Minutes

Planning Committee Meeting

Subtitle

Extraordinary Planning Committee Meeting

Date

07/02/2024

Time

18:30 - 20:10

Location

Shire House Suite, Mount Folly Square, Bodmin PL31 2DQ

Chair

Cllr E Ahearn,

Attendees

Clir E Ahearn, Clir H Blacklaw, Clir P T Cooper and Clir C Rowe

Non committee members: Cllr J Cooper, Cllr M Barbery and Cllr A Coppin

Mr P Martin (Town Clerk); Mrs A Bright (CSM/ATC), Mrs S Roberts

(OA/Secretary) and Mrs S Gooch (SAA)

P.2024.048

Chairmans announcements

Minutes:

Cllr E Ahearn as Vice Chair of the Planning Committee introduced herself and welcomed everyone to the meeting and she will be chairing this evening's meeting.

The Chair will allow everyone to speak regarding PA20/10618 Land at Halgavor Moor, if they wished to, but asked members of the public not to speak over someone else who has the floor, The Chair also asked that members of the public not to make repetitive comments when speaking.

The Chair reminded members that the meeting will be recorded for the purposes of minute taking but will be deleted once the minutes have been agreed.

An invitation was sent to representatives of Wainhomes who were offered a number of dates and the 7th February was agreed, however, they later declined the invitation, as they do not want to meet in public session. Bodmin Town Council operates under legislative transparent process, its meetings are open to the public, press and media. The Town Council is a statutory consultee body holding the right to be informed and comment on planning applications, Town Council powers do not extend beyond this role. BTC will not as a Council meet any developer behind closed doors.

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All three of Bodmin's County Councillors are in attendance this evening and they will be given the opportunity to speak if so wished. Residents who wished to speak were asked, if they were happy to, provide their names for the minutes and any follow up actions if necessary.

P.2024.049

To receive and record the grounds upon which apologies for absence are tendered.

Decision:

It was **RESOLVED** to record the grounds upon which apologies for absence was tendered from Cllr J Burden and Cllr P Skea.

Minutes:

Apologies have been received from Cllr J Burden (family commitments) and Cllr P Skea. Apologies have not been received from Cllr J Gibbs or Cllr A Butters.

Cllr P Cooper proposed to accept the apologies from Cllr Burden and Cllr Skea and the grounds upon which the apology was tendered, seconded by Cllr H Blacklaw, all in favour.

P.2024.050

Declarations of interest relating to business on the agenda

Minutes:

The Town Clerk asked members if anyone had any declarations of interest or dispensations to record relating to business on the agenda. Clir P Skea has sent his apologies for this evening's meeting declaring an interest in an item on tonight's agenda. No dispensations have been received.

P.2024.051

Public representation session

Minutes:

Over 100 members of the public were in attendance and the Chair asked them to refrain from raising their voices. The Chair made the decision to extend the public representation session to last longer than the agreed 15 minutes.

The session was opened up to Christine Howard who has knowledge and background information that would be useful to everyone.

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Bodmin Strategic Plan 2017

Ten years ago, Cornwall Council had a desktop study to locate areas of land for Allocation for Urban Developments. Halgavor was one of these and was brought forward as one site, East and West of the Lostwithiel Road Bd-Ue2. Wainhomes already had the Option on all the land on the West Side, Cornwall Council owns the land on the East side.

The Cornwall Council submission for the Allocation: The Inspector agreed, in order to speed up the development, to split the site into two - 540 and 230 dwellings. The Policy was to build 70 houses per annum on each side, to complete 770 dwellings by 2030. The Inspectorate's report was based on evidence supplied by Cornwall Council, with certain criterions: One being: 'a continued highway from Carminow Road over the railway line into the East side and continue into the Halgavor Moor Allocation' known as the Halgavor Junction and Halgavor Respryn Package (a new bridge is required). The Report of April 2019 (including Fiveways) states 'this Transport Infrastructure is scheduled to commence immediately and should be forthcoming within a reasonable timescale. The developer is to subscribe to this infrastructure'. However, on the 3 Nov 2020 James Grant of Wainhomes wrote to BTC stating 'to ensure their obligations to the landowner, their Engineers have decided to go against Cornwall Council's advice and access the site from further down Lostwithiel Road'.

