

# Fulford Parish Council

The Cemetery Lodge, Fordlands Road, Fulford, York, YO19 4QG

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**Minutes of the Meeting of Fulford Parish Council held at 19:30 on  
Tuesday 9<sup>th</sup> October 2018 in the Old Library,  
Fulford Social Hall, School Lane, Fulford.  
Clerk/RFO: Rachel Robinson**

## **18127. Chair's welcome**

The Chair welcomed all present to the meeting.

## **18128. To receive apologies and approve reasons for absence**

- a. Present: Cllr. de Vries (Chair); Cllrs. Clare, Francis, Urmston, Vevers, G Walker and J Walker; five members of the public and the Clerk.
- b. Apologies were received and approved from Cllr. Aspden (Vice-Chair) and Cllr. Gardiner.

## **18129. To receive any declarations of interest**

Cllr. de Vries declared an interest in Item 18141. Cllr. Urmston declared a non-pecuniary interest in Item 18143 18/02169/FULM

## **18130. To receive and approve the Minutes of the Parish Council meeting held on 11<sup>th</sup> September 2018 Minutes approved as a true record**

The Minutes of the meeting of the 11<sup>th</sup> September 2018 were approved as a true record.

## **18131. To receive and consider Parishioners' Questions and comments and decide on any necessary action**

A parishioner raised concerns about the condition of the Fordlands Road junction with the A19 at Germany Beck, with particular reference to the pooling of water during wet weather.

Another parishioner raised similar concerns with particular reference to the lack of cycle lanes and narrowness of the road causing a hazard to cyclists. The parishioner showed video footage of their cycle journey that day to demonstrate the problem.

Councillors informed the parishioners that concerns had already been raised with the Ward Councillor who had passed on the concerns to Highways at City of York Council (CoYC). Councillors advised both parishioners to contact CoYC direct to raise their concerns and councillors considered the prospect of informing the police and possibly the press of the dangers being experienced. It was resolved to write to CoYC to query whether the new road has been adopted and advise them of the concerns being raised by parishioners and other users of the road.

A parishioner commented with regard to planning application 18/01649/FUL. However, the application had been withdrawn so no further discussion was necessary.

A parishioner commented on planning application 18/01753/FUL. Councillors considered the comments in considering the decision during the planning item.

A parishioner had emailed a request to the Parish Council on behalf of St Oswald's Church in respect of a contribution towards cleaning of the war memorial and the email had been circulated to councillors for their consideration. The parishioner attended to speak in support of the request. Following consideration, councillors informed the parishioner that the full annual budget for donations had already been promised to St Oswald's Church for the Rose Window renovation project. It was also queried whether it was possible to for the Parish Council to agree a retrospective donation for a project that had been completed without prior consultation. The Clerk is to investigate the legislation on retrospective funding. Councillors advised the parishioner to investigate whether it would be possible to apply for ward funding or if Fulford in Bloom would be able to donate.

A parishioner had commented that the hedge on School Lane is overgrown and making the lane difficult to pass. Following discussion, it was resolved that the Clerk would write to Persimmon to request that the hedge be cut back from the lane side and at the top.

A parishioner had queried whether it would be possible to request TPOs for some of the trees in the area of Connaught Court. The issue of trees and TPOs was discussed at Item 18143.

**18132. To receive and consider a report from the Ward Councillor and decide on any necessary action**

In the absence of the Ward Councillor, there was nothing to report.

**18133. To receive and consider a report from the Police and decide on any necessary action**

A report from the Police had been circulated and was noted. There were no comments to make at this time.

**18134. To consider correspondence received and decide on any necessary action to include:**

**a. Email relating to trees on St Oswald's Road**

An email had been received in respect of tree that had been taken down on St Oswald's Road which highlighted concerns for trees that have not received a TPO and fall outside of the conservation area. The issue of trees and TPOs was discussed at Item 18143.

