

## CORNWALL COUNCIL

# STRATEGIC PLANNING COMMITTEE

MINUTES of a meeting of the Strategic Planning Committee held at Cornwall Council, County Hall, Truro on Wednesday 9 February 2011 commencing at 9.30 a.m.

Present: Councillors: Varney (Chairman)  
Mann (Vice-Chairman)

Biggs, Glenton Brown, Clayton, Duffin, Fitter, Hatton, Lewarne, Mick Martin (for Flashman), May, Nolan, Pascoe, Pearce, Plummer, Pugh, Rushworth, Stoneman, Wallis and Wood

Also in attendance: Councillors: Brewer, Coombe, Eva, German, Keeling, Long, Lyne, Maddern, Pollard and Tovey

Officers:  
Rowena Brebner, Democratic Services Officer  
Nick Cahill, Acting Historic Environment Advice Manager  
Jeremy Content, Development Officer  
Michelle Davey, Senior Democratic Services Officer  
Andrew England, Assistant Head of Planning and Regeneration (Central)  
Susan Mauger, Solicitor  
Matt Morris, Retail Consultant, GVA  
Jacquie Rapier, Democratic Services Assistant Manager  
Michael Sendall, Principal Highways Development Management Officer West 2  
Dave Slatter, Major Projects Manager  
Nicola Stinson, Assistant Head of Planning and Regeneration (West Cornwall)

On other Council business: Councillors: Bull

## **EMERGENCY EVACUATION AND DOMESTIC PROCEDURES**

(Agenda No. 1)

SP/126 The Senior Democratic Services Officer advised of the emergency evacuation and domestic procedures.

**DECLARATIONS OF INTEREST**

(Agenda No. 3)

SP/127 In accordance with the Council's Code of Conduct, Councillor Pascoe declared a personal interest in Agenda No. 5.2 (W1/10-0413-P Actoris Ltd: Jewson Site, Carnsew Road, Hayle) as there was a possibility that he may sell land to the applicant in the future, but not in the vicinity of the application under consideration.

**MINUTES OF THE MEETING HELD ON 24 JANUARY 2011**

(Agenda No. 4)

SP/128 It was moved by Councillor May, seconded by Councillor Wood, and

**RESOLVED** that the minutes of the meeting of the Strategic Planning Committee held on 24 January 2011 are correctly recorded and that they be signed by the Chairman.

**APPLICATIONS FOR CONSIDERATION**

(Agenda No. 5)

SP/129 Matthew Morris, Retail Consultant, GVA, attended the meeting and outlined the context of the applications under consideration in terms of the retail policy and in particular, the Cornwall Retail Study, November 2010, and the Penwith Retail Study, 2007. He advised that the ING application was the most preferable sequentially, but that the Morrison's application was also classified as an edge of centre site. The remaining two supermarket applications were classified as out of centre sites. The following applications were then considered by the Committee.

**PA10/08142 ING Red UK (Hayle Harbour) Ltd: South Quay, Hayle**

(Agenda No. 5.1)

SP/130 The Assistant Head of Planning and Regeneration (Central) advised that Members had visited the site and had been given presentations and a technical briefing on the application prior to the meeting, and he outlined the application and the addenda which had previously been circulated to Members and were tabled at the meeting. The addenda referred to responses from the applicant to the questions raised at the public meeting on 19 January 2011; details of the Section 106 Obligation; amendments to conditions; public opinion surveys; additional correspondence from agents regarding moorings; and responses from statutory consultees Commission for Architecture in the Built Environment (CABE), English Heritage and the Highways Agency. He recommended that if Members were minded to approve the application, that it be deferred for further amendments to the design and layout, taking into account the comments from CABE; further information regarding the delivery of a cinema and footbridge; further information on

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the impact on fishing; and conclusion of the agreement of the Section 106 Heads of Term.

In response to questions on the officer's presentation, Members were advised the following:

