

OSBALDWICK PARISH COUNCIL

Minutes of the online Osbaldwick Parish Council Meeting held via Zoom on Tuesday 16th March 2021 at 7.15pm

Present from Parish - Cllr M Warters (Chairman), Cllr W Maddock (Vice-Chairman), Cllr M Rowley, Cllr H Ripley, Cllr L Bennett, Cllr K Lamb, Cllr J Starzynski & Cllr S Cambridge. Clerk – Louise Pink. 1 member of the public.

1. Apologies for Absence

Councillors L Pye, M Keeley & D Peel.

2. Declaration of Interests

None.

3. Minutes

It was proposed, seconded, and agreed that the minutes of the meeting held on the Tuesday 16th February 2021 were a true account of what happened during the meeting and were therefore duly approved.

4. Public Participation

One member of the public was present at the meeting but did not wish to raise anything in particular.

4A. Exclusion of the Public

Required during Item 5.3(a) & 10(a).

5. Plans for Approval and Other Planning Matters

5.1 Applications received this month:-

21/00271/FUL 28 The Leyes, Osbaldwick, York
Change of use of garage to ancillary living accommodation with associated changes to doors/windows and 2no. roof lights.
Decision – No Objection.

21/00304/FUL The Magnet, 57 Osbaldwick Lane, York
Erection of 8no. dwellings with associated parking and landscaping following demolition of buildings.
Decision - Osbaldwick Parish Council object most strongly to this planning application, as nothing has changed other than another prolonged period of deliberate neglect by the current owners the previous detailed objection to 19/00895/FUL is entirely relevant.
It ought to consider CYC as LPA that viability tests have not been carried out nor has a ‘real’ offer for sale process been carried out merely a ‘paper exercise’, concerns that are proved with email correspondence from prospective purchasers/developers that the PC have been provided with.
If the current owners will not engage with others attempting to retain the building either as a public house or other community facility then they most certainly should be made to retain the existing building (non designated heritage asset) with it being refurbished for community use first and foremost.
Osbaldwick Parish Council see no reason to amend the previously submitted objection (excepting obviously the

objection now relates to the proposed 8 houses as opposed to the previous 9) and forward this objection; For clarity it must be noted that section 10 on the application form has been answered by stating that there aren't any trees or hedges on site, they aren't now after the demolition contractors hacked down a mature tree and a number of mature shrubs a few months ago but they certainly were and the mature tree was a feature in the streetscene.

The Parish Council object most strongly to the proposed loss of a formerly important Community facility and a building of historic and architectural merit both inside and outside, that by virtue of which has merited a listing on the York Local List.

The relatively unspoilt 1930s interior of the Magnet being a feature that CAMRA recognised in the 2000 edition of Historic Pubs in and around York when it was described as "the best survivor of its type in York".

The NPPF makes mention of the value of heritage assets. A heritage asset is defined "as a building identified as having a degree of significance meriting consideration in planning decisions because of its heritage interests. Heritage assets include designated heritage assets and assets identified by the Authorities" (including local listing).

Paragraph 131 of the NPPF states "Authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability"

Given the historic and architectural merit of the building as well as its size the Parish Council are disappointed that opportunity has not been sought to renovate the building even if not used as a public house, thereby retaining a landmark building rather than simply trashing it to maximise development returns.

Whilst the Parish Council appreciate the difficulty of landlords running public houses under the 'pub co' regimes and the difference in viability of houses freed from such regimes in the past, it is accepted that viability is a complex issue and for that reason before CYC consider the Magnet for demolition and redevelopment the following should be considered;

- i) if it is claimed that The Magnet is not financially viable this should be firstly evidenced by trading accounts for the last three years.
- ii) Evidence should be provided that a viability test has been completed by an independent body to show whether The Magnet is economically viable. If there hasn't been such a test carried out then the planning officer assessing the application should undertake one. The CAMRA Public House Viability Test is suggested.
- iii) The Parish Council don't believe Enterprise Inns have explored a full range of measures during the last three years to increase trade and diversify use. Evidence to the contrary should be provided if Enterprise Inns believe they have done so.
- iv) The Parish Council don't believe that Enterprise Inns had made the sort of financial investment over the past five, ten or even twenty years to give The Magnet a fair chance to thrive as evidenced by the current state of exterior repair. Deliberate, managed decline is a term that springs to mind. Indeed the reference in the planning statement, paragraph 4 to a "run down pub" is particularly offensive and whilst a reflection on the previous operating model of Enterprise Inns should not be seen as acceptable to promote the demolition of yet another public house. If this were the case then pub co's would be encouraged even more to allow parts of their estates to fall into decay to encourage the conversion of public house sites to realisable real estate profits.
- v) Has a viability assessment been undertaken of building a small terrace of residential properties to the rear of the pub and retaining a renovated public house?

If The Magnet is found to be not viable as a public house then the landmark building should be renovated and converted for another use, the building should not be lost.

As for marketing of The Magnet following its closure the Parish Council raise the following points;

- i) A realistic opportunity to sell off the public house as a going concern should be explored fully before considering this application for redevelopment.
- ii) The Parish Council don't believe that Enterprise Inns took all reasonable measures to market the pub to other potential operators. Evidence is sought from Enterprise Inns that they marketed for at least 24 months either in its current form or as an alternative Community facility at a price agreed with CYC following an independent professional valuation.

iii) Evidence is sought that there has been no interest in purchasing either the freehold or leasehold as a Community facility. Did Enterprise Inns offer The Magnet for sale locally, in the region and in appropriate publications.