**b. Email relating to anti-social behaviour and litter on School Lane playing field.**

An email had been received reporting anti-social behaviour and litter on School Lane playing field with particular concerns relating to the presence of youths on mopeds/scooters on the field. It was further reported that there were a number of empty energy drink bottles, in particular near the football pitch. Councillors agreed that the problems were difficult to monitor/control and that if motorbikes/scooters/mopeds are witnessed on the field, these should be reported to the police (preferably with details of vehicle registrations). Following discussion with particular concern about protecting the safety of children on the field, it was resolved that Cllr. Vevers would research the possibility and costs involved in the installation of a new gate to prevent access of such vehicles. It was further resolved that the Sports Club would be asked to assist with the issue of empty bottles and other litter resulting from matches on the field.

**18135. Financial Matters**

**a. To approve the following payments:**

	£
<u>Cemetery</u>	
Insurance 2018/2019	2074.80
Motor Insurance 2018/2019	548.80
Data Protection Fee	17.50
Chip & Pin Machine Charges	69.76
Fuel Genie – Fuel	236.05
BT – Quarterly Broadband	134.64
BT – Monthly Phone	67.24
Npower – Dual Fuel Bill – Cemetery Lodge	160.03
British Gas – Electricity – Cemetery Lodge	137.81
Fulprint – Receipt Books & Order Books	420.00
<u>Parish Council</u>	
Insurance 2018/2019	2074.80
HM Land Registry Office Copies	36.00
Data Protection Fee	17.50
HP Instant Ink	12.99
Giffgaff Clerk's Mobile Phone	7.50
HM Land Registry Office Copies	36.00
<u>Planning</u>	
David Walton – Legal Fees (Interim Account)	1218.76
<u>Open Spaces</u>	
Paint for Slide on School Lane	41.25
MJ Backhouse – Fordlands Rd Rabbit Control Agreement	290.46
RoSPA – Play Equipment Inspections	243.60
Solmek – Soakaway Test School Lane Field	4392.00
<u>Social Hall</u>	
Refund for Social Hall Hire	121.50
British Gas – Gas	148.69
Advance Fire – Annual Service of Fire Equipment	36.72
Peter Cox – Damp Proofing at Social Hall	3792.00
<u>Staff Costs</u>	

Wages & Salaries	8135.22
HMRC	1867.46
NYPF	3056.62
Clerk Homeworking Allowance	18.00

All payments were approved

**b. To note the bank reconciliation to 30/09//2018**

The bank reconciliation was noted.

**c. To note the budget year to date figures**

The year to date figures updated for September were unavailable and the item was deferred to the next meeting.

**18136. To consider the offer from Utility Aid to evaluate current utility providers and potential switch to alternative providers and decide on any necessary action**

Following discussion, it was resolved to instruct Utility Aid to evaluate the current utility providers and consider whether to switch to their recommended suppliers.

**18137. To receive and consider the Insurance Renewal quotation from Came and Co and decide on any necessary action.**

Following discussion, the Insurance Renewal quotation was approved.

**18138. To receive and consider the Motor Insurance Renewal quotation from Came and Co and decide on any necessary action**

Following discussion, the recommended Insurance Renewal quotation was approved.

**18139. To consider any candidates for co-option and decide on any necessary action.**

Cllr. de Vries asked councillors to consider if they knew of anyone who may be an appropriate candidate.

Cllr. Vevers informed the meeting that he has resigned as a councillor but will remain in office until 31<sup>st</sup> March to enable sufficient time to complete a number of projects currently in progress. Councillors expressed regret at the decision, also expressed the hope that Cllr. Vevers will remain involved in parish matters and thanked Cllr. Vevers for all his hard work over the past 6 years.

Cllr. de Vries brought forward Items 18149, 18150 and 18151 for discussion before Item 18140. A record of the discussion is contained below in numeric order.

