildings and extensions to be well designed and would be in scale and character with neighbouring buildings.

Core Strategy Policy CS74 sets out the design principles that are expected in all new developments. It supports high quality development that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

The development plan policies described above are considered to broadly align with the NPPF in relation to design.

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 expects planning permission to be refused for developments of poor design that fail to take the opportunities available for improving the character and quality of the area and the way it functions. It goes on to say that, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The Plough Inn is located in a prominent position on a main road in the residential suburb of Crosspool. The area has a mixed character with three and two storey red brick apartment blocks to its eastern side and rear (on St Francis Close) and traditional brick and stone dwellinghouses to its west. On the opposite side of the road are the low brick buildings at Hallam FC which sit behind a stone boundary wall and small surface car park. Elevated above this is the well-mannered two storey brick built Church of St Francis of Assisi.

While The Plough Inn is of some architectural merit, it is not listed, nor is it located within an Area of Special Character or a Conservation Area.

The proposals seek to demolish the public house and erect 8 townhouses in two similar 4 storey terraced blocks intersected by a 4.8m wide central access point that would lead down into an undercroft covered car park. The blocks have an external footprint of 24m by 9.8m and are set back from the back edge of footway by approximately 2m.

The supporting Design and Access Statement states that the proposed development has been designed to read as two separate symmetrical contemporary designed housing blocks finished in natural stone. The blocks include standing seam, pitched metal roofs and large glazed openings. Accommodation is arranged over four floors with the top floor set back from the building's main façade. Gardens are provided to the rear on the deck above the undercroft parking area.

The layout, orientation and scale of the proposed townhouses has been informed by the need to maintain a comfortable relationship with the street, neighbouring apartment blocks and more modest buildings to its west.

It is considered that the proposed development is of a high design quality that will make a positive contribution to the character and appearance of the wider area. While the architectural response is contemporary, the scale and form are

sympathetic to the local vernacular and the use of natural stone ties in with the prevalent stone boundary walls and building on the adjoining site to the west.

Amendments to the scheme have been secured that resulted in the upper section of the western block being removed, a design improvement that helps to achieve a more comfortable transition between the new build and the smaller scale buildings to the west.

A condition seeking full details of all facing materials together with the submission of materials samples should ensure the use of high quality materials and finishes.

It is therefore considered that the development would accord with UDP Policies BE5 and H14 (a) and Core Strategy Policy CS74.

### Heritage Issues

UDP Policy BE20 encourages the retention of historic buildings which are of local interest but not listed.

NPPF paragraphs 184 to 202 relate to conserving and enhancing the historic environment. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The annexe to the NPPF defines 'heritage asset' as a building, monument, site, place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The aims of policy BE20 are considered to be consistent with the NPPF and can be afforded weight.

It is acknowledged that The Plough Inn is an attractive early 20th century building and that it makes a positive contribution to the character of the area. However, it is not listed and is not situated in a Conservation Area, where a higher level of protection is afforded.

As described above, UDP Policy BE20 seeks to encourage the retention of historic buildings, which are of local interest but not listed wherever practicable. The supporting text to this policy suggests that some of these buildings may ultimately be listed in their own right, while the preservation of others will need to be assessed

against the contribution they make to the local landscape, balanced against a proposed development that might replace them.

It should also be noted that an assessment made by Historic England following a call to list the building was rejected in July 2019. Historic England stated in their decision letter that the vernacular revival exterior is well preserved and of good quality but it is not of special interest in a national context for its relatively late date, and that the opening up of the ground floor and associated refurbishment has undermined the interest of the building as an inter-war public house because of the loss of the original plan and decorative detailing.

In this instance, the existing public house is not a designated heritage asset. Whilst the outward appearance of the building is of a traditional form and materials which make a positive contribution to the character of the area, it is not of special architectural interest, it has been substantially altered and it sits within a hard surfaced car park which does not make a positive contribution to its setting.

On balance, the building has a less than moderate significance as a non-designated heritage asset, and that with regard to the scale of harm, its loss and significance as a heritage asset, it is considered that its loss would not be significant.

A high number of representations were received making reference to the sporting heritage of the Plough Inn and specifically to it being the place where the rules of football were written. This is incorrect.

It is understood that a landlord of a former Plough Inn started Hallam FC, the second oldest football club in the world and the world's oldest ground, but there is no evidence of any link between that public house and the writing of the rules.

The football rules (known as the 1858 Sheffield Football Rules) were written over 160 years ago, well before the date that the existing Plough Inn was constructed. The process for creating the 1858 Sheffield Rules began with a copy letter by Nathaniel Creswick that culminated with a meeting at the Adelphi Hotel. A letter from the chairman of Sheffield FC states that Sheffield FC (1857) and the rules (1858) were conceived from a greenhouse on East Bank Road belonging to Sheffield statesman Asline Ward.

