



LYMPSTONE PARISH COUNCIL

Clerk to the Council: A J Le Riche, DMS,
8 Drakes Gardens,
Drakes Avenue,
Exmouth, EX8 4AD
Tel 07866 535580

Chairman: Cllr Chris Carter
Tel 01395 274104

Email: clerk@lympstone.org
www.lympstone.org

29th March 2016

To All Members of the Parish Council

You are summoned to attend a meeting of Lympstone Parish Council, to be held **7.30pm**, on **Monday 4th April 2016** in the Village Hall. The business to be transacted is set out below. Members of the Public are cordially invited to attend and to speak in the open session. Please note there is no Planning Committee meeting.

A J Le Riche, Clerk to the Parish Council

AGENDA

1	Public Session	7.30
2	Apologies	7.45
3	To receive any Declarations of Interest	7.45
4	Minutes – To confirm the minutes of the meeting held on 21 st March 2016 attached	7.50
5	Casual Vacancy To consider applications to fill the vacant position from: Mrs A Connelly, The Globe Inn Mr P Corcos, Little Thornbury, Mr A Dalley, Higher Marley Road,	7.55
6	Planning Applications 16/0431/PDCA Prior Approval for change of use from shop to A3 (restaurant/cafe use) 'Oh Sew' Devon The Strand Please note this is not a planning application. The presumption is that this development can proceed without requiring planning permission unless we object in relation to:- Transport and highways impact, noise impacts, odour impacts, impacts of storage and handling of waste, impacts of hours of	8.05

	<p>opening, whether the use is undesirable because of the impact of the loss of the existing use of the premises, and the impact on the sustainability of the shopping area. ~ Any comments must relate to these issues only. Any comments on other issues cannot be considered.</p> <p>16/0485/FUL Loft conversion including formation of bow window on west elevation3 Underhill Close</p> <p>16/0597/FUL Ground floor extension with balcony above; alterations to window arrangements The Hollies, Greenhill Avenue</p>	
7	<p>Planning decisions These are set out on the attached report.</p>	8.15
8	Report by the Police	8.20
9	Report by the District Councillors for the Parish	8.20
10	Chairman's report	8.30
11	<p>Meeting Room Hire Report of the Clerk is attached</p>	8.35
12	<p>Use of land in Candy's Field Report attached.</p>	8.40
13	<p>Finance Payments made and to be authorised – list attached</p> <p>As this is the first meeting of the financial year, there are no other finance reports.</p>	8.50
14	Matters raised by other Councillors. (These are not normally discussed in depth but investigated and considered at the next meeting.)	8.55
15	Items for information, Copies will be available at the meeting:	9.00
16	Report by County Councillor on matters relating to the Parish	9.00

239 Planning decisions

15/2905/FUL [Extension to existing parking bay, and construction of retaining wall - Corner House Burgmanns Hill](#) - Refused

Cllr Longhurst also reported that two applications for major works to Exmouth Seafront had been considered. The one for the Water Sports centre had been approved but the one for filling in the boating pools had been refused.

240 Lympstone pre-school

Cllr Longhurst updated the Council on progress towards securing a new base for Lympstone Pre-school. Land at the Village Hall had been ruled out as the concept for the whole building was felt to be at variance with the charitable objects of the VHMC. Informal discussions and investigations were now taking place with regard to extending the Youth Club building. Eddie and Laura Mingo were involved in these discussions. Cllr Lyon would be forming a Working Group to look at this. Two options were being considered at the moment. The first was extending the building sideways to take in the area of the youth shelter, which could be moved and the second involved creating an 'L' shaped extension along the boundary with the Village Hall site. He requested the views of the Parish Council on this.

The Clerk explained that there might be limitations on the powers of the Council to dispose of land in Candy's Field.

Cllr Longhurst and the Clerk were asked to report to the next meeting.

241 www.lympstone.org

Cllr Young had circulated a note with suggestions as to what the Parish Council might look for in changes to the website. The website was now 'old' and not achieving its intended purposes. As most Groups in the Village had their own website, it was probably time that this became a dedicated Parish Council website.

