



MINUTES of the Bodmin Town Council Planning Committee Meeting held on Wednesday 9 March 2022 at 6.30 p.m. at the Shire House Suite, Bodmin

PRESENT: Councillor E M Ahearn presiding; together with Councillors, P Brown, P L G Skea, J P Cooper, G Mountcastle, H Blacklaw and B Crowle

IN ATTENDANCE: Mr P Martin (Town Clerk) and Ms L Pinnegar (Senior Administration Assistant/MS)

Meeting commenced at 6.30 pm

P/2022/060 - Chairman's Announcements and Apologies.

The Chair drew people's attention to the recording notice displayed as you enter the room. No other announcements.

Apologies were received from Cllr Coppin and Cllr Gibbs.

P/2022/061 - Declarations of Interest – Members to declare interests in respect of Any items on the agenda;

There were no declarations of interest.

P/2022/062 - Correspondence sent and received:

1. **Comments re Intention Notice Crinnicks Hill re item P/2022/056 from meeting of 16.2.2022.**

Noted

P/2022/063 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 as there will be a time constraint of 5 minutes per speaker);

There were 6 members of the public present.

CH read out her statement which she requested be recorded in the minutes:

“SWW have recognised the direct impact on local residents, and have agreed the Scarletts Well Water Treatment site is not suitable as a base for Emergency and 24/7 usage by Kier/Glanville – namely movement to and fro of HGV vehicles, lorries and trailers to a depot at the end of a large Residential area.

Our local Planning Committee and Ward Member Cllr Cruze have had ongoing meetings with SWW regarding this nuisance situation.

Many videos, have been produced as evidence, showing large vehicles, lorries and trailers speeding throughout the daytime, very late at night, and very early in the morning, including Sundays.

Reports have been made to CC Enforcement (*EN21/01904 Alleged unauthorised change of use of the land Sewage Disposal Works*) by the residents, and our local Council as long ago as 27.6.21.

We have contacted the EA with regard to a '*Noise and Vibration Management Env Permit*'. This permit must be produced by an operator where the Env Risk Assessment identifies that site operations could cause pollution from noise or vibration beyond the site boundary.

The Env Protection Officer states he doesn't know what a '*Noise and Vibration Management Env Permit*' means', and later states:

I am unable to deal with this issue as a noise complaint as it is specifically excluded from being a nuisance in law, so I am unable to assist you further. I don't need to be included on any future email chain as I'm unable to take any action related to this issue.

He states SWW have a permit - but of a different type – as yet I have been unable to see this '*different type permit*' and have no clue as to what it is.

Definitions of Noise in Law

noise can be defined as any unwanted sound. Noise could occur unexpectedly or be too loud or repetitive.

English private law defines a nuisance as "an unlawful interference with a person's use or enjoyment of land or of some right over, or in connection, with it.

For the noise to count as a statutory nuisance it must do one of the following: unreasonably and substantially interfere with the use or enjoyment of a home or other premises. Injure health or be likely to injure health. 7 Apr 2015

I can confirm that the '*health and well-being*' of the tenants who live at Bodiniel View has been affected for well over a year now.

 If the opinion of the Env Protection Officer is correct, then why is there such a document as: 'Noise and vibration Management Environmental Permit' required? And even updated 31 Jan 2022.

I can confirm, on behalf of residents that this continual nuisance, including the danger and speed of the vehicles using this site 24/7, with no '*change of use*' permission', no '*noise and vibration Management Env Permit*' that the Residents would like to be assured, with a time limit, that Kier/Glanville will relocate and SWW will no longer use the Scarlett's Well Water Treatment Plant as an industrial depot.

Christine Howard on behalf of Residents Bodiniel View."

The Chair stated that "it was not Keir working from the site" which was disputed by members of the public. The Chair also stated that SWW are looking for an alternative site for the additional operations, and this was in a period of 12 months from the initial meetings, subject to finding a suitable location.

Cllr Cooper felt the operations from the site were not appropriate and felt the residents and Town Council had many numerous representations to the County Council evidencing the speeding, pollution and noise caused by these operations, and suggested the residents seek legal advice and maybe consider taking out an injunction to stop the activities.

It was proposed that the Town Council and residents complain to the Government Ombudsman if no satisfaction received via Cornwall Council.