- (i) The inclusion of a footbridge was essential to the development to ensure linked shopping trips and would be part of the condition or legal agreement, although this would require an Order which would take time to arrange.
- (ii) Longer-stay parking would be important in order to ensure the spin-off benefits to the town and for the enjoyment of the heritage site and use of the cinema and this could be further negotiated with the applicant. However, it was also important to ensure that it did not simply become a free car park.
- (iii) Concerns had been expressed by English Heritage regarding the possible effect on the Outstanding Universal Values of the World Heritage Site, however, this needed to be weighed against a number of issues. If after further negotiation, English Heritage maintained its objection, then the application would need to be referred to the Secretary of State for the final decision.
- (iv) Negotiations to date regarding an education contribution had been based on current advice. However, if there was a new benchmark, then this would need to be renegotiated with the applicant.
- (v) The amount of water that was likely to be displaced by the construction of the development was expected to be minimal and the Environment Agency was fully involved and was looking at recommendations to ensure that there would be no flooding caused.
- (vi) It was estimated that the Cooperative store in the town centre would lose in the region of £2m of its annual turnover if the application were to be approved.
- (vii) Less parking had been required of ING's application than the remaining applications as South Quay was reasonably accessible on foot, whereas out of town centres were more car reliant and therefore required more parking spaces. The 276 spaces proposed were within the maximum standards set by policy.
- (viii) The current application carried less flood risk than the existing permission as there were fewer dwellings. The site levels had been reduced slightly, but the Environment Agency's recommendations had been fed into the applicant's plans. The mitigating measures were being addressed as part of the

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conditions by the inclusion of flood resistant construction techniques.

- (ix) The outline application of 2009 had been divided into two phases and the first phase was about to commence in order to provide the infrastructure for North Quay. The second phase included the sluicing arrangements and the heritage benefits would be looked at in terms of improvements to the sluice.
- (x) There had been no submission with the application relating to dredging of the harbour and there was a need to be wary of attempting to solve a wider problem on the back of the application, as the applicant was only required to mitigate against any additional flood risk arising from the proposal.
- (xi) It was an advantage of the proposal that it had the potential to increase the flood defences for the whole of Hayle including Copperhouse Pool and Penpol Creek.
- (xii) Concerns regarding the historic quay could be included in further negotiations.
- (xiii) All legally required consultation had been carried out, however, there had not been a ballot conducted on which supermarket was preferred.
- (xiv) Tests on traffic numbers had been carried out during peak times looking at traffic flows. There was already an existing consent for 260 houses and a large non-food and convenience food retail development area. The current proposal was a reduction in both and a supermarket was likely to generate traffic more gradually over the day rather than a large residential area at peak times. The applicant had put forward proposals for improvements to the Foundry Square roundabout and the highways officer was content with the provisions in the application as additional highway works would be brought forward early, imposed on the consented scheme.
- (xv) The metal roofing was considered an appropriate material, but it was accepted that the proposed blockwork was a modern material and that there were concerns regarding design. However, negotiations were continuing and the design was evolving, including consideration of the use of natural stone.
- (xvi) The cinema would be built at the inception of the site along with the supermarket and the residential area would follow later, and conditions could be attached to ensure this.
- (xvii) In regard to traffic movements from the residential area, the likely percentage of holiday and second homes had not been taken into

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account, but the development of North Quay had been and it was considered that the roads would cope. The figures from the 2007 Transport Assessment were amended by an updated supplementary paper in 2009, hence the differences. The changes from retail units to a supermarket had also been taken into account. In addition, a site Traffic Management Plan would be required during the construction stage in consultation with highways.

- (xviii) The 360 houses planned for the Towans were part of the Hayle masterplan and had been taken into account.
- (xix) The applications before the Committee should each be considered on their own merits and the first consideration was the sequential test set out in PPS4 which was based on geographical location with the closest links to the town centre. It was therefore necessary for the Committee to decide whether it could approve the application in principle or if it wished to refuse it, before moving on to the next. Members may wish to defer all of the applications if the first one were deferred, however, they should consider the risk of appeal on the grounds of non-determination were they to do so.
- (xx) The applicant could not be categorically prevented from land banking, however, it would be perverse of the applicant not to go ahead with the proposals should they be approved, having invested in the necessary infrastructure, and therefore the risk was very low and there were a number of tools available to address the problem should it arise.

The meeting was adjourned at 11.00 a.m. in order to take legal advice regarding the issue of the sequential test and the implications on the remaining applications to be considered of deferring the application.

The meeting was reconvened at 11.20 a.m. and the Assistant Head of Planning and Regeneration (Central) and the Solicitor advised that Members must make a decision on each application on its merits in turn. South Quay would remain the preferable site sequentially even if the first application was refused on heritage grounds as the site itself would still be available, suitable and viable. Although objecting to the application itself, CABE had no objection to the principle of a supermarket on South Quay and therefore the application could be deferred pending further negotiations on its design. Members could make a similar decision in relation to the remaining applications if they felt that they had the potential to deliver a supermarket, but if minded to defer, they would need to give reasons and details of what they felt was lacking in order for the applicant to bring back revised proposals at a later date. However, if Members felt that there was no prospect of approving a supermarket application on any one of the sites, then it should be refused.

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Peter Channon, objector, attended the meeting, was permitted to speak, and spoke against the application. He answered a number of questions from Members for clarification.