Cllr Longhurst informed the Council that he had set up several simple websites using Yahoo site builder that did not rely on programming skills to set up or maintain. Examples of these were shown.

RESOLVED: that Cllrs Young and Longhurst, together with the Clerk meet to investigate this.

242 HM The Queen's 90th Birthday celebrations

A, Beacon bonfire on Cliff Field. The Clerk and Cllr Acca would be arranging the beacon bonfire. Cllr Acca had made enquiries and could book a band for £150 - £250 depending on the number of musicians that were available. The Scouts could provide a licence and run a bar and provide hot food.

The Clerk reported that Angelfire Pyrotechnics, the Company that provided the display for the Jubilee celebrations could put on an aerial display for the same cost as before.

RESOLVED: 1 that the arrangements be approved at the Parish Council's expense, the cost being met from reserves.

2 that Cllr Acca discuss profit sharing with the Scouts.

B, Village celebrations 11th June 2016 – Cllr Mrs Clark had held a meeting with organisations in the Village. So far, 28 were supporting the event on Candy's Field in one way or another. Two bands were booked so far but another was needed for the evening session. She asked everyone at the meeting to spread the word about this event and to lend a hand with the arrangements and clearing up. The Clerk was asked to arrange for the grass to be cut before the event.

243 Dinan Way extension

A response had been received from DCC in response to the Council's request for more

consultation regarding changes to the proposed route. This indicated that if there were any objections to a proposal, it was normal to attempt to reach a compromise. This had been done. There would be formal consultation when a planning application was submitted. There had been correspondence between a resident and DCC regarding the Dinan Way link on the basis that this road would not improve traffic flow into Exeter and the M5 at peak periods and improvements to the A376 and roads across the Common would be more effective. However DCC had emphasised that the road was aimed at improving local conditions for some estate roads in Exmouth, Wotton Lane and Summer Lane. It was felt that the National Trust and Historic England had not understood that the road would be at a lower level than Summer lane and so it would not impinge on A la Ronde. RESOLVED: that a meeting be arranged with representatives of National Trust and Historic England to discuss the route and their objections.

244 Beating the Bounds 2016

The Council was asked to review the proposed date for this in view of a clash with the Garden Club Show.

RESOLVED: that subject to the agreement of Mr Robert Harrison, the proposed date of the Beating the Bounds be changed to 3rd September 2016. (Cllr Atkins agreed to discuss this with Mr Harrison).

245 Clerk's Action sheet.

The Council received and noted the Clerk's Action Sheet.

The Clerk was asked not to proceed any further with works to the Youth Club until after the next meeting.

246 Lead Councillors' reports.

NP Delivery Group - Cllr Mrs Clark reported that she would be meeting with Cllr Everett and Mrs Lyon to work on the Welcome Leaflet

Estates - Cllr Atkins reported that grave digging was not being done properly in that turves were not being removed from a grave space in a way that they could be put back after a burial. The Clerk was asked to speak to the Grave Digger about this.

Facilities - Cllr Acca had reported that the new benches were in the Play Area and on the Green, donated by the Globe Inn.

Links with CTC-RM – Cllr Mrs Rogers asked the Clerk to let her know when the solar lights had been received but they were happy with the proposals to install them.

247 Matters raised by other Councillors

Cllr Dimond reported that Exeter Refugee Support group organising a walk from Exeter to Exmouth that would go through Lymphstone. This was being done with the support of local church groups.

Cllr Longhurst had been given a copy of the new Local Plan. The Clerk was asked to acquire two copies.

Cllr Mrs Clark reported receipt of a letter of thanks from CTC-RM for support during a recent communications exercise which had been very successful.

The Council had received an invitation to attend a 'Beat the retreat' to be held at 7.00pm on Friday 3rd June 2016 in the Stand, Exmouth. Members were asked to arrive by 6.50pm.

