

MINUTES of the Planning Committee Meeting held on Wednesday 3 April 2019 at 9.30 a.m. in the Shire House Suite, Bodmin.

PRESENT: Councillor A J Coppin presiding; together with Councillors, J A Bassett, P Brown (from 9.31 a.m.), J P Cooper, J R Gibbs, P L G Skea, and K W Stubbs. Councillors E M Ahearn and P T Cooper were also present but did not vote not being Members of this Committee.

IN ATTENDANCE: Mr. P Martin (Executive Support Officer) and Mrs. T Stiles (Senior Administration Assistant / Mayor's Secretary).

P/2019/084

CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES:

The Chairman announced that there was a Special Meeting of the Council scheduled to be held immediately following this meeting at 10.45 a.m.

Apologies had been received from Councillors, S H Kinsman and L F Sanders.

P/2019/085

Declarations of Interest – Members to declare interests in respect of any agenda item.

Councillor P L G Skea declared a Non-Registerable Interest in Agenda Item 088 – reserved matters planning application reference PA18/10506 – as the land had previously been in his father's ownership.

P/2019/086

PUBLIC REPRESENTATION SESSION – An opportunity for local residents to make representations or ask questions relating to items on this agenda. (Note: a maximum of 15 minutes will be allocated for this session and there will be a time constraint of 5 minutes per speaker).

There were three members of the public present.

Councillor E Ahearn spoke in objection to PA19/02121 representing the concerns of residents within her ward, which were broadly based around extensive hours of operation (including Sundays); the number of vehicles associated with the business which were parking on the public highway in such a way as to cause disruption to residents and access issues for emergency services; and the fact that the business appeared to have been operating for at least 5 years outside of the parameters laid down under decision notice E1/2010/00093, which gave temporary consent for an MOT testing bay. The Chairman advised that he understood that the Cornwall Council Ward Member was working to get double yellow lines in place, which may assist with the parking issues going forward.

Mrs. C Howard spoke to thank Councillor J Cooper for drafting a letter to the Cornwall Council Planning Inspectorate (to be discussed at Agenda item P/2019/095). She commented that many residents were annoyed that Cornwall Councillor Egerton was seen to be using them as an excuse to put time pressure on the Inspectors.

Mrs. J Stevens spoke about her concerns around PA18/10506 as she considered it would cause a great deal of issues for vehicular and pedestrian traffic in the Boundary Road / Westheath Avenue area.

The Chairman thanked the public for their time in attending and the comments raised.

P/2019/087

To consider and, if approved, adopt the Minutes of the Planning Committee Meetings held on 6 February, 20 February and 6 March 2019 and 20 March 2019

Copies of the draft minutes had been circulated with the Agenda.

Minutes of the Planning Committee Meeting held on 6 February 2019

The Minutes of the Planning Committee Meeting held on 6 February 2019 had been through Full Council on 21 March 2019.

The Minutes of the Planning Committee Meeting held on 6 February 2019 were approved and passed for signing.

Minutes of the Planning Committee Meeting held on 20 February 2019

The Minutes of the Planning Committee Meeting held on 20 February 2019 had been through Full Council on 21 March 2019.

As a matter of accuracy Councillor Coppin wished to note that he had raised a query during Agenda Item P/2019/038 (page 1) with regard to the junction improvements that had formed part of an historic planning application in 2008 at the Respryn Road site.

The Minutes of the Planning Committee Meeting held on 20 February 2019 were approved and passed for signing.

Minutes of the Planning Committee Meeting held on 6 March 2019

The Minutes of the Planning Committee Meeting held on 6 March 2019 had been through Full Council on 21 March 2019.

The Minutes of the Planning Committee Meeting held on 6 March 2019 were approved and passed for signing.

Minutes of the Planning Committee Meeting held on 20 March 2019

The Minutes of the Planning Committee Meeting held on 20 March 2019 had been through Full Council on 21 March 2019.

The Minutes of the Planning Committee Meeting held on 20 March 2019 were approved and passed for signing.

