

Meeting of Modbury Parish Council Meeting
Tuesday 12th November 2019 at 7.00 PM
The Pavilion, Queen Elizabeth II Recreation Field
MINUTES

Apologies: (Ms Turner)

Present: Cllrs Watts, (Chair) Middleton, (Vice Chair), Keel, Coates, Keohane, Cole, Taylor, Woodcock, Rosevear, West, Whybrow. (Also present Cllr Gilbert and 7 members of the public).

Open Forum:

- Four residents from Back Street raised objections to **planning item 232** (for which a previous application to build 2 new dwellings had been submitted in early 2018; and which was subsequently withdrawn by the applicant owing to concerns over an increased flood risk) on the basis of the following issues that they felt would be worsened by development of this site:
 - The site is located at the end of a sheer drop with a bramble covered bank that supports several cottages and their gardens. The new building will be below the ground level so what steps were being taken to ensure stability?
 - Residents were concerned about the possibility of subsidence of their properties on the higher level;
 - Previous development had revealed a neighbouring site had a shale bed and needed extensive foundation works/specialist insurance cover.
 - Access along Back Street is very narrow and winding. There are already significant problems with vans and emergency vehicles accessing properties along this route. Works traffic could potentially increase the chaos/add to restricted access; and, access to the site is a blind left turn;
 - A 4 bedroomed house will require extra need for parking; the proposed on street pedestrian gate will require demolition of an old wall, and will have a height difference of about 2m, so excavation for steps could provide a route for flood water in heavy rainfall.
 - The Land is currently designated as a Local Green Space within Modbury's Draft Neighbourhood Plan and its justifying factors of "historic/biodiversity/development pressure" have recently been reviewed by SHDC and considered "reasonable."
 - The Copper Beech tree may be adversely affected if a patio is built on top of its root spread (as planned).
- It was pointed out to residents that matters such as concerns over the structure/engineering of the development were not relevant factors to be considered by Modbury Parish Council (MPC) as these would be considered by Building Control's engineers. Any concerns raised about access along Back Street would be referred to Highways by SHDC. Residents were told they should address their concerns directly to South Hams District Council's Planning department, but councillors would of course take their concerns into consideration when discussion their recommendations later.
- Contractors carrying out building works opposite Silverwell in Brownston Street have left piles of sand and debris which has washed into the gutters which subsequently run into the drains. The Clerk will send a request to South West Water asking them to clear it up.
 - An additional Street light at the Dark Lane junction with Old Dartmouth Road is badly needed. The Clerk will email Highways (Les Pym), (& Western Power) to see if this can be arranged.

Devon Councillor's Reports.

- Cllr Gilbert had visited Modbury Primary School about the pool (following the last meeting/letter sent to the school by MPC and had had a very good meeting with Mrs Coulthard. The school were upset that the Parish felt the school were not community minded. They do not wish to own the pool and would be happy for its ownership and operational running to be taken over by a Trust of some sort, or even MPC. They don't wish to inhibit its use, and would like to discuss other means of operating and opening the pool (perhaps this could be under the umbrella of MARS?). The school is sending out a circular letter to parents to inform them that the South Hams Federation (SHF) is considering joining Education South West Multi Academy Trust. Cllr Gilbert remains happy to play a part but will stand back until requested to do so by MPC. Neither Devon County (DCC) or the Parish Council have any jurisdiction over the school, however, MPC felt it would like to be involved in the discussion relating to the federation size increase. Cllr Keel felt there were 3 issues which now needed to be addressed, the increase in size of the Federation, the fact that there had previously be communications issues between the PC and the school, and of course the pool. It is not about being invited to community events active engagement within the Community. Cllr Whybrow felt the Memorial Hall Play Park would enable the PC to open up dialogue and restore good communications.
- A newsletter about Broadband was sent out last week.
- The A379 from Fancy Cross to Edmeston will be closed from 20th November for one week as the long planned drainage works will be taking place.

