

# OSBALDWICK PARISH COUNCIL

## Minutes of the Osbaldwick Parish Council Meeting held on Tuesday 18<sup>th</sup> June 2019 At St Thomas's Church, Osbaldwick at 7.15pm

Present from Parish - Cllr M Warters (Chairman), Cllr H Ripley, Cllr S Cambridge, Cllr M Rowley, Cllr J Starzynski, Cllr L Pye, Cllr K Lamb & Cllr W Maddocks. 1 member of the public.

### **1. Apologies for Absence**

Councillors D Peel & L Bennett.

### **2. Declaration of Interests**

None declared.

### **3. Minutes**

It was proposed, seconded and agreed that the minutes of the meetings held on the Tuesday 21<sup>st</sup> May 2019 were a true account of what happened during the meeting and were therefore duly approved and signed by the Chairman.

### **4. Public Participation**

No members of the public had registered to speak.

#### **4A. Exclusion of the Public**

Not Required.

### **5. Plans for Approval and Other Planning Matters**

#### **5.1 Applications received this month:-**

19/00895/FUL            The Magnet, 57 Osbaldwick Lane, York  
Demolition of existing hotel and erection of 8 no. three storey terraced houses with parking (revised scheme).  
Decision - 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.

19/00845/FUL            3 High Field, Osbaldwick, York  
Conversion of garage into living accommodation including associated external alterations including raising of roof to rear.  
Decision – No Objection.

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

### **Approved:-**

19/00760/FUL            14 Thirkleby Way Osbaldwick York YO10 3PY  
Single storey rear extension.

### **Refused:-**

19/00700/ADV            Selco Trade Centres Ltd, Osbaldwick Link Road, Osbaldwick, York  
Display of 1no. internally illuminated totem sign.

**Withdrawn:-** None.

**5.3 Notes** – Nothing noted.

## **6. York Local Plan**

Discussion held regarding a green burial area.

## **7. Clerk's Report**

Nothing noted.

## **8. Public Works Loan Board/Village Green Bridges**

Chairman confirmed the email received by the Clerk from the Parish Council's insurers which advised that whilst they are covered for 3<sup>rd</sup> party liability they will not insure the bridges for rebuilding costs.

## **9. Matters Arising**

Nothing noted.

## **10. 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](mailto:snayorknorth@northyorkshire.pnn.police.uk)

A police report was received for the period of the 1<sup>st</sup> – 31<sup>st</sup> May 2019 and noted the following incidents:-

<b>Type of Incident</b>	<b>Time and Location.</b>	<b>Osbalwick Report made and action taken by NYP</b>	<b>Total calls for Month</b>
<b>ASB- Nuisance</b>	Osbalwick Sports Club Lakeside Osbalwick Village Farndale Avenue Lothington Ave	3 x incident 1 x incident 1 x incident 1 x incident Off road motorcycle using the derwent cycle track	<b>7</b>
<b>ASB- Personal</b>			<b>0</b>
<b>Burglary</b>	03/05/2019 Seebohm Mews Osbalwick Sports Club	Attempted break-in to shed Smashed glass at rear to gain entry - smashed the till	<b>2</b>
<b>Drugs</b>			<b>0</b>
<b>Vehicle</b>			<b>0</b>
<b>Theft</b>			<b>0</b>
<b>Violence</b>	06/05/2019 Beckett Drive 20/05/2019 Outgang Lane Meadowbeck Carehome	Taxi driver claiming customer is abusing him On-going parking issues Patient causing issues with staff	<b>3</b>
<b>Criminal Damage</b>			<b>0</b>

## **11. Correspondence**

Full list of correspondence emailed to all Councillors.

## **12. Financial Matters**

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

L Pink	Clerks salary (Net)	£479.06
L Pink	Expenses	£49.46
Aspects Horticultural Services	Grass Cutting - June	£561.54
Vertigrow	2 x barrels	£120.00
Vertigrow	3 x barrels & plants	£211.12
Vertigrow	2 x barrels & plants	£143.92
Vertigrow	Plants	£44.72
Vertigrow	Plants	£28.76
Vertigrow	Plants	£49.52
Autela Payroll Services	Payroll Services Q1	£39.23
HMRC	Tax & NI Q1	£341.80
Information Commissioners Office	Data Protection Renewal 2019/20	£40.00

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.

12.2. No accounts for payment by cheque were submitted.

12.3. The following invoices that were received after the production of the agenda were discussed and approved for payment:-

Ian Brown	Internal Audit	£90.00	BACS
A1 Plant & Haulage	Spoil Removal	£960.00	BACS
YesterHome	'No HGV' sign for bridge	£356.99	BACS

12.4. The following income was noted:-

Local resident	Donation for provision of a barrel and planting at Kirkdale Road	£100.00	CHEQUE
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12.5. Any other urgent request submitted to the meeting:-

(a) The annual internal audit report for the 2018/19 Annual Governance and Accountability Return (AGAR) was received and noted.

(b) Section 1 - Annual Governance Statement of the 2018/19 AGAR were approved.

(c) Section 2 Accounting Statements of the 2018/19 AGAR were considered and approved.

(d) The Accounting Statements were signed and dated by the Chairman.

(e) Approval was given by the Parish Council for the Clerk to purchase for a new laptop and appropriate software. Costs to be shared between the Clerk's four Parish Councils.

### **13. Meeting Reports** (for information only)

Chairman recently attended the CYC Area Planning Meeting.

Cllr Ripley attended the latest YLCA Branch Meeting where it was advised that CYC intend to appoint a dog warden.

#### **14. Exceptional Items**

Clerk to arrange with the leaseholder of the Village Hall a suitable date for the annual inspection of the Village Hall.

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

14A Future Newsletters – Nothing noted.

#### **15. Items for Information**

Nothing noted.

#### **16. Items for Next Agenda**

Nothing noted.

#### **17. Date of Next Meeting**

The next Parish Council Meeting to be held on Tuesday 16<sup>th</sup> July 2019 @ 7.15pm in St Thomas' Church, York.

There being no further business the meeting closed at 8.25pm.