



## HAYLE TOWN COUNCIL

**COUNCIL MEETING**

**THURSDAY 20 JANUARY 2011**

Minutes of the Hayle Town Council Meeting held at the Bodriggy School Hall, Hayle on Thursday 20 January 2011 commencing at 7.00 p.m.

**PRESENT**

Councillor J Bennett (Mayor)

Councillors P Birch, H Blakeley, G Coad, J Coombe, D Girling, C Head, J Head, R Horwell, R Lello, J Nannes, J Pollard and C Polkinghorne

Town Clerk                      Eleanor Giggall

Cornwall Council      Mr Jeremy Content, Planning and Regeneration

Approximately 60 members of the public.

### **7.00 P.M. FULL COUNCIL COMMENCED**

#### **167 CHAIRMAN'S ANNOUNCEMENTS (For Information Only)**

The mayor informed the meeting that there would be a Churches Together service at 6.00 p.m. on Sunday 23 January 2011.

He then outlined the way in which the meeting would be conducted in line with a protocol agreed at the Council meeting held on 6 January 2011 (See Appendix A). The protocol provides for the supermarket planning applications to be considered in numerical order with the public being given an opportunity to address the meeting for a period of 10 minutes prior to the debate on each of the applications. He also pointed out that, in the case of the Morrisson and ING applications, the associated Listed building applications would be considered at the same time as the planning submissions and that any members of the public wishing to comment on the proposal to relocate the Hayle Rugby Club should do so at the point in the meeting where the ASDA supermarket was being considered.

#### **168 TO RECEIVE APOLOGIES**

An apology was received from Councillor B Capper on the basis that he is recovering from surgery and, in any event, he would have had to declare a prejudicial interest in all of the following applications and therefore could not take part in any part of the debate.

#### **169 TO RECEIVE DECLARATIONS OF INTEREST**

Councillor Horwell declared a personal interest as an Honorary Vice President of the Rugby Club and Cricket Club.

Councillor Polkinghorne declared a personal interest as detailed in Appendix B.

Councillor Pollard informed the meeting that, as a Cornwall Councillor, he would not be voting at the Strategic Planning Committee and accordingly he would be voting this evening as a Member of Hayle Town Council.

Councillor Blakeley declared a personal interest on the basis that he was involved with the Pioneerium project (now resigned) and that he has assisted John Bennett, Clive Polkinghorne and others in clearing ING land near Hayle station. He also declared that as Chair of the Residents Association which he had attended numerous meetings to discuss all of the supermarket and related applications; and he was invited (from the floor) to Chair the meeting with various, local business people and Asda personnel regarding the traffic implications of all the applications.

Councillor Ninnes declared a personal interest as she had worked for Sainsbury and receives a company pension.

Councillor Coombe informed the meeting that, as a Cornwall Councillor, he would not be voting at the Strategic Planning Committee and accordingly he would be voting this evening as a Member of Hayle Town Council. He also declared a personal interest as an Honorary Vice President of the Cricket Club.

Councillor Coad declared a personal interest as a past social member of Hayle Rugby Football Club.

Councillor Bennett declared a personal interest as detailed in Appendix C.

## **170 TO APPROVE THE MINUTES OF THE MEETING 6 JANUARY 2011**

**It was resolved** that the minutes of the Council meeting 6 January 2011 be taken as a true and accurate record, the Mayor signing each page before placing them in the record book.

