

Meeting of Modbury Parish Council
Tuesday 10th September 2019 at 7.00 PM
The Pavilion, Queen Elizabeth II Recreation Field
MINUTES

Apologies: Cllr West and Coates.

Present: Cllrs Watts, Keel, Middleton, Woodcock, Harvey, Whybrow, Rosevear, Taylor and Cole. (Also present Cllr Gilbert, Ms Turner and 15 members of the public).

Open Forum:

- **Planning item 212** - a representative for the applicant of planning item 2394/19/FUL wished to inform councillors that the South Hams District Council (SHDC) site is not up to date as more drainage information is awaited; and a Heritage Statement is also being done on 24th September. Therefore the deadline on this application has been extended to the 18th October. The Council was therefore, being asked to postpone their consideration of this application until the October meeting.
- **Tennis Clubhouse** – a tentative proposal for the Council to insure the hut was put forward last year, but was abandoned as the future of the club was being considered due to falling committee numbers. The Committee now has additional members and they now wish the Council to consider adding the Clubhouse to its list of assets and taking over the buildings and contents insurance which but wish council to put on its list of assets. (See later agenda item).
- **Allotment association** – significant progress is being made by Bloor and half of site is now prepared. Following a recent meeting with the Allotment Association, Bloor have provided a "Schedule of Works" and seem to be following it. The Allotment Association are hoping that Modbury Parish Council will consider taking on the freehold transfer of this land. (See later agenda item).
- **Greymantle – Modbury's town boundary plan** dissects their garden. Historically the top piece of garden was not formally recognised as a garden so in 2016 on advice from SHDC Planning department they applied for this to formally be recognised and now have a Certificate of Lawfulness confirming this is a single garden contiguous with the original house and garden. They are requesting that the town plan boundary is now amended to reflect this.

Devon Councillor's Reports. (Cllr Gilbert arrived).

- **A379 traffic lights (Fancy Cross to Edmeston)** – nothing new to report - civil engineering works are ongoing but don't appear to be causing too many disruptions.
- **Barracks Road Wall** – Recent works to replace streetlamps have taken place, but the post situated where the bowed section is has not been replaced for safety reasons (as it appears to be supporting this part of the wall); although the light at the top has been replaced.
- **Champernowne parking and play area** – Cllr Gilbert enjoyed the play area opening event. He is aware that issues of parking on the verges have been reported and after looking into it with highways has ascertained that they have issues like this everywhere so it is not unusual. He has found that in other areas LiveWest have tried to resolve such issues by putting up signage to improve the community living for their residents to discourage parking on the verges. Some problems are caused by residents not using their own driveways. Cllr Gilbert confirmed was happy to assist with funding for signage. Cllr Woodcock will canvass residents.
- **Barrack Road Speed restrictions** – Cllr Gilbert understood that Devon Highways had until September 2021 before a further SCARF assessment could be carried out. Cllr Middleton has information showing that the actual assessment was undertaken in May 2016 and all Highways did in 2018 did was review the results when permission was requested by the Clerk to display a mobile VAS, which was subsequently refused. Cllr Gilbert advised that an email should be sent via the Clerk advising Highways so they can double check this timeframe as if this is the case then a SCARF report could be carried out sooner. (Clerk/Cllr Middleton to email)
- Cllr Gilbert enquired if the double yellow lines at the **War Memorial** had been reinstated. This had been done several months ago.
- Cllr Cole gave Cllr Gilbert a copy of a letter he was proposing to send to Cllr Hosking regarding the state of road from **Sheepham to Strode Cross**.
- **A3121** (which includes the section of road from **Avonwick to Modbury**) will be having several million pounds spent on it. The Government have provided £150 million for dangerous roads and this road is (surprisingly) the 30th most dangerous road in England and has an appalling safety record. It is not in Modbury parish but is on its boundary. If people wish to find out more they can do so on the Devon County Council (DCC) website by following links to the Cabinet Agenda" for 12th September, this will then provide links to the documentation and plans (although this particular item has been postponed so will not actually be discussed on 12th). Cllr Gilbert left the meeting.