- A consultation is taking place on school transport. An email has been sent out but the attachment has different content to that in the body of the email. Please note that it is the Attachment that contains the important information!
- Cabinet has approved some changes that affect proposed works to highways. Anyone needing to undertake works on any Devon highway will have to pay a fee to undertake such works; and will have to complete said works in a specified timeframe or they will be fined. The aim is to get utility companies complete necessary works more quickly. This will be phased in, and fully underway by 2020.
- Cllr West wished to thank Cllr Gilbert for responding so quickly (less than 24 hours) to the correspondence sent to the School.
- Cllr Gilbert gave his apologies as he may be unable to attend the December 48 hours prior to the election.

District Councillor's Reports.

- **Parking Permit consultation** – SHDC is looking at removing for long term parking permits in towns owing to the fact that they take up parking spaces 24/7. There will therefore be a temporary cancellation of such permits whilst this study is being undertaken.
- **Climate emergency** – SHDC is working with DCC and Teignbridge to look at this subject. It will mean that an officer will be employed (on a 2 year contract) to specifically deal with climate emergency planning.
- **Bus shelter** – Cllr Taylor has looked into this and a bus shelter could be installed by the PC under permitted development. Obviously the Council would need to submit an application first. A local business has approached the PC with a view to "gifting" Modbury a nice new, aesthetically suitable shelter. After installation MPC would then take over future maintenance of this.
- The **Local Authority grant** from central government has been reduced to approximately £500 next year. There will be nothing the year after that.
- SHDC is investigating implementing a new Community Infrastructure Levy (CIL). 25% of that levy will come back to the parish to do as they wish unlike S106. Calculated on square meterage of development.
- **Christmas wrapping paper** is **NOT recyclable** and has to go into landfill. Residents should bear this in mind and consider alternatives.
- **Xmas cards** can be recycled but only if there is **no glitter**. SHDC is urging people to recycle them as gift labels. An email on this subject has been circulated. This will be published on the website.
- **Poundwell Beech Tree** – The Clerk will formally request SHDC attend to this once its exact location has been confirmed so proof of ownership by SHDC can be established.

19.134. Declarations of pecuniary and other interests:

Cllr West declared an interest in planning item 231 (as his family lives next door so he will be present for discussion but will not vote); and a pecuniary interest in planning item 232 so will leave the meeting for this item.

Cllr Taylor declared an interest in all planning items as he sits on the Planning Committee so will abstain from voting on all planning matters.

Cllr Middleton declared an interest as the beneficiary of one of the payments listed in Appendix 1.

19.135. The Council considered the following applications:

225	3093/19/TPO	Heatherset, Dark Lane, Modbury PL21 0RD	T1: Oak - removal of 15m long limb at approximately 2.5 metres from ground level on North East side as tree is lopsided and concern it may fall	GR/RW all in favour (bar 1 abstention) Support
226	3025/19/FUL	5 Church St, Modbury PL21 0QW	Change of use (in part) to create three bedroom maisonette (C3 dwelling) on the first and second floors	BK/CW all in favour (bar 1 abstention) Support
227	3026/19/LBC	5 Church St Modbury PL21 0QW	Listed building consent for change of use (in part) to create three bedroom maisonette (C3 dwelling) on the first and second floors	BK/CW all in favour (bar 1 x abstention) Support
228	3190/19/HHO	The Cottage, Trinnick House, Broad St, Modbury PL21 0PU	Householder application for extension to existing dwelling	GR/JW all in favour (bar 1 x abstention) Support
229	3555/19/LBC	The Cottage, Trinnick House, Broad St, Modbury PL21 0PU	Listed Building Consent for extension to existing dwelling	GR/JW all in favour (bar 1 x abstention) Support
230 See 215	2655/19/FUL	Land at New Mills Industrial Estate, Modbury PL21 0TA	RE-ADVERTISEMENT (Correct ownership certificate supplied) Provision Of Equine Veterinary Facilities (MPC Previously had no objection)	GR/BC all in favour (bar 1 x abstention) Support
231	3321/19/LBC	19 Hillside House, Brownston St, Modbury PL21 0RG	Retrospective Listed Building Consent for remedial works to party wall and adjacent rooms following significant fire to neighbouring property	TC/CW all in favour (bar 2 x abstentions) Support
232	2953/19/FUL	Proposed site Sx 658 517 Back St Modbury	Erection of 1no. new dwelling (Residents envisage additional restrictions to already difficult access along Back Street; consider close proximity of adjoining residences possible adverse effects on their amenities; and, the allocation of this	BK/CW and all in favour (bar 1 x abstention; and RW left meeting for this item) No Comments save for – (see comments in column to left)