It was RESOLVED to ask the Town Clerk to write a formal letter of complaint to the Government Ombudsman, via the Cornwall Councils complaints procedure, to complain about Cornwall Councils handling of this case.

It was also discussed that members were disappointed that representatives from Cornwall Council rarely attend BTC Council Meetings.

It was RESOLVED that Cllr Cooper will bring it up at a meeting he has scheduled with Cornwall Council next week as an initial action.

P/2022/064 - Minutes of the previous meeting

To confirm the accuracy of the minutes of the meeting held on 16 February 2022 (as circulated). (LGA 1972, Sch 12, para 41(3), LG (Miscellaneous Provisions)1976, s41)

It was RESOLVED to confirm the accuracy of the minutes of 16 February 2022.

P/2022/065 - Actions arising from previous minutes

See Appendix – shared with the committee and updates received.

P/2022/066 To receive Risk Management updates

None.

P/2022/067

To receive further information from Cornwall Councillors and South West Water on issues regarding Scarlett's Well Treatment Plant, and highway matters in Bodmin, mainly Launceston Road and Scarlett's Well following a request for attendance at meeting. Rescheduled from meeting 16.2.2022 item number P/2022/046

No Cornwall Councillors attended the meeting, nor did anyone representing Southwest Water.

P/2022/068

To receive further information on P/2022/052 - PA21/11227

Change of use from a professional office to a restaurant | 70 Fore Street Bodmin PL31 2HR Miss Mari Monteiro

The application was not completed fully, and further information was requested. This information has now been received and answered to the satisfaction of the Committee.

It was RESOLVED to support this application

P/2022/069 - PA22/01065

Application for Consent to Display an Advertisement , namely the siting of 1no. internally illuminated totem sign. | Home Bargains Dunmere Road Bodmin Cornwall PL31 2QN, c/o Agent T J Morris Ltd

It was RESOLVED to support this application

P/2022/070 - PA22/00430

Conversion and extension of a double garage to create a ground floor annexe and first floor master suite. | 8 Priors Barn Bodmin PL31 2JT. Avila Foreman (amended)

This application was discussed in depth.

Cllr Cooper referred to the public comments, some of which he agreed with. He felt it was a substantial extension and referred the committee to Policy 12 of the Cornwall Local Plan document, Paragraph 2:

“In addition development proposals should protect individuals and property from:

- a. overlooking and unreasonable loss of privacy; and
- b. overshadowing and overbearing impacts; and
- c. unreasonable noise and disturbance.”

He also referred to the National Design Guide 2021, section 53 the height, scale, massing, and relationships between buildings, which he felt was the case here.

Cllr Crowe supported these comments and felt it was out of character with the rest of the estate.

Cllr Brown pointed out that this was creating an annex on the lower floor only, with access to the upstairs extension from the main house only, and that the plot was generous.

Cllr Mountcastle agreed that the houses in the area were large and well-spaced out.

It was RESOLVED to support the application.

P/2022/071 - PA22/00716

Proposed provision of a swimming pool and spa facility building with link access to the host listed building and associated offsite parking. I Bodmin Jail Bodiniel Road Bodmin PL31 2NR Applicant Rob Cox Mallino Development Ltd

It was discussed that the original planning application of 25 Sep 2017 PA/00086 relating to this location, as per the “Schedule attached to application and Decision”, condition 16 states:

“No occupation of the hotel hereby approved shall occur until the hotel car park has been fully surfaced and drained in accordance with the agreed details and is available for use by guests of the hotel. All car parking spaces shall thereafter be retained and used for no other purpose. Reason: To ensure adequate parking to serve the needs of the development hereby permitted and in accordance with Policy 27 of the Cornwall Local Plan and guidance contained within paragraphs 7, 17 and 35 of the National Planning Policy Framework, 2012.”

As the application involved siting the extension over existing car parking allocation, it was queried whether Cornwall Council can consider this application as it appears to contravene their own decisions.

It was RESOLVED to ask the Town Clerk to notify Cornwall Council that Bodmin Town Council cannot consult on this application as this appears to be in breach of the conditions set by Cornwall Planning in relation application PA17/00086.

