

# Cornwall Council

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**Application number:** W1/08-0613

**Agent:**

Paul Connelly LDA Design  
Kings Wharf  
The Quay  
Exeter  
EX2 4AN

**Applicant:**

ING RED UK (Hayle Harbour) Ltd  
25 Copthall Avenue  
London  
EC2R 7BP

**Town And Country Planning Act 1990 (As Amended)  
Town And Country Planning (General Development Procedure) Order 1995**

## **Grant of Outline 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 7 May 2008 and accompanying plan(s):

**Description of Development:** Redevelopment of harbour and land to north and north east to provide a mixed use development incorporating retail space, business space, residential, general industrial, storage & distribution, creation of marina and commercial harbour & associated access works. (this proposal affects the setting of listed buildings)

**Location of Development:** Hayle Harbour, North Quay, Hayle, Cornwall, TR27 4BL

**Parish:** Hayle

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**Phil Mason**  
**Head of Planning and Regeneration**

**DATED: 29 June 2010**

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: W1/08-0613**

**CONDITIONS:**

1. Application for approval of all the reserved matters shall be made to the local planning authority not later than the expiration of ten years of the date of this permission. The development hereby permitted shall be begun not later than whichever is the later of the following dates:

- (i) the expiration of five years from the date of this permission; or
- (ii) the expiration of two years from the date of the approval of the first of the reserved matters to be approved.

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Limits vary from those required by the Act to allow for the current and anticipated market difficulties and to reflect the complexities of implementing a comprehensive regeneration project.*

2. Before commencement of development in each Character Area, a Character Area Plan that indicates its subdivision into Development Areas and indicates the phasing of construction across that Character Area shall be submitted to and approved in writing by the local planning authority. Development in each Character Area will be in accordance with that approved Character Area Plan unless otherwise previously approved in writing with the local planning authority.

*Reason: To ensure coordinated and integrated land use planning.*

3. Before submission of reserved matters for any Development Area a Development Brief for that Development Area shall be submitted to and approved by the local planning authority which shall identify:

- the locations of all new roads and footways, including any re-routed public rights of way
- any publicly accessible car parking, including provision for disabled drivers
- an indication of the numbers of affordable housing units and/or sites for affordable housing units (if proposed)
- any public realm and hard and soft landscaping in public areas and thresholds of development that trigger implementation
- the proposed height, siting, appearance and construction of all boundary treatments
- details of the materials to be used in the construction of external surfaces and finishes of buildings
- details of external lighting
- the heritage principles in accordance with Hayle Harbour Development Framework & Design Codes March 2009 and the Outstanding Universal Values of a World Heritage Site



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- a scheme for archaeological works as required by Condition 14 below
- a scheme for the provision of surface water drainage and foul drainage incorporating any sustainable urban drainage systems, in accordance with Condition 19 below
- design details that demonstrate compliance with the Environment Agency's minimum permanent flood defence level of 5.66m AOD and finished floor level of 6.35m AOD
- guidance on flood evacuation procedures
- a Development Area Energy Strategy, incorporating the means by which the required reduction in CO2 emissions will be achieved
- the principles of waste management
- the principles of construction management
- a Construction Environment Management Plan and an Operational Environment Management Plan
- a Development Area Travel Plan
- a Traffic Monitoring, Performance and Mitigation Strategy
- proposed cycle routes and cycle parking, in accordance with condition 32 below

*Reason: To ensure coordinated and integrated land use planning and to ensure that the development meets national and development plan policies.*

4. Pursuant to Condition 1 above approval of the following reserved matters for each Development Area or part thereof shall be obtained from the local planning authority and development shall not commence on that Development Area or part thereof until all reserved matters have been approved by the local planning authority for that Development Area or part thereof:

- (i) layout: the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- (ii) appearance: the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development;
- (iii) scale: the height, width and length of each building proposed in relation to its surroundings;
- (iv) landscape: this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

*Reason: In accordance with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).*

5. The development of North Quay, Hilltop, South Quay/Foundry and East Quay Character Areas identified in the Hayle Harbour Development Framework and Design



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Codes September 2009, including the approval of reserved matters, shall be carried out in accordance with the principles contained in the Hayle Harbour Development Framework and Design Codes September 2009, unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure that a satisfactory form and quality of development is achieved, and to ensure that the development is carried out in accordance with robust urban design principles.*

6. Before submission of a Development Brief and reserved matters for development in the Riviere Fields Character Area a Development Framework & Design Codes document for that Character Area shall be submitted to and approved in writing by the local planning authority.

