

Cornwall Council

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Application number: PA22/09009

Agent:

Miss Georgia Goff
Nexus Planning
Holmes House
4 Pear Place
London
SE1 8BT

Applicant:

Bowmer And Kirkland Ltd
High Edge Court Church Street
Heage
Belper
Derbyshire
DE56 2BW

**Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 5 October 2022 and accompanying plan(s):

Description of Development: Construction of a two storey Special Education Needs and Disability (SEND) school (use class F), provision of hard and soft landscaping, a Multi Use Games Area (MUGA), sports facilities, new means of access and car parking.

Location of Development: Land Off Turfdown Road Bodmin Cornwall PL30 4AU

Parish: Bodmin

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 15 May 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 Other than where superseded by details secured under another condition, the development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a scheme of works (that accords with the Cornwall Council's Current Requirements and Specification for Housing and Industrial Estates [or any document that amends these specifications over the period of implementing this permission]) to deliver multi-modal site access onto Turfdown Road with a continuous pedestrian and cycle provision that extends the existing provision (adjacent to the A39 roundabout) to meet the main SEND school building, together with an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and associated implementation timetable. All approved works shall have been completed within one year following first use of the SEND school hereby permitted.

Reason: To ensure that a safe and suitable site access and to deliver cycle and pedestrian infrastructure that encourages modal shift pursuant to policies 12, 16, 25 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and policy T1 of the Cornwall Climate Emergency Development Plan Document 2023. The reason why this condition needs to be a pre-commencement condition is because delivery of safe and suitable access for all modes of transport goes to the heart of the acceptability of the proposal and it is important to establish the manner and timeframe in which this is delivered at the outset.

- 4 No development above slab level shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in line with Cornwall Council guidance: 'Travel Plans - Advice for Developers in Cornwall'.

The Travel Plan shall include (but shall not be limited to) the following:

- measures and mechanisms that effectively promote public transport, walking and cycling and limits the use of car-based travel.
- details of a programme of monitoring and review that establishes submission and approval mechanisms of the Local Planning Authority at regular intervals.
- details of EV charging facilities .

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No part of the development shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein for 5 years from the first occupation of the relevant phase of the development hereby approved.

Reason: In order that Travel Plan is updated to reflect circumstances at the time of development so as to more effectively promote public transport, walking and cycling and limits the use of car-based travel and in accordance with policy T1 of the Cornwall Climate Emergency Development Plan Document 2023, Policy 27 of the Cornwall Local Plan Strategic Policies 2020-2030, and guidance contained in paragraphs 104, 105, 112 and 113 of the National Planning Policy Framework 2021.

- 5 No development shall take place until a Landscape and Ecology Management Plan (LEMP) incorporating hard and soft landscaping and ecological mitigation and enhancement measures that covers the whole site shall have been submitted to and approved in writing by the Local Planning Authority.

The LEMP must build on the landscaping and ecological details provided within the application and include details of:

- o landscape and ecological mitigation, compensation and enhancement measures (including lighting plan, bat and bird nesting, bee bricks);
- o Full hard and soft landscaping details;
- o all means of enclosure, and ancillary structures (including cycle and bin storage);
- o Enhancement of existing hedgerows;
- o tree and hedgerow protection measures in accordance with BS5837 (or its successor);
- o an implementation timetable;
- o a plan for the future monitoring, maintenance and management of the landscape and ecological mitigation, compensation and nature conservation measures.

Development shall be undertaken strictly in accordance with the approved details and in accordance with the approved implementation timetable. The scheme shall thereafter be managed and maintained in accordance with the approved details thereafter. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

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Reason: To ensure a comprehensive strategy is devised and implemented to ensure that the landscape character, habitats and species are safeguarded and enhanced in accordance with Policies 12, 23, and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 and policies C1, G1, G2 and G3 of the Cornwall Climate Emergency Development Plan Document 2023. The reason why this needs to be a pre-commencement condition is to ensure that landscape and biodiversity protections and enhancements are incorporated at the outset of the design process for this project.

- 6 The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Gain Plan prepared by CEC Ltd. and dated 27/10/22 (CEC3719) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Plan shall be implemented in full.

