

Frodsham Town Council

Minutes of a meeting of an Extraordinary Meeting of the
Planning Committee
held in the Town Council Office, Castle Park
Tuesday 30 October 2018, at 6.30 pm



Present: Cllrs L Jones, Lord F Pennington, A Wordsworth (part), C Ashton (part),
Ms L Kenny (Admin Officer)

In Attendance: Cllrs M Neild and P Williamson

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No	Item
73	Apologies for absence None, but Cllr Wordsworth was running late and not present at the start of the meeting. Cllr Ashton acted as substitute.
74	Declarations of Interest Cllr Ashton told the meeting that she is a member of the gym at Forest Hills Hotel.
72	Opportunity for Public to Speak – No members of the public were present.
76	Planning Application 18/03822/REM: Forest Hills Hotel Overton Hill Bellemonte Road, Frodsham <p>The meeting had been called to respond to this application for the approval of reserved matters following outline consent 14/03835/OUT (appeal reference APP/A0665/15/303266) and discharge of conditions 5 (landscaping), 13 and 14 (landscaping).</p> <p>Cllr Neild recapped on this history of the issue of land ownership at Forest Hills and the adjacent Frodsham Town Council Memorial Field. He referred to various legal documents from 1923 and 1924 relating to the ownership of the Memorial Field. He said that the Memorial Field land benefits from a covenant stating it should remain open for the people of Frodsham for ever. In 2003, because of a discrepancy between the deeds and the boundaries on the ground, FTC and the Merseyview Pleasure Grounds Limited (MPGL) agreed to a land swap. However, the covenant remains with the land, even though its ownership has changed.</p> <p>As part of the land transfer, MVPL covenanted with the Council that MVPL would observe and perform the covenants and conditions contained or referred to in the 3 conveyances from the 1920s and would indemnify FTC with respect to any future breach or non-observance or non-performance of the covenants and conditions. The land was registered with a caution.</p> <p>6.40pm: Cllr Wordsworth joined the meeting. Cllr Neild referred to and quoted from notes from a meeting with the Council's solicitor in March 2017 and suggested that FTC had a duty as trustee to protect the land in question for the people of Frodsham. Cllr Neild, supported by Cllr Lord Pennington, said that he had no objections to the development of the rest of the site subject to the planning application, but he did object to the three houses (plots 10, 11 and 12) proposed for the land formerly owned by FTC.</p> <p>Cllr Neild sought clarification on some of the content of the Planning Inspector's Appeal Decision (Appeal Ref APP/A0665/W/15/3032663) relating to the site. The Admin Officer (AO) said she had spoken to the Planning Officer dealing with this application and confirmed that the developer had entered into a section 106 agreement to make a payment to provide a formal playing pitch at Saltworks Farm as a contribution to community infrastructure and this payment would be required once development begins.</p> <p>The AO advised the chair that the issues of land ownership and enforcement of the covenants were a matter for the full Council, and that the Planning Committee's remit was to comment on</p>

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	<p>the planning application. Cllr Lord Pennington had expressed concerns about the trees on the site, and the Committee might also want to consider the impact on the Memorial Railings, which had been listed since outline planning permission had been granted. The proposals before the Committee were to plant a beech hedge behind the railings, backed by a 1.8m timber fence. Although it would be appropriate to include comments regarding the covenant in the response to the planning consultation, these were not strictly planning issues but rather matters of dispute between landowners.</p> <p>Cllr Ashton said she was concerned that the question of whether or not part of the land was protected from development should be resolved once and for all to protect future homeowners, should the houses be built with the issue unresolved, and that FTC has a duty to local residents to protect the land from development.</p> <p>6.55pm Cllr Ashton left the meeting. Cllr Pennington asked for it to be noted that he was opposed to any development that would involve the removal of 7 poplar trees dedicated to Frodsham people. He believed that an Extraordinary meeting of FTC should be called as soon as possible to seek an injunction against the developer to prevent building on the land formerly owned by FTC. Cllrs Pennington and Nield believed that there would be no cost to FTC of seeking an injunction, due to the indemnity provided by the developer as part of the 2003 land swap.</p> <p>The AO referred to previous decisions of FTC regarding this issue, the most recent of which on 27 March 2017 (Minute 223) was to try informal negotiation to resolve the land/covenant issues before seeking any further legal remedy.</p> <p>After further discussion, it was agreed to object to the application on the following grounds:</p> <ul style="list-style-type: none"> • Although Frodsham Town Council has no objection to the development of 9 of the proposed houses, it objects to the proposals for plots 9, 10 & 12 as they are on land formerly owned by Frodsham Town Council which benefits from a covenant not to build on the land and the current landowner has agreed to uphold this covenant. • FTC objects to the removal of poplar trees on the land behind the Memorial Railings because of their contribution to landscape at the rear of the listed railings and the fact that they are dedicated to Frodsham people. • The proposed beech hedge and timber fencing behind the Memorial Railings would detract from the dignity of the listed structure and the whole site of Overton Hill Memorial Field and Frodsham War Memorial. <p>It was also agreed that Cllrs Lord Pennington and Nield would approach Cllr Oulton to ask him to convene an Extraordinary Meeting of the Council to discuss the enforcement of the covenants on the land formerly owned by Frodsham Town Council.</p>
77	<p>Date of next meeting Monday 12 November at 6.30pm at Castle Park House (before Community Committee).</p>

Meeting ended at 7.30 pm.

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