*Reason: To ensure that a satisfactory form and quality of development is achieved and to ensure that the development is carried out in accordance with robust urban design principles.*

7. Pursuant to Condition 1 above each application for reserved matters approval shall be accompanied by a Development & Design Statement that demonstrates how the proposals within the application comply with the requirements of both the Development Framework & Design Codes and the Development Brief for that Development Area. Development shall be carried out in accordance with the Development & Design Statement, unless otherwise previously agreed in writing by the local planning authority.

*Reason: To ensure that a satisfactory form and quality of development are achieved, and to ensure that the development is carried out in accordance with robust development and urban design principles.*

8. Pursuant to Condition 1 above each application for reserved matters approval shall be accompanied by a statement that sets out how the proposals within the application have addressed Conservation Area principles and the Outstanding Universal Values of the Cornwall and West Devon Mining Landscape World Heritage Site.

*Reason: To protect the character and appearance of the Hayle Conservation Area and to protect the historic and international importance of the Cornwall and West Devon Mining Landscape World Heritage Site.*

9. Before commencement of any development, demolition or groundworks on North Quay details of the means of protection of the Stable Block and the Harbour Masters



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Office for the period of construction shall be submitted to and approved in writing by the local planning authority and the protection measures shall be implemented before commencement of any works or development and retained for the period of construction without alteration unless previously otherwise agreed in writing by the local planning authority.

*Reason: To protect the fabric of these Grade II Listed Buildings*

10. Before commencement of the development hereby permitted, including any associated groundworks or demolition, details of development in the vicinity of the former stable block in the areas hatched red and shaded grey on the attached plan (Plan ref. 2956\_SK\_011) shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

Reason: In the interests of the historical value of the site and to ensure there is an agreed approach to recording, reporting or protecting historic features and to protect this Listed Building.

11. Pursuant to Condition 1 above each application for reserved matters approval shall be accompanied by details of the type of roofing and the method of fixing proposed within the application, and details of the walling and the coursing, method of pointing and colour of mortar proposed within the application, for approval by the local planning authority. Where an external finish involves render or stone cladding then sample render and / or stone cladding panels 1 square metre or larger in size shall be made available for viewing and written approval by the local planning authority. The development shall be carried out in accordance with the approved sample render panel(s). The sample panels shall be retained on site until the development is complete.

*Reason: To ensure that the development will be constructed of materials of a type, colour, texture and consistent quality, and in a manner, appropriate to the site and its surroundings.*

12. Before commencement of any part of the development detailed drawings and specification of a soft and hard landscaping scheme for that part of the development shall be submitted to and approved in writing by the local planning authority. Any soft landscaping approved shall thereafter be carried out in the first planting season following completion of the building works in that part of the development. Any trees or plants which within a period of five years from the completion of that part 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.



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*Reason: To enable the local planning authority to be satisfied as to the visual impact of the landscaping on the local character and the appropriateness of the proposals.*

### **Management Plans and Programmes**

13. Before commencement of any part of the development, including associated groundworks or demolition, a Site Waste Management Plan for that part of the development shall be submitted to and approved in writing by the local planning authority to demonstrate how waste material from construction and operation of the site will be managed. The Site Waste Management Plan shall be substantially in accordance with Section 9 of the Environmental Statement submitted with the application hereby approved, as updated by the review of the Environmental Statement November 2009.

*Reason: To ensure appropriate management of waste with a view to maximise re-use of materials on site in accordance with sustainability targets.*

14. Before commencement of development in each Development Area, including any associated groundworks or demolition, a programme of archaeological investigation for that Development Area shall be submitted to and approved in writing by the local planning authority and the archaeological investigation shall be completed in accordance with the approved programme of archaeological investigation.

*Reason: In the interests of the archaeological value of the site and to ensure there is an agreed approach to recording and reporting any finds of archaeological interest.*

15. Before commencement of any part of the development, including associated groundworks or demolition, a detailed Construction Management Programme for that part of the development shall be submitted to and approved in writing by the local planning authority. The Construction Management Programme shall be substantially in accordance with Section 17 of the Environmental Statement submitted with the application hereby approved, as updated by the review of the Environmental Statement November 2009. The programme shall include commencement and completion dates, hours of operation for construction work, measures to control noise and dust, details of site compounds, any temporary highway works or closures and access for construction traffic.