They confirmed 'the clearly strong objection to the removal of parking, and the impact in general, on the Leisure Centre'. They confirmed: 'This is against Cornwall Council's wishes and is aware that BTC are against the scheme'. This new access is to be through Non-Allocated Meadowland, and within Lanhydrock Parish. If Cornwall Council Approves this Planning Application, they will have blown a hole in their own Strategic Plan for Transport Infrastructure – this being one of the main caveats included in the Inspectorates' report of April 2019. There are many inaccuracies within the Wainhomes ESA report.

Another Caveat from the Inspector was - that a Full Environmental Assessment, and full Hydrological Assessment should be conducted on both East and West developments, including the old Landfill Site – as they all affect each other.

Mr Loughrey-Robinson of Wainhomes, at a BTC Planning meeting on 6th March 2019 stated 'Wainhomes' view was that Cornwall Council's

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DPD figures were highly optimistic given the site's topography and hydrology challenges.'

Jack Stevenson spoke next, boarders the land in question. Because Wainhomes are going against what the inspectorate reported and what councillor's made their decision on at the time when all the evidence that Cornwall Council gave to Wainhomes is now being changed to what Wainhomes want so he feels that this is a planning decision and BTC and CC can object to this because all the work prior to the inspectorates report now needs to be revisited, and highways are still waiting for an interim report from Wainhomes on how the new entrance will affect the town, until they have all the outstanding information from Wainhomes no decision can be made.

Emily spoke next. Making the point that the development at Halgavor will have a massive impact on what could happen to the field next to Beacon Road above Valley View. She is very concerned for several reasons including the lack of infrastructure, wildlife and the entrance to Valley View is unsuitable., The field at the top is part of the Beacon nature reserve and is used by walkers every single day, and the loss of this would impact on people's mental health. There is currently an abundance of hedgehogs in and around the field including many other wildlife creatures and it is hugely important that the wildlife should be protected. Many years ago the estate of Lanhydrock said they would never have that field built on as you can see it from all around Bodmin. She feels very strong against any development happening there or Halgavor.

Tim Wright spoke next. lives at the top end of the town. He loves living in Bodmin and people really care about the community. However the infrastructure is appalling and realises it won't be improved for a number of years. including the health care facility in Cornwall. The road system around Bodmin is difficult to understand and asked what the road system would be like if there were a further 2,000 cars on the road from developments like Halgavor and Priory Road. This is an opportunity for the community to come together and keep the momentum moving. A representative from Wainhomes could not find the time to attend this evening's meeting typifies house builders attitudes to local residents and the community. As a community, as individuals, families etc need to take responsibilities over what is going on our town. He urged people to attend council meetings like this and to get organised with our responses.

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Cllr E Ahearn reiterated that tonights date was chosen by Wainhomes but they declined BTC's invitation as they didn't realise the meeting would be open to the public.

Roger Hancock spoke next. Has been looking at Cornwall Council's website and the email exchange regarding the transport assessment for the scheme is yet to be completed. Therefore the whole thing is premature. Is the decision being rushed through perhaps before a change of government, as on the portal is not recorded as a valid site. No decision should be made until the transport assessment for the scheme is completed.

Debbie Murrell spoke next. A report/survey was prepared at least 10 years ago on where to build, on the whole of Bodmin and surrounding areas prior to the recent developments in the town. The report included a traffic light system, green, yellow or red. Halgavor was shown as red - 'do not build here under any conditions'. The survey was paid for by the people of Bodmin so why are the planners not looking at the results now.

Eric Bibney spoke next. Obviously, Wainhomes didn't expect so many residents to be here tonight, they chose the date but couldn't be bothered to turn up so why should we be bothered to let them build in Bodmin. Wainhomes site plan shows a red line, and within the red line there is an area where the overspill car park for the leisure centre is which appears to have an asset to the community on, so why is it still within the red area? Even though it is not earmarked to be built on it is still within the red line, therefore some time in the future he expects it to be built on. Everyone needs to listen out for information and share with the community and try to get all the community to object to it. In the past Bodmin people have objected and stopped things progressing. We can stop this development and we should stop it. Has not been able to spend time on the NDP lately but asked if anyone would be interested to assist to contact the committee. The NDP will be there to help stop unnecessary developments in the future, unfortunately we may be too late to stop this development. Bodmin is restricted by the road network currently in place. He is appalled by Wainhomes not turning up this and urged people to keep objecting if you do not agree.