**18140. Planning:**

**a. To receive and consider a report of planning applications and questions considered by the Planning Working Group and decide on any further action:**

*New applications*

18/02162/TPO - Fell Beech protected by Tree Preservation Order no.: 7/1987. The Designer Retail Outlet Centres York Ltd Partnership Security Control York Designer Outlet St Nicholas Avenue York YO19 4TA – no objections but comment expressing regret at the loss of the tree and trust that a suitable replacement will be planted

18/02176/TPO - Crown clean, crown reduce and thin by 15% Oak protected by Tree Preservation Order no. 3/1977. 24 Fulford Park York YO10 4QE – no objections.

18/01614/FUL - Temporary use of car park for siting of ice rink and funfair. York Designer Outlet St Nicholas Avenue York YO19 4TA - no objections but comment to express trust that the change of location does not increase noise or light disturbance for nearby properties on Naburn Lane.

18/01753/FUL - Construction of vehicle access and driveway from Heslington Lane | 99 Heslington Lane York YO10 4HP – Following discussion and consideration of the applicant's representations, it was resolved to object as follows:

- 1) Loss of hedge and front garden area would be detrimental to the streetscene.
- 2) An access onto Heslington Lane in close proximity to a junction could be a safety hazard.
- 3) Lack of justification for a second access when a perfectly adequate and safer access already exists.

18/01649/FUL - Erection of detached double garage. 32 Key Way York YO19 4QS - Application has been withdrawn

18/01653/FUL - Porch to front, single storey rear extension and increase height of existing roof with double doors to first floor rear elevation and 3 no. dormers to front. 3 Pasture Farm Close York YO10 4PZ – Following discussion, it was resolved to object as follows:

- 1) The roofline is not subservient, contrary to SPD guidance on extensions.
- 2) The introduction of three uncharacteristic dormers on the front elevation will harm the streetscene and the conservation area.
- 3) The property is highly visible when viewed from the Kings public footpaths. The profile of the enlarged roofline will appear visually unattractive.

18/02084/FUL - Single storey side and rear extension. 72 Cherry Wood Crescent York YO19 4QN – no objections

Cllr. Urmston left the meeting for discussion of 18/02169/FULM.

18/02169/FULM - Change of use of existing care home bungalows (use class C2) to residential dwellings (use class C3) and construction of associated car park and access road from Fulford Park. Royal Masonic Benevolent Institute Connaught Court St Oswalds Road York YO10 4QA – Following discussion, it was resolved to object as follows:

- 1) Harm to the conservation area due to intrusion of the access road passing through the green view corridor.
- 2) Harm to ecology (especially bats) through loss of parkland plus light and noise pollution.
- 3) Harm to protected trees including the copper beech on raised bed within the bungalow courtyard. [If the case officer is minded to approve, could the car parking area please be reduced in order to retain the copper beech?] The presence of a road passing underneath the canopies of mature trees will increase pressure to reduce or fell on safety grounds.
- 4) A change of ownership of the bungalows will necessitate boundary treatment that may further damage the character of the parkland and the access will be right on the bend of Fulford Park
- 5) The proposed access road is on a bend in Fulford Park, creating a dangerous highway situation.

Cllr. Urmston returned to the meeting.

#### *On-going applications*

ii) Connaught Court.

- (1) 18/00175/FULM - Variation of condition 2 of permitted application 13/03481/FULM (erection of 14no. dwellings following demolition of bowling clubhouse and garage block) to alter elevational treatment and increase height of dwellings to facilitate formation of additional floorspace in roofspace (plots 1 to 6 only) - Royal Masonic Benevolent Institute Connaught Court St Oswalds Road York YO10 4QA.

It was noted that further revised plans had been submitted with the result that all eight houses now have rooms in the roof all with multiple rooflights. A revised S106 agreement was also being negotiated. It was resolved to query why the Parish Council had not been notified of additional plans, since they result in an increase in the number of bedrooms overall since the original application

- (2) Enforcement  
Car Park – no further information

ii) 18/00495/FULM Site of Former Fordlands House 1 Fordlands Road York - Erection of 64 bedroom care home.