## **171 PLANNING MATTERS**

- a) To consider Planning Applications: -
- |             |   |
|-------------|---|
| 10-0413-P   | Actoris Ltd, (Morrisons, Jewson Site),  |
| 10-0414-LBC | Actoris Ltd, (Morrisons, Jewson Site),  |
| PA10/04297  | Sainsbury's Supermarkets Ltd and Cranford (Hayle) Ltd – (Land at Marsh Lane), |
| PA10/06932  | Asda Stores Ltd (Hayle Rugby Club, Marsh Lane),                               |
| PA10/08142  | ING RED UK (Hayle Harbour) Ltd, (South Quay)                                  |
| PA10/08143  | ING RED UK (Hayle Harbour) Ltd, (South Quay) and                              |
| PA10/08329  | Hayle Rugby Football Club and Walker Developments (SW) Ltd, (Carwin Rise)     |

**It was resolved** that the Town Council wishes to be fully involved in the formulation of any Section 106 Agreement(s) linked to any of the supermarket proposals that are approved.

**10-0413P Actoris Ltd (Morrisons, Jewson Site)**

### **Public Participation**

No members of the public wished to address the Council.

Mr Content informed the meeting that Cornwall Council Highways Department were the only statutory consultee that had not responded as revisions to the proposed access were still being assessed. There was general support from the remaining consultees.

The Mayor referred Members to the comments made on this application when it had been considered at the meeting of the full Council held on 20 May 2010.

For Members information the Mayor outlined the Section 106 Heads of Terms for this application as they stood to date (see Appendix D).

The Mayor then asked for a proposal to raise objection or no objection.

Councillor Polkinghorne proposed **objection** on the grounds that a) the traffic and transport implications of the outline permission for the adjacent site should be taken into account, particularly the need for multiple roundabouts and b) some of the footpath links to the Foundry area could not be achieved because they involved land in a different ownership. This was seconded by Councillor Coad.

The discussion that followed identified the following points: -

- there will be traffic implications from the development;
- English Heritage has raised no objection;
- this site came first in the residents' poll;

[7.17p.m. Councillor Lello joined the meeting]

- this proposal is close enough to the Foundry centre to cause traffic problems but far enough away from that centre not to benefit the businesses located there;
- there was some concern about the potential visual impact but it was pointed out that CABA consider the buildings to be partly screened and industrial in appearance;
- concerns were expressed about the complexity of the various highway proposals that include an existing pedestrian crossing, service yard access, roundabout to serve the store and a new pedestrian crossing. Mr Content pointed out that Cornwall Highways are considering a signalized junction to replace the roundabout and a joint access to this site and the adjacent land;
- it was felt that although the retail unit is of acceptable design and size the development of this site, together with the adjacent land, will cause traffic chaos and
- there are limited community benefits attached to the proposal.

**It was resolved** to raise objection on the following grounds: -

- a) the proposed highway layout, which will involve the existing signalized pedestrian crossing, access to the service yard, the roundabout serving the store and a new signalized pedestrian crossing in approximately 200 meters on the approach to Foundry Square, will cause an unacceptable level of traffic congestion on the western approach to the town;
- b) some of the proposed pedestrian links to the Foundry area cannot be achieved without the agreement of the adjacent landowner, which is unlikely to be forthcoming, and the scheme will therefore be poorly integrated with the existing shopping centre and
- c) as a result, the development would be sufficiently remote from the Foundry shopping area to deter combined shopping trips and will have a negative impact on the vitality and viability of the Foundry centre and the existing commercial premises along Penpol Terrace.

This resolution was by recorded vote as follows: -

For Councillors Bennett, Birch, Coad, Coombe, C Head, J Head, Horwell, Ninnes, Polkinghorne and Pollard (10).

Against Councillors Blakeley, Girling and Lello (3).

### **10-0414 LBC Actoris Ltd (Morrisons, Jewson Site)**

**It was resolved** unanimously to raise no objection.

### **PA10/04297 Sainsbury's Supermarkets and Cranford (Hayle) Ltd (land at Marsh Lane)**

#### **Public Participation**

Several members of the public addressed the meeting raising the following points: -