Matters arising:

Page 3 – P/2019/080 – Affordable Housing Application Response – Removal of S106 for flats 2 and 4, 90 Fore Street, Bodmin – **The ESO updated Members to advise that this application had subsequently been withdrawn. This information was noted by the Committee.**

P/2019/088 – PA18/10506 Reserved Matters application for the residential development of 71 units at land off Boundary Road in respect of outline application PA16/00768 (minute ref P/2018/306 refers) – Land South of Bodmin Community Hospital, St Lawrence Road, St Lawrence Bodmin – Ms K Goldup, Coastline Housing;

The ESO reported that the application had come back before the Committee due to amendments to the Section 278 Highways Agreement which was in place between the applicant and the local highway authority (with reference to future plans by the local highway authority to develop a new roundabout at the junction of Boundary Road with the A389). At the meeting of the Town Council's Planning Committee on 3 October 2018 (minute ref P/2018/246 refers) the applicant had advised that the Section 278 Highways Agreement was in place enabling the transfer of land at the boundary of the applicant's development into the ownership of the local highway authority to enable such works to be completed. In the event that the proposed roundabout had not been completed at the time of the housing development's completion, then Coastline Housing would be installing a footpath around the boundary of the site.

The ESO advised that the Planning Case Officer had provided the following information:

"The original Transport Strategy contribution stood at £118,000 (as secured by the agreement as part of the outline planning permission). Consideration has therefore been given to applying the following deductions based on the latest submitted plans. This has been set out to the applicant as:

- 1. Boundary Road (3m) Pedestrian/Cycle footway – Discount offered for the additional 1.2m width x 145m length to convert standard footway (1.8m) that would otherwise be needed for development, to 3m multi-use path.*
- 2. Westheath Avenue (3m) Pedestrian/Cycle footway to connect site with provision made by site to south, and connect with and deliver crossing over Westheath Avenue via new traffic island, and short section of footway on opposite side to connect with existing footway provision. A plan showing this is still outstanding.*

An additional allowance has been provided for Section 278 application (Highway works) costs and TM given these are now being delivered by applicant.

Following liaison with Infrastructure colleagues, who reference bond estimation calculations, a revised Transport Strategy contribution would be £65,000. We believe it reasonable, once an acceptable indicative plan has been provided, to allocate this contribution to "pedestrian and cycle infrastructure improvements on Boundary Road and its junction with Westheath Avenue/St Lawrence Road, including provision of crossings to connect the site with the Hospital Site as per indicative plans, or a suitable alternative. Therefore, the applicant will not be required to build this connection themselves.

Given the fact this contribution is to be re-purposed to deliver a pedestrian safety provision, we are discussing triggers for payment with the applicant.

Finally, a revised red line for the land to be transferred would be needed to reflect the changes made to deliver the pedestrian/cycle path on Boundary Road.

Finally, the triangle of land (north east corner of the field) originally identified for transfer to Cornwall Council for future redesign of an enlarged junction (Boundary Road / Westheath Avenue) would be maintained as part of this latest detailed scheme.

The applicant is required to enter into a Deed of Modification to the existing Section 106 Legal Agreement with Cornwall Council to secure these objectives as well as securing the implementation of the development in accordance with the revised plans and any other highway related works as may be secured by planning condition.

This advice is provided without prejudice to formal assessment of this planning application and the final decision by Cornwall Council in due course.”

Members discussed the implications of amendments to the Section 278 and 106 Agreements and considered that if the applicant was reviewing the Travel Strategy that proper consideration should have been given to amending its Traffic Management Plan (contained as section 6 within its Construction Environment Management Plan) in light of the grave concerns that Bodmin Town Council had raised in its representation made on 5 December 2018. Councillor J Cooper also voiced concerns over the adherence to the stipulations of a European Protected Species Licence, which was shown to be required following the applicant’s ecological survey. From the documents submitted by the applicant it is unclear whether that Licence has been granted, or whether work to affected hedgerows has commenced.