It was noted that demolition was underway and tree protection was in place.

#### **b. Enforcement Action**

34 Eastward Avenue – nothing new to consider

Unauthorised development at the Germany Beck site relating to 01/01315/OUT and 12/00384/REMM - Marketing suite, New sign at A19 junction - nothing new to consider but the Clerk is to request an acknowledgment of the enforcement request.

- c. **18/02025/EIASP - Scoping opinion in respect of a proposed business park (use class B1) including innovation centre with associated car parking, park and ride facility, hard and soft landscaping and highway alterations. Field Adjacent A19 And St Nicholas Avenue York**

The scoping opinion was noted and concern was expressed at the expansion of development in that area. It was noted that there was no provision in the Local Plan for a development of this nature in this location.

- d. **To note details of planning applications decided by City of York Council and decide on any necessary action.**

18/01225/FUL 50 School Lane Fulford York YO10 4LS Two storey side extension, single storey front and rear extensions, new roof with gable ends on four sides and alterations to external materials including use of render and cladding boards (amendment to planning permission 16/02619/FUL) – Approved

18/01734/TPO Fulford Vicarage 1 Fulford Park York YO10 4QE Fell Field Maple; crown lift up to 5 metres 1no. Sycamore and 1no. Horse Chestnut protected by Tree Preservation order no. CYC331 – Refused

Discussion of Item 18141 was moved to the final item of the agenda but the record of the discussion is recorded in numerical order.

Cllr. de Vries left the meeting for discussion of Item 18141 and Cllr. Clare took over to chair the remainder of the meeting.

- 18141. To receive and consider an update on matters pertaining to Germany Beck and decide on any necessary action to include:**

- a. **To consider the operation of the new junction and decide on any necessary action**

It was resolved at Item 18131 to write to CoYC to query whether the new road has been adopted and advise them of the concerns being raised by parishioners and other users of the road.

- b. **To consider flood defences and decide on any necessary action**

Nothing new to consider

- c. **To consider any update on the Liaison Advisory Committee.**

Nothing new to consider although it was queried when the next meeting would be.

*To consider exclusion of the press and public from the discussion of any aspect of items 18141.d and 18141.e by virtue of s.1(2) of the Public Bodies (Admission to Meetings) Act 1960*

*It was resolved to exclude the press and public from the discussion of any aspect of items 18141.d and 18141.e by virtue of s.1(2) of the Public Bodies (Admission to Meetings) Act 1960 Exclude press and public*

- d. **Any update on the boundary dispute and decide upon any necessary action**

Nothing new to consider.

- e. **17/02687/NONMAT – Non-material amendment to permitted application 12/00384/REMM to alter approved plans and amend approved bat mitigation strategy. Germany Beck Site East of Fordlands Road York.**

Councillors noted the date of 11<sup>th</sup> October for the Planning Committee. Following lengthy discussion and careful consideration of what action should be taken in the event that a decision is taken to approve the application and the subsequent consequences that may result, it was resolved that in the event that that the Planning Committee approves the application, the advice of Counsel would be sought and considered thereafter. The fees for Counsel's opinion will be charged to the planning advice budget.

- 18142. To consider any update on the Historic England consultation for the Battle of Fulford application to designate and decide on any necessary action.**

Cllr. Urmston had met informally with Eric Brans-Instone and Chas Jones following their walk around the battlesite. Cllr. Urmston reported that the consultation report would not be published for some time.