County Councillor Jenny Cruse (ward member for Halgavor) spoke next. Cornwall Council has declared a climate and ecology emergency, the bill is currently going through parliament. The Climate

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and Emergency DPD now stands as a material consideration in planning matters. 60% of Cornwall's precious wildlife has been lost today and Halgavor is a valuable piece of unimproved land in Bodmin for wildlife.

If the development is approved there will be at least 1,400 extra cars on our roads will inevitably be on the already congested roads of Bodmin. with all the runoff and pollution ending up in the River Camel. This application falls foul of the ecology and climate aspirations. The development of open market houses will do nothing to help the existing housing crisis.

At a recent meeting with Wainhomes it was disclosed that less than 40% of local residents purchased from them in Bodmin. She has little faith in the phostate mitigation figure with calculations based on the likelihood that the majority of these properties will be second homes and is unacceptable. Currently 90% of the River Camel SAC is classified unfavourable therefore planning department are unable to grant planning permissions for new developments within the catchment area of the River Camel SAC unless it can be clearly demonstrated that the development will not increase nutrient loading to the protected areas.

The EA presented by Wainhomes concludes there significant negative impact on wildlife etc during and after construction, and construction mitigation measures has been proposed, but has no confidence that this will happen. One part of the site is flood level 3 and substantial drainage is required without any consideration to the increase in flooding which will incur further down steam. There is no up to date flood risk assessment. She is not supportive of this development for environmental and ecological reasons and urged residents to stay strong and to note the material considerations that make this application flawed.

Geoff Leather spoke next. Lives at Ponderossa and is involved with the application by Wainhomes at Ponderossa as well. He believes Halgavor will crucify parts of Bodmin. It is a disgrace that Wainhomes are not here tonight. Why is William Aynescroff the Managing Director of Wainhomes South West ltd or his father the director of Wainhomes Itd not here tonight. Objects to the development on the grounds of infrastructure, roads can't cope with the level of traffic currently, the new doctors is not in place, he understood that that there was going to be a new medical centre at St Lawrence hospital but there is no sign of it being built, however 100's of houses have been built in the meantime. Schools, promised a primary school by Ponderossa but who will pay for it. affordable housing, most of Wainhomes properties

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will be open market and local people can not afford them they will be purchased for second homes or buy to let. Homes need to be affordable for local people. and feels that Stephen Kirby from Cornwall Council planning should have been here to listen to the voices of the public.

Sarah Cooke spoke next. Six years ago there was a public meeting at Bodmin College concerning this development with at least 200 people in attendance supported by Bodmin Town Councillors and would like to raise three points: BTC said investigations have shown that the site contains springs, sinks and cullets and furthermore the nature of vegetation and the presence of number of flowing ditches indicates that the site will have a high water table;, although trail pits/bore holes will be required to determine the nature of the subsurface conditions for the development of the site to be deemed acceptable. it would never be demonstrated that these issues can be overcome. A quote from Scott Mann the moorlands and wetlands within the area are home to wildlife and ecosystems. And although i support the aim of providing more homes in Cornwall for its growing population growing deep care and consideration should be given to natural habitat. There are more suitable sites allocated within the DPD for homes in Bodmin and these should be given priority for development. CPRE (Councils Protection for Rural England) quoted wildlife habitat - Halgavor is an unspoilt and ancient moor comprising of marshland with springs and sinks along with prime quality arable land and quite extensive oak woodland. This diversity and richness clearly represents significant wildlife habitat. The developers claimed that there would be no loss of habitat. An Environmental Impact Assessment is needed as soon as possible.

Another site at Westheath Road that wasn't allocated was pushed through within the week.

Alan Brown spoke next. Infrastructure has already been discussed. there are not enough school places and what will happen when the college is rebuilt, but if this application is approved then the leisure centre will close because they will need land to support the renewal energy otherwise costs will be prohibitive for them to keep going. This development does not show any of this. This is not the right place to build as Curland Road will surely flood.