- the development will cause traffic problems and impact on wildlife;
- the Environment Agency has objected on the grounds that the development will be more prone to flooding and potential pollution than other sites;
- the Highways Agency have issued a direction in relation to this application because there are concerns about the access arrangements. Mr Content confirmed that the Highways Agency have a holding direction in place and Cornwall Highways have yet to respond;
- the sprawl of the urban area towards Connor Downs should be curbed;
- concern about the commercial impact of the petrol filling station on the viability of the existing filling stations in the town, the sites of which are difficult to redevelop;
- the potential for pollution from fuel and grey water tanks which are located in a flood risk area and close to a wildlife conservation site;
- the proposed nature reserve is located on land that is in a different ownership and, to date, the owners have not been approached;
- it was identified that the Angarrack valley has peculiar acoustics and, as a result, noise created on the development site from servicing vehicles and other activities will carry to the village, particularly at night;
- it was identified that Angarrack would become a 'rat-run' and
- concerns were expressed that, should this proposal fail there will be further applications on this site.

The Mayor referred Members to a resolution on 21 January 2010 in relation to a previous application for a similar development on this site when objection was raised on a number of grounds.

Mr Content confirmed that the Highways Agency's holding Direction was still in place and Cornwall Highways had not yet responded.

For Members information the Mayor outlined the Section 106 Heads of Terms for this application as they stood to date (see Appendix D).

The Mayor then asked for a proposal to raise objection or no objection.

Councillor Coad proposed a **strong objection** on the grounds used previously as this was the worst site, a greenfield development and would exacerbate flooding problems. This was seconded by Councillor Horwell.

In the discussion that followed it was identified that: -

- the flood plain should be protected, a view strengthened by recent flooding in Angarrack;
- the existing traffic problems being experienced on the A30 and at the Loggans roundabout would be made worse and
- the proposal had limited merits.

**It was resolved** to raise strong objection on the following grounds: -

- a) it runs contrary to national and local policy on the location of retail floorspace in that it utilises an edge-of-town, greenfield site that extends the built-up area of the town into open countryside;
- b) it impacts adversely on nature conservation values by encroaching onto a Cornwall Wildlife Trust site and, in addition, there would be an increased threat to the surrounding area from surface water run-off contaminated by vehicle residues;
- c) it encroaches on the limited green break between Angarrack and Hayle to the extent that the separate identity of the village will be threatened;
- d) the proposed development is of a poor and unimaginative design;
- e) the development will exacerbate existing traffic problems in this location by causing increased congestion: -
  - (i) on the A30 Trunk Road and the approach to the site via Marsh Lane which are already proving incapable of coping with the existing traffic flows;
  - (ii) on Marsh Lane through conflicts between the accesses to the proposed development, the West Cornwall Retail Park, Marsh Lane Industrial Estate and traffic to and from Angarrack and
  - (iii) in Angarrack as frustrated drivers use the village as a short cut or ‘rat-run’ to avoid the congestion on the principle approach and
- f) the development is located on an area of marshland and accordingly will have deleterious effect on the ability to absorb surface water in an area which already suffers from periodic flooding problems.

This resolution was by recorded vote as follows: -

For	Councillors Bennett, Birch, Blakeley, Coad, Coombe, Girling, C Head, J Head, Horwell, Lello, Nannes, Polkinghorne and Pollard (13).
Against	None.

## **PA10/06932 Asda Stores Ltd (Hayle Rugby Club, Marsh Lane)**

### **Public Participation**

The main issues raised by the public were as follows: -

- this application should be supported because unlike the proposals for the harbour area it will actually happen;
- the need for further supermarkets in the town was questioned particularly as there are two large stores and many smaller shops;
- the need for the petrol filling station was questioned as it will impact on the existing garages in the town;
- the access arrangements are far from satisfactory and the possibility of providing one roundabout, rather than two, to access the proposed ASDA store and the West Cornwall Retail Park should be investigated;
- it was considered that the site should not be operated on a 24 hour a day basis;
- this development will bring the same traffic problems as the Sainsbury proposal;
- it was considered that there could be problems with water run-off into the valley and

- a representative of ASDA informed the meeting that they were confident that the Highways Agency's Article 25 Direction would be lifted by 3 February 2011.

