

Cornwall Council

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Application number: W1/08-1721

Agent:

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

Applicant:

Hayle Harbour Management Ltd & Cpr
Regeneration Ltd
C/O Agent

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

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 3 February 2009 and accompanying plan(s):

Description of Development: Infrastructure works including formation of new harbour, deep water quay & associated enabling works, formation of new bridge, new roads, flood protection works, repair & restoration of quay walls, repair & renovation of sluicing arrangements, creation of promenade & operational access route along north quay and creation of new car park area & boat storage area (this proposal affects the setting of listed buildings and public rights of way)

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
IDOX/ACFULZ

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: W1/08-1721

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). 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, including any associated groundworks or demolition, a Phasing Plan that indicates the two key phases of development referred to as Phase 1a and Phase 1b shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure coordinated and integrated land use planning.

3. Within 2 months of commencement of each phase of development pursuant to Condition 2, excluding demolition or any associated groundworks other than uplift of land, details of the external cladding materials and finishes to be used in the construction in respect of that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to reflect the Outstanding Universal Values of the World Heritage Site and to protect the character and appearance of the Hayle Conservation Area.

4. Before commencement of the development hereby permitted, including associated groundworks or demolition, a Site Waste Management Plan substantially in accordance with Section 14 of the Environmental Statement submitted with the application hereby approved 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, and the development shall be carried out in accordance with the approved Site Waste Management Plan.

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



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5. Before commencement of each phase of development pursuant to Condition 2, including any associated groundworks or demolition, a programme of archaeological investigation in respect of that phase shall be submitted to and approved in writing by the local planning authority. The programme shall include a scheme for the retention, re-use or storage of existing rail tracks. Archaeological investigations shall be implemented in accordance with the approved programme and retention, re-use or storage of the rail tracks and associated supporting materials or associated rail infrastructure shall be carried out in accordance with the approved scheme

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 and to preserve the character of the Hayle Conservation Area and protect the Outstanding Universal Values of the World Heritage Site.

6. 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 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 otherwise agreed in writing by the local planning authority.

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

7. 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.

8. Before commencement of each phase of the development pursuant to Condition 2, including associated groundworks or demolition, a detailed Construction Management Programme in respect of that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Programme shall be substantially in accordance with the Construction Environmental Management Plan framework set out at Section 17 of the Environmental Statement submitted with the application hereby approved. The programme shall include: commencement and completion dates; hours



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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 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.

9. Notwithstanding the description of development in the application this permission does not approve a signalised junction at the junction of the B3301 adjacent to Hayle Terrace and before the commencement of any works or development to construct the new road junction that provides access to the new bridge across Copperhouse Pool, a detailed scheme of works including showing how access and egress from the existing businesses and dwellings in the vicinity of the proposed junction of the B3301 and access to North Quay will be provided, shall have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved scheme. For the avoidance of doubt commencement of works to the road bridge over Copperhouse Pool are not covered by this condition.

Reason: To ensure the formation of a safe access to the development, in the interests of highway safety and to maintain the existing standard of access to the residences and businesses in the immediate vicinity of the junction.

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

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

11. Before commencement of each phase of the development pursuant to Condition 2 a scheme for the provision and implementation of surface water drainage in respect of that phase shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory method of surface water drainage.



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12. Before commencement of the development hereby permitted details of the proposed street lighting 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

13. 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.

14. Before commencement of construction of the road bridge over Copperhouse Pool, a detailed design for the bridge including details of the bird screen and details of materials and finishes shall be submitted to and approved by the local planning authority. The bridge shall be constructed in accordance with the approved details. For the avoidance of doubt commencement of works to the proposed junction of the B3301 and access to the new road bridge are not covered by this condition.

Reason: To ensure the protection of the character and appearance of the Hayle Conservation Area and the protection of the setting of the adjacent Grade II listed swing bridge as well as to protect and conserve the character of the World Heritage Site.

15. Before public use of the new road bridge by pedestrians or cyclists, the bird screen is to be constructed and installed and thereafter retained in accordance with the approved details

Reason: To minimise the impact of pedestrians and cyclists on the bird habitats of Copperhouse Pool and to protect the character and appearance of the Hayle Conservation Area.

16. 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 approved in writing



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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.

17. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 101, Drawing no. 200, Drawing no. 107, Drawing no. 108, Drawing no. 109, Drawing no. 110, Drawing no. 111, Drawing no. 112, Drawing no. 113, Drawing no. 115, Drawing no. 114, Drawing no. 400, Drawing no. 206, Drawing no. 207, Drawing no. 208, Drawing no. 209, Drawing no. 210, Drawing no. 211, Drawing no. 212, Drawing no. 300, Drawing no. 301, Drawing no. 302, Drawing no. 102, Drawing no. 100, Drawing no. 103, Drawing no. 304, Drawing no. 303, Drawing no. 201, Drawing no. 105, Drawing no. 104, Drawing no. 202, Drawing no. 203, Drawing no. 204, Drawing no. 305, Drawing no. 307, Drawing no. 308, Drawing no. 309, Drawing no. 310, Drawing no. 311, Drawing no. 106.

