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9 December 2010

Dear Sir/Madam

Hayle – Proposed Development at South Quay and Foundry Yard on Behalf of ING RED UK (Hayle Harbour) Limited

We are instructed by our client to submit an application for the redevelopment of South Quay and the Foundry Yard to provide a mix of uses predominantly comprising retail and residential accommodation.

A hybrid planning application is being pursued. This approach will provide the necessary level of detail required to determine the planning application in light of the site's size and its sensitive location in planning policy terms.

The planning application promotes the development of South Quay and Foundry Yard for mixed use purposes.

"Full planning permission is sought for:

- *a Foodstore (A1) incorporating an A2 unit;*
- *a Cinema (D2);*
- *3 non-food retail units,*
- *2 small retail units unit for shops/restaurant purposes (A1 or A3),*
- *the creation of new public realm including quayside promenade and public open spaces;*
- *the development of associated infrastructure including the construction of a raised development platform and related flood prevention measures;*
- *a new highway junction on Carnsew Road and improvements to the existing highway;*
- *car parking and servicing arrangements; and*
- *access to the residential development to the north of the quay*

Outline planning permission (with all matters reserved except for access) is sought for:

- *30 residential units on South Quay;*
- *the construction of a new restaurant (A3);*
- *associated infrastructure including estate roads, car parking and amenity spaces;*
- *the erection of a new pedestrian footbridge over Penpol Creek; and*
- *the creation of improved pedestrian access and landscaping proposals to enhance Isis Garden".*

Given that South Quay is listed Grade II for its group value, a parallel application seeks Listed Building Consent for:

- *"the construction of a raised development platform and the installation of new paving and surfaces to establish a new public realm (including quayside promenade);*
- *the construction of related retaining walls and flood protection measures;*



- *a new harbour wall to Carnsew channel;*
- *works to repair the harbour walls comprising: repairs to the breach to the harbour wall to reinstate the collapsed length of masonry quay wall; repairs and repointing of existing walls; and*
- *the repair/reinstatement of harbour side furniture”.*

The application for Listed Building Consent is addressed under separate cover.

The following documents have been submitted in support of the planning application:

- four copies of the planning application forms duly completed and signed;
- four copies of the Certificate of Ownership;
- a cheque to the sum of £29,027.50;
- four copies of the application drawings comprising the Site Plan (Drawing reference number: 0179-P-101-A);
- other application drawings as set out in the schedule prepared by Mountford Pigott;
- Planning Statement prepared by Planning Perspectives LLP;
- Heritage Statement prepared by Christopher Pound;
- Archaeology Report prepared by Northamptonshire Archaeology;
- Statement of Community Involvement prepared by Consensus PR Ltd;
- Transport Assessment prepared by Savell Bird & Axon;
- Travel Plan Framework prepared by Savell Bird & Axon;
- Retail Planning Assessment prepared by Strategic Perspectives LLP;
- Design & Access Statement prepared by Mountford Pigott LLP;
- Landscape Design Statement prepared by Aspect Landscape Planning Ltd;
- Sustainability & Energy Statement prepared by Environmental Perspectives LLP; and
- Utilities Assessment prepared by Buro Happold.

The hybrid application is also accompanied by an Environmental Statement that has been prepared by Environmental Perspectives LLP with technical input from the specialist consultants detailed below.

The Environmental Statement is presented in three parts and comprises:

- Volume One – the main text;
- Volume Two – the technical appendices; and
- Volume Three – the non-technical summary.

The technical studies include:

- The Planning and Land Use Context (Planning Perspectives LLP) Chapter Four;
- Transportation (Savil Bird & Axon) Chapter Five;
- Noise and Vibration (Sharps Redmore) Chapter six;
- Air Quality (Buro Happold) Chapter Seven;
- Landscape and Visual (Aspect Landscape Limited) Chapter Eight;
- Soil Conditions, Groundwater and Contamination (Buro Happold) Chapter Nine;
- Flood Risk Assessment (Buro Happold) Chapter Ten;
- Ecology (Buro Happold) Chapter Eleven;
- Archaeology and Cultural Heritage (Christopher Pound) Chapter Twelve;
- Socio-Economic Assessment (Environmental Perspectives LLP) Chapter Thirteen.
- Energy Strategy (Environmental Perspectives LLP) Chapter Fourteen;
- Waste Strategy (Environmental Perspectives LLP) Chapter Fifteen;
- Construction Environmental Management Plan Issues (Environmental Perspectives LLP) Chapter Sixteen;



- Cumulative Impact Assessment (Environmental Perspectives LLP) Chapter Seventeen.
- In order to facilitate the easy handling of the application, ten copies have also been provided on a CD ROM for distribution to the relevant Consultees.

Overview

This planning application needs to be considered in the context of the planning permission for the regeneration of the wider harbour lands which was submitted by ING in 2008. Planning permission for the “*masterplan*” was issued on 29th June 2010 following the completion of the necessary legal agreement under Section 106. Accordingly, the masterplan permission remains extant and is to be considered as a significant material consideration in the determination of these applications.