Mr Content confirmed that responses from the Highways Agency and Cornwall Highways were still outstanding.

For Members information the Mayor outlined the Section 106 Heads of Terms for this application as they stood to date (see Appendix D).

The Mayor then asked for a proposal to raise objection or no objection.

Councillor Blakeley proposed **no objection**. This was seconded by Councillor Ninnes as she felt it was important to achieve a 'planning gain' for the town.

In the debate that followed it was identified that: -

- there were concerns about the design of Loggans roundabout, the petrol filling station and the new pedestrian crossing and it was also felt that such a large development could lead to congestion;
- there was a possibility of water running off into the valley but this could be countered with properly designed systems;
- there would be less in-town impacts or effect on wildlife habitats;
- the development would provide an opportunity to find a solution to the car parking problems at the West Cornwall Retail Park;
- the need for the petrol filling station was questioned;
- there were concerns that a development in this location will not bring people into the town;
- measures would be needed to ensure that Angarrack would not become a 'rat run';
- the proposed changes to the Loggans roundabout could relieve traffic congestion;
- while the proposal could lead to potential problems it represented the best option available;
- there has been considerable support for the proposal and the indications are that the people of Hayle want the ASDA scheme to succeed;
- the operation should not be 24 hours a day;
- there should be a plaque or similar placed on site to recognise that this is the site of the Memorial Park dedicated to players that lost their lives in the two world wars and
- if the development goes ahead there are likely to be business casualties in the town but there will also be a significant number of jobs created.

**It was resolved** to raise no objection.

**It was further resolved** to identify to Cornwall Council the following issues that must be addressed in any Section 106 Agreement for this development: -

- a) the design and operation of the Loggans roundabout, traffic signals, the pedestrian crossing in Marsh Lane and the 2 roundabouts serving the West Cornwall Retail Park and the new supermarket should not exacerbate and, ideally, ameliorate the existing congestion on the A30 trunk road and the approach to the site via Marsh Lane;
- b) measures should be included to avoid the use of the roads through Angarrack as a 'rat-run' when drivers seek to circumvent any congestion on the main approach to the development;
- c) the need for the petrol filling station should be investigated further in view of the potential effects on local businesses;
- d) the development should not be a 24 hour a day operation and
- e) the fact that the development is located on the site of the Memorial Park, named in memory of Hayle rugby players who had given their lives in the two world wars,

should be recognized through the erection of a plaque, or similar, in a suitably prominent location in the new development.

This resolution was by recorded vote as follows: -

For Councillors Blakeley, Coad, Coombe, Girling, Lello, Ninnes and Pollard (7).

Against Councillors Bennett, Birch, C Head, J Head, Horwell and Polkinghorne (6).

**PA10/08142      ING RED UK (Hayle Harbour) Ltd (South Quay)**

### **Public Participation**

Several members of the public addressed the meeting and raised the following issues: -

- the Council had on 21 January 2010 objected most strongly to similar proposal for South Quay and now English Heritage had condemned the current scheme;
- it was identified that while the proposal includes cinema facilities it does not incorporate provision for the wider Pioneerium project which is being pursued by the Hayle Social Enterprise Trust but this could be included in a Section 106 Agreement;
- the development of South Quay for a supermarket should not be traded for the Pioneerium;
- South Quay is not the right location for supermarket;
- in proposing this development ING have ignored the requirements of a working harbour and the footbridge will restrict access for a number of vessels;
- the proposed development is entirely unsuitable and the site deserves a scheme that is worthy of the World Heritage Site;
- Hayle is a statutory harbour and there are responsibilities on the owner to repair the quay walls;
- traffic congestion resulting from the development will adversely affect local businesses, total gridlock must be avoided and local businesses supported and
- the proposed scheme is of a terrible design raised on a plinth.