For the avoidance of doubt the programme must include details of the site access arrangements and measures to minimise the impact of construction on the transport network and the general public. The construction of that part of the development shall



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be carried out in accordance with the approved programme unless otherwise agreed in writing with the local planning authority.

*Reason: To ensure that construction proceeds in a coordinated manner in the interests of environmental amenity, traffic management and highway safety.*

**Infrastructure**

16. Unless otherwise agreed in writing with the Environment Agency the ground floor levels of non-water compatible development (as defined by PPS25) shall be set no lower than 6.35mAOD.

*Reason: To prevent the increased risk of flooding by ensuring new development in areas at risk of flooding are designed appropriately.*

17. Before occupation of any building or block of buildings on North Quay, South Quay or East Quay a statement shall be submitted to the local planning authority that demonstrates how that building or block of buildings complies with the requirements for flood defence and confirms that flood defence measures have been completed in accordance with approved details.

*Reason: To minimise the risk of flooding and the risk of harm to occupants and visitors to the development that may occur due to flooding incidents.*

18. Before commencement of development on North Quay, or on South Quay, or on East Quay a Flood Warning and Evacuation Plan and Procedure, including details of emergency vehicle access for any building or block of buildings within the relevant parts of North Quay, South Quay or East Quay to be developed shall be submitted to and approved in writing by the local planning authority and the approved Plans and Procedures shall be implemented throughout the lifetime of the development unless agreement in writing for any modification has been received from the local planning authority.

*Reason: To minimise the risk of flooding and the risk of harm to occupants and visitors to the development that may occur due to flooding incidents.*

19. Before commencement of development in each Development Area details of a scheme for the provision of surface water management for that Development Area shall be submitted to and approved in writing by the local planning authority. The details shall include:



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- details of the drainage during the construction phase
- a timetable of construction
- a construction quality control procedure
- details of the final drainage scheme
- provision for overland flow routes
- a plan for the future maintenance and management of the system.

Prior to occupation it shall be demonstrated to the local planning authority that relevant parts of the scheme have been completed in accordance with the details agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise previously approved in writing by the local planning authority.

*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.*

20. Before commencement of development in each Development Area details of overland flow routes and measures to control surface water exceeding the drainage system in that Development Area shall be submitted to and agreed in writing by the local planning authority. Prior to occupation details demonstrating that the relevant overland drainage route has been constructed in accordance with the agreed details shall be submitted to and agreed by the local planning authority. The overland drainage route shall be maintained in perpetuity and any variation shall be agreed in writing by the planning authority.

*Reason: To prevent the development increasing flood risk to third parties on adjacent sites by creating flow routes.*

21. The development hereby permitted shall not be occupied until connected to an adoptable main sewer; and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no cesspit(s) or septic tank(s) shall be installed or constructed on the site.

*Reason: In the interests of water quality and to prevent pollution of the water environment.*

22. Before use of any below-ground car parking it shall be demonstrated to the local planning authority that a continuous permanent flood defence line serving such car-parking has been completed in accordance with details which have been submitted to



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and approved in writing by the local planning authority. The flood defences shall provide protection against an event with a 1 in 1000 annual probability of sea flooding in any year (<0.1%), including the appropriate current allowance for climate change. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.

*Reason: To prevent the increased risk of flooding from rapid inundation of below ground areas.*

23. Pursuant to condition 1 above, the detailed design of the Penpol Creek half tide gate shall be accompanied by a Flood Risk Assessment that:

- demonstrates that the structure does not increase third party flood risks in Foundry Square.
- includes an operation and maintenance plan that ensures the Environment Agency's maintenance liabilities on the existing flood alleviation scheme to Foundry Square are not increased.
- demonstrates that the structure and the surrounding quay is designed and constructed to either:
  - provide flood defence or
  - facilitate economically viable future upgrade to provide flood defence to Foundry Square against an event with a 1 in 200 annual probability of sea flooding in any year (<0.5%), including the appropriate current allowance for climate change. This shall include demonstrating how these defences would tie into raised development on South Quay.

The operation and maintenance plan in the approved Flood Risk Assessment shall be implemented with the construction of the Penpol Creek half tide gate and thereafter managed and maintained throughout the lifetime of the development unless agreement in writing for any modification has been received from the local planning authority.