**18143. To consider the preparation of an inventory of trees within the Parish that deserve protection both within and outside of the conservation with a view to asking CoYC to issue TPOs on them.**

Following discussion relating to the potential number of trees of value within the Parish that fall outside of the conservation area, Cllrs. Francis and Vevers volunteered to organise carrying out a survey of the trees to determine whether any should have TPOs requested for them. Cllr. Francis will schedule a meeting of volunteers. It was noted that information on the trees that have TPOs can be found on the CoYC website ([https://www.york.gov.uk/info/20058/trees\\_and\\_hedgerows/544/trees\\_in\\_conservation\\_areas](https://www.york.gov.uk/info/20058/trees_and_hedgerows/544/trees_in_conservation_areas))

**18144. To consider a request for a review of the parking on the whole of the south side of St. Oswald's Road and decide on any necessary action.**

Cllr. Francis reported that a restricted parking area had been requested by residents in St Oswald's Road and was under consideration but that the restrictions were not in respect of the whole of the south side of the road. Following discussion, it was agreed that this was a matter for the residents of St Oswald's Road to take up with CoYC but the Parish Council would like to be kept informed.

**18145. To receive and consider an update from the Neighbourhood Plan working group and decide on any necessary action**

Nothing new to consider.

**18146. To receive and consider any update on the Local Plan and decide on any necessary action to include:**

**a. Advice received from YLCA relating to Local Plan decisions and correspondence**

Following consideration of the advice from YLCA, it was resolved that where decisions of an urgent nature are necessary in respect of the Local Plan and it is not practicable to hold a meeting to agree a response, the Clerk is delegated the authority to make the decision provided it is in line with the Parish Council's previously agreed submission.

**18147. To receive and consider a report from the Cemetery working group and decide on any necessary action to include:**

**a. Consideration of the amended proposal for the provision of weekend burials for the Muslim community;**

The amended proposal had been circulated prior to the meeting and following discussion it was resolved to send the proposal as amended to the Chairman of the Mosque for his consideration.

**b. Consideration of the costs for the proposed disabled access to the cemetery;**

The Clerk reported that costs had been estimated at no more than £500 to create the pedestrian disabled access to the Cemetery and it was resolved to proceed with the work. The Clerk will inform the visitors who had made the initial request.

**c. Consideration of amendment to office opening hours during holiday cover periods.**

The Clerk reported that a request had been received for reduced office hours during periods of holiday cover. Following discussion, it was agreed to reduce the Cemetery Office opening hours during holiday cover periods to 9am until 3pm provided adequate notice is given and notices are displayed.

**18148. To receive and consider a report from the Cemetery Lodge working group and decide upon any necessary action to include:**

**a. To note that tenders are now live with a return date of the 30th October 2018**

It was noted that the tenders are now live.

**b. Consideration of the designs/quotations received for the porch/lobby.**

The Clerk reported that two contractors had been to site to prepare designs and quotations for the porch/lobby but these are not yet available.

**18149. To receive and consider a report from the Open Spaces working group and decide on any necessary action to include:**

Cllr. Vevers reported that he had contacted Sport England in connection with the grant and it will now be available until Spring. It has been confirmed that no planning permission will be required for the soakaway and the original tender company has been contacted for revised costings. It is hoped that the soakaway works and drainage work to the pitch can now be carried out within the deadline.

Cllr. Vevers reported that he had considered appointing a local firm to carry out playground maintenance. Following discussion, it was agreed that Cllr. Vevers would seek information from three local companies to

discover what kind of service can be provided and what the cost implication is likely to be. Cllr. Vevers will report back at a later date once the information was available.

**a. Review the ground work on the School Lane Playground and consider if the remaining amount due to Kompan should be paid.**

Cllr. Vevers had inspected the site and no further work has been done. It was agreed that the remaining sum due to Kompan should remain withheld until the work has been satisfactorily completed.

**b. To consider the recommendations for Parish Council aspirations for discussion at the Liaison Advisory Committee**

It was reported that this was agreed at the meeting in June 2018 and will be put forward at the next meeting of the LAC.

**c. To consider the purchase of a weed membrane roll to portion and sell at cost to allotments tenants.**

Following consideration, it was resolved to purchase and store one roll of weed membrane (at an approximate cost of £182) to sell in sections to tenants at the allotments at cost.

