

## OFFICER REPORT – DELEGATED

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| <b>Application number: 08-0613</b>   | <b>Expiry date:</b>              |
| <b>Received on:</b>  | <b>Site visit date:</b>          |
| <b>UPRN:</b>   | <b>Neighbour expiry date:</b>    |
| <b>Legal agreement: Y</b>  | <b>Consultation expiry date:</b> |
| <b>Departure: Y</b>  | <b>Site notice posted:</b>       |
| <b>Complies with Development Plan? N<br/>If not, ensure you cover in the report how material considerations outweigh the plan?</b> | <b>Site notice expiry:</b>       |

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| <b>Applicant:</b> | ING RED UK (Hayle Harbour) Limited |
| <b>Address:</b>   | Hayle Harbour, Hayle.              |
| <b>Proposal:</b>  | Mixed use regeneration scheme.     |

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| <b>Case officer: JWC</b>                                    | <b>Authorising officer:</b>                                 |
| <b>Signature:</b><br><b>Date: 29<sup>th</sup> June 2010</b> | <b>Signature:</b><br><b>Date: 29<sup>th</sup> June 2010</b> |

### Description of site and development:

The site encompasses the main quays within the harbour and extends north towards the dunes and beaches and north east to include agricultural land to the rear of Clifton Terrace. The harbour is set within an open estuarine environment and is part of the Hayle Conservation Area as well as being one of the ten core areas of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). At present the harbour is under used and the fabric is in poor condition in places and in general has an air of neglect.

The main part of Hayle town is to the east with Foundry Square to the south and Penpol Terrace to the immediate east. To the north are the beaches whilst Carnsew Pool and Lelant Water are located to the west.

Outline Planning Application with all matters reserved.

The built components of the scheme include:

- 1,039 new dwellings of mixed type, and size, of which 175 will be affordable units;
- A new Fishermen's Harbour, incorporating a new Harbour Master's Office and a fishing support building;
- 7,755 sq m of employment space on North Quay, adjacent to both the Wave Hub buildings and the proposed Fishermen's Harbour, providing premises for potential fishing-related processes, marine and energy-related activities;
- Space for primary health care facilities and business centre.
- A total of 13,198 sq m of food, drink and retail space;
- A 60 bed hotel and tourist accommodation;
- A fitness gym;
- An information centre;
- Leisure building to support sailing and other water-based activities; and opportunities for landmark buildings on the northern tip of East Quay and South Quay.

The infrastructure components of the scheme include:

- Refurbishment of existing Listed structures, including all harbour walls;
- Excavation and reinstatement of part of the historic dockyard which served Harvey's Foundry;
- Reinstatement of the historic sluicing system;
- creation of a new fishing and commercial harbour located at the seaward end of North Quay to serve both the fishing fleet operating from Hayle and vessels supporting the Wave Hub Project;
- Provision of a marina and supporting facilities within a deepened and dredged area at the mid Section of the harbour;
- Impoundment of Penpol Creek as part of the marina by the provision of a barrier and locking system to allow deeper draught vessels to operate from Hayle;
- Construction of a new road bridge to access North Quay from Commercial Road;
- Construction of a new road access to South Quay from Carnsew Road;
- Construction of a new road along North Quay, up to Hilltop, through Riviere Fields to connect with Churchtown Road and Phillack;
- Creation of high quality public open space alongside the harbour throughout South and North Quays, incorporating a waterside walkway connecting both Foundry and Merchant Curnow's Quay to the beach;
- Provision of the new cycle connection between Carnsew Road and Copperhouse Pool;
- Incorporation of two new pedestrian bridges over Penpol Creek;
- Incorporation of a new pedestrian bridge between East Quay and North Quay;
- Creation of new pedestrian routes between North Quay and Hilltop; and
- Provision of parking to serve the new development

#### **Relevant planning history:**

08-1721: Concurrent detailed planning application for infrastructure works within the harbour area. These works provide the infrastructure to allow the business park on North Quay to be developed by the RDA and create the development platform and access for further development on North Quay.