*Reason: To prevent the increased risk of flooding to Foundry Square and ensure that the design facilitates long term defence improvements.*

24. The installation of the Penpol Creek half tide gate shall not be commenced until design details have been submitted to and approved by the local planning authority and until studies have been undertaken to examine the likely effects of the retention of water on surrounding structures, including the railway viaduct. If such effects are indicated, the half tide gate shall not be installed until a mitigation strategy and programme of implementation has been submitted to and agreed in writing by the local planning authority and the mitigation strategy shall be implemented in accordance with the approved details before first use of the half tide gate to impound water in Penpol Creek



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and thereafter the mitigation measures shall be maintained unless otherwise agreed by the local planning authority.

*Reason: To ensure there will be no detrimental impact upon those buildings and structures from permanent retention of water in Penpol Creek.*

25. Before commencement of any part of the development details of a facility for the storage of refuse for all dwellings in that part of the development shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the refuse storage facility serving it has been provided in accordance with the approved details.

*Reason: To ensure satisfactory facilities for the storage of refuse.*

26. There shall be no permanent structures including landscaping features, protective barriers and street furniture erected within the areas indicated for crane access and 'future laydown areas' as shown on Drawing CSK12 unless otherwise previously approved in writing by the local planning authority. Surfacing and paving within this area shall be designed to withstand the loadings associated with crane access.

*Reason: To ensure flood risks to Hayle are not increased by ensuring appropriate areas are kept free from obstruction and designed to ensure access for future maintenance and improvement to the Copperhouse Gate structure.*

**Access and Transportation**

27. Car parking shall not exceed the maximum standards as set out in Policy TP 12 of the Penwith Local Plan 2004 or any such other policy in force at the time of the reserved matters application.

*Reason: To encourage use of alternative means of transport to the private car in this accessible location.*

28. Before occupation of any part of the development site, details of car parking and turning space provision for that part of the development shall be submitted to and approved in writing by the local planning authority and will thereafter be implemented, managed and maintained in accordance with those approved details. The car parking and turning space shall not thereafter be obstructed or used for any purpose other than



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the parking and turning of vehicles unless otherwise agreed with the local planning authority.

*Reason: To ensure the provision of off-highway parking to serve the development and in the interests of highway safety.*

29. Before the commencement of development in each Development Area full details of the means of vehicular access to that Development Area shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

*Reason: To provide safe and convenient highway access*

30. There shall be no vehicular access permitted to or from the development from Riviere Fields to Churchtown Road, Phillack except by emergency vehicles and public transport.

*Reasons: 1] The Council is not satisfied that it has been robustly demonstrated that the additional flows of traffic generated by the development would not harm the residential amenities of the residents of Phillack or would not result in an unacceptable impact on the flows of traffic along Churchtown Road, Lethlean Lane and the junction of Lethlean Lane with the B3301.*

*2] The Council is not satisfied that it has been robustly demonstrated that the impacts set out in Reason 1 above cannot be avoided by encouraging alternative modes of transport to that of the private car and thus secure more sustainable patterns of transport development as set out in Planning Policy Statement 1 – Delivering Sustainable Development.*

31. Access to the Cricket Club from North Quay shall remain open to vehicles and pedestrians at all times during the construction process unless otherwise agreed by the local planning authority.

*Reason: To ensure ongoing access for users of this community facility.*

32. Before first occupation of any residential dwellings in each Development Area, a plan showing proposed cycle routes and cycle parking in that Development Area shall be submitted to and approved in writing by the local planning authority. The details approved above shall be implemented, managed and maintained throughout the lifetime



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of the development unless agreement in writing for any modification has been received from the local planning authority.

*Reason: to provide safe and sustainable means of travel for cyclists*

33. Before commencement of development in each Development Area details of the proposed street lighting, including measures to minimise light spill off-site, for the Development Area or part thereof shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.

*Reason: To minimise the impact of lighting on the natural environment*

34. Approval of the details of street furniture, traffic barriers, signage within the application site shall be obtained in writing from the local planning authority before such ancillary features are erected and installed.