Alan Frost spoke next. mentioned that he knows of someone outside of Cornwall who purchased two houses on new developments to rent out and said that this is not affordable housing.

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Bev spoke next. Does not want this development to go ahead and urged everyone to lobby Cornwall Council, Truro, we do not want this development and if we are not careful we will be swamped with new developments.

Geoff Kirk spoke next. He has posted a video of his house at Halgavor which shows heavy rain two months ago. The 'river' comes from college green development was in place before he moved but could imagine fields previously, Rain would have naturally soaked away previously but doesn't now as it is all hard standing. The water comes down through his house down Halgavor Lane and to the soak away which is the field where the 540 new homes could be built. We should all stick together and support BTC.

The Chair informed residents that committee will not be making a decision on this application tonight, as the pubic have not all been able to add their comments to the planning portal. The Planning Committee will vote on this application on 14 February in the public session which allows everyone to digest the information provided. And now gives councillors the opportunity to speak.

Cllr J Cooper spoke. Advised residents that BTC are only a consultee in this process with decisions made at County Hall, Truro where your county councillors will have the ability to debate it, If you wish to get together and make an impact on this proposal then residents should keep a watchful eye on Cornwall Council's website for their strategic planning committee meetings where large developments are considered. He urged BTC's planning committee to call the proposal into strategic planning, and this will give BTC the opportunity to nominate some representatives to attend and speak at the committee meeting.

No councillor who sits here tonight were involved in the adoption of the DPD that was prepared by Cornwall Council in 2013 and consulted on at the time and these areas were proposed for future developments up to 2030. To be fair to previous councils no one ever envisaged that Halgavor would be built on potentially it was 3,000 properties over the whole urban extensions which in 2013 no one ever thought that that would be the case. When Cornwall Council deemed to allocate this piece of land as part of the DPD document that was submitted to the Government inspectorate there were certain

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conditions set out to make valid case for the development proposals to come forward.

These conditions that Cornwall Council constructed themselves and included in the Development plan and submitted to the Government inspectorate who then questioned and agreed those conditions.

We need to remember that Cornwall Council stated there were conditions on Infrastructure and other parts of master planning and planning that need to go into the project to make it comply with the submission they made to the government.

We need to remember, as CH outlined earlier that the Halgavor development is in two parts which BDUE-2A and BDUE-2B. BDUE-2B is the section that covers Halgavor Moor that Wainhomes seeks to develop. What you haven't heard about yet is BDUE-2A which is owned by Cornwall Council and is Little Halgavor Farm and this farm was sold to Cornwall Council just before the DPD allocation came through and is now a viable development site, adjoined to the Wainhomes site. This application only looks at BDUE -2B. BDUE-2A carries the highest restrictive conditions that Cornwall Council have set which the developers have to comply with before site B can be delivered.

The restrictions detail the requirement for a masterplan for the overall delivery of the whole development and the masterplan has to be delivered by the developers and primarily Cornwall Council. Cornwall Council can deny the need for a masterplan or make a case that the master plan is not required in this instance but we should not accept that because they have already set a president when the town council took issue with Cornwall Council over the St Lawrence Urban extension of which Mr Brown has made comments regarding a requirement for the school on that site provided by the developers. Cornwall Council allowed that development to start without a masterplan in place, BTC challenged Cornwall Council and ultimately a masterplan was produced. Therefore, Cornwall Council have set a president where a masterplan can be produced for these developments in Bodmin.

- A requirement from Cornwall Council is that a Masterplan is produced before any development commences on Halgavor 2A and 2B.
- The second requirement is that, planning permission for the development, on any part of the site, should not be granted unless it is in accordance with the masterplan, therefore the

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outline planning application should not be submitted until the masterplan is in place.

 Also,a new link road from Carminow Cross to Lostwithiel Road has to be in place before any development commences. This is an infrastructure requirement significant investment from Cornwall Council and for the developers to pay their share of costs prior to the development starting as the road needs to be delivered.

it is also hoped that Cornwall Council would consider BTC's representation regarding contaminated land as part of Halgavor Moor was historically used as a refuse site. It the old refuse site is on the contaminated register, there is a legal requirement for Cornwall Council to do a contaminated land risk assessment before developers have access to the site, as risks to waterways and ecology of the site need to be stated. An ecological risk assessment cannot be found in the documents provided on Cornwall Council's planning portal, and secondly the masterplan needs to be completed if Cornwall Council's recommendations are to be adhered to. Article 4 states that councils can refuse or restrict nationally permitted development rights. If there is such a groundswell of opinion, why our MP and Cornwall Council have not got together and used Article 4 to restrict the development rights on this piece of land. Article 4 can be used if the site is environmentally sensitive or a valuable site within the community.