The application was presented to the former Penwith Planning Committee in March 2009. Members resolved that the application be deferred and that authority be delegated to the Head of Planning and Regeneration to grant conditional approval on the satisfactory completion of Section 106 agreements and planning conditions. A copy of the minute is attached at Appendix 1.

#### **Public representations:**

All public representations made with regard to the application were presented for consideration by the Planning Committee.

#### **Consultee representations:**

All consultee responses made with regard to the application were presented for consideration by the Planning Committee.

Since the planning committee meeting the local planning authority has received additional information supplementary to the Environmental Statement submitted with the planning application and this has been given further publicity and consultation with statutory organisations has occurred. This is discussed below.

## **Constraints and designations:**

- Area of Great Scientific Value (AGLV)
- Site of Special Scientific Interest (SSSI)
- County Wildlife Site
- Open area of local significance
- Tree Preservation Order
- Grade 2/3a agricultural land
- Conservation Area
- World Heritage Site
- Listed Buildings
- Public Right Of Way (diversion required)
- Flood Zones 2 and 3a.

## **Relevant policies, SPGs and Government guidance:**

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, H2, H3, H8, 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

### Note on Policy Considerations

Since March 2009 there have been changes to national policy guidance and the introduction of the requirement to have regard to World Heritage site management plans.

PPS6 – Town Centres has been superseded by PPS4 – Planning for Economic Development and PPG15 and PPG16 have both been superseded by PPS5. Circular 07-2009 – Protection of World Heritage Sites at paragraph 14 requires local planning authorities to treat policies within World Heritage Site (WHS) management plans as material considerations in making planning decisions. The status of the emerging Regional Spatial Strategy for the South West is also in question due to the lack of progression following the examination in public.

It is considered that the changes to national policy and the introduction of the need to have regard to the WHS management plan policies are material considerations in determining this application. However, taking into account the new PPS4, PPS5 and policies within the WHS management plan it is considered that there are no new policy directions which would require a need to reassess the proposals. No representations have been received from any statutory agency with regard to the abovementioned changes.

## Background

Since submission of the application and accompanying Environmental Statement (ES) discussions between the applicant and consultees have resulted in a number of new documents and plans to support the ES. These documents have been given full attention as part of the ES and the outcomes within the planning conditions and Section 106 agreement (S106) have been agreed with the relevant statutory consultees. The Planning Conditions and S106 obligations recommended provide the mitigation and compensatory measures required to provide the balance that makes the proposed development acceptable when taking into account the identified impacts and their significance.

In accordance with the requirement of Part 1 Section 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (Statutory Instrument 1999, No. 293) the information within the Environmental Statement has been given full attention and has informed the consultation and negotiation processes which have resulted in this report and recommendation along with proposed conditions and S106 obligations.

This report will provide an update setting out the application progress towards completion of the Section 106 agreements and conditions since the Planning Committee meeting in March 2009. Copies of the January 2009 and March 2009 reports are attached as Appendix 1 and provide background information for this proposal. The format of the update will follow the headings layout of the January 2009 report to Members.

Of note is that the difficult economic climate and its effect on the viability of the regeneration proposals discussed in the 2009 January report to the Planning Committee has become more challenging. This has resulted in planning conditions and a S106 agreement which provide flexibility both to the developer and to the Council in terms of triggers for carrying out works or implementation of mitigation / compensation measures.

## Housing

The January 2009 report to Members had regard to the emerging Regional Spatial Strategy for the South-West (RSS). Earlier this year the Government indicated that the RSS is unlikely to be taken forward and this document has not been progressed thus can be afforded little weight in determining this planning application. This change in the policy framework is a material consideration in that the housing projections within the emerging RSS are now less certain. Despite the current status of the RSS the evidence base which resulted in its recommendations remains and will still be valid in terms of the broad need for housing. The proposed regeneration has from the outset been largely development led due to the need to ensure viability. The departure from the development plan by the provision of additional housing outside the harbour area on greenfield land is generally accepted as the funding generator for the delivery of the harbour regeneration. The benefits of regeneration are held to outweigh policy considerations relating to location of residential development set out at Regional Planning Guidance Note 10 at policy VIS2, Cornwall Structure Plan policies 3, 10 and Penwith Local Plan policy H8. 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, to meet the long held desire to regenerate this part of Hayle a significant proportion of the proposals need to comprise of high value residential development, a matter which has been previously reported to Members.