			<i>site is designated a Local Green Space within Modbury's Neighbourhood Plan)</i>	
233	3380/19/OPA	Field At Sx689527 Chapel Down Lane End From Brownston Cross, Brownston	Outline application with all matters reserved for permanent agricultural dwelling to serve aquaponics business (to replace temporary mobile home 0293/17/FUL)	BK/MM all in favour (bar 1 x abstention) Object (Not an appropriate place for a permanent dwelling therefore should remain temporary).

19.136. Minutes of Annual Meeting of 8th October 2019

- a) The Council considered the **Minutes** (distributed by email prior to the meeting) and Cllr Rosevear proposed, seconded by Cllr Whybrow with all in favour (bar 2 x abstentions not previously present) that, subject to a minor correction in Cllr Coles question at the end of the Devon Councillors Reports referring to "**Pennymoore** with the 60 or so additional units" should read "**Moor View Touring Park**" instead.
- b) The **Minutes** of the **Extra-ordinary** meeting of **22nd October** (which had been distributed by email prior to the meeting) were received.
- c) The **Clerk** updated councillors on any changes to the **Appendix II Action Plan**.

19.137. Finance and Human Resources

- a) The Council the payments as listed in **Appendix 1**; Cllr Rosevear proposed, seconded by Cllr West, and all were in favour (bar 1 x abstention) that the Minutes be approved as a true and accurate record.
- b) The **Emergency Plan** had been amended to reflect changes to emergency contact personnel and all GDPR consents had now been received. Cllr Woodcock wanted to confirm that there were toilets available in emergency situations at St Georges Church. As there had been no changes to the actual Plan and its processes or procedures, it was generally agreed by all that the Emergency Plan could now be published. It was also generally agreed that it would be a good idea to set up an Emergency Plan presentation meeting at some stage before the January Parish meeting so the Clerk will contact Martin Rich of Devon Communities to set this up.
- c) The Council considered what action it should take to put in place additional security measures at the Old Fire Station after the recent break-in and theft. It was generally agreed that the Maintenance Committee can look into additional security measures with a view to potentially changing the access to the store. Cllr Whybrow proposed, seconded by Cllr West, and all were in favour that replacements for the Plate Compacter and Pressure Washer should be purchased ASAP and the Clerk can then take whatever further action is necessary.

19.138. Parking Working Group - No updates as yet but Cllr Cole will chase this up. It was suggested that the Council should now be start devising some sort of allocation criteria for spaces in the new car park. In addition the Council might want to start looking at a budget for electric charging points also. The Clerk had already been authorised to purchase lockable parking posts/bollards at an earlier meeting, but as yet, no confirmation had been received from Bloor as to when the spaces might become available.

19.139. Swimming Pool – The Clerk had been instructed to correspond with the school and had received a follow up response. Cllr Gilbert had attended a meeting with Mrs Coulthard (as discussed earlier in the meeting). There was also mention that the South Hams Federation was looking to join Education South West Multi Academy Trust, so there were concerns that Modbury Primary School would lose its identity, so this particular subject will be added to the Agenda for the December meeting.