District Councillor's Reports.

Cllr Taylor had been asked to follow up on a recent **planning application 2251/19/HRN** for the removal of a hedge (which was considered at the extraordinary meeting held on 30th July). He had been informed that unlike normal planning permissions, the decision had to be made by a Tree Specialist purely on the merits of the Notice, and specifically, in accordance with its identification as being an *Important* hedgerow, determined by assessing it against criteria as set out in the relevant Regulations. The hedge was accordingly, not deemed important in respect of the regulations, and SHDC we were unable to issue a retention notice irrespective of any further access to the land that may be present. Cllr Taylor has tried to go back to the Tree Specialist, but so far has not been able to get hold of him.

- **South Hams DC** are going to invest around £20 million in alternative energy sources such as solar/wind power etc.
- Cllr **Cole** asked if Cllr Taylor could pursue the request for a **schedule for road and drain cleaning**. Cllr Taylor will take this back to SHDC.
- **Kerb side waste and recycling collection** will commence next year. New lorries will be needed for incineration waste/black bag waste as they are coming to the end of their 11 year life expectancy.

Public Forum late comer:

- Moor view touring park** – MPC we objected to the original planning application 0482/17/FUL over 2 years ago, this was subsequently re-advertised and MPC objected again, yet South Hams Planning still have not determined this application owing to the fact that several amendments to plans keep being submitted. It seems the applicant is looking to increase the footprint of the park with 70 new units and spa complex with indoor pool and outdoor pool, but nothing has been re-advertised since spring 2018. Therefore residents nearby are questioning the transparency of this. Could we write to SHDC to find out what the situation is and why this has not been determined yet? One of the neighbouring residents spent 25 minutes in the hedge waiting for tourists to pass on the roadway outside the park. It is a dangerous road, therefore an increase in usage with increased tourists could be dangerous.

Cllr Taylor had been informed that the Planning Officer has requested final determination by end of September, although they are still awaiting outstanding information. Cllr Taylor said he would be prepared to take it to the Planning Committee. It was generally agreed that the Clerk will write to Wendy Ormsby to reiterate that it objected to the original plans and to clarify what the changes were.

A representative of the owners of Moor View was also present. He clarified that everything they have been asked to do they have complied with. He felt it irrelevant whether they are 70 "lodges" or 70 "touring vans" the impact would be the same. He stated the park is a local family run business. DCC Highways have confirmed that they are happy with arrangements.

19.104. Declarations of pecuniary and other interests

Cllr Taylor declared an interest in all planning items as he is on the Planning Committee

Cllr Whybrow declared a non-pecuniary interest in planning item 218 as he socialises with both parties.

Cllr Middleton declared an interest in item the item on Moor View touring Park due to doing contracted work for the owners.

Cllr Cole declared an interest in planning item 216.

19.105. Planning:

a) To consider the following applications (Parish Councillors are expected to have reviewed the planning application documents prior to the meeting on line.) (Recommendation options are: **No Comments to make/Support/No Objection/Objection** – plus section for you to give any reasons).