It is considered that very little weight can be given to the suggestions made by a number of objectors claiming that the demolition of the public house would destroy part of Sheffield's sporting history and legacy in the writing of the football rules.

## Sustainability

The government makes clear in the NPPF that the purpose of the planning system is to contribute to the achievement of sustainable development. Chapter 14 deals more specifically with the challenges of climate change and identifies the planning system as playing a key role in reducing greenhouse gas emissions and supporting renewable and low carbon energy. When determining planning applications paragraph 153 makes it clear that local planning authorities should expect new development to comply with local requirements for decentralised energy supply

unless it is not feasible and viable, and that buildings are designed to minimise energy consumption.

Policy CS63 of the Core Strategy sets out the overarching approach to reduce the city's impact on climate change, which includes actions includes giving priority to development that is well served by sustainable forms of transport and giving preference to development on previously developed land where this is sustainably located.

Policy CS64 seeks to ensure that new buildings are designed to reduce emissions of greenhouse gases through high standards of energy efficient design.

Policy CS65 seeks to promote renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

These local policies are considered to robustly align with the NPPF and are afforded substantial weight.

The application site is in an accessible location and, as such, future residents would have easy access to a wide range of services in the nearby Local Centre and beyond via the number 51 bus which passes the site and provides access into the city centre.

The applicant has confirmed that the envelope of the proposed development will be built to a high standard of insulation, that energy efficient building services will be used and that renewables will be integrated into the development in order to comply with policy requirements. The provision of these measures can be secured by condition.

## Highway Issues

UDP Policy H14 (Conditions on Development in Housing Areas) (d) states that new development or change of use will be permitted provided the site provides safe access to the highway network, appropriate off-street parking and does not endanger pedestrians.

Chapter 9 of the NPPF promotes sustainable modes of transport but acknowledges the need for appropriate parking and safe and suitable access for all. Policy H14 (d) is not considered to conflict with the aims of the NPPF in this regard.

As part of the redevelopment proposals, parking would be provided within an undercroft car park that would be accessed from Sandygate Road in the centre of the site, between two housing blocks. The car park would have 18 parking bays, which would allow for two spaces per dwellinghouse and two visitor parking bays. This level of parking is considered to be acceptable and is unlikely to lead to any significant demand for on-street parking that would be prejudicial to highway safety.

Paragraph 106 of the NPPF says that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network that are well served by public transport. The site is located in a well established residential area and there are waiting restrictions on the site frontage. The site would have suitable visibility splays to ensure safe ingress onto Sandygate Road.

The site is located in a sustainable location with good transport links. There is a good selection of shops and restaurants in the Crosspool Local Shopping Area, which is an approximately 15min walk from the site. As described above, the site is served by the number 51 bus route which provides access into the city centre via Crosspool and Broomhill.

The proposals are unlikely to result in any significant increase in traffic above that generated by the public house were it still in use. In any case, the number of car movements created by 8 dwellinghouses is unlikely to have a significant impact on the local highway network.

The proposals raise no highway safety concerns and it is considered that UDP Policy H14 (e) would be complied with.

#### Residential Amenity Issues

UDP Policy H14 (k) states that new development should not to lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

It is considered that the future occupants of the new dwellinghouses would be afforded good levels of amenity with generous accommodation over four floors and reasonable sized rear gardens that would extend beyond the rear elevation of each dwellinghouses above the undercroft parking area. Most houses also benefit from small front and rear terraces that supplement the external gardens.

In terms of neighbouring properties, it is considered that the only properties that are directly affected by the proposal are limited to the apartments located to the rear of the site on St Francis Close and 310 Sandygate Road, a detached property that is situated to the west of the site. All other properties close to the site are considered to be sufficiently distanced to prevent any adverse impact on their residential amenity.

The two storey apartment buildings built on lower ground to the rear of the public house sit close to the rear site boundary, separated by a steep landscaped embankment. The apartment block to the west has several windows within its rear elevation facing the embankment. The existing pub also sits close the rear site boundary, such that there is a minimum of less than 5 metres between them.

The applicant was advised at pre-application stage to increase the separation distance between the proposed dwellinghouses and the apartment blocks, in order to prevent the development from having an overbearing impact or creating overlooking problems, by locating the development towards the front, southern end of the site. A separation distance of approximately 17m would now be maintained between the apartments and the main rear elevation of the proposed houses (14.3 metres



between the apartments and the single storey projections to the rear of the proposed houses). On account of this increased separation distance, and the existing changes in level, it is considered that the residents of the apartment blocks would not be unduly harmed by the proposed development, with no significant loss of privacy, loss of outlook or overshadowing.

While the proposed dwellinghouses would have windows within their rear elevations facing towards the apartment blocks, views from these windows would be mostly taken across the roof tops of the apartments rather than into the main windows of the flats.

It is acknowledged that the proposed dwellinghouses are sited to the south of St Francis Close, however shadow analysis submitted with the application shows that the neighbouring apartment blocks would not suffer from unacceptable overshadowing.