Planning Policy Statement 4 provides support for regeneration proposals at policy EC2 as does Regional Planning Guidance Note 10 at policies VIS2, SS3, SS18 and SS21, Cornwall Structure Plan policies 1, 3 and Penwith Local Plan policy TV1 and proposals TV-D and TV-E. The PPS4 at policy EC2.1 requires planning authorities to prioritise the regeneration of areas with high levels of deprivation. The proposals would result in significant business growth and also require a local population of sufficient numbers to ensure year round vitality of the town centre uses. As such a significant uplift in population close to and within the retail, commercial and leisure areas of the development will contribute towards a sustainable growth of Hayle in terms of economic viability. It is therefore concluded that the underlying reasons of viability of the financial side of delivery and viability and vitality for sustainable growth aspects remain as main drivers for the level of development. The delivery of housing within Hayle is supported by Penwith Local Plan policy H3 and will contribute to long term development targets beyond the current 5 year housing delivery requirements. It is anticipated that the housing will be built out over a number of years and given the current downturn in house construction will contribute to meeting long term housing targets for the western part of Cornwall. Significant housing delivery on previously developed land in Hayle, over and above the greenfield enabling development will improve the urban fabric and character and reduce the future need to develop other greenfield sites outside Hayle in accordance with Regional Planning Guidance Note 10 policies VIS1, HO5, Cornwall Structure Plan policy 3 and Penwith Local Plan policy TV1 in relation to reuse of previously developed land.

Affordable Housing provision remains at 17% of the total housing to be delivered. The issue of viability has previously been reported to Members and this issue remains valid at the time of writing this report. The S106 agreement contains triggers to ensure that the percentage of affordable housing keeps pace with the open market housing. The obligations also require a mix of tenures and that affordable housing is spread through the site which contributes towards the achievement of mixed communities as set out in Planning Policy Statement 3 and policy HO6 of the Regional Planning Guidance. Should no eligible person be available to occupy the affordable housing then the property would, as a last resort, be sold on the open market, the Council would then receive 25% of the sale price which would go towards provision of affordable housing in areas with an identified need. The proposals for affordable housing accord with Regional Planning Guidance 10 at policy HO3, Cornwall Structure Plan policy 9 and Penwith Local Plan policy H13 and H14.

## Transport

Commitments by the applicant to fund sustainable transport and promote travel plans to encourage a reduction in the reliance upon the private car, as set out in previous reports, have been carried through to the S106 agreement. There are also significant S106 obligations upon the applicant to provide highways mitigation linked to the development generated traffic. The package of works has been agreed following discussions with both the Highways Agency and the local highways authority. The development will also be subject to a Construction Traffic Management Plan to mitigate the effect on the local road network. A condition is in place which prevents the opening of the proposed junction of a road from Riviere Fields to Churchtown Road thus preventing development generated traffic from travelling through Phillack and adding pressure to the Lethlean Road junction with the B3301. The proposed Development Framework and Design Codes set out agreed proposals for safe and convenient walking and cycling. The new junction would however be open to public transport and emergency services vehicles. Further studies to convince the Council that opening the junction would not cause significant harm to residential amenity, highway safety and traffic flows will be required to enable the condition to be lifted. On opening the junction to all traffic the developer has agreed a S106 obligation to provide a public footpath from the new residential area of Riviere Fields to Phillack where it would join the existing footpath.

This is required to mitigate the increase in traffic against the reduction in safety and attractiveness to pedestrians who currently walk along this section of road. Given the mitigation obligations and conditions the development is considered to accord with Regional Planning Guidance Note 10 at policy TRAN3, TRAN5 and TRAN10, Cornwall Structure Plan policies 1, 27 and 28 and Penwith Local Plan policy TP5.

The proposals will result in a number of alterations to public rights of way. These alterations will remain safe and convenient during the construction stages and will be enhanced due to public realm improvements. The proposals therefore accord with Penwith Local Plan policy TP7.