Mr Content informed the meeting that the objections from English Heritage, CABE and the Hayle and District Chamber of Commerce might be addressable through further negotiations with the applicant.

For Members information the Mayor outlined the Section 106 Heads of Terms for this application as they stood to date (see Appendix D).

The Mayor then asked for a proposal to raise objection or no objection.

Councillor Blakeley proposed **objection** as he considered it was important to achieve more than just a supermarket on the quay and he was concerned about access and the possible loss of on-street parking. This was seconded by Councillor Ninnes.

In the debate that followed it was identified that: -

- the Town Council had supported the earlier outline, mixed use application but ING are now claiming that the supermarket is the source of income that, in different market conditions, would have come from housing;
- this proposal has more merits than the original supermarket proposal and the English Heritage report is not entirely against the scheme but more work is required to meet their concerns;
- while a mixed use development was acceptable this is not the right location for a supermarket;

- there continue to be concerns about the traffic implications of the development;
- the town cannot sustain any more small retail outlets as included in the outline permission;
- an earlier retail study identified that the best site for a supermarket is in the harbour area and that the town needs more quality shopping, including more comparison shopping, rather than quantity;
- while the redevelopment of the quay is desirable there are concerns about the impact on local businesses;
- the application must be decided on planning grounds and the South Quay site has many merits including being a brownfield location with good connectivity with the Foundry centre;
- there is concern that the issues raised by English Heritage have not been resolved and more work is required in this area;
- the outline proposal would have greater affect on the views across the quay and the massing of the development at the viaduct end is preferable;
- traffic congestion will not be a permanent feature but will occur at peak periods;
- this is an opportunity to bring commercial activity back to the Foundry area;
- this site, located as it is in a World Heritage Site, deserves a better development and
- while there is support for regeneration the town needs sustainable jobs and housing and a suitable solution needs to be found for this derelict site.

**It was resolved** to raise objection on the following grounds: -

- a) the proposed supermarket and associated buildings, which would be located on a prominent and important site in the Foundry area, are of a poor design, an issue that could be addressed by taking into account the views expressed by English Heritage, CABA and ICOMOS;
- b) there is inadequate provision for access to the quaysides for marine purposes, local fishermen and emergency vehicles;
- c) the development will have a negative impact on the vitality and viability of the Foundry centre and the existing commercial premises along Penpol Terrace and
- d) it is considered that the number of vehicle movements associated with the development will cause significant congestion and conflict on the western approach to the town and result in gridlock at peak periods.

This resolution was by recorded vote as follows: -

For	Councillors Bennett, Blakeley, Girling, J Head, Horwell, Lello and Ninnes (7).
Against	Councillors Birch, Coad, Coombe, C Head, Polkinghorne and Pollard (6).

### **PA10/08143      ING RED UK (Hayle Harbour) Ltd (South Quay)**

**It was resolved** unanimously to raise no objection.

This resolution was by recorded vote as follows: -

For	Councillors Bennett, Birch, Blakeley, Coad, Coombe, Girling, C Head, J Head, Horwell, Lello, Ninnes Polkinghorne and Pollard (13).
Against	None.

**PA10/08329      Hayle Rugby Football Club and Walker Developments  
(SW) Ltd (Carwin Rise)**

Mr Content informed the meeting that there were still some outstanding highway issues.

It was identified that that the pedestrian access arrangements should be improved both into the development and to Connor Downs.

**It was resolved** to raise no objection but it was considered that the road to the Rugby Club should have footways on both sides and a footway should be provided to Connor Downs.

This resolution was by recorded vote as follows: -

For	Councillors Bennett, Birch, Blakeley, Coad, Coombe, Girling, C Head, J Head, Horwell, Lello, Nannes, Polkinghorne and Pollard (13).
Against	None.

The meeting closed at 9.55 p.m.

Approved by the Council as a true record, at its meeting 3 February 2011

Town Mayor.....Date.....