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



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REASON(S) FOR APPROVAL:

It is considered that the proposed infrastructure works are acceptable in the light of development plan policies and national policies and guidance. The site is previously developed land on the edge of Hayle and strongly associated with the urban form of the town.

The site has been identified by Proposal TV D of the Penwith Local Plan as being a suitable location for mixed use redevelopment. The proposed infrastructure works will enable mixed use development of the North Quay part of Hayle Harbour as well as enabling the construction of the business park which accords with the aims of Regional Planning Guidance 10 policy EC3, Cornwall Structure Plan policies 11 and 12, and Penwith Local Plan policies E1 and E2 relating to provision of employment sites. The proposals are considered to accord with Regional Planning Guidance 10 policies VIS1, VIS2, SS3 and SS18 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 as well as enabling a mixed use development that will enhance the public realm and conserve and protect the landscape, heritage assets and industrial heritage and create conditions for growth within Hayle. These proposals are thus in line with the aims of Regional Planning Guidance 10 policies EC1 and EC2 which encourage economic activity in areas where it can bring greatest economic and social benefits. The proposals accord with Cornwall Structure Plan policies 1, 3 and 16 in terms of the aim to bring about a long term improvement of Hayle's economic and social circumstances. This aim is achieved through regeneration whilst making best use of previously developed urban land. The proposals also 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 proposals are in accordance with the Government's objectives for planning set out within PPS4 and will improve the economic performance of Hayle, provide significant regeneration whilst conserving the site's heritage. The redevelopment will result in a built form which is resilient to climate change and accessible from a range of transport options including walking in accordance with policy. The proposals will provide a development platform from which significant regeneration and employment opportunities will arise in accordance with policy EC10.2 of PPS4.

The proposals accord with Cornwall Structure Plan policy 2 in terms of protection and enhancement of the character of Hayle and will positively relate to the urban form. The proposed infrastructure will integrate with the industrial surroundings in terms of scale, design and materials thus respecting the industrial heritage of the site in accordance with Penwith Local Planning policies GD1 and GD2(i). The proposals will also preserve the landscape character and setting of the development in accordance with Regional Planning Guidance 10 policy EN1, Cornwall Structure Plan policy 2 and Penwith Local plan policy CC1 as well as according with the key principle relating to landscape character within Planning Policy Statement 7 – Sustainable Development in Rural Areas.

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 proposed infrastructure works are considered to preserve the industrial character of this part of Hayle Harbour and will enhance the appearance of North Quay. 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 site is within the Cornwall and West Devon Mining Landscape World Heritage Site. In accordance with policy 4c of the management plan the proposed development will enhance the site and conserve the setting. The distinctiveness of the site will be enhanced by the development which will respect historic importance and the industrial setting in compliance with management plan policy 7b. All historic buildings are to be retained and protected, development in proximity to those buildings will recognise the special architectural and historic importance of these heritage assets and their setting in accordance with management plan policies 7c, 8a and 8b.

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 RE1 and EN2, Cornwall Structure Plan policy 4 or Penwith Local Plan policy CC7 relating to the protection of Sites of Special Scientific Interest 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 implemented in accordance with the aims of Cornwall Structure Plan policy 6.

The proposed infrastructure 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 works will not significantly impact upon the local road network in terms of additional traffic flows other than during the construction period when a Construction Traffic Management Plan will be in force. As such the proposed highway works are considered to be in accordance with 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 accordance with guidance within Planning Policy Guidance Note 13.

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 Guidance10: VIS1, VIS2, SS3, SS18, EN1, EN2, EN3, EN4, EC1, EC3, RE1, RE2.

Cornwall Structure Plan 2004 (CSP): 1, 2, 3, 4, 6, 11, 12, 16, 25, 27, 28.

Penwith Local Plan 2004 (PLP): GD1, GD2, GD4, CC1, CC7, TV1, TVD, E1, E2, CS4, TP7.

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

National Guidance / Policy

PPS1 – Delivering Sustainable Development

PPS4 - Town Centres

PPS9 - Biodiversity and Geo-conservation

PPS23 - Planning and pollution control

PPS25 - Development and Flood Risk

PPG13 - Transport

PPS5 - Planning and the Historic Environment

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 and Camborne Pool Redruth Urban Regeneration Company Limited and dated the 29th of June 2010.

INFORMATIVES

The Public Rights of Way through the site should remain open at all times:

- No building materials must be stored on the right of way.
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers (e.g. gates) are to be placed across the right of way.
- The applicant should ensure they have private access rights to drive on the public right of way.
- No work authorised by this permission which affects the line of any public right of way shall be carried out until such time as the formal procedures required to divert the right of way have been undertaken.

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.

For the avoidance of doubt the definition of Development within the Section 106 obligation with regard to signalisation of the junction on Hayle Terrace is hereby superseded by condition 9 attached to the planning decision notice.

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.

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.