No development shall commence until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority and the Plan shall be implemented in full. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy G2 of the Cornwall Climate Emergency DPD 2023. The reason why this needs to be a pre-commencement condition is to ensure that landscape and biodiversity protections and enhancements are incorporated at the outset of the design process for this project.

- 7 The proposed surface water drainage systems shall be in accordance with the principles set out in Bowmer and Kirkland Letter Ref FS0887/DL/20230417 (dated 17/04/2023), and the Parmar Brook SuDS Management and Maintenance Plan Ref FS0887-PAR-XX-XX-RP-C-0003 (dated 24/03/2023).

No development approved by this permission shall be commenced until the finalised scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:

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1. A description of the foul and surface water drainage systems operation.
2. Details of the final drainage schemes including ground investigation and testing results, calculations and layout.
3. A finalised Construction Phase Surface Water Management Plan.
4. A Construction Quality Control Plan.
5. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features.
6. A timetable of construction.
7. Confirmation of who will maintain the drainage systems and a plan for the future management and maintenance, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and a schedule of maintenance.
8. Evidence of riparian owner and Land Drainage Consent (as necessary).

The Developer must inform the Local Planning Authority of any variation from the details provided, and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change. Flows discharged from the site will be no greater than 10 l/sec for all rainfall events.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and policies CC3 and CC4 of the Cornwall Climate Emergency DPD 2023. The reason why this needs to be a pre-commencement condition is to ensure that protection measures to avoid increased flood risk and/ or pollution are agreed prior to the commencement of construction activities and that adequate drainage provisions are incorporated during the design process for this project.

- 8 No development shall commence, including any works of demolition, until an amended Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;

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- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (viii) delivery, demolition and construction working hours.

The approved statement shall be adhered to throughout the construction period.

Reason: To ensure that the development is undertaken in a manner, from the outset, which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses, to minimise disruption to parking capacity, and in accordance with the aims and intentions of Policies 12, 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030. A pre-commencement condition is required in this case to ensure that the development is undertaken in a manner, from the outset, which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses.

INFORMATIVE: it is anticipated that the construction hours to be detailed in the submitted Construction Method Statement should be as follows: Monday to Friday 0800 to 1800, Saturdays 0900 to 1300, Sundays and Bank Holidays no noisy activities at all.

- 9 Cumulative plant (inclusive of mitigation) sound pressure levels should be limited to a rating level not exceeding 44dB LAr,Tr daytime and 31dB LAr,Tr night time (night time is defined as 2300 ' 0700) at the curtilage of the nearest noise sensitive property when measured or calculated. The rating level is to be determined in accordance with the methodology prescribed in BS4142 :2014+A1:2019.

Reason: To safeguard the amenity of neighbouring properties in accordance with policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 10 Prior to any landscaping or fencing being implemented along the A38 trunk road boundary, a detailed boundary treatment plan (to include fencing and landscaping details, planting species mix and maintenance schedules) shall be submitted to and approved in writing by the local planning authority (in consultation with the strategic highway authority). Boundary treatments shall be implemented in accordance with the agreed plan unless otherwise approved in writing by the planning authority (in consultation with the strategic highway authority) and maintained as such thereafter.

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Reason: in the interest of the safe and efficient operation of the A38 trunk road and to protect the integrity of the highways soft estate pursuant to policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 11 The method of surface water drainage for the development hereby permitted shall be designed, implemented and maintained to ensure no surface water run-off arising from the development site shall enter the A38 trunk road or highways drainage systems.

Reason: in the interest of the safe and efficient operation of the A38 trunk road and to protect the highways drainage asset pursuant to policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 12 Any external lighting associated with the development hereby permitted shall be installed, operated and maintained such that there shall be no light spill or glare onto the A38 trunk road.