211	2400/19/LBC	Church Street, Modbury PL21 0NR	Planning application consultation (ref: <2400/19/LBC>) Modbury	BK / GR and all in favour bar 1 x abstention (BT) – No objection
212	2394/19/FUL	2 Moon Lane, Modbury PL21 0QT	Proposed New Dwelling	Postponed till October as deadline extended to cater for outstanding information (see earlier).
213	2409/19/FUL	Babland Barn, Babland Cross, Modbury	Conversion of barn to dwelling, barn to garage and change of use of land to domestic curtilage following Class Q approval (3232/17/PDM) appeal ref (APP/K1128/W/18/3199823) (Last month MPC supported 2020/19/FUL)	GR / CW and all in favour bar 1 x abstention (BT) – No Comments
214	2353/19/VAR	2 Barrack Road, Modbury PL21 0RB	Variation of Condition 2 (approved Plans) following grant of householder consent 1207/18/HHO for revision to parking bay (MPC had no objection in Oct 2018 and this was conditionally approved)	BK / GR and all in favour bar 1 x abstention (BT) – No comments
215	2655/19/FUL	Land at New Mills Industrial Estate, Modbury PL21 0TA	Provision of Equine Veterinary Facilities	GR / BK all in favour bar 1 x abstention (BT) - No Objection
216	2643/19/ARM	Perry Farm, Bluegate Hill, Modbury PL21 0TF	Application for approval of all reserved matters following outline approval 4154/17/OPA for permanent agricultural workers dwelling Land at SX 642 512	BK / and all in favour bar 2 x abstentions – No objection
217	2590/19/ARC	Land To The West Of Palm Cross Modbury (Phase 2)	Application for approval of details reserved by condition 5, 13 and 19 of planning consent 1391/18/FUL	Latent declaration of interest from BC. GR / MM and all in favour bar 2 x abstentions (BC and BT) - Objection
218	2753/19/FUL	Bridge Park Ermington PL21 9NY	Construction of new porch, garden room to side elevation, infill extension and construction for first floor extension to rear, alterations to interior and stone garden wall to Goutford Lodge. Construction of new porch, upgrading rear extension and construction of first floor extension to rear, construction of new bridge at first floor to high level garden terrace, internal alteration and construction of stone garden wall to Bridge Park Cottage	BK / MM and all in favour 1 x abstention (BT) – No objection Goutford Lodge and

19.106. **Swan Bridge** (B/fwd as landowners present so Standing Orders were dropped to allow the owner to comment, then subsequently reinstated). The field has now been cleaned up – part of the wall is collapsing in and they are going to repair it. SO dropped so owner could speak. The owners confirmed that going forwards this will only improve and they gave an assurance to this effect.

19.107. **Minutes of Annual Meeting of 9th July 2019**

- a) The Council considered the **minutes** (distributed earlier). Cllr Rosevear proposed, seconded by Cllr Keel and all were in favour bar one abstention (not previously present) that the **Minutes be approved as a true and accurate record**.
- b) The Clerk had circulated the **Appendix II Action Plan** prior to the meeting. There was one update necessary - the Clerk had written to owners of the properties adjacent to the bowed section of **Barracks Road wall**; and the owners of the property with the large tree next to the wall had confirmed they would be **removing the tree in due course**. Cllr Cole had prepared a further draft letter he would like to be sent to Cllr Hosking BC regarding the road from **Sheepham to Strode Cross**. It was generally agreed that the Clerk would send this to all concerned.

19.108. **Finance and Human Resources**

- a) The **Council** considered the payments as listed in **Appendix 1**; Cllr Rosevear proposed, seconded by Cllr Keel and all were in favour that **all payments be approved**.
- b) The Council considered whether it should repair, replace or remove the **360 Bench Seat in Ayleston Park**; Cllr Middleton suggested that residents should be consulted and their opinions on this sought. It is not a standard shape so if replaced, would need to be custom made. Cllr Keel suggested another option, to look for an alternative location to site a replacement bench, possibly halfway up the slope so that people could have a rest on the walk up. It was **generally agreed** that this matter should be revisited in January after speaking with residents.
- c) The Council considered the appointment of the **Internal Auditor for 2020/21** Cllr Keel proposed, seconded by Cllr Middleton and all were in favour that the Clerk should instruct Mrs Marshall and sign the contract she had submitted.
- d) The clerk had asked for Council approval to **enable her to authorise payment/settle such invoices/payments** that are pursuant to **contracts/quotes that have already been approved** by the council so long as they do not exceed the sum originally quoted: with further approval only necessary when for payments of invoices that exceed the quotation/tender. Cllr Keel proposed, seconded by Cllr Middleton and all were in favour this be **approved**.
- e) The Council considered the request that the Council takes over insurance of the **Tennis Club building** (Buildings/contents insurance only as it already has Lawn Tennis Association Public Liability insurance) under its current policy as this is a community facility. The Tennis Club are gifting the hut (which is already on Council land) to the Council, and the Tennis Club will effectively be tenants. Cllr Keel proposed, seconded by Cllr Rosevear, and all were in favour that this be approved. The Tennis club will pay the cost of the insurance premium by way of service charge rent.