Rob Lello, Hayle Harbour Users' Association, attended the meeting, was permitted to speak, and spoke against the application. He answered a number of questions from Members for clarification.

Councillor Jayne Ninnis, Hayle Town Council, attended the meeting, was permitted to speak, and spoke against the application. She answered a number of questions from Members for clarification.

Simon Clarke, for the applicant, attended the meeting, was permitted to speak, and spoke in support of the application. He answered a question from a Member for clarification.

Graham Coad, supporter, attended the meeting, was permitted to speak, and spoke in support of the application.

Councillor John Pollard, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) There were only two applications worthy of consideration which were appropriate and supported the views of the town and the general public were supporting either the ING or the Asda applications.
- (ii) The application had the capacity for further harbour development and the development of buildings at the end of the quay could provide a focus for further development on the rest of the quay, but the application was not quite acceptable as yet.
- (iii) It should have been possible to conclude negotiations prior to the meeting and the applicants had not delivered a fully fledged proposal.
- (iv) He would welcome a deferral of no more than six months and would wish to be involved in negotiations as a Local Member.
- (v) There was already planning permission in place for four-storey buildings along the whole length of the quay.
- (vi) The provision of a public realm and a cinema was to be applauded and negotiations had begun with a cinema group.
- (vii) The concerns of English Heritage were resolvable, but any development should not overshadow the harbour.
- (viii) The harbour company had a scheme for dredging and sluicing which would be presented to the Harbour Committee on 9 March 2011.

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- (ix) The recommendation for deferral should be supported and he was shocked by the vehemence of the response from English Heritage which was not indicative of previous discussion with them. However, he believed a compromise could be reached.
- (x) The Section 106 Obligation needed to be watertight and to include further development of the harbour.

Councillor John Coombe, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) Hayle Town Council's vote on the application had been extremely close with ING and Asda being highlighted at the frontrunners.
- (ii) The ING application was a catalyst for further regeneration of South Quay which would revitalise the town centre.
- (iii) The site was an area of outstanding industrial past and had never been a picturesque setting, but had created jobs and had been deteriorating over the last 30 years.
- (iv) The proposal would improve the footways and add a bridge over Penpol Creek which would make the quay more accessible to pedestrians and cyclists and encourage supermarket shoppers to visit the town.
- (v) The sluicing must be included in the overall scheme in order to ensure a safe passage for fishermen.
- (vi) The South Quay walls would be repaired to a high standard.
- (vii) He expressed concern regarding the traffic flow in and around Foundry Square which must be looked at, but the development was essential to the town.
- (viii) The consultation had been biased and had contained loaded questions.
- (ix) The findings of the Grimley report and the sequential test, together with what fits best for the people of Hayle, should be the overriding considerations.

Councillor Ray Tovey, Local Member, attended the meeting, was permitted to speak, and congratulated the Committee on its rigour, but advised that he did not feel able to separate his views from his family business connections in the area and would therefore make no further comment.

Councillor Julian German, Cabinet Member for Waste Management, Climate Change and Historic Environment, attended the meeting, was permitted to speak, and underlined the importance of South Quay to the

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World Heritage Site and advised that any development needed to be sympathetic. He added that the sequential test did not take account of the historic environment and the World Heritage Site. He added that Hayle was identified by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as being particularly sensitive to change. He advised that the Council would need to satisfy UNESCO that any development accorded with the World Heritage Site management plan, and if it could not do so, then there was a possibility that Hayle would be included on the World Heritage Site risk register which could ultimately result in the loss of the World Heritage status of the whole area, not just Hayle. He asked that Members take into account that the development would not enhance nor conserve the World Heritage Site.

A full and detailed debate ensued, the main points of which were noted as follows:

- (i) It was commented that there were no objections from the statutory consultees to the principle of a supermarket on South Quay, and although they had raised concerns regarding the application itself, its location had the potential to deliver a major step toward a long-awaited regeneration of Hayle.
- (ii) It was further commented that it would be difficult to build an iconic supermarket, however, it would be possible to build an iconic footbridge, thereby creating a future heritage for the town, but it would need a primer, and regrettably, that would be the supermarket.
- (iii) Comparisons were made with Tesco on Garras Wharf in Truro where it was commented it would have been preferable to have shops and cafes as in the permission already granted to ING for South Quay, Hayle. It was suggested that the application should be refused as it was sterile and nothing to do with Hayle itself.
- (iv) It was suggested that the application should be deferred in order that the claim that the proposal would reduce traffic movements could be scrutinised.
- (v) It was commented that the application was premature and that there were strong grounds for refusal with objections from English Heritage and the International Council on Monuments and Sites UK and the potential to jeopardise the World Heritage Site.
- (vi) It was requested that the amount of comparison goods to be sold in the supermarket be looked at in any renegotiation.
- (vii) It was commented that the condemnation of the proposal by English Heritage was shocking and the heritage case was overwhelming, and that ING had not yet replaced the quay wall as previously agreed. It

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was further commented that a supermarket on South Quay would risk more than would be gained.