The masterplan permission provides for the redevelopment of South Quay, East Quay, North Quay, Hill Top and Riviere Fields for mixed use purposes comprising residential, retail, office, industrial, hotel and leisure uses (reference 08-0613-P).

In relation to South Quay, the outline masterplan permission provides for predominantly residential accommodation (260 units), with retail (10,585 sqm), office (5,150 sqm) and leisure and non residential uses at ground floor level (2,000 sqm). The application also provides extensive public realm improvements and the construction of a pedestrian promenade around the perimeter of the site at the existing quay level. Vehicular access to South Quay was determined as part of the planning approval. This comprised a staggered junction that also provided access to Foundry Yard.

Under the masterplan permission the Foundry Yard site provides for a 5,000 sqm commercial building capable of accommodating a range of uses including business floorspace, a health centre, or higher education facilities.

In parallel with the masterplan application, a detailed planning application was submitted for infrastructure improvements that would facilitate the development of North Quay and the Renewable Business Park (LPA Reference 08-1721). This application was jointly promoted by ING and the South West of England Regional Development Area (SWRDA) and was approved on 29th June 2010. Funding will hopefully be secured very shortly as works are programmed to commence in December 2010. The new vehicular bridge between Hayle Terrace (B3301) and North Quay is due to be completed by summer 2012.

It was originally envisaged that South Quay would not come forward until the latter stages of the development programme. However, in light of the recent interest expressed by national foodstore operators seeking representation in Hayle, ING has identified that South Quay is ideally suited for retail development and should come forward now.

Historical Background to the Growth of Hayle

Whilst Hayle Harbour was once a thriving industrial area, at the forefront of the Industrial Revolution in the 19th Century, little physical evidence of the town's former economic prosperity remains within and around the Harbour. The majority of the harbour lands now lies derelict and is, to a large extent vacant; although access has been allowed over South Quay to local fisherman. As a result, the link between the town and the coast, along the estuary, is unattractive and represents an under utilised resource which if redeveloped would revitalise the ailing local economy.

The regeneration of the harbour has long been supported, but previous attempts to bring forward development have failed. Similarly, the current economic climate has had a detrimental impact upon the residential market, and as a consequence, the timeframe for delivering the masterplan will undoubtedly take longer than originally anticipated.



Review of Development Proposal for South Quay/Foundry Yard

In light of the above, ING has reviewed a number of options for the redevelopment of South Quay and more recently the Foundry Yard site.

The redevelopment options have been informed by the masterplan; adopted planning policy at national, regional and local level; economic circumstances; and retailer interest in locating in Hayle. Most importantly, ING has sought to bring forward development that is viable in current market conditions and is capable of providing the necessary infrastructure improvements (including access, flood defences and utilities) whilst also delivering the necessary repairs to the listed quayside and the wide ranging public realm improvements. These *"enabling works"* come at a very considerable price that would now not be afforded by the mix of uses promoted under the Masterplan permission. These works have been calculated to cost in the region of £7.25 million.

It is against this background that ING is now pursuing a retail-led, mixed use, development for which significant retailer interest exists. Such a proposal would clearly be deliverable in the short term and will demonstrate investor confidence in Hayle. This will in turn act as a catalyst for the regeneration for the wider area and bring forward significant benefits for local business and the economy as a whole.

As a consequence of the above, ING submitted a planning application for a foodstore on South Quay in December 2009 (LPA Reference: 09-1334-ORM). However, this application was withdrawn to allow further consideration to be given to matters raised by various consultees and other interested parties, in relation to the scale of development, its ability to integrate with the existing town centre, the disposition of the buildings and the impact of the scheme upon the local heritage assets.

ING has taken the past 9 months to reappraise its approach to development in this area and is now promoting the comprehensive redevelopment of its land ownership to the north of the railway viaduct; comprising South Quay and Foundry Yard. Furthermore, this review has sought to address the specific issues and views raised by English Heritage and CABE which, to a significant degree, mirror representations made by local Hayle residents. Numerous meetings have taken place with English Heritage and CABE and this dialogue continues as the views of these particular bodies will influence any future reserved matters applications.

Particular attention has been paid to the area's significant heritage assets and the Government's recently published guidance as set out in Planning Policy Statement 5 "Planning for the Historic Environment". This guidance supersedes that previously contained within PPG15 "Planning and the Historic Environment" and PPG16 "Archaeology". Circular 07/2009 which relates to the protection of World Heritage sites remains in force and is a further material consideration in the determination of this application.

In order to address the new guidance, ING has commissioned Christopher Pound, a specialist heritage consultant with considerable experience in dealing with complex development proposals affecting World Heritage Sites, Conservation Areas and Listed Buildings. In addition, Christopher Pound's advice has been informed by the archaeological investigation that has been undertaken so that previous, now buried, heritage assets can be more fully understood.

The recent work of Christopher Pound has fundamentally affected ING's approach to the development of this area and his assessment of the significance of the various heritage assets has informed the architectural approach that has been adopted by the applicant's team.