## Heritage

Proposals remain as set out to Members in previous reports. There are now recommended conditions and S106 obligations with regard to timing of repairs to harbour walls, including the breach at South Quay. The condition of the harbour walls has been recorded and the developer will be obligated via the S106 to maintain the current state of repair of the walls. The Pattern Building has been secured at nil cost provided the Council submits a valid scheme for redevelopment within 3 years of the date of the permission. The developer will also transfer at market value the adjacent Cattle Shed land. A site will be provided for the Goonvean Engine which will be leased or licenced at nil consideration.

The carrying out of sluice repairs and the introduction of harbour sluicing operations have been set as obligations within the S106 agreement with the harbour sluicing requiring a further report for further discussion of matters such as viability, ecological impact and infrastructure requirements.

The heritage benefits remain as previously presented to Members and works will be delivered over time in recognition of the difficult economic climate. However the most pressing works such as harbour wall repair will occur at the earlier and middle stages of the development. An uplift in developer confidence may see works occurring sooner. Overall it is considered that on balance the heritage benefits outweigh any harm and this proposed regeneration scheme still presents the best opportunity to begin a meaningful regeneration of Hayle Harbour. The proposals are therefore considered to be in accordance with Regional Planning Guidance 10 policies VIS2 and EN3, Cornwall Structure Plan policies 1, 2 and policy guidance within Planning Policy Statement 5 - Planning and the Historic Environment.

With regard to the World Heritage Site status the planning conditions and obligations require submission of reserved matters details to address design, materials and how the proposals have regard to the Outstanding Universal Proposals of the WHS. In this way the Site and its setting will be protected and conserved as well as offering opportunity to enhance the current neglected parts of the site. This will provide future generations with the ability to understand the Site's historic importance. All important structures will be retained and incorporated into the new development resulting in ongoing preservation. The proposals are therefore considered to be in accordance with WHS Management Plan policies 4c, 7b, 7c, 8a and 8b. Further to this the proposed pattern of development for Riviere Fields has been withdrawn and an obligation imposed to submit a design code for this area to ensure the residential development is sympathetic to the patterns of development in Hayle and in particular to the urban form on the opposite side of Copperhouse Pool. The consideration of sympathetic urban form has been set within the Development Framework and Design Codes for the rest of the site and will ensure that the development respects the historic urban form within the WHS and Conservation Area thus preserving and providing opportunities for enhancement thus protecting the setting and character of the town in accordance with Regional Planning Guidance 10 policies VIS2, EN3 and EN4, Cornwall Structure Plan policies 1, 2 and policy guidance within Planning Policy Statement 5 - Planning and the Historic Environment as well as Penwith

Local Plan policy GD1 relating to integration with surroundings and policy GD2 (i) and (ii) relating to traditional patterns of development and use of materials.

### Natural Environment

The environmental consultees represented by Natural England, Environment Agency RSPB and the Council's environment service have been fully included in discussions which have arrived at the proposed planning conditions and S106 obligations. These outcomes are considered to achieve 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. The obligations also include a requirement for monitoring during and post construction and include a financial provision for mitigation of any identified impacts.

The proposed dune mitigation previously reported has been secured by way of a S106 obligation as has intertidal mitigation and compensation. The proposed fisherman's harbour will include habitat creation to compensate for both aquatic and intertidal habitat reduction. The S106 requires the developer to submit ecological management plans with reserved matters applications and also that a Construction Environmental Management Plan be agreed. The environmental consultee involvement will be encouraged throughout the development process. The CEMP will cover matters such as prevention of pollution of the aquatic environment from works as well as other matters such as air quality control. The CEMP and Site Waste and Construction Traffic Management Plans have been tied by condition to the advice within the environmental statement. 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 with the agreement of the Environment Agency. The subsequent mitigation through land uplift and flood warning and evacuation procedures, required by condition, 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 by way of a condition in accordance with the aims of Cornwall Structure Plan policy 6.

The proposed development would be visible from medium and distant views from outside the site. The new built form is of a scale that will integrate with the existing townscape, albeit the redevelopment represents a significant extension of the town. Appropriate use of materials and design will mean there will be little impact on the landscape character of the coast and countryside from whence the site may be viewed. The proposal thus complies with Regional Planning Guidance 10 policy EN1, Cornwall Structure Plan policies 1, 2 and Penwith Local Plan policy CC1.