*Reason: To ensure that the details do not cause harm to the character and appearance of the site and surroundings.*

35. The occupation of any part of the development authorised by this permission shall not begin until the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) has approved in writing, a full scheme of works of highways improvement to provide: the A30(T) Loggans Moor Junction Improvements; the A30(T) St Erth Junction Improvements; and the B3301 Double Mini Roundabout Works, the main provisions of which are shown on drawing references: 022961-CSK9-Rev.01, 022961-CSK007-Rev.03 and 022961-CSK008-Rev.01.

*Reason: To protect the safe and efficient operation of the local and strategic road network, most notably Loggans Moor and St Erth junctions of the A30(T).*

36. The occupation of any part of the development authorised by this permission shall not begin until the highways works for all three schemes (Loggans Moor Junction, St Erth Junction and Double Mini Roundabout Works) as set out and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) in connection with Condition 35 above have been completed in accordance with the local planning authority's written approval (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority.



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*Reason: To protect the safe and efficient operation of the local and strategic road network, most notably Loggans Moor and St Erth junctions of the A30(T).*

37. No occupation of any part of the development within each Development Area (as defined pursuant to Condition 2 of this permission) shall take place until such time as a Development Area Travel Plan has been submitted to, and subsequently approved in writing by the Council (who shall consult with the Highways Agency acting on behalf of the Secretary of State for Transport) for that Development Area. Each Development Area shall be constructed and operated in accordance with the relevant Development Area Travel Plan.

The Development Area Travel Plans will need to be prepared in line with prevailing policy and also include the measures set out within the approved Framework Travel Plan (August 2009), and shall therefore include as a minimum:

- the appointment of a travel plan co-ordinator;
- the identification of targets for trip reduction and modal shift for that development area
- the methods to be employed to meet these targets
- the mechanisms for monitoring and review
- the mechanisms for reporting
- the penalties to be applied in the event that targets are not met
- the mechanisms for mitigation
- implementation of the Development Area Travel Plan to an agreed timescale or timetable and its operation thereafter
- mechanisms to secure variations to the Development Area Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 3 months of the first occupation of the development within each Development Area and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

*Reason: To protect the operation of the A30(T) through the implementation of sustainable travel objectives for the site, and to ensure they are met and maintained*

38. The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) a construction traffic management plan. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate



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construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development hereby approved shall be carried out strictly in accordance with the approved construction traffic management plan.

*Reason: To minimise the impact of construction on the safety and operation of the A30(T).*

39. Prior to the commencement of the development hereby permitted, a Stage 2 Road Safety Audit (in relation to the highways works set out in Condition 35 above) shall be undertaken and submitted to and approved in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the secretary of State for Transport). The Stage 2 Road Safety Audit shall be prepared in line with prevailing policy as set out within the HD19/03 Road Safety Audits, Volume 5 Section 2, of the Design Manual for Roads and Bridges (DMRB).

*Reason: In the interests of highway safety and the efficient operation of the strategic road network.*

40. Prior to first occupation of the development hereby permitted, a Stage 3 Road Safety Audit (in relation to the highways works set out in Condition 35 above) shall be undertaken and submitted to and approved in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The Stage 3 Road Safety Audit shall be prepared in line with prevailing policy as set out within the HD19/03 Road Safety Audits, Volume 5 Section 2, of the Design Manual for Roads and Bridges (DMRB).

*Reason: In the interests of highway safety and the efficient operation of the strategic road network.*

41. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 2956-SK-011

Drawing No. S.106-05 dated 21/05/10

Drawing No. 00-TSK003 Revision 01

Reason: For the avoidance of doubt.



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**REASON(S) FOR APPROVAL:**

It is considered that the proposals within the outline planning application are acceptable in the light of development plan policies and national policies and guidance. The harbour area of the site is previously developed land in an accessible location on the edge of Hayle and strongly associated with the urban form of the town. The proposed residential development within the Harbour area is closely associated with the town and supported by Local Plan policy H3. The greenfield development at Hilltop and Riviere Fields represents a departure from the development plan being contrary to Regional Planning Guidance 10 policy VIS2, Cornwall Structure Plan policies 3 and 10 and Penwith Local Plan policy H8 in terms of location of new housing. Also the proposal is contrary to Policy H2 of the Penwith Local Plan as the site is within part of the open area of local significance between Hayle and Phillack. However this departure, which has been referred to the Government Office and not called in by the Secretary of State, is considered to be outweighed by the overall benefit to Hayle in terms of a mixed use regeneration of a large area of previously developed land. Such mixed use development is supported by Government policy set out in PPS4. The residential development of the greenfield land which is currently used for agriculture will provide enabling finance for the redevelopment of the harbour site, the proposal for greenfield development is therefore a response to the issue of viability.