In response to a general query from the Chairman as to whether Committee Members were satisfied that the Highways contribution be reduced in return for a greater area of land transfer, Councillor P Cooper considered that the contributions required through both the Section 106 and Section 278 Agreements should not be reduced, but that the affordable housing element of the application should be reduced (given the generous planned provision of affordable housing throughout Bodmin as part of Cornwall Council’s Site Allocations DPD) thereby enabling the applicant to adjust their income expectation.

It was AGREED to make the following representation:

Bodmin Town Council does not support this application in its current form. The Council is disappointed to note that, given the review of the Travel Strategy and the significant amendments sought to the Highways contributions, no amendments have been made to the Traffic Management Plan (contained as section 6 within the Construction Environment Management Plan) in light of the grave concerns that Bodmin Town Council had raised in its representation made on 5 December 2018. In fact a number of the concerns raised by Bodmin Town Council within the previous representation have yet to be addressed and as such the Council’s position remains one of objection.

P/2019/089 – PA19/01849 Advertisement consent for proposed freestanding sign – Public Rooms, Mount Folly, Bodmin – Mr Greaves, Merlin Cinemas;

Applications falling under item numbers P/2019/089 and P/2019/090 were considered as one item (below).

P/2019/090 – PA19/01851 Listed Building Consent for proposed alterations to originally approved consent for proposed signage together with proposed freestanding sign – Public Rooms, Mount Folly, Bodmin – Mr Greaves, Merlin Cinemas;

Members discussed the proposed size and scale of the sign, with Councillors J Bassett and J Cooper raising concerns in this respect.

Councillor Brown considered that having such free-standing signage was preferable to signage mounted on the fabric of the building.

Following discussion and clarification of the physical siting of the proposed signage, Councillor J Cooper proposed that the application not be supported. This proposal was seconded by Councillor Gibbs but received no further votes, thereby the motion fell.

Councillor A Coppin proposed that the Town Council support the application. All other Members present, with the exception of Councillor J Cooper, voted in favour of this proposal.

It was AGREED to respond making the following representation:

Bodmin Town Council supports this application.

P/2019/091 – PA19/02121 Continuation of the use of the building for car sales and repairs – Cars R Us, Rear of 27 Town End, Bodmin – Mr D Thompson;

The ESO reported on the detail of application E1/2010/00093 which was granted in 2010 as temporary consent (to terminate in October 2013) with a number of conditions. The ESO confirmed that this consent had been for an MOT testing bay only, and that the application before the Committee on this occasion was for 'Continuation of the use of building for car sales and repairs'. Aside from a great deal of anecdotal evidence that the business was operating long past the expiry of the original temporary consent under E1/2010/00093 it appeared that the conditions applied to that consent had not been adhered to in respect of the limited hours of operation allowed and the limited nature of works which could be carried out.

Members considered that the traffic situation which the high number of parked vehicles associated with the business caused for the residents in the surrounding areas was unacceptable and were gravely concerned at reports of emergency vehicles being restricted in their ability to access some areas of Midway Road.

Following discussion it was AGREED to make the following representation:

Bodmin Town Council does not support this application.

The Town Council considers that the business has been operating outside of its original conditions (attached to the temporary consent granted under E1/2010/00093 which expired on 3 October 2013) for a number of years. Not only do the excessive number of parked vehicles associated with the business cause considerable access issues for residents in the immediate vicinity, but it was also noted that emergency vehicle access is adversely affected. The hours of operation undertaken by the applicant are considered to be excessive and certainly well outside of those conditioned under temporary consent E1/2010/00093, and create an adverse effect on the neighbouring residential area given the noise and environmental impact associated with a vehicle repair business.

Furthermore the Town Council was disappointed to note that within the application there were no provisions made for storage or disposal requirements arising from such waste as would be reasonably expected to be associated with a vehicle repair business.