19.108. **Other bodies and committees Working Group**: Cllr Whybrow gave a short presentation showing proposals for the restructuring of existing Committees and Working Groups; which will run alongside the existing terms Terms of Reference (TORs)/delegated powers. DALC had been consulted beforehand, and their recommendations had been incorporated into the proposals. It was felt that the proposals would help to improve the efficiency and effectiveness of the Council, particularly when reporting to full council at parish meetings. Cllr Taylor proposed, seconded by Cllr Whybrow and all were in favour that the **restructuring document should be approved as agreed**. The Clerk will need to implement a slight amendment to the planning policy so that the Chair of the Planning Committee is responsible for checking planning permissions and deciding whether site meetings were necessary or not. This will now form the basis of the TORs for committees to run alongside the **Appointments of Members on other Bodies** document.

19.109. **Parking Working Group** Update (if any); There was no formal update, but there had been several reported issues including an Incident of inconsiderate parking over a pavement which blocked access in Brownston Street. It was generally agreed that the Clerk should go back to Highways with the following notifications/requests: that the **bent bollard** by the Co-op is straightened; and to report that the **concrete gully on the corner of Scalders Lane** is causing problems as its unevenness is causing a potential danger to pedestrians (who could fall); and is causing high sided vehicles turning into the lane, to damage the guttering on the corner property as the vehicles lean with the camber.

Previous reports that CCTV cannot be used for parking enforcement appear to be inconsistent with a recent TV documentary which showed that a lot of District Councils are now using them as live feed to issue parking tickets. It therefore appears the previous information given was incorrect, so South Hams could enforce parking this way if they wished. Cllr Taylor will speak with the Parking Enforcement team to see if they would be prepared to do this. When the road markings and new yellow dashes are installed this should ease the issues of parking on the pavements.

19.110. **Swimming Pool** Update. There were no further updates save for a resident had emailed former Cllr Berry who had responded (copying MPC in) to summarise the reasoning behind the school not wishing to transfer the pool to the Council. These reasons were largely to do with the small size of the pool, and its small usage capacity; and for School's perceived health and safety reasons. It was felt that Cllr West should keep following this up as the pool was originally a community asset but the community is not able to use it.

- 19.111. a) Update from the **Neighbourhood Plan Group (NPG)**; an update was given by Ms Turner (*a copy of which is available upon request from the Parish Clerk, and will also be published on the Council's website*). Ms Turner expressed her thanks for support the NPG had received from Cllrs Keel and Whybrow for their help with the recent re-consultation.
- b) Ms Turner gave an update on the **Community Action Plan (CAP)** (a copy of which is available upon request from the Parish Clerk, and will also be published on the Council's website).
- c) **Modbury Loves Local (MLL)**; Cllr Whybrow gave an update. He expressed his frustration at not being able to raise funding for advertising/set up costs for this project. A proposal had previously been put forward to MPC for match funding to enable plans to progress to assist the 30 local traders. He had therefore asked traders to assist with an initial £20 contribution from each of them. Sadly, two weeks after handing out tailored pamphlets to them, he had only received 5 replies. He has therefore,

written to the traders informing them that as they have not given any support to this project, or any mandate to operate on their behalf, he cannot do this single handedly so cannot continue. The Chair thanked Cllr Whybrow for all of his efforts.

19.112. a) **Palm Cross Green Development** General update.

- b) The Council received an update on the **Pocket Park**, and the **Memorial Play Area**; and considered:
- i. whether a **specific working party** needed to be formed to take this forward to the upcoming meeting that was going to due to take place between SHDC Planners, Bloor and MPC members, in order to negotiate and reach an mutually satisfactory agreement with planners and Bloor Homes, which could then be **ratified by full Council** at an EGM to ensure transparency; and,
 - ii. in respect of the **Memorial Hall Play Area**, to negotiate with Memorial Hall Trustees, the terms of a **new Lease**; and (in consultation with residents) to formulate **financial/planning/logistical proposal(s)** for the removal and replacement of existing play equipment, (adhering at all times to the Council's regulations on procurement – where relevant), such proposal(s) to be presented to **full Council for approval** once proposals are finalised.