- (viii) It was suggested that the proposal could be looked at as an opportunity to prevent the development of four-storey buildings already permitted on South Quay.
- (ix) Concerns were expressed at how much longer the Council could indicate that the site had potential for development without approving applications that were brought forward.
- (x) Comparisons were made with Penryn, which was also a through town, and it was commented that there were supermarkets on the peripheral of Penryn, but people only came to shop in the town when the supermarkets were closed. It was questioned whether people really would have time to cross a footbridge into the town centre when they had finished their shopping.
- (xi) It was commented that the whole of Cornwall would be affected if the World Heritage Site was lost.
- (xii) In response to a suggestion that the application be refused on grounds including the effect on the fishing industry, Members were advised that the bridge was still only outline and the sluicing argument would be difficult to defend.

Arising from consideration of the report and the debate, it was moved by Councillor Clayton, and seconded by Councillor Wood that the application be deferred for a period of no more than six months pending further negotiations and information regarding the design and layout; the delivery of a cinema and footbridge; concerns raised in the Environmental Statement; and the conclusion of all Head of Terms for a Section 106 Planning Obligation to include heritage and design and the possible impact on the existing fishing industry.

On a vote of 9-11 the motion was lost.

It was further moved by Councillor Plummer, and seconded by Councillor Fitter, that the application be refused on grounds that the application was premature; that it conflicted with PPS5; the outstanding value of the World Heritage Site; the design, layout, scale and siting of the proposal, inadequate provision for the fishing industry; a retail impact of £2.5m on the town centre; and concerns regarding the terms of the Section 106 Obligation, principally in relation to sluicing.

It was moved as an amendment by Councillor Lewarne, and seconded by Councillor Nolan, that the application be refused on the grounds of the detrimental effect on the World Heritage Site.

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The vote on the amendment was tied 10-10. Subsequently, the Chairman exercised his casting vote to vote against and the amendment was lost.

In accordance with Council Procedure Rule 17.5, more than a quarter of those Members present requested that a recorded vote be taken on the above amendment.

Those Members voting for the amendment were Councillors Biggs, Fitter, Lewarne, Mann, Martin, May, Nolan, Pascoe, Pugh and Rushworth.

Those Members voting against the amendment were Councillors Brown, Clayton, Duffin, Hatton, Pearce, Plummer, Stoneman, Varney, Wallis and Wood.

A vote was taken on the original motion, and on a vote of 7-11 with 2 abstentions the motion was lost.

In accordance with Council Procedure Rule 17.5, more than a quarter of those Members present requested that a recorded vote be taken on the above motion.

Those Members voting for the motion were Councillors Fitter, Lewarne, Martin, Nolan, Pascoe, Plummer and Pugh.

Those Members voting against the motion were Councillors Biggs, Brown, Clayton, Duffin, Hatton, Mann, Pearce, Stoneman, Varney, Wallis and Wood.

Those Members abstaining from voting on the motion were Councillors May and Rushworth.

It was further moved by Councillor Wallis, seconded by Councillor Duffin, and on a vote of 11-9, it was

**RESOLVED** that consideration of Application No. PA10/08142 (ING Red UK (Hayle Harbour) Ltd: South Quay, Hayle be deferred for a period of no more than five months pending further negotiations and information regarding the design and layout; the delivery of a cinema and footbridge; concerns raised in the Environmental Statement; and the conclusion of all Head of Terms for a Section 106 Planning Obligation to include heritage and design and the possible impact on the existing fishing industry.

In accordance with Council Procedure Rule 17.5, more than a quarter of those Members present requested that a recorded vote be taken on the above motion.

Those Members voting for the motion were Councillors Biggs, Brown, Clayton, Duffin, Hatton, May, Pearce, Stoneman, Varney, Wallis and Wood.

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Those Members voting against the motion were Councillors Fitter, Lewarne, Mann, Martin, Nolan, Pascoe, Plummer, Pugh and Rushworth.

[Following the above item, Councillors Brown and Duffin gave apologies for an early departure and left the meeting.]