The harbour area of the site has been identified by Proposals TV - D and TV - E of the Penwith Local Plan as being a suitable location for mixed use redevelopment. The proposals will result in the protection of the existing fishing industry, creation of employment, business space and dwellings in an edge of centre urban location which accords with Planning Policy Statement 4 policy EC10, Regional Planning Guidance Note 10 policies VIS1, VIS2, SS3, SS18, SS21 and HO5 in regard to promotion of sustainable patterns of development, sequential approach to site selection to minimise use of greenfield land and promoting development on previously developed land. The development will also comply with Regional Planning Guidance 10 policies EC1 and EC3 which encourage economic activity in areas where it can bring greatest economic and social benefits. The proposals accord with Cornwall Structure Plan 2004 policies 1, 3 and 16 in terms of the aim to bring about a long term improvement of Hayle's economic and social circumstances. The proposals are also supported by Cornwall Structure Plan policies 1, 3, 4, 11, 12, and Penwith Local Plan 2004 policies TV1, E1 and E2 in relation to location of new business and employment space. The development will accord with Penwith Local Plan policy TV1 in terms of location of large scale development within towns and accord with Cornwall Structure plan policy 25 in the aim to consolidate the role of towns within the County through growth. The location of the development on the edge of Hayle will focus the retail, leisure and commercial activity at the Foundry area of Hayle. The proposals are considered to support the existing Foundry centre and will not significantly impact on the Copperhouse centre which currently is operating successfully. The Copperhouse centre draws from a large residential area around this centre so will



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continue to serve its local catchment. There is likely to be some diversion of trade however this is not considered to be so significant as to significantly harm the vitality and viability of the centre. The proposals in terms of provision of new town centre uses are considered to accord with national policy guidance within planning Policy Statement 4, regional Planning Guidance Note 10 policy EC6, Cornwall Structure Plan policies 11 and 14, and Penwith Local Plan policy TV17.

Proposals to provide compensatory dune habitat through the conversion of agricultural land to dune habitat will have no significant impact upon the viability of the farm business or the stock of agricultural land in the area in accordance with Cornwall Structure Plan policy 3 and Penwith Local Plan policy E5.

Affordable housing provision is below the minimum requirement of 25% set out in Policy TV (D) of the local plan. The low percentage of affordable housing relates to the viability of the overall proposal, to demand the 25% required by the policy would see the scheme fail. Thus, the delivery of affordable housing needs to be viewed in the context of the benefits of the overall scheme and whether those benefits justify a policy departure from the required 25%. In terms of the affordable housing to be provided, this will be of a mix of tenures and house type throughout the development to achieve a mix of housing as set out at paragraph 20 of Planning Policy statement 3. This also accords with Regional Planning Guidance Note 10 policies HO3, HO6, Cornwall Structure Plan policies 9, and 10, and Penwith Local Plan policies H13 and H14.

The proposed housing would be spread across the site with the areas of Hilltop and Riviere Fields being for residential development and any local facilities serving the residential areas. Business and employment space would be located on South Quay, East Quay and North Quay as identified in the Development Framework and Design Codes. The proposed design, layout, access and scale of the housing are reserved matters however the Reserved Matters applications are required by condition to have regard to the Development Framework and Design Codes which set parameters which have been agreed through discussion with the community and the statutory consultees. These parameters will ensure that reserved matters proposals will result in development which integrates with its surroundings in terms of form, detailing and patterns of development and utilises materials which are in keeping with the historic context set by the World Heritage Site, Conservation area and industrial heritage. The proposal therefore accords with regional Planning Guidance 10 policy VIS 2, EN3 and EN4, Cornwall Structure Plan 2004 policy 2 and Penwith Local Plan 2004 Policies GD1, and in GD2 as well as complying with the Cornwall and West Devon Mining Landscape policies 4c, 7b, and 8b.

The proposals will preserve the landscape character of the surrounding countryside in accordance with Regional Planning Guidance Note policy EN1, Cornwall Structure Plan policy 2, Penwith Local Plan policy CC1 and will through interpretation enhance the understanding of the amenity, nature conservation, archaeological, historic values in the surrounding coast and countryside in accordance with Penwith Local Plan policy CC2.