Cllr Whybrow gave a presentation summarising the situation, with the options available for the Pocket Park, to MPC. Going back to the original proposals for the land as per the terms of the Licence, the Green would cease to be a parking area, and a new parking area next to the Industrial buildings (with 30 spaces) would be gifted to MPC in its place. The land would then be landscaped, with a small play area for toddlers with a "pocket park" comprising an oval area of turf planted with spring bulbs, edged by a block paved path which would be surrounded by planting. This would then revert back to the council for the council to maintain, which could, potentially, be very costly. There were concerns about the toddler play area being on one side of the road, with the Memorial Park aimed at older children on the other side of the road. Originally, plans had been put forward for traffic calming in the form of a coloured tarmac section in the road. However, latent communications with Wendy Ormsby maintained that there was no basis to insist that Highways implement these measures.

With regard to the actual toddler play area there were two options, plan A being for it to be fenced and kitted out with 4 pieces of equip; or plan B, to ask Bloor to landscape the green and swap the equipment for a contribution to equipment at the Memorial Hall Play Area. However, Bloor were reluctant to make further changes as they felt that they had already accommodated MPC when the toddler play area was originally incorporated into the plans for this area.

MPC expressed its desire that Planners and Bloor meet to rethink to meet needs of children, and Bloor agreed to instigate discussion. Alexis Huggins (Planning) has met with MPC and carried out a site tour and has agreed that funds could be used for provision at other space. New planning would not be required to change landscaping detail but a discharge of conditions would be required. Cllr Whybrow's proposed plan moves the play area from its original proposed location to a higher position in the upper corner above former location of the oval turfed section. The plan was also to preserve a 2m strip behind the hedgerow running along barracks road. Cllr Whybrow was seeking delegated authority to act on behalf of MPC. The Clerk advised that delegated authority to make decisions on behalf of the council could not legally be given to one councillor, but could be given to a Committee (which would need 4 members to be quorate). Cllr Whybrow felt it was important that there were not too many people at the meeting. The Clerk advised that it would be in order for MPC to agree a plan for Cllr Whybrow (& another councillor) to put forward at the meeting, but if Bloor/planners did not agree to this and there were substantive changes, then these would need to be referred back to Committee/full Council for ratification. Cllr Keel proposed, seconded by Cllr Rosevear, and all were in favour that a **Working Group be formed** (comprising Cllr Coates, Cllr Watts and Cllr Whybrow) to attend the impending meeting with Bloor and planners, and put forward the **plan outlined by Cllr Whybrow, which was hereby approved**. If there were to be any substantive **deviations** from this approved plan, then an EGM would need to be called to ratify the changes.

19.113. **Correspondence:**

- a) To consider a letter received from a resident querying use of the Council's budget for clearance of the **lane along the North East Border of Copper's Corner**. The lane has been added to the maintenance schedule by the Council so as to keep the lane open for public use. Mr Weeks had in the past researched ownership of that land, and had tried to get this adopted under Section 228 notice as publicly maintained; but at that time, it couldn't be proven that it served a purposed (ie. getting from A to B) so this had been put into abeyance. If its usefulness can be proven to the Public Right of Way team at Devon County Council, then a Section 228 Notice could be applied for. Currently it is used for pedestrian access to the vets. There are also "services" located along this lane (ie. manhole covers). It was generally agreed the Clerk would reply to the resident to clarify that the lane had been cleared by volunteers.
- b) The Council considered what response it wished to make to the consultation on **Bigbury's Neighbourhood Plan** proposal. Cllr Middleton proposed, seconded by Cllr Keel, and all were in favour that **MPC supports this**.
- c) The Council considered what response it wished to make to the consultation on **Kingston's Neighbourhood Plan** proposal. Cllr Middleton proposed, seconded by Cllr Keel, and all were in favour that **MPC supports this**.
- d) To consider what Modbury can do assist in trying to prevent the closure of the **Kingston Fire Station (part of Devon and Somerset Fire and Rescue Service consultation)**. Cllr Rosevear proposed, seconded by Cllr Middleton and all agreed that Modbury is **opposed** to this as Bigbury and other surrounding areas rely on Kingston Fire Service; and that in addition to the Council's formal response to be submitted by the Clerk, each councillor should respond as an individual. Cllr Rosevear had information he could circulate, and announced there was an **open day on Saturday 14th between 1pm and 5pm** and requested this be supported by councillors attending, where possible.
- e) **Moor View Touring Park** was discussed earlier.
- f) The Council considered whether it (or the Modbury Allotment Association MAA) should take on the Transfer/Lease for the **new Allotments**. The longevity of the Modbury Allotments Association could not be guaranteed so it was proposed by Cllr Rosevear, seconded by Cllr Whybrow, with all in favour that the Parish Council should take ownership of the new Allotments. The Clerk will email Isaac Kibblewhite and will also contact Beers solicitors as they handled the original Licence, which this transaction was pursuant to.