In terms of 310 Sandygate Road, this property is situated to the west of the application site and is in commercial use. While the same level of amenity is not expected, this property is a former dwellinghouse and could, at some point, be converted back again.

Number 310 has a ground floor window in its side elevation but its main front façade is set further back from Sandygate Road than the proposed dwellinghouses, it is angled slightly away from the application site and it is situated approximately 6m away, separated from the site by its access driveway and a stone boundary wall. It is considered that this relationship, together with the change in level and the latter amendments to plot 1 (which included the omission of the single storey rear projection and the roof terraces) will prevent the proposed development having an overbearing presence or lead to any significant loss of outlook that would be harmful to the amenities of the occupants of this neighbouring property.

In terms of noise, it is considered that the use of the site for housing will be less noisy than a well used public house, particularly one that currently sits within 5 metres of neighbouring dwellings and which is served by a large car park.

#### CIL and Other Planning Obligations

The Council has adopted a Community Infrastructure Levy (CIL) to provide the infrastructure to support new development.

The proposal is liable for CIL charges and is located in a zone where the charge for residential development is £30 sqm.

As the development involves the erection of eight dwellinghouses, it is below the 15 unit threshold set out in Supplementary Planning Development 'Planning Obligations and CIL Contributions'. There is, therefore, no requirement to provide affordable housing in connection with the redevelopment of the site.

#### Other Matters

It is noted that the existing public house has a telecommunication mast that would need to be removed in connection with the redevelopment of the site. This would be a matter to resolve privately between the applicant and the telecommunications operator. A replacement mast would be subject to the usual consents procedures including, where necessary, planning permission.

## SUMMARY AND RECOMMENDATION

This application relates to site of The Plough Inn public house which sits on the northern side of Sandygate Road in a designated Housing Area. The public house closed in 2016. An application to change the use of the public house into a supermarket was refused in 2017.

The public house was designated an Asset of Community Value, firstly in 2015 and then again in 2018. The applicant purchased the public house in 2017 from Enterprise Inns, following a 6 month moratorium which allowed a community group the opportunity to raise funds and submit their own bid. One of the shortcomings of the Localism Act is that there is no right of first refusal for community groups. The owner can sell the asset to whom they choose, which in this case was the highest bidder.

The applicant is now seeking full planning permission to demolish the public house and erect eight 4-bedroomed townhouses. The townhouses would be split into two separate blocks, with a new central access leading to an undercroft car park for up to 18 vehicles.

The use of this brownfield site for housing, the preferred use of land in Housing Areas, and the provision of a reasonable number of family dwellings is a moderate benefit, particularly in light of the emphasis the government gives to boosting the supply of new homes.

It is considered that the proposed development is of a high design quality that will make a positive contribution to the character and appearance of the wider area. While the architectural response is contemporary, the scale, form and materials are sympathetic to the local vernacular.

Amendments to the scheme were secured which help to achieve a more comfortable transition between the development and the smaller scale buildings to the west and which will prevent the proposed development from having a harmful impact on the amenities of the occupants of neighbouring properties.

The level of parking provision is considered to be acceptable and the proposals raise no highway safety concerns.

The many objections to the proposed re-development of the site largely relate to the loss of the existing public house, an Asset of Community Value. Bearing in mind the failed community bid, the public house has been closed for almost 5 years and with little realistic prospect of the site being used for a future community use, it is thought likely that the site will fall into further disrepair.

Officers are satisfied that reasonable endeavours were made by the applicant to market the public house as a going concern. Our independent assessor concluded that the applicant sought a reasonable rental figure for a free house in this location with three bedroom living accommodation. The applicant confirms that he would have covered the costs of fabric repairs and that the cost of fitting out the pub would have been funded by an incoming tenant, which is also reasonable.

The intention of the ACV mechanism is not to stifle development, but to give the community the opportunity to bid for the asset when it comes onto the open market, which it did.

In view of the above it is felt that limited weight can be given to the pub's ACV status.

The development plan encourages the retention of historic buildings which are of local interest, but not listed, but expects this to be weighed against the merits of any proposed scheme to replace them. Whilst regrettable, it is considered that the proposal to demolish the public house and redevelop the site for good quality housing can be justified.

In relation to paragraph 11 of the NPPF, as Sheffield can demonstrate a five year housing supply the most important policies in the determination of this application are not automatically considered to be out of date. The most important local policies in the determination of this application, which in this case revolve around community facilities, housing land supply, highway related impacts, design, heritage, sustainability and residential amenity impacts, do, when considered as a collection, align with the Framework. As such section d of paragraph 11 is not applied in this instance.

Therefore for the reasons set out in the report, and in accordance with the local Development Plan and all other matters, the proposed development is considered to be acceptable and it is recommended that Members grant planning permission subject to proposed conditions.

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