P/2022/072 - PA22/00717

Proposal Listed Building Consent for the proposed provision of a swimming pool and spa facility building with link access to the hose listed building and associated offsite

parking. Location Bodmin Jail Bodiniel Road Bodmin PL31 2NR Applicant Rob Cox Mallino Development Ltd

Not consulted on as per item above P/2022/071 - PA22/00716.

P/2022/073 - PA22/00761

Conversion of existing integral garage to living room. 9 Barons Meadow Bodmin PL31 2DD Applicant Mr Joe Power

It was noted that the plans were basic.

It was RESOLVED to support this application on the condition Building Control conditions are adhered to.

P/2022/074 - PA22/01648 | Conversion of old public house (Use Class A4) into 2 dwellings (Use Class C3) | 3 St Nicholas Street Bodmin Cornwall PL31 1AB. Mr N Kenlay

The new proposal of two houses as opposed to a number of flats was felt preferential and more in keeping with the location. It was felt important that the listed building regulations are followed by the developer and monitored by the relevant authorities. In particular the front façade, keeping the original features.

It was RESOLVED to support the application.

P/2022/075 - PA22/01649 | Listed Building Consent for Conversion of old public house (Use Class A4) into 2 dwellings (Use Class C3) | 3 St Nicholas Street Bodmin Cornwall PL31 1AB Mr N Kenlay

The new plan of two houses as opposed to flats was felt preferential and more in keeping with the location. It was felt important that the listed building regulations are followed by the developer and monitored by the relevant authorities. In particular the front façade, keeping the original features.

It was RESOLVED to support the application.

P/2022/076 - PA22/01951

Conversion of redundant public house and former inn to 2no. 1-bed. units, 4no. 2-bed. units and 2no. 3-bed units. Demolition of C20th single-storey extension to rear of No.4 Lower Bore Street. Removal of steel escape stair at rear of No.2 and insertion of one new window there. Removal of inappropriate modern extensions beneath jettied first floor at rear of No.2. Internal alterations to staircases in No.2 and erection of new internal partition walls. Reinstatement of flight of stairs in No.4. | 2-4 Barley Sheaf Lower Bore Street Bodmin PL31 2JX Applicant Jonathan Whitham Coastal Properties Ltd

This application was favoured as it protects an iconic building which needs repair. It was observed that there is parking available in a nearby car park.

It was RESOLVED to support this application.

P/2022/077 - PA22/01952 | Listed Building Consent for conversion of redundant public house and former inn to 2no. 1-bed. units, 4no. 2-bed. units and 2no. 3-bed units. Demolition of C20th single-storey extension to rear of No.4 Lower Bore Street. Removal of steel escape stair at rear of No.2 and insertion of one new window there.

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This application was favoured as it protects an iconic building which needs repair. There is parking available in a nearby car park.

It was RESOLVED to support this application.

P/2022/078

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

Location: St Marys Road and Westheath Road, Bodmin

Timing: 14th March 2022 to 18th March 2022 (07:30 to 17:00 hours daily)

Approval for noting

Noted

P/2022/079

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

Location: Dunmere Road, Bodmin

Timing: 14th March 2022 to 19th March 2022 (19:00 to 06:00 hours daily)

Approval for noting.

Cllr Cooper would like to raise the crossing / footpath proposal which has not happened in the area. Letter to be written to Cornwall Council.

P/2022/080

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

Location: Tanwood View, Bodmin

Timing: 14th March 2022 to 16th March 2022 (07:30 to 17:00 hours daily)

Approval for Noting

Noted

P/2022/081

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

Location: Castle Street, Bodmin

Timing: 14th March 2022 to 27th March (24 hours) previously closed between 1st March to 14th March 2022.

Approval for Noting

Noted

P/2022/082

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

Location: Beacon Road, Bodmin

Timing: 14th March 2022 to 27th March 2022 (24 hours) previously closed between (1st to 14th March 2022

Approval for Noting

Noted

7.28 pm – moved into confidential section.

CONFIDENTIAL MINUTES PLANNING 9.3.2022

ITEMS CONTAINING EXEMPT INFORMATION

To consider passing the following Resolution in respect of the items listed below:

“That the press and public be excluded from the Meeting in accordance with Section 1 of the Public Bodies (Admission to Meetings) Act 1960, for the following items of business on the grounds that they involve the likely disclosure of confidential and exempt information”.