- g) The Council had received a request to amend the boundary the Modbury town boundary plan for the **Neighbourhood Plan** as currently it cuts straight through the middle of the garden of the property "Grey mantle". The owners of this property had sought a Certificate of Lawfulness to recognise this land as a single garden now contiguous with the original house and garden. This had been granted by SHDC. Cllr Keel proposed, seconded by Cllr Whybrow and all were in favour that the **town plan boundary be amended to reflect this.**
- h) The Council considered what action it should take in relation to the **Ash Tree Die Back Survey** provided by the Tree Officer. Cllr Middleton proposed, seconded by Cllr Keel and all were in favour that **MPC should implement the considerations listed in the report and that this should be published on the Council's website.**
- i) The Council considered whether it wished to comment on proposals for the **Review of Polling Districts and Polling Places.** It was generally agreed that MPC had no comments to make.

- 19.114. a) The Council considered whether it should install additional **green bollards** on the corner of **Galpin Street** outside Brooke House opposite the Parish Office/Co-op; also outside the old woodturner workshop in New Road. After discussing the problems encountered, Cllr Rosevear proposed, seconded by Cllr Cole, and all were in favour that **2 x bollards be purchased and installed outside Brooke House only** (subject to Highways Officer's approval if necessary).
- b) The Council also considered the request for a **green bollard** outside the corner of the parish office to deter turning in this location to prevent further damage to the corner of the Parish Office, and for "Keep Clear" wording to be painted at the entrance to Burns Lane. The council felt that the new road markings that had already been agreed with Highways should be sufficient when installed, but Cllr Rosevear proposed, seconded by Cllr Cole, and agreed that it would be beneficial for a **further bollard to be purchased and installed outside the corner of the Parish Office.**

19.115. The Council considered if it was in a position to mark with white paint, **4 x parking bays outside Anniversary House** in light of a complaint received that if 5 vehicles park, this blocks access to this location for emergency vehicles from the main road. The Clerk advised that whilst the previous Highways Officer had sanctioned this, it could not be guaranteed this would now be the case. Cllr Rosevear proposed, seconded by Cllr Taylor, and all were in favour that the Council should **purchase white road paint and mark out these bays.**

19.116. The owners of the **field at Swan Bridge** had now cleared up this land. It was generally agreed that **no council action was necessary.**

19.117. The Council discussed what could be done to try and implement a **20mph speed restriction along Barracks Road** (near the School). Road Traffic Act Regulations state that there has to be an accident for a 20mph to be in place. The Highways Officer had stated that an assessment of this road (he had reviewed in 2018) did not support the need for such a restriction. Cllr Middleton pointed out that this assessment had been carried out in 2016 (some 3 years ago). Therefore, a new SCARF assessment could now be carried out. Further it was established that past approval for **flashing "wig wag" signs** to be installed by the school had historically been given. It was **generally agreed that further investigation was needed.** Cllr Middleton volunteered to follow this up (via the Clerk).

19.118. **Committees and working groups:** Following suggestions that MPC should no longer use weed spray, the future of Weed spraying will be discussed at the next meeting.

Meeting closed 2210 hours



Signed by Chair:

Date: 08/10/19