**Phil Mason**

**Head of Planning and Regeneration**

**DATED: 29 June 2010**



## **SCHEDULE ATTACHED TO APPLICATION & DECISION NO: W1/08-0613**

In determining the proposed development regard has been given to the duty of the local planning authority set out at section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposals will result in the repair and preservation of historic quay walls and sluicing infrastructure and will preserve the character and setting of listed buildings within the site in accordance with the duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with Regional Planning Guidance 10 policies EN3 and EN4, Cornwall Structure Plan policies 1 and 2, and national guidance within Planning Policy Statement 1 – Delivering sustainable Development and Planning Policy Statement 5 – Planning for the Historic Environment.

Regard has also been given to Circular 07/2009 (Protection of World Heritage Sites) which requires local planning authorities to treat policies within World Heritage Site Management Plans as material considerations in making planning decisions. The retention of Listed Buildings is in accordance with management Plan policy 7b. The character of the site will change but the harm to the existing character is considered to be outweighed by the overall benefits brought by the regeneration in repair and conservation of heritage assets, the opening of the site to the public and the opportunities for interpretation to make the site relevant to the public.

The proposals will not result in significant harm to the water environment or air pollution. Given the full inclusion of Natural England, Environment Agency, the RSPB and the Council's Living Environment Service in arriving at the natural environment outcomes within the S106 agreement it is considered that the local planning authority has achieved the aim set out at paragraph 1(vi) of PPS9 of providing adequate mitigation and appropriate compensation to offset the impacts of the development in a manner which will result in mitigation and compensation of impacts as they occur and a minimal time delay in providing such habitats. Contributions towards post-construction monitoring mean that should any residual harm be identified then options to mitigate that harm can be implemented. As such the proposals are in accordance with Regional Planning Guidance 10 policies EN1, RE1 and EN2, Cornwall Structure Plan policy 4 and Penwith Local Plan policies CC7 and TV15 relating to the protection of Sites of Special Scientific Interest and avoidance of pollution due to reclamation of contaminated land in accordance with national policy objectives within PPS9. The sequential and exceptions tests set out within Planning Policy Statement 25 – Planning and Flood Risk (PPS25) have been passed and the subsequent mitigation through land uplift and flood warning and evacuation procedures will result in a development which has regard to climate change and minimises flood risk. The proposals therefore comply with national guidance within PPS25 Planning policy statement 1 – Delivering Sustainable Development, Regional Planning Guidance 10 policy RE2, Cornwall Structure Plan policy 3 and Penwith Local Plan policies GD4 and CS4 in relation to minimising flood risk. Waste management will be emplaced in accordance with the aims of Cornwall Structure Plan policy 6.



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The proposed development will enhance the provision for walking and cycling and general access to the beaches in accordance with Penwith Local Plan policy GD2 (v).

The proposed development will have a significantly impact upon the local road network in terms of additional traffic flows during construction and post-occupation. During the construction period when a Construction Traffic Management Plan will be in force to minimise impacts. Post-construction mitigation works are proposed for the A30 trunk Road at Loggans Moor and St Erth Roundabout along with measures for the County road network within Hayle. These are set by the S106 agreement and agreed by Cornwall Highways and the Highways Agency. As such, whilst the development will result in an increase in traffic it is considered that the mitigation proposals will provide effective management and safe movement of traffic in accordance with Cornwall Structure Plan policy 28. The proposals also provide for improvements to walking and cycling routes, rail infrastructure as well as an option for financial contributions towards the St Erth Park and Ride and the provision of a local bus service supported for five years. These provisions aim to reduce the reliance on the private car which will be supported by a requirement to produce Travel Plans for individual parts of the development which trigger the requirement. As such the proposed highway works are considered to be in accordance with Regional Planning Guidance Note 10 policies TRAN1, TRAN3, TRAN5 and TRAN10, and Cornwall Structure Plan policy 27. The scheme will improve pedestrian safety in terms of access along North Quay due to the construction of a new bridge, road and separate pedestrian and cycling routes in accordance with Cornwall Structure Plan policy 28 and Penwith Local Plan policies GD2(v) and TP7, as well as being in overall accordance with guidance within Planning Policy Guidance Note 13.