The Meeting finished at 9.15pm

Chairman

Planning Decisions

EDDC appear to have been catching up with some outstanding planning applications. The decisions are set out below:

15/2793/FUL Replacement of the existing 17.7m monopole with a new 17.5m monopole; installation of 6 no. antenna, 1 no. 600mm dish and a relocated 300 mm dish (at 14m) and 2 no. additional equipment cabinets; plus minor ancillary work (amendments to planning permission 15/1829/FUL to re-position monopole). - Telecommunications Mast Wotton Lane Lympstone - Approval with conditions

05/3378/CPL Proposed Rear Dormer - Quincies Underhill Lympstone Exmouth Devon EX8 5HH - CPL Approve

06/1172/CPL Certificate of lawfulness for proposed dormer to west elevation - 10 Highcliffe Close Lympstone Exmouth Devon EX8 5HF - CPL Approve.

06/3151/CPL Garden Room - Pitt Farmhouse Exmouth Road Lympstone Exmouth Devon EX8 5AF - CPL Approve

08/3109/CPL Construction of dormer windows and ground floor extensions to side and rear - 7 Birch Road Lympstone EX8 5LB- CPL Approve

10/2447/CPE Certificate of lawfulness for the use of an annexe as a separate unit of accommodation - Claremont Cottage Church Road Lympstone Exmouth EX8 5JT - CPL Refuse

11/1958/CPE Certificate of Lawfulness for the use of an annexe as a separate unit of accommodation (resubmission of application 10/2447/CPE) - Claremont Cottage Church Road Lympstone EX8 5JT - CPL Approve

13/1135/CPE Certificate of lawfulness for use as a residential dwelling. - Loxhill Courtlands Lane Exmouth EX8 5AB - CPL Approve

16/0289/TCA T1 Ash: Fell T2 Eucalyptus: Fell - Fuchsia Cottage Church Road Lympstone Exmouth EX8 5JT - Approval - standard time limit

16/0390/ADV Erection of replacement illuminated and non-illuminated signage to the exterior of building. 1 double sided replacement externally illuminated sign to existing post. - Saddlers Arms Exmouth Road Lympstone Exmouth EX8 5LS. Approval with conditions

Lympstone Parish Council

Meeting Room hire.

The Parish Council had a four-year agreement with the Village Hall management Committee for hire of the Committee Room for various meetings.

The details were as follows:

For £350/year, billed in advance:

22 council meetings a year held on Mondays in committee room, nominally 19:30-21:30

A maximum of a further 10 ad-hoc similar meetings each year, making a total included in the fixed price of 32.

Other meetings, including any in the main hall or function room (such as larger public meetings), charged individually and the fee added to the annual invoice in the following April.

The VHMC have offered to continue this agreement for a further two years.

It is recommended that this offer be accepted.

DISPOSAL AND APPROPRIATION OF LAND

BY LOCAL COUNCILS Powers contained in S127 etc of the Local Government Act 1972

Extract from NALC LTN 45 and the conveyance of Candy's Field to the Parish Council in 1976.

General Rules on the Disposal of Land

1 The Parish Council, may dispose of any land held by them in any manner they wish, but subject to the restrictions set out below.

2 A 'disposal' includes not only an outright sale of the freehold, but also the grant of a lease or assignment of a term of a lease or an exchange of land. Caselaw includes within the definition of a 'disposal' an option to purchase the freehold, an option to purchase a lease or an option to renew a lease.

The Restrictions

3 The land must **not** be disposed for consideration less than the best that can reasonably be obtained, other than a disposal by way of a 'short tenancy', which is the grant of a tenancy for a term not exceeding seven years or the assignment of a term which, at the date of assignment, has less than seven years to run. may also be for less than the best consideration; or

the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

the promotion or improvement of economic well-being;

the promotion or improvement of social well-being;

the promotion or improvement of environmental well-being;

and the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).'

The General Disposal Consents aim to give local authorities the autonomy to carry out their statutory duties and functions as they consider to be necessary or desirable. However, local authorities should remain aware of the need to fulfil their fiduciary duties in a way which is accountable to local people.