A discussion took place about how the Council should now proceed in respect of the pool, Cllr West suggested the Council might should send a further letter, apologizing and clarify the Council had not aimed their letter to the school per se, but at the Federation and the fact that the pool was no longer as accessible to youngsters; further that since there were no longer any parent governors, it seemed communications channels were no longer as wide. The timing of a recent PTA/Federation meeting that had been restructured and rescheduled to aid teachers, had unfortunately meant that it was harder for parents to attend and get involved. Further, in the existing Federation, Modbury was the only school without a parent governor. At the last AGM of the PTA effectively all the standing committee stood down leaving only 1 person. Cllr Keel felt that whilst the Council needed to build bridges not walls, it did not need to apologise for anything it had tried to do as the Council had recently tried to engage on several issues more recently and had met a lack of response. Cllr Watts felt there should be a Parish Council member on the Federation board. It was generally agreed that Cllrs Middleton, Woodcock, Watts, Whybrow and West will all attend the Modbury School meeting regarding joining the Academy. It was believed that there are currently 4 vacancies for the post of Governor on the South Hams Federation.

19.140. Neighbourhood Plan: Ms Turner had given her apologies. Cllr Whybrow gave a brief update. The reconsultation results had gone to the Neighbourhood Plan (NP) Advisor at South Hams. The Strategic Environmental Assessment (SEA) should be finalised in around three weeks so nothing can be finalised until that report has been submitted. It is anticipated that this will all be discussed at the December meeting. Consideration of the **Neighbourhood Plan Group** and the Councils ongoing responsibilities that will ensue; including the formation of a "follow up" Council run Committee was postponed until the December meeting.

19.141. Palm Cross Green Development

- a) General update. Members of the Parish Council had attended a site meeting at Palm Cross Green with 2 Officers from South Hams to discuss the landscaping of that area, including access for emergency vehicles to the development; moving the play park into the higher corner; and the excavating behind the tree line along to create a footpath where the old path originally lay. The School will need to be approached about opening up a fence panel so that there is direct access to the school on the opposite side of the end of the pathway. MPC's request to plot the route on the updated plan was submitted to South Hams, who are now in the process of setting up a meeting with Bloor in the near future. DCC have confirmed that Bloor have provided funds for the Wig Wags by the school so this is in hand and it is hoped they will be installed in the not too distant future.
Cllr Middleton enquired about groundworks behind the storage containers; and it was confirmed that this was for social housing units. She highlighted the close proximity of the houses to the storage containers.
- b) **Memorial Hall Play Park** update – Cllrs Coates, Whybrow and Keohane met at the end of October to discuss how to proceed. Cllr Coates summarised: There are three areas to look at, i. the Lease; ii. Financing the project; and finally, iii. designing the play park which was a Community decision.
The Memorial Hall need to draw up the Lease (Champernowne Lease or the former Lease could be used as a precedent to start with, then tailored to meet both parties requirements). The Lease would also need to go through the Charities Commission, and then be put to Modbury Community by way of Referendum.
Section 106 funding was going to be made available, and it may be necessary to raise additional funding.
Now the Council just needed to engage that stakeholder input and in order to do this it was proposed that a proper Committee should be set up to carry forward development of the Play Park. Cllr Taylor proposed, seconded by Cllr Whybrow, and all were in favour that the **Play Park Committee** should be formed forthwith, with Cllrs Whybrow, Coates, Keohane and Rosevear as members. This will need to be integrated into the present Committees Structure and delegation terms will be looked at by the Clerk/the Committee as soon as possible, then submitted for ratification as soon as possible.
Tree works required to one of the trees in the Memorial Hall Play area are to be carried out imminently and the Memorial Hall have agreed to pay for this work.
- c) **Allotments** update – Transfer of the Allotments is now being pursued by South Hams District Council Legal department.