**W1/10-0413-P Actoris Ltd: Jewson Site, Carnsew Road, Hayle**  
(Agenda No. 5.2)

SP/131 The Assistant Head of Planning and Regeneration (Central) outlined the application and the addenda which had previously been circulated to Members and were tabled at the meeting. The addenda referred to 218 representations that had been received; details of the Section 106 Obligation; additional information from the agent regarding the proposed access; and the response from the Highways Agency. He recommended that the application be refused for the reasons set out in the report.

In response to questions on the officer's presentation, Members were advised the following:

- (i) There was not a great deal of difference in the distances from the town centre between the ING and Morrison's applications, however, the issue was one of connectivity.
- (ii) The implications on traffic of the application had to take into account the existing permission for a development on South Quay and it was considered that the road could not cope with a supermarket at Jewson's in addition to a development on South Quay.
- (iii) The Jewson's site currently contained very modern unsightly buildings and the proposal for a quality design building would be considered an improvement to what was already in existence.
- (iv) The site already had an economic use for employment and facilities that benefitted the town, and although there was some benefit in redeveloping the Jewson's site, the potential impact on the development of South Quay was an important consideration, as it would raise questions as to how attractive South Quay may be to other developers and would leave South Quay without the option for a supermarket and therefore at the mercy of the market.

Councillor Jayne Ninnes, Hayle Town Council, attended the meeting, was permitted to speak, and spoke against the application. She answered a question from a Member for clarification.

Geraint John, agent for the applicant, attended the meeting, was permitted to speak, and spoke in support of the application. He answered a number of questions from Members for clarification.

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Bob Mims, supporter, attended the meeting, was permitted to speak, and spoke in support of the application.

Councillor John Coombe, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) The site would fit well into its surroundings.
- (ii) The concerns regarding a pedestrian link to the town centre were weak and it would not be viable for the applicant to deliver an alternative access.
- (iii) The applicant had not shown that the proposed traffic flow would work in practice.
- (iv) The applicant would not be in a position to repair the harbour walls.

Councillor John Pollard, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) He supported refusal of the application and, although an advantage of the building was that it was industrial and would fit well into the site, it could not be fully integrated into Foundry Square, as there was a psychological barrier that people would not cross.
- (ii) Negotiations with ING regarding the provision of pedestrian access to the site had failed.

A full and detailed debate ensued, the main points of which were noted as follows:

- (i) It was suggested that the application should be deferred to allow time for the preferred option to be considered as there were concerns that ING may not be able to overcome the issues raised earlier in the meeting. It was further suggested that the application should be refused on the grounds of the highways concerns. Members were advised that if the application was deferred, the highways issues would need to be resolved, but if it was felt that this could not be overcome, then the application should be refused.
- (ii) It was commented that the proposal was the smallest of all the applications, whilst still meeting the needs of the community, and would have the smallest impact on the existing retail trade.
- (iii) It was suggested that the pedestrian access could also be addressed if the application was deferred, and Members were advised that the option of a Compulsory Purchase Order to provide a pedestrian access would not be considered unless a significant community benefit could be demonstrated. Any proposals to improve the

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highways or pedestrian access which came forward would need to safety audited and it was doubtful whether this would be achievable.

- (iv) It was questioned whether the South Quay site was viable as a supermarket location and whether the existing permission would ever be carried out and therefore whether a reason for refusal on the grounds of an alternative preferable site was valid.

Arising from consideration of the report and the debate, it was moved by Councillor Wallis, seconded by Councillor Biggs, and on a vote of 12-5, it was

**RESOLVED** that consideration of Application No. W1/10-0413-P be deferred for a period of no longer than five months in order to address concerns over traffic impact, access and pedestrian links to the Foundry centre.

[During consideration of the above item, Councillor Pearce gave apologies for an early departure and left the meeting. He was therefore not present for the vote or the debate.]

Following the above item, the meeting was adjourned at 3.15 p.m. for a short comfort break.

**PA10/06932 Asda Stores Ltd: Hayle Rugby Club, Marsh Lane, Hayle**

(Agenda No. 5.3)

SP/132 The meeting was reconvened at 3.30 p.m. and the Assistant Head of Planning and Regeneration (Central) outlined the application and the addenda which had previously been circulated to Members and were tabled at the meeting. The addenda referred to responses to the questions raised at the public meeting of 19 January 2011; 267 representations that had been received; details of the Section 106 Obligation; additional correspondence from the agents; and comments from Cornwall Highways. He recommended that the application be refused for the reasons set out in the report.

In response to questions on the officer's presentation, Members were advised the following:

- (i) The focus of the retail impact study had been on Hayle and the smaller villages towards Camborne-Pool-Redruth and Penzance had not been looked at, however, one of the reasons for recommending refusal was the potential to encourage longer shopping trips due to its closeness to the A30. The trade diversion from Camborne and Penzance town centres had also been looked at, but no significant adverse impact had been found.

