

Application Number: 13/002

Nominated Asset: The Fairview Inn

Site Address: Glebelands, Oxford.

Ward: Lye Valley

Applicant: Lye Valley Tenants and Residents Association

Recommendation: The Head of City Development is recommended to:

1. Agree that the Nominated Asset should be confirmed as an Asset of Community Value;
2. Agree to include the asset on the City Council's Local Assets of Community Value Register and place the asset on the Local Land Charge Register.

Background to Report.

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.

2. The City Council is able to list a nominated asset if, in its opinion:

The actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; AND

Is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use).

OR

There was a time in the recent past when an actual use (not an ancillary use) of the building or other land is one that furthered the social wellbeing or interests of the local community; AND

it is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further the social wellbeing or social interests of the local community (whether or not in the same way as before).

3. These definitions have been taken from the Government's Regulations. There is no national guidance as to what the key terms in these definitions mean. It

is for the nominating organisation in the first instance to argue why it considers the nominated asset meets the definition in the Regulations.

4. If the owner objects to their property being placed on the List, they have a right in the first instance to an internal review by the City Council of this decision.

Nomination

5. The Lye Valley Tenants and Residents Association wrote to nominate the Fairview Inn for inclusion as an Asset of Community Value on the 14th May 2013. A plan of the nominated area is attached to this report.
6. The Lye Valley Tenants and Residents Association has argued that:
 - The Fairview Inn has been in continuous use as a public house for over 60 years, furthering the social wellbeing or social interests of the community.
 - As well as the usual social activities associated with a public house, the Fairview Inn provides facilities for a number of community activities including sporting activities as well as community planning meetings for the Lye Valley street party committee and Lye Valley Tenants and Residents Association.
 - This use of the land and buildings as a public house and meeting place for community activities furthers the social wellbeing and interests of the local community by creating a sense of involvement with other people and with the community.
 - The Oxford Local plan 2001-2016 paragraph 12.9.9 identifies public houses as community facilities and says the City Council will prevent their loss to alternative uses unless a lack of viability can be demonstrated.

Response to consultation

7. One letter has been received from Enterprise Inns plc, the owners of the site. They confirm that an offer has been accepted from a group who wish to use the property for community purposes. No contracts have yet been exchanged. They ask for the proposal to list the property as an Asset of Community Value to be held in abeyance, as it would otherwise delay the current sale while the moratorium is in place.

Assessment

8. The Lye Valley Tenants and Residents Association are eligible to make a nomination as an unincorporated group with membership of at least 21 local people.
9. The Council must consider whether the Fairview Inn meets the definition of an Asset of Community Value as set out in section 88 of the Localism Act, ie in

this case that it is currently in a use that furthers the social wellbeing or social interests of the local community and also that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community (whether or not in the same way).

Whether the current use furthers the social wellbeing or social interests of the local community

10. As noted by the Lye Valley Tenants and Residents Association themselves, the Oxford Local Plan 2001-2016 states that public houses have a distinct role within residential areas as a community facility. Pubs provide a location for local residents to meet informally, which in itself can help to strengthen a sense of community.
11. In addition, the Lye Valley Tenants and Residents also point out that the Fairview Inn is used as a base for meetings of local groups including the Lye Valley Tenants and Residents Association and the Lye Valley Street Party Committee. These groups themselves have a role in strengthening the community and thus there is community value in a venue which provides somewhere for them to meet. Furthermore, sporting activities take place at the pub.
12. The Fairview Inn has an important community function. It is a venue within a predominantly residential area, providing a place for members of the local community to come together.

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

13. As well as considering whether the current use of Fairview Inn furthers the social well-being or social interests of the community, it is also necessary to consider whether it is realistic to expect this use, or another use that also furthers the social well-being or interests of the community, to continue,.
14. The Landowner has stated that the pub was marketed for several weeks before an offer was received. In order to prevent the delay of this sale, the landowner has requested that the pub is not listed as an asset for the moment. The Council should be considering only whether this affects the ability of the nominated Asset to meet the requirements of the Act. For a number of reasons, it seems realistic to suppose that a community use can continue on the site:
 - Continued use of the Fairview Inn as a pub is encouraged by planning policy. The Local Plan Policy RC.18 is designed to protect pubs. The Policy states that Planning permission will only granted for the change of use of a public house if either no other potential occupier can be found after realistic marketing, if there is substantial evidence of non-viability, or if suitable alternative public houses exist. The pub is the only one in this residential area north of hollow Way and west of The Slade. The nearest pub is The Corner House on the corner of the Slade and Hollow Way.
 - The landowner states that the group whose offer they have accepted

is itself a group who intend to use the group for community purposes. This is after 'several weeks' of marketing. It is not stated whether it is likely that another occupier to run the premises as a pub can be found, which may be relevant to meeting the Local Plan policy. However, as the offer is from a community group, it seems realistic to assume that a use that furthers the social well-being or interests of the community can continue on the site.

15. The landowner has not suggested that the pub is not viable. There has not been a long period of marketing. It seems that the landowner has had a realistic offer from a group intending to use the premises for community purposes. Therefore, it seems realistic to assume that a community use can continue on the site.

Decision

I confirm that:

Nominated Asset: The Fairview Inn

Site Address: Glebelands, Oxford.

Should be an Asset of Community Value and included on the City Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.

Name: M Crofton Briggs

Title: Head of City Development

Signature

Date: 3rd July 2013

Background Papers: Nomination application, letter from the owners.

Contact Officer: Michael Crofton Briggs

Extension: 2360

Date: 3rd July 2013