19.142. Correspondence:

- a) The Council discussed the recent emails received on the **Devon Climate Emergency** and **Devon Carbon Plan** It was generally agreed that it will revisit this matter in February.
- b) A complaint had been received from a resident about children playing on bikes in the new development; and the resulting **potential safety** risks and the problems due to vehicles being parked badly. It was generally agreed that this was not within the remit of the Council, and that parts of the estate, like the sloping green were by design default, just calling out for children to play on them. This was down to parents to resolve. It was generally agreed that the Clerk would respond to the resident suggesting they should set up a resident's meeting to discuss this further.
- c) **To discuss** the **Community Speedwatch** Scheme and consider if Modbury wishes to partake. Generally agreed MM & JW in favour of this. YES – contact them for further details.
- d) **To discuss** the **Devon County Council Permit Scheme** and consider if Modbury wishes to make any comments. SHDC not DCC Generally agreed no comments at this stage and BT will report back in due course.
- e) **To discuss** trees requiring maintenance in the **Millennium Orchard** and consider if contractors should be employed to carry out the necessary works. RW – contractor can sort this for southern side of £100. RW/BK all in favour RW to organise.
- f) **To discuss** the **Four Rivers Dementia Alliance**. Aspiration of Tom Holloway – he is pushing as chairing. Minutes – nobody turned up and nothing went on but BT says he will attend the next meeting. Notify them

19.143. MARS

- a) MARS would like to install additional CCTV to cover the rear of the Pavilion, and also to update the existing CCTV, owing to the recent vandalism. Quotes are being obtained so this will be revisit once all quotes are in.
- b) A quote has been received for an **Audio Loop system** in the Pavilion. The total cost approximately will be £625 plus VAT. Cllr Keel proposed, seconded by Cllr Whybrow and all were in favour (bar Cllr Rosevear who left the meeting briefly), BK proposed, seconded by Cllr Whybrow, with all in favour that the council approve the purchase of the Audio Loops system quoted for; and further, that the Council will make a 50 % contribution to this.

19.144. A question about replacement and maintenance of the **Defibrillator** in the High Street, and what action needs to be taken with regard to its replacement/maintenance. The current contract expires in March 2020. It was generally agreed in principle that this would need to be done, and that the Council should look into funding from either or both of Cllr Taylor's and Cllr Gilbert's locality funds. But, before proceeding advice also need to be sought from Nigel Toms.

19.145. Cllr Rosevear had not attended the IDALC meeting that took place on 16th October. Minutes will be circulated to all by the Clerk when received from IDALC. Cllr Rosevear had, however, accessed Minutes for the recent DALC AGM (from their website) in case these were of interest to councillors.

19.146. Committees and Working Groups:

Communications Committee: Cllr Middleton expressed her support for the Clerk in reiterating to councillors that they needed to ensure they were proactive and read of their emails Marked "ACTION/AGENDA" before meetings; complying with any requests for responses. Time at meetings would be greatly reduced if councillors were fully prepared, having shared any views and concerns via email beforehand, making debates less lengthy. This is one of the many duties of a councillor.

Cllr Rosevear had written to Cllr Gilbert about the state of the road from the Thatches to Pennymoor (on the left hand side, the previous repair has and is breaking-up, making the corner dangerous again). BC will have also have a look at this look when he gets the replacement compacter.

- **Maintenance Committee:** Cllr Cole had spoken with Adam Keay about all of the blocked drains from the new estate and he is looking into it and will come back to us. The GPS manholes on the way to Harraton Cross are redundant as there are no junctions in half of them. Cllr Cole will keep on to Openreach to try and get them to do something about this. Adam Keay now thinks we may be able to have some stronger signage to stop unnecessary usage of the road by Swanbridge Farm so is looking into this.
- **Parish Paths Partnership** Cllrs Keel and Middleton are going to meeting with Brian Weeks to see what needs to be done regarding P3.

Meeting closed 2200Hrs

Signed by Chair:.....

Date: 10/12/19