Justification for demolition and rebuilding of the site with housing is sought in the applicants sustainability statement, the last sentence of the document referring to “much needed smaller houses in a location where there is a high demand”.

That is simply not true, directly opposite in recent years CYC choose to build on another local community facility when the Derwent School playing fields were built on, nearby Derwenthorpe with 540 homes is nearing completion and elsewhere in the local area housing development is due to start alongside Burnholme Community Hub.

It could be fairly argued that there is no local shortage of housing and that a properly funded, maintained public house at this location could under the right ownership be returned to a viable, community asset.

The Parish Council object to the loss of the Public House, a Community asset that at various times in the past provided a home for darts teams, dominoes teams, pool teams, football teams as well as a focal point for the surrounding community much of which was drawn from outside of this Parish. The Magnet provided facilities for meetings, events and a book club as well as having a very useful community use as a recognised ‘Park and Stride’ overspill car park for the adjacent primary school with many parents using the outside pub facilities in the summer months.

21/00308/FUL 315A Hull Road, Osbaldwick, York
Single storey front/side extension.
Decision – No Objection.

20/02419/FUL Agricultural Building, Holly Tree Farm, Murton Way, York
Change of use of agricultural building (adjacent to Carr Close) to a dwelling (use class C3) with a single story rear/south extension, following partial demolition of single storey building. Change of use of agricultural land to domestic curtilage.
Decision – No Objection.

5.2 To hear results of applications decided by City of York Council:-

Approved:-

21/00223/FUL 66 Tranby Avenue Osbaldwick York
Two storey side and single storey rear extensions after demolition of garage and conservatory (revised scheme).

Refused:- None.

Withdrawn:- None.

5.3 Other Planning Matters:-

- (a) Parish Council Planning application – It was advised that the application has now been validated by City of York Council and given reference number 21/00415/FUL.

6. York Local Plan

Nothing noted.

7. Clerk’s Report

- (a) The requirements for the council to meet the website accessibility regulations were discussed. Vision ICT have advised that Osbaldwick Parish Council is already on the newer platform and the website is

accessible. As such we only need to add an accessibility statement which Vision ICT can write on our behalf at a cost of £45. This was approved. Clerk to liaise with Vision ICT.

8. Matters Arising

Nothing noted.

9. Community Safety Issues

Your Neighbourhood is covered by the York North Safer Neighbourhood Policing Team. The Team is based at: Athena House, Kettlestring Lane, Clifton Moor, York. YO30 4XF.

E-mail: snayorknorth@northyorkshire.pnn.police.uk

A police report was received for the period of the 1st – 28th February 2021 and noted the following incidents:-

Type of Incident	Time and Location.	Osbalwick Report made and action taken by NYP	Total calls for Month
ASB- Nuisance	Heather Bank 5/2	Issues with neighbours re noise	1
ASB- Personal	Lotherington Avenue 4/2	On-going issues with neighbour and CCTV camera	
	Hull Rd 24/2	On-going issues with neighbours re noise, previously reported for large gathering of students at the property	2
Burglary			0
Drugs			0
Vehicle			0
Theft	Inner Space Station 15/2	1 x incident	1
Violence			0
Criminal Damage	Murton Grange 12/2	Fence damaged and 7 horses are now in the field, they are not tethered. Not field owners horses.	1

10. Correspondence

Full list of correspondence emailed to all Councillors.

(a) The email received from Cowling, Swift & Kitchin Solicitors was discussed under Planning 5.3 (a).

11. Financial Matters

11.1. The Clerk submitted the following accounts for payment by BACS:-

L Pink	Clerks salary (Net)	£468.23
L Pink	Expenses	£57.38
ProMap	Planning application mapping costs	£58.01
Aspects Horticultural Services	Additional works in the Churchyard	£165.60

Press Garden Ltd	Planning application mapping costs	£40.54
Les Ripley	Purchase of paint for play area	£118.00
Aspects Horticultural Services	Hedge cutting	£420.00
A.V Etherington & Sons	Trees for free tree offer	£415.80
Jet Wash Services	Bus shelter services	£50.00
HMRC	Tax & NI	£351.40

The accounts listed for payment were accepted. Clerk to make the payments via BACS using the dual authorisation process with Cllr Ripley approving all payments submitted.

11.2. No accounts were submitted and approved for payment by cheque.

11.3. The following invoice that was received after the production of the agenda was discussed and approved for payment:-

City of York Council	PC Planning Application Fee	£231.00	BACS
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11.4. The following income was received:-

03.03.21	CYC	Ward Grant for Village Green bus stop improvements	£1,750.00
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11.5. Any other urgent request submitted to the meeting – Nothing noted.

12. Meeting Reports (for information only)

Nothing noted.

13. Exceptional Items

Cllr Ripley raised issues of speeding vehicles.

The Chairman advised that he has spoken with the Derwenthorpe Residents Association regarding various on-going issues on the Derwenthorpe Estate.

Problems with Roads, Footpaths, Street Lights etc. Complaints to be passed to the clerk by members via e-mails supported with photographs if possible.

13A Future Newsletters – Nothing noted.

14. Items for Information

Nothing noted.

15. Items for Next Agenda

Nothing noted.

16. Date of Next Meeting

The next Parish Council Meeting to be held on Tuesday 20th April @ 7.15pm via Zoom.

Meeting closed at 8.30pm.