4 Circular 06/03: Disposal of Land for Less Than Best Consideration' - gives guidance on the general consent as applicable in England. **The circular clarifies that it is for local authorities to consider whether a proposed disposal meets the criteria set out above or whether they need to apply to the Secretary of State for specific consent because they cannot meet the criteria. If the authority is uncertain about the need to seek consent, it may wish to seek its own legal advice on the matter and may find it useful to keep its appointed auditor informed of any legal advice it receives and the proposed action it wishes to take.** The Circular also states:

'In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue.'

5 **The 'consideration' for a disposal does not have to be exclusively money. In Currie v Misa (1875) LR App Cas 554, consideration was defined as 'some right, interest profit or benefit**

accruing to one party, or some forbearance, detriment loss or responsibility given, suffered or undertaken by the other.’ Sometimes an exchange of land may be appropriate (with or without a money adjustment); or a lease may be granted in consideration of services to be rendered.

- 6 A disposal in breach of the ‘best consideration’ rule, otherwise than in accordance with one of the statutory exceptions would be unlawful in the sense that the matter could be investigated by the auditor, and/or be the subject of an objection at audit; it could also be restrained by the courts (see paragraph 16 below).**

Open Space Land

- 7** Open space’ is defined in s. 336(1) of the Town and Country Planning Act 1990 as ‘any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground’. S. 126 (4A) of the LGA 1972 prohibits the disposal of land forming open space unless the total area does not exceed 250 square yards and, before disposal, notice of intention to do so, specifying the land in question, is advertised for two consecutive weeks in a local newspaper and any objections received are considered. This would apply to any land forming part of Candy’s Field

- 8 Restrictions arising for the purchase of Candy’s Field.**

In addition, the conveyance for Candy’s Field contains the following restrictions:

No dwellinghouse of other building shall be erected on any part of the premises until the plans, elevation and situations thereof have been submitted to a finally approved in writing by the successors to Thomas Ware and Charles Herbert Ware and the successor to the Rector. (The Vendors).

No building shall be used for any noisy or noxious or offensive trade, manufacture or business or in any other manner which by reason of noise or otherwise, would be objectionable to the Vendors or worshippers at the Parish Church or users of the Churchyard.

Method of Sale and consideration

If any land is to be disposed of to the Lymptone Community Foundation, the ‘price’ to be paid will be a matter for negotiation between the Parish Council and the Trustees for the Foundation.

At the moment it is not clear how this is to proceed. It appears that two options to extend the Youth Club building are being considered but it has also been mentioned that the opportunity could be taken to demolish the existing building and build a completely new building which could have spaces for various uses.

The final option will determine how much land will need to be transferred and it will also affect the options for the terms of the disposal.

1. This could be a straightforward sale for cash at a price agreed, with no restrictions, other than those contained in the original conveyance.
2. A cash sale with the price reflecting the Parish Council being given a rent-free ‘lease’ or other right to occupy part of any building for the purposes of providing a Youth Club.
3. A sale at no consideration on the basis that the Foundation will build a building, the Parish Council will have right to use part of the building for a youth club and the ownership of the building will revert to the Parish Council after say, 15 years.

These are just three options for the Parish Council and the Trustees of the Foundation to consider. There will be other options.

In the case of 2 and 3, there will also need to be agreement for running costs and maintenance for parts of the building etc.

In summary, there are some restrictions on disposal of land in Candy's Field to the Lymstone Community Foundation but these can be overcome. There will also be some negotiations over price and use of land and a building but again these can be successful with a willing heart.

The Council does not yet have a formal approach from the Lymstone Community Foundation but this report should give members and the Trustees some guidance on the way forward.

A J Le Riche,
Clerk to the Council

Finance Report
Payments

To approve the following payments:

Payments			
DD	EDF electricity for toilets		£11.00
DD	Electricity for lights in Candy's Field (2 months)		£73.30
	Optima Graphics Herald printing		£290.00
	Exmouth Town Council - hire of handyman for February		£150.00
	Scottish Power - electricity for youth club		£149.25
	Mrs Edworthy wages for March		£207.70
	A J Le Riche Salary & expenses March	£630.27	
	Materials for benches	<u>£19.53</u>	£649.80
	HMRC - Tax / NI February 2016		£156.17
	Total		£1,687.22