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- (ii) The amount of shoppers from Hayle driving out of town to visit supermarkets was estimated at 80% for the weekly shop and around 50% for top-ups, however, the reduction in outward traffic would equally apply to all four applications.
- (iii) The effect on tourism was included in the assessments as out of town supermarkets could stop people going into town centres.
- (iv) The figures for the comparison trade diversion from Hayle town centre differed between the four supermarkets as they each sold different ranges of goods, however, the Asda application was at the top of that range and included a petrol filling station.

Owen Philp, objector, attended the meeting, was permitted to speak, and spoke against the application.

Councillor Jayne Nines, Hayle Town Council, attended the meeting, was permitted to speak, and spoke in support of the application.

Steve West, Hayle Rugby Football Club, attended the meeting, was permitted to speak, and spoke in support of the application.

Kelwyn Oldrey, Hayle Residents' Association, attended the meeting, was permitted to speak, and spoke in support of the application. He answered a question from a Member for clarification.

Councillor John Pollard, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) The application stood in its own right and would expand on an already successful retail park which could cope with the increased capacity, and provide additional parking and alternative shopping which would attract more trade from other towns.
- (ii) The retail park had proven to have a major beneficial effect on Hayle and allowing the addition of the Asda store could only be a positive move.
- (iii) The highways issues needed to be resolved, but the roundabout was not fit for purpose in any case.
- (iv) He expressed concerns regarding the inclusion of a petrol filling station and 24-hour shopping, but felt that the application provided community benefits in terms of the relocation of the rugby club and the extension of the retail park.

Councillor John Coombe, Local Member, attended the meeting, was permitted to speak, and made the following comments:

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- (i) The proposal fitted very well on the site, but most users would access it by car, so it did not link with the town.
- (ii) The rugby club had carried out a significant amount of work in trying to sort out the problems with the roundabout and measures must be taken to ensure that Angarrack was not used as a short cut.
- (iii) The Asda store would carry far more items than other stores which could have an effect on the town.
- (iv) There were already five petrol filling stations in the area.
- (v) He supported Hayle Town Council's suggestions that the store should not be open for 24 hours a day, and that a plaque should be erected to commemorate the rugby players lost in the war.

A full and detailed debate ensued, the main points of which were noted as follows:

- (i) In response to a question regarding the Article 25 Direction, Members were advised that the Highways Agency had objected, but felt that there may be a solution given sufficient time and a proposed solution was detailed in the second addendum. However, if the application was refused on the basis of the pressure on Loggans Moor roundabout, then it would set a precedent for the future. The visual impact of the proposed solution had been debated, but it was recognised that something needed to be done.
- (ii) It was commented that there had been huge support for the application which could be directly attributed to the planning gain and there was a strong argument that it complemented the existing facilities. However, the primary concerns were the adverse impact on the town centre, the loss of prime agricultural land, and the access to and from the site.
- (iii) It was further commented that the retail park was an eminently attractive site to retailers and an Asda store in Hayle would generate jobs.
- (iv) Concerns were expressed that Asda was a destination store and therefore if the application was refused, then people from all directions, including Hayle, would find an alternative Asda store to drive to.
- (v) It was commented that the petrol stations nearby were always busy and therefore there was a need for a further petrol outlet.
- (vi) Concerns were expressed that approval of the application could lose an opportunity for a supermarket on the edge of the town centre

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which would affect the town centre's viability. It would also have the potential to take trade from the whole of West Cornwall.

- (vii) It was commented that the West Cornwall Retail Park had originally been intended to be used for employment space.
- (viii) It was suggested that the application should be deferred in order for the applicant to explore the concerns that had been raised, as it included substantial community benefits.
- (ix) It was commented that the traffic issue was not just about the roundabout as the traffic was often backed up to West Camborne in the summer.
- (x) Members were advised that the Article 25 Direction meant that the application would need to be referred to the Government Office South West should the Committee be minded to approve the application.

Arising from consideration of the report and the debate, it was moved by Councillor Clayton, and seconded by Councillor Lewarne, that the application be refused on the grounds set out in the report.

On a vote of 7-10, the motion was lost.

It was further moved by Councillor Wallis, and seconded by Councillor Wood, that the application be deferred for a period of no more than five months in order to allow the applicant to address the highway concerns and to negotiate further in regard to opening hours.

On a vote of 8-9, the motion was lost.

If was further moved by Councillor Nolan, and seconded by Councillor Plummer, that the application be approved, subject to the removal of the Article 25 Direction and a reduction to the opening hours.