The proposals aim to increase the attraction of Hayle to tourist visits through improvements to the harbour area. This includes the proposal for a hotel. This is in accordance with Regional Planning Guidance Note 10 policy TCS1, Cornwall Structure Plan policy 13 and Penwith Local Plan policies TM1 and TM3 where the proposals respect the landscape character and heritage which attract visitors to the location.

The proposals will place additional pressure on the dunes system, to mitigate this impact Section 106 obligations in the form of financial contributions to dune remediation and the provision of a Dunes Officer will mitigate the impact of additional use of the dunes which are a Biodiversity Action Plan habitat.

The proposals provide, through Section 106 obligations, financial contributions towards education and health care and provide the opportunity for a new health facility within the site. The proposals for social benefit and infrastructure are limited by the viability of the operation but do address the impacts to an extent in the vital areas thus comply with the requirement of Regional Planning Guidance Note 10 policy EN5, Cornwall Structure Plan policy 1 and Penwith Local Plan policy CS1.



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The proposals will have a limited impact on residential amenity during the construction period. The main disturbance will be from works to form the new junction and bridge which are closest to the residential areas and the construction period for these elements will be of a short duration. Given that the Penwith Local Plan Proposal TV-D sets out the support for a regeneration of the Harbour area the impact from the development has been accepted. The developer will be required to abide by a Construction Environment Management Plan which will contain measures to minimise impacts from construction on residential amenities.

### **RELEVANT PLANNING POLICIES:**

Regional Planning Guidance<sup>10</sup>: VIS1, VIS2, SS3, SS18, SS21, EN1, EN2, EN3, EN4, EN5, EC1, EC3, EC6, TCS1, HO3, HO5, HO6, TRAN1, TRAN3, TRAN5, TRAN10, RE1, RE2.

Cornwall Structure Plan (CSP): 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 16, 25, 27, 28.

Penwith Local Plan (PLP): GD1, GD2, GD4, CC1, CC2, OCC7, TV1, TV2, TV15, TV17, TVD, TVE, H3, H8, H13, H14, E1, E2, E5, TM1, TM3, CS1, CS4, TP5, TP7

Cornwall and West Devon Mining Landscape World Heritage Site Management Plan: 4c, 7b, 7c, 8a, 8b.

National Guidance / Policy

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPS4 - Town Centres

PPS5 - Planning and the Historic Environment

PPS9 - Biodiversity and Geo-conservation

PPS23 - Planning and pollution control

PPS25 - Development and Flood Risk

PPG13 - Transport

### **ANY ADDITIONAL INFORMATION:**

This permission is granted following the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between Cornwall Council and ING Red UK (Hayle Harbour) Limited dated the 29<sup>th</sup> of June 2010.

### **INFORMATIVES**

- Notwithstanding the details of the approved plans the approval subject to this decision notice in no way grants permission for works below the Mean Low Water line.



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- The highway proposals for the A30 Trunk road associated with this consent involve works within the public highway, which is land over which Cornwall Council has no control. The Highways Agency therefore requires the applicant to enter into a suitable legal agreement to cover supervision of detailed design and construction of the works. The Applicant should contact the Highways Agency's Network Manager, Ian Parsons 01392 312555 at an early stage to discuss the details of the highways agreement. Please be advised that the Highways Agency will charge Commuted Lump Sums for maintenance on schemes delivered by third parties. These will be calculated in line with HM treasury Green Book rules and will be based on a 60 year infrastructure design life period.

The applicant should also be aware that an early approach to the Highways Agency is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic and local road network to ensure there are no unacceptable impacts on congestion and road safety.

- The conditions are to be read in association with the following definitions and process:

Character Area: as defined in the Hayle Harbour Development Framework and Design Codes dated September 2009, namely North Quay, East Quay, South Quay/Foundry, Hilltop and Riviere Fields.

Development Area: a subdivision of a Character Area.

Reserved Matters: RM applications will need to be made to Cornwall Council for any development to be implemented under the Outline Planning Consent.

The process agreed with the local planning authority is that before RMs are submitted for any development within a Character Area:

- the Development Areas within that Character Area are defined, and indicative phasing is shown; and
- a Development Brief for that Development Area is submitted and agreed. The subsequent Reserved Matters will need to demonstrate how they deliver on the principles set out in the Development Brief.



**Phil Mason**

**Head of Planning and Regeneration**

**DATED: 29 June 2010**

## 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 using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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.