P/2019/092 – PA19/02159 Extension to existing warehouse facility (B8) granted under planning permission PA14/12101 (minute ref P/2015/029 refers) – Land West of 7 Bodmin Business Park, Bodmin – Mr Wodskou Developments Ltd.;

The ESO reported that the Town Council had previously supported PA14/12101, and that the application ow before the Committee was to extend that existing facility. Members agreed that it was positive to note the business was operating successfully and that the building itself gave a positive impression of commercial strength at a key entry point to the town.

It was AGREED to make the following representation:

Bodmin Town Council supports this application.

P/2019/093 – PA19/02166 Notification of proposed works to a tree in a conservation area – Removal of lower limbs from a mature Lime – Priory Park, Bodmin – Mr R Davies;

Bodmin Town Council NOTED this application.

P/2019/094 – PA19/02541 Notification of proposed works to a tree in a conservation area – Reducing the crown by 4 metres all over – 7 Homefield Park, Bodmin – Mrs C Pinch;

Bodmin Town Council NOTED this application.

P/2019/095 To review a draft letter written by Councillor J P Cooper to the Cornwall Council Planning Inspectorate and to consider submission of the letter on Bodmin Town Council letterhead;

A copy of the letter had been circulated with the Agenda.

Responding to a query from the Chairman, the SAA/MS advised that as Planning Committee has delegated powers to make representations on behalf of the Council on matters relating to development control and forward planning, and as this related to the Site Allocations DPD, the decision as to whether or not to send the letter would not have to go to Full Council.

It was AGREED to send the letter on behalf of Bodmin Town Council. It was NOTED that Councillor Coppin voted against.

P/2019/096

Cornwall Council and Cornwall Association of Local Councils (CALC) Planning Partnership – To consider nomination of a Bodmin Town Councillor for membership application by 30 April 2019;

Information regarding the CALC Planning Partnership had been circulated with the Agenda. Following discussion it was AGREED that Councillor Brown would be nominated for membership.

P/2019/097

Cornwall Community Flood Forum – To consider Associate Membership for Bodmin Town Council;

Information regarding the Cornwall Community Flood Forum had been circulated with the Agenda. It was AGREED to nominate Councillor Skea.

P/2019/098

To note outcome of CORMAC Consultation: Bodmin General TRO (EDG1530/SN01-SN04) – Proposed changes to waiting restrictions (minute ref P/2019/052 refers);

A copy of the outcome letter had been circulated with the Agenda, the contents of which were noted.

P/2019/099

Presentation from Meet the Planners in Your Area Event (Area 5 – Newquay and St Columb, Bodmin, Wadebridge and Padstow) held on 20 March 2019

A copy of the presentation had been circulated to all Councillors on 25 March 2019, and again with the Agenda, the contents of which were noted. Councillors, Bassett, J Cooper and Gibbs had all attended and felt it had been a very useful and enlightening event.

Extra Item – P/2019/100 – PA19/02572

Non-Material Amendment (No. 2) for: Naval and Civil Wings - Roof amendments; Naval and Civil Wings - MEP amendments; Civil Wing - Level 06 Plant Rooms and Boiler Room in respect of decision notice no. PA17/00086 – Bodmin Jail, Bodiniel Road, Bodmin – Mallino Developments Ltd.

The ESO advised that this item for non-material amendments to roofing and the mechanical, electrical and plumbing detail of the conversion of Bodmin Jail had been received.

Councillor J Cooper voiced concerns about the lack of clarity over the materials proposed for the roof amendments, as he considered that the wording within the applicant's Design and Access Statement was open to interpretation, referring to "a more

traditional aesthetic (tiles)”

Councillor Brown considered that the local planning authority’s Conservation Officer had been working proactively and closely with the Jail and that as such they should be relied upon to give appropriate advice to the developer in respect of any such amendments.

Following discussion it was **AGREED** to make the following representation:

Bodmin Town Council does not support this application in its current form. The Town Council considers there is a lack of definition regarding the precise materials proposed for the roof amendments and would seek clarification that the ‘traditional aesthetic (tiles)’ referred to in the applicant’s Design and Access Statement is actually slate.

It was NOTED that Councillor K Stubbs abstained from this vote.

The meeting closed at 10.36 a.m.