Cllr J Cooper would ask committee to consider the following questions and see if reasonable responses can be obtained from Cornwall Council prior to any decision being made.

- BTC to confirm that a masterplan/concept plan has been completed for the entire site detailed in the Cornwall site allocations development plan document BDUE-2A and BDUE-2B with the submission provided and details required made accessible to the community of Bodmin.
- As committee to consider asking Cornwall Council to confirm that a contaminated land risk assessment has been completed as required under Part 2A of the Environmental Protection Act 1990. together with details where the risk assessment can be viewed.

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- Can Cornwall Council please provide evidence that the new road required as part of the prerequisite for the development has viability. Under the National Planning Policy Framework Section 74 The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.
 - Doesn't feel that Cornwall Council has adhered to that recommendation in the NPPF
 - o Cornwall Council hasn't abided by their own Cornwall Local Plan Policy 28 Infrastructure Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to provide or enhance local infrastructure that is adversely affected by the development of a site but which will not be delivered on that site. Development will be permitted where it would: 1. Be supported by appropriate infrastructure provided in a timely manner; and 2. Provide on-site mitigation measures or make financial contributions for site specific infrastructure provision not in the Regulation 123 list, including maintenance and management contributions, to be negotiated on a site-by-site basis. 3. Where it can be demonstrated that it is not feasible to do this, the Council will seek to ensure all 'allowable solutions' or 'biodiversity of setting' payments are invested in projects within Cornwall with priority given to projects which achieve multiple benefits

Cllr A Coppin's statement was read out. Material planning considerations.

Transport: The proposed development cites 540 dwellings, and the design statement cites 1.5 parking spaces per dwelling meaning there could be an additional 810 vehicles using the already congested roads in and around Bodmin. The congestion is exacerbated during school opening and closing times in particular at the nearby Bodmin College.

The submitted plans within the design and access statement

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document shows a vehicular access to Halgavor Road. However, this is later contradicted on page 54 as emergency only? These needs clarifying.

I must strongly object against any permanent vehicular access or egress onto Halgavor Road, for at this point it is almost a back road, having no pavements, street lighting or road markings.

Furthermore, if traffic is allowed to egress the new housing development to Bodmin via Halgavor Road, it will meet the already dangerous junction with Crabtree Lane, which suffers poor visibility splays. Then onto the junction with Beacon Road, again a dangerous junction onto a far busier road, including a bus route with a similar poor visibility. These junctions have little scope to be upgraded due to the buildings and private land around them. At school times Beacon Road is almost gridlocked and I do not believe can take any further traffic. The developer will argue that the main access for the development will be via Lostwithiel Road, but people will invariably use the shortest and most direct route.

Having a vehicle access to Halgavor Road also risks the whole estate becoming a rat run with motorists trying to avoid queuing traffic on Lostwithiel Road.

Moving onto Lostwithiel Road, if Cornwall Council are minded to approve this application in its current form I would hope that it would be conditioned that no construction begins until the completion of the new access roundabout and link Road to Carminnow Road as without this the road networks will struggle to cope. I would not like to see more vehicles going past the college, polluting our children's lungs, when an alternate route could be available.

Appearance and design / scale and dominance/ over development; The Design and Access statement deems the proposal will be "high quality" and "distinctive". Given the density and evidence of previous wain Homes housing in Bodmin I would question the high quality? also, doesn't distinctive mean different? I would prefer to see something in-keeping with Cornish architecture rather than being different?

Sadly, the developer has gone for the maximum density of 540 dwellings even though the original DPD framework states "up to 540" The have also chosen to only provide the minimum 25% affordable when this could have been more. Bodmin is crying out for low-cost housing, and it is a shame that the developer has chosen to ignore this.