**d. Further consideration of the following requests from the Sport Clubs following the LAC in light of the advice received from YLCA and CoYC:**

- i) The Sports Club's request to lease the playing field from the Parish Council
- ii) The Sports Club's suggestion for the Parish Council to be a joint applicant in their application for funding for maintenance equipment;
- iii) The potential location of the Sports Club proposed container;
- iv) The Sports Club request for partial match funding a grant being applied for;
- v) The proposal for grass cutting services to be supplied by the Sports Club to Fulford Parish Council in exchange for contributing towards the maintenance equipment (upon receipt of the maintenance equipment).

As all aspects of this item are linked to the prospect of a lease/usage agreement or joint application for funding, the items were discussed as a whole. Advice had been received from YLCA and CoYC and both had recommended instructing a solicitor to consider the prospect of/wording of any agreement under consideration for open space land.

Councillors had wished to have more information on any potential changes to the open space in the light of the LAC for the Germany Beck Development before committing to the expense of seeking legal advice. However, it was considered unlikely for this aspect to be resolved within a short enough timeframe to be able to provide sufficient progression for the Sports Club's application for funding.

Accordingly, following discussion and further to the advice received from the YLCA and officers from City of York Council, it was resolved to instruct solicitors to advise and consult on the proposition of an agreement with the Sports Club, the wording of such proposed agreement together with advice on any implications to the future use of the Open Space, in light of the fact that the nature and area of the Open Space is likely to be altered following the outcome of discussions in the course of the Liaison Advisory Committee negotiations for the Germany Beck Development.

There being no budget for legal fees in respect of Opens Spaces for the current financial year, it was resolved that legal fees will be charged to the budget for contingency.

As any decisions relating to the other items requested will be dependent upon the issue of a lease/usage agreement being resolved, the other items are deferred pending receipt of the solicitor's advice, consideration thereof and resolution thereon

Councillors also recognised that the football pitch may need additional cuts pending the outcome of any formal agreement and therefore agreed that a quotation for additional cuts that would meet with the Sports Club's requirements should be obtained from the current contractor. The Clerk is to contact the current grass cutting contractor to seek a quote.

**18150. To receive and consider a report from the Social Hall working group and decide on any necessary action to include:**

**a. To consider whether to purchase an electric kettle for the Social Hall kitchen.**

It was resolved that Cllr. Clare would obtain an electric kettle for the Social Hall kitchen and the Clerk would arrange for it to be PAT tested and would follow up a request for a quote for additional external lighting with the electrician.

Cllr. Clare and the Clerk reported that there had been problems with the heating and with different groups having different heating requirements. A quote from Nortons Heating had already been approved subject to the installation of wifi. Investigations with CoYC had not been forthcoming about provision of wifi through the City's network and in the event that this is not possible it was resolved to instruct Plusnet (following consideration of information on broadband providers previously circulated) to install wifi and thereafter instruct Nortons to proceed with the heating renovations.

*To consider exclusion of the press and public from the discussion of any aspect of item 18151 by virtue of s.1(2) of the Public Bodies (Admission to Meetings) Act 1960.*

*It was resolved to exclude the press and public from the discussion of any aspect of item 18151 by virtue of s.1(2) of the Public Bodies (Admission to Meetings) Act 1960.*

**18151. To receive and consider reports from the HR panel and Clerk and decide on any necessary action to include:**

**a. Consideration of interview shortlist candidates for the Social Hall Caretaker/Street Cleaner vacancy and decide on interview panel to carry out the interviews on 18<sup>th</sup> October.**

Cllr. Clare had volunteered to assist in the interview process and it was agreed that a panel of 3 comprising Cllr. Clare, the Clerk and Stuart McCabe, the Cemetery Superintendent would carry out the interviews on 18<sup>th</sup> October and decide on a preferred candidate for recommendation to the next meeting.

**18152. Confirm date and time of next meeting.**

The next meeting of the Parish Council is on Tuesday 13<sup>th</sup> November at 19:30.

Chair.