Reason: in the interest of the safe and efficient operation of the A38 trunk road pursuant to policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed FS0887-STL-XX-00-DR-A-2003 REV PL02 received 05/10/22
Proposed FS0887-STL-XX-01-DR-A-2004 REV PL02 received 05/10/22
Proposed FS0887-STL-XX-R1-DR-A-2701 REV PL02 received 05/10/22
Proposed FS0887-PAR-ZZ-00-DR-C-8000 REV P07 received 14/03/23
Proposed FS0887-PAR-ZZ-00-DR-C-8001 REV P07 received 14/03/23
Proposed FS0887-PAR-ZZ-00-DR-C-8002 REV P07 received 14/03/23
Proposed FS0887-STL-XX-ZZ-DR-A-2130 REV PL02 received 05/10/22
Proposed FS0887-OOB-ZZ-00-DR-L-0003 - REV P07 received 05/10/22
Site/location Plan FS0887-STL-XX-ZZ-DR-A-0100 REV PL03 received 05/10/22
Proposed FS0887-OOB-ZZ-00-DR-L-0508 REV P01 received 14/03/23
Block Plan Fs0887-Oob-Zz-00-Dr-L-0001 REV P028 received 18/04/23
Landscaping Fs0887-Oob-Zz-00-Dr-L-0400 REV P07 received 18/04/23
Landscaping Fs0887-Oob-Zz-00-Dr-L-0401 REV P06 received 18/04/23
Landscaping Fs0887-Oob-Zz-00-Dr-L-0402 REV P06 received 18/04/23
Landscaping Fs0887-Oob-Zz-00-Dr-L-0510 REV P02 received 18/04/23
Proposed Fs0887-Stl-Xx-Zz-Dr-A-2020 rev PL04 received 18/04/23
Landscaping Fs0887-Oob-Zz-00-Dr-L-0511 REV P01 received 18/04/23
Proposed Fs0887-Stl-Xx-Zz-Dr-A-0010 rev PL04 received 18/04/23
Proposed Fs0887-Stl-Xx-Zz-Dr-A-0011 rev PL04 received 18/04/23
Proposed Fs0887-Stl-Xx-Zz-Dr-A-2021 rev PL04 received 18/04/23

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ANY ADDITIONAL INFORMATION:

- Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cornwall CIL Charging Schedule gives this type of development a zero rate. Confirmation of no CIL liability will be sent to the applicant, and any other person who has an interest in the land, under separate cover. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.
- There may be circumstances where a European protected species is discovered on a development site after planning permission has already been granted. In such cases you are advised to contact the Secretary of State (Defra) who will determine applications for derogations in the form of a licence under regulation 44 of the 1994 Regulations. In determining such applications, the Secretary of State (Defra) will seek advice from the Local Planning Authority and Natural England on whether the Directives tests are met.

This may occur if the species moves onto a site in the interim between grant of planning permission and start of works, or if the presence of the species was simply not known at the time of planning permission application. This may cause difficulties and delays for developers, and stresses the need for sound ecological survey information on which to base decisions where it is suspected that European protected species may be present.

- The applicant should be advised that separate consent from the Streetworks Department will be required for the proposed works (0300 1234 222 / streetworks@cornwall.gov.uk).

In dealing with this application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application, on this occasion this has included :

Discussions/negotiations ongoing with LPA throughout determination of planning application

Dedicated phone number of the case officer for the Applicant/Agent

Close liaison with the Town and Parish Councils in accordance with the protocol.

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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planningportal.co.uk> . A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](http://www.gov.uk).

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

If this approval is for the erection of new buildings please refer to the note below.

Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

Miss Georgia Goff
Nexus Planning
Holmes House
4 Pear Place
London
SE1 8BT

Your ref: Bodmin SEND School
My ref: PA22/09009
Date: 15 May 2023

Dear Sir/Madam

**Construction of a two storey Special Education Needs and Disability (SEND) school (use class F), provision of hard and soft landscaping, a Multi Use Games Area (MUGA), sports facilities, new means of access and car parking.
Land Off Turfdown Road Bodmin Cornwall PL30 4AU**

With reference to this planning application, I enclose the Decision Notice granting permission.

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

£116 (per request) for applications not falling within fee categories 6 or 7 (non-householder applications)

£34 (per request) where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

Mark Evans

**Principal Development Officer
Development Management Service
Tel: 01872 322222**