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I also feel that this site is not living up to the "meeting local requirements - suitable mix of uses, housing types" as well as not providing enough affordable units.

I do not see specific mention of bungalows for our older residents, which would free up larger in town houses. nor 1 bed units or bungalows for disabled owners?

2 to 2 and a half storey buildings do not sit well on an edge of town development and more 1 storey would be more appropriate in this setting.

Education: the design and access statement say that there is a primary school within 1.2km of the site but fails to mention that this school along with the others in Bodmin are already oversubscribed. Perhaps this application should be refused until education facilities are available via the new primary school allocated for Bodmin? Drainage and flood risk; The land in question is very wet and boggy and I believe will require a lot of civil engineering to prevent it flooding. Should this development go ahead, the authors of the flood risk assessment, the developers, Cornwall council and voting members should all be shamed"?

The Chair let members of the public know that the planning committee members can't voice their opinions until the agenda moves to the next item which allows members to vote whether to support or not support this application. Members of the public were asked not to direct questions to committee members. Cllrs J Cooper, M Barbery and A Coppin are not members of the committee.

Cllr Barbery although not a planning committee member but will support the people of Bodmin on this planning application as it is up to the people of Bodmin to decide what they want. He cannot understand why developers still want to go ahead with this application given the state of the ground.

The Chair reminded members of the public to add their comments to Cornwall Council planning portal or to forward comments to Cllrs L Frost, J Cruse and P Rogerson who will take to Cornwall Council.

Cllr C Rowe spoke next raising a couple of points for residents' awareness. Power lies at the Strategic Planning Committee, and that is where decisions are made on applications. Cornwall Council had decided that all the planning allocations in Bodmin and indeed across Cornwall had no Community Infrastructure Levy included (CIL) in the planning application. This is a purse where meterage weight is attributed to every gross internal floor area of every new house

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developed. What is missing from all allocations across Cornwall is tens of millions of pounds of funding going to the treasury and not Cornwall, and requests as a council could we write to other councils that have development plan allocations across Cornwall if CIL could be included in applications when they are looking at their next round of allocations. This is one of the major issues facing Bodmin as we have heard repeatedly tonight discussions on infrastructure, schools and health care — this missing link here is CIL funding.

Cllr J Cooper responded regarding CIL – Cornwall Council had zero rated CIL under urban development so nothing comes back to the local community. We need to get our NDP through to referendum and adopted for Bodmin. If Bodmin adopts the neighbourhood plan we could receive the 25% CIL allocation rather than the 15%. Will help Bodmin to bring forward projects it sees fit.

Local resident Daryl is building a small place at the moment and had a difficult time to secure planning permission because of the phosphate issue and doesn't understand how large-scale developers can get away with it, they should build on brown field sites for development. Nanstallion could not cope 10 years ago and echoes everything said about the environment and wildlife earlier tonight.

Cllr L Frost Cornwall Council representative for St Petrocs. This site is sadly allocated but it is important to remember that Cornwall Council will only take on board material planning objections, so you have to fight it on hydrology, make certain that representations are made that they can prove that they aren't going to damage curland with flood water, the transport infrastructure is important so is the wildlife together with the need for the master plan to be in place prior to any development. We have to fight this planning application on the right things. He believes that this site will go to Strategic Planning as Cllr C Rowe suggested and Wainhomes will be there. It is really disappointing that Wainhomes are not here tonight to explain themselves.

Cllr J Cooper reiterated the main points to object on:

- · No masterplan has been completed as per requirement of their DPP allocation.
- · Not submitted any plans for the new link road from Carminnow Cross to Halgavor, again a requirement of their DPP submission.

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· Breached Cornwall's Local Plan Policy 28 Item 1. Be supported by appropriate infrastructure provided in a timely manner

· National Planning Policy Section 74 should also be cited.

The Town Council in comments and actions have to be cautious as they do not want to be seen as being predetermined and their submission as a consultee could be disregarded.

The Chair thanked members of the public for their comments this evening. The application will be discussed and voted on by planning committee members on 14 February 2024.

The Mayor thanked everyone for attending tonight and said he'd called this extraordinary meeting of the Planning Committee for residents to be able to talk to the developers who had originally chosen the 7th February. It is as disappointing for us councillors too that Wainhomes could not be present this evening.



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