### Economy and Employment

Since the March 2010 Planning Committee PPS4 has been introduced. The PPS encourages economic development at policy EC10.1 and in this case provides support for the harbour regeneration. The development site in an edge of centre location which is sequentially appropriate and would involve town centre uses as supported by the current Penwith Local Plan proposals TV-D and TV-E. The proposals have had regard to

sustainable construction and climate change, they will be accessible by means other than the car and mitigation / management measures for the local road network secured. This is an outline application with all matters reserved, however the design codes will ensure that reserved matters applications will improve the character and quality of the harbour area and the way it functions. The proposals will provide physical regeneration to the benefit of the whole town in terms of employment provision, choice and a reduction in the need to travel outside Hayle. The proposals are therefore in line with PPS 4 policy EC10.2 as well as according with Regional Planning Guidance 10 policies EC1, EC6 Cornwall Structure Plan policies 14, 16 and 25, and Penwith Local Plan policy TV17.

Works for the on-shore Wave Hub infrastructure are underway. The proposed business park at North Quay will build on this and provide employment space for industrial and commercial uses as previously reported to Members. Overall the proposals will make a significant contribution to local employment and economy in accordance with Regional Planning Guidance 10 policies VIS2, EC3, Cornwall Structure Plan policies 11 and 12, and Penwith Local Plan policies E1 and E2.

The proposals aim to increase the attraction of Hayle as a visitor destination through improvements to the harbour area and accessibility to the beaches. The proposals also include the provision of an 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 lessen the impact through management and education of the additional use of the dunes which are a Biodiversity Action Plan habitat.

The proposals will result in the reduction of agricultural land due to conversion to dune habitat to compensate for habitat lost to the North Quay car park. Details were submitted demonstrating that the loss of this low biodiversity land which is mainly used for brassica crops will not harm the farm business. These details are accepted and balanced in part by the creation of an habitat of greater biodiversity which will also provide a buffer for the Mexico Towans SSSI. As such the proposals are not considered to significantly conflict with policies protecting agricultural land set out at Cornwall Structure Plan policy 3 and Penwith Local Plan policy E5.

### Community Services and Facilities

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 harbour redevelopment area. 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 as previously set out before Members. The proposals are considered to comply with the requirement of Regional Planning Guidance Note 10 policy EN5, Cornwall Structure Plan policy 1 and Penwith Local Plan policy CS1.

### Residential Amenity

The main areas affected by the proposals would be Penpol Terrace opposite South Quay, Clifton Terrace and the area around the proposed junction for the new bridge. There are no issues in terms of loss of privacy or overbearing and since the applicant has proposed a reduced height of buildings on South Quay there would be no significant loss of light to properties at Penpol Terrace. The main disturbance will come from the construction phase and additional traffic both during construction and post development. Planning conditions require the submission of a construction, traffic and waste management plans

which will contain measures to mitigate the unneighbourly aspects of the development. These will also require contractors to sign-up to the 'Considerate Constructors Scheme'.

The adverse impacts are considered to be outweighed by the benefits the regeneration could bring to Hayle as a whole. Also it needs to be recognised that the harbour area has been allocated for development thus the principle of the relatively short to medium-term disturbance caused by construction has been accepted.

### Conclusion

In assessing the balance of benefits arising from the proposals in terms of regeneration against the impacts set out in the report as previously presented to Members, the planning conditions and obligations bring the outline proposals to the positive side of the balance. It is considered that the agreed conditions and S106 obligations make the application proposals acceptable in planning terms.

### **Recommendation:**

That Conditional Approval should be granted subject to conditions, informatives and a section 106 obligation. The conditions, informatives and S106 heads of terms are set out below.

### **Reasons 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 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 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.

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 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 an 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.

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.

**Conditions/Reasons:**

**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
- 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 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 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.

*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.*

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 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.*

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 6.35m AOD.

*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:

- 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 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 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.*

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

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 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.

*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 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.

## **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.
- 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.