On a vote of 6-11, the motion was lost.

In accordance with Council Procedure Rule 17.5, more than a quarter of those Members present requested that a recorded vote be taken on the above motion.

Those Members voting for the motion were Councillors Fitter, May, Nolan, Pascoe, Plummer and Rushworth.

Those Members voting against the motion were Councillors Biggs, Clayton, Hatton, Lewarne, Mann, Martin, Pugh, Stoneman, Varney, Wallis and Wood.

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It was further moved by Councillor Wallis, seconded by Councillor Wood, and on a vote of 11-6, it was

**RESOLVED** that Application No. PA10/06932 be deferred for a period of no more than five months in order to allow consideration of the applications for the two preferred sites, prior to consideration of the above application.

In accordance with Council Procedure Rule 17.5, more than a quarter of those Members present requested that a recorded vote be taken on the above motion.

Those Members voting for the motion were Councillors Fitter, Hatton, Mann, Martin, May, Plummer, Pugh, Rushworth, Varney, Wallis and Wood.

Those Members voting against the motion were Councillors Biggs, Clayton, Lewarne, Nolan, Pascoe and Stoneman.

[Following the above item, Councillors Clayton, Hatton and May gave apologies for an early departure and left the meeting.]

Following the above item, the meeting was adjourned at 4.55 p.m. for a short comfort break.

**PA10/08329 Hayle Rugby Football Club and Walker Developments Ltd: Land to the East of Travelodge, Carwin Rise, Hayle**  
(Agenda No. 5.4)

SP/133 The meeting was reconvened at 5.05 p.m. and the Chairman advised that following the decision to defer determination of Application No. PA10/06932 (Asda Stores Ltd: Hayle Rugby Club, Marsh Lane, Hayle), the application was withdrawn from the agenda.

**PA10/04297 Sainsbury's Supermarkets and Cranford Hayle Ltd: Land at Marsh Lane, Hayle**  
(Agenda No. 5.5)

SP/134 The Assistant Head of Planning and Regeneration (Central) outlined the application and the addenda which had previously been circulated to Members and were tabled at the meeting. The addenda referred to the 84 letters of representation that had been received, details of the Section 106 Obligation, responses to the bat survey which raised no concerns; and additional correspondence from the agents in relation to additional proposals regarding flooding. He recommended that the application be refused for the reasons set out in the report.

In response to questions on the officer's presentation, Members were advised the following:

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- (i) The retail sequential test and the Environment Agency's sequential test on flood grounds were entirely different issues, but both were material considerations with a potential to lead to a refusal of an application.
- (ii) The railway line was an old incline no longer in use and was outside the application site.

Councillor Jayne Ninnis, Hayle Town Council, attended the meeting, was permitted to speak, and spoke against the application.

Bruno Moore, for the applicant, attended the meeting, was permitted to speak, and spoke in support of the application. He answered a number of questions from Members for clarification.

Councillor John Coombe, Local Member, attended the meeting, was permitted to speak, and made the following comments:

- (i) The application was on a greenfield site encroaching on Angarrack and Hayle.
- (ii) It was also marshland and was causing great concern due to recent flooding in the area, despite the proposed mitigation measures.
- (iii) He expressed concerns regarding the proposal for a footpath to Angarrack and the highways objection.
- (iv) It would not benefit the town centre.

Councillor John Pollard, Local Member, attended the meeting, was permitted to speak, and advised that he supported refusal of the application as it was on the wrong site.

A full and detailed debate ensued, the main points of which were noted as follows:

- (i) It was commented that the proposals were incredibly anti-pedestrian and that the reasons for refusal should reflect that more strongly.
- (ii) It was suggested that it would be unfair not to defer the application in line with the previous decision, however, it was commented that there were good grounds for refusal of the application whereas the previous application had huge community benefits and the potential to overcome the issues of concern.
- (iii) Members were advised that each application must be considered on its own merits and that there were three preferential sites to the application in question and a number of other reasons for refusal.

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Arising from consideration of the report and the debate, it was moved by Councillor Biggs, and seconded by Councillor Wood, that the application be deferred to allow consideration of the applications for the three preferred sites, prior to consideration of the application.

On a vote of 6-8, the motion was lost.

It was further moved by Councillor Wallis, seconded by Councillor Mann, and, on a vote of 10-3 with 1 abstention, it was

**RESOLVED** that planning permission be refused in respect of Application No. PA10/04297 (Sainsbury's Supermarkets and Cranford Hayle Ltd: Land at Marsh Lane, Hayle).

The reasons given by the proposer for wishing to refuse the application were that the proposal was in an out of centre site as defined by Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4). There were sequentially preferable sites in edge of centre locations which were potentially viable, suitable and available for development of a supermarket. The proposal thus failed to comply with the requirements of the sequential approach set out in PPS4 policy EC15 and should be refused in accordance with policy EC17.1 (a) of PPS4. The proposal also was contrary to Regional Planning Guidance South West policy EC6 which required a sequential approach to location of retail development, Cornwall Structure Plan policy 11 which prioritised regeneration of urban areas and town centres and policy 14 which gave priority to the improvement and enhancement of town centres and required retail development to be in or adjoining town centres where they could help sustain the centre's viability and vitality, and contribute to the town centre environment in an accessible location. The proposal was contrary to Penwith Local Plan policy TV16 which required major retail development in town centres or edge of centre sites where no town centre sites existed. Policy TV16 did not permit out of centre development until all town centre and edge of centre sites had been demonstrated to be unsuitable.

The scale of the proposed supermarket in terms of net floor trading area would result in a significant diversion of trade from the Foundry and Copperhouse town centres of Hayle with a consequential significant adverse impact on the viability and vitality of the town centres. The advantage to local consumers of increased choice and competition was not considered to outweigh the harmful impact of the proposal on town centre vitality and viability. The proposed location was distant from the town centres and would not encourage linked trips, especially those trips made on foot or cycle when compared to edge of centre sites and as such, the proposal would fail to support the existing town centres. Furthermore, the proposed location would encourage linked trips to the West Cornwall Retail Park, further discouraging linked trips with the town centres. The proposal should be refused in accordance with policy EC17.1 (b) of Planning Policy Statement 4. The proposal was contrary to Regional Planning Guidance policy EC6, Cornwall Structure Plan policy 14 and

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Penwith Local Plan policies TV16 and TV17 which protected the viability and vitality of Town Centres.

Whilst the proposal would result in a reduction in the length of trips made by Hayle residents to undertake their main food shopping, the applicant had failed to demonstrate that the proposal would not generate lengthy additional trips drawn from new trade outside the primary catchment area. The store's location adjacent to the West Cornwall Retail Park would increase the attractiveness of the site as a retail destination in its own right that would increase the use of the local and strategic road network to the detriment of the operation of those networks and increase the use of private car borne transport contrary to the sustainability aims set out in the Key Principle (ii) of Planning Policy Statement 1 – Delivering Sustainable Development.

The proposed site failed the sequential test set out in Planning Policy Statement 25 – Development and Flood Risk which directed development towards areas of least flood risk. The applicant had failed to demonstrate that the identified alternative sites that presented a lesser flood risk were not suitable, available or viable. The proposal thus failed to accord with the advice within Planning Policy Statement 25 and was contrary to Regional Planning Guidance – South West policy RE2, Cornwall Structure Plan policy 3 and Penwith Local plan policy CS4.

The proposal would be sited within a County Wildlife Site and would have a significant harmful impact on biodiversity conservation interests within the site. The proposal thus conflicted with Planning Policy Statement 9 which sought to preserve biodiversity. The applicant had not robustly demonstrated that there were no other sites of lesser biodiversity interest where location of a supermarket would have less harm. As such, the proposed compensation and mitigation measures did not make the proposal acceptable. The proposal was thus contrary to regional Planning Guidance – South West policy EN1 and Cornwall Structure Plan policy 1 and 2 as well as conflicting with Penwith Local Plan policy CC8.

The proposal had failed to demonstrate that the supermarket development would not harm the safe and efficient operation of the strategic road network. Nor had it been demonstrated that there would be no harmful effect on the capacity of the double mini roundabout at Carwin Rise to the west of the Loggans Moor A30 roundabout. As such, the proposal had not been robustly shown to maintain or enhance the existing level of local and strategic road network highway safety for all users or capacity to efficiently provide for the movement of vehicles. The proposal was therefore contrary to Regional Planning Guidance policy VIS2, Cornwall Structure Plan policies 27 and 28 and Penwith Local Plan policy GD2(v) and advice within Planning Policy Guidance Note 13.

The proposal would result in the development of greenfield land on the edge of the urban environment and constituted an extension of the built form into the countryside. The applicant had not robustly demonstrated

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that there were no previously developed alternative sites in town available which would meet the need for a supermarket. The proposal was thus contrary to Regional Planning Guidance – South West policy Vis 2, Cornwall Structure Plan policy 3 and Penwith Local Plan policy TV1 and failed to have sufficient regard to addressing Proposal TV-D.

The meeting ended at 5.35 p.m.

[The agenda and reports relating to the items referred to above are attached to the signed copy of the Minutes].#