In summary, the Heritage Assessment has reviewed the World Heritage Site Inscription and in particular Hayle's contribution to the West Devon and Cornwall Mining Industry. The significance of the heritage assets has been assessed in relation to the historical evolution of the town (The World



Heritage Site designation – which is associated with the area’s mining history that is to a large extent intangible, given that nearly all physical connections to this have been lost and is therefore of limited significance in terms of influencing any future proposals), the wider visual setting of Hayle and its environs (the Conservation Area designation – which is of local significance and is largely visual and relates to the inter-relationship between the existing building, open spaces and the wider landscape) and the surviving fabric of the built form (where considerable significance has been attached to the listed buildings that are of national importance).

The findings of the assessment are set out in the accompanying Heritage Statement and these have informed the disposition of the proposed buildings, open spaces and land uses, building footprints and urban design. Particular attention has been paid to repairing the historic fabric of the Quay and the design of the new harbour walls. These recommendations have also informed the application for Listed Building Consent.

In overall terms, the applicant considers that the latest proposals are particularly sensitive to area’s heritage in so far as it seeks to preserve, wherever appropriate, the heritage assets of significance and bring forward the early repair of the existing fabric and secure its future maintenance.

The Proposed Development

In light of the current economic conditions, retailer demand, and the detailed heritage and archaeology investigations, the Design & Access Statement prepared by Mountford Pigott LLP explains that the proposals will create a restored and valuable area, that will retain and improve many of the historic features associated with its industrial past and, at the same time provide the necessary impetus for the regeneration of the wider harbour in conformity with the extant approval.

In summary, the proposed development comprises:

- a foodstore of 5,230 sqm GIA (net sales area 2,550 sqm) with parking for 276 vehicles;
- three non-food retail units on the Foundry yard totalling 1,990 sqm with parking for 43 vehicles;
- a 433 sqm cinema;
- two smaller retail/restaurants units (Class A1/A3) with a total floor area of 407 sqm;
- vehicular access via a signal controlled junction on Carnsew Road;
- public realm enhancements to improve pedestrian access to the Quay and linkages with the town centre;
- a pedestrian promenade around the entire edge of the Quay;
- a public square at the northern tip of the quay;
- the provision of a pedestrian footbridge connecting South Quay to Penpol Terrace;
- a piazza adjacent to Carnsew Road and a space allocated for a heritage/art feature (potentially the Goonvean Engine) at Foundry Yard;
- 30 residential units in the form of apartments and houses; and
- a feature restaurant at the northern most point of the Quay.

The principal difference between this application and the approved Masterplan is the inclusion of the cinema and the consolidation of the retail floorspace consented by the permitted Masterplan in the form of a larger format foodstore to be sited at the southern end of the quay. These uses will create a thriving and vibrant extension to the town centre in a manner that will significantly enhance the local economy and provide a wide range of opportunities for local residents.

The accompanying Retail Planning Assessment has been carried out in accordance with the provisions of PPS4: “Planning for Sustainable Economic Growth” which adopts the “town centre first approach to the siting of new retail investment. On this basis, the Retail Assessment has applied the sequential approach to site selection and has confirmed that there are no suitable centrally located



town centre sites capable of accommodating a food supermarket, non-food retail floorspace and associated car parking; either on a single site, or in a disaggregated form.

In this context, the Assessment goes on to confirm that the application site is the most appropriate location capable of accommodating the proposed retail uses due to its location immediately adjacent to the Foundry town centre. Such uses, along with the proposed cinema, will facilitate linked shopping trips and enhance the vitality and viability of the town centre as a whole by generating significantly increased footfall; to the benefit of existing businesses and visitors.

In terms of the impact of the proposed foodstore on existing provision and the town centre as a whole, the evidence points to a significant leakage of main 'bulk' food shopping trips and expenditure from Hayle to large modern out-of-centre stores located some distance from the town centre. Given that there is no major superstore in Hayle, the proposed store will be able to 'claw back' a significant proportion of the main food expenditure currently 'leaking' out of the town, most notably from Tesco at Camborne and the Morrison's and Tesco superstores in Penzance.

As a consequence, the impact on the town centre's existing food and convenience stores including the Co-op and other smaller food stores in Copperhouse and Foundry will be limited, as they primarily serve the more frequent 'day-to-day' top-up shopping needs of the local resident population.

A similar pattern of significant leakage of expenditure from Hayle to larger out-of-centre retail warehouses and centres is evident with non-food comparison goods. With regard to Foundry and Copperhouse town centres, the Retail Assessment explains that there is a need to improve the level of non-food provision and widen the offer by providing space for operators who would either compliment, or not compete 'like-for-like' with, the smaller independent shops in Hayle.

The Retail Assessment concludes that the application proposals are of an appropriate scale to help maintain and enhance the role and function of Hayle. Furthermore, the scale of retailing proposed will have the necessary critical mass and range and depth of food and non-food items to retain significantly more of the expenditure generated by Hayle residents. As a consequence, far more sustainable shopping patterns will result, in particular residents of Hayle will have less distance to travel to undertake their retail purchases and will be able to shop by a variety of non-car borne modes.

Other Foodstore Proposals

It is to be noted that a number of competing foodstore proposals are also being considered by Cornwall Council. An application has been submitted for a Morrisons store on the Jewson site immediately to the east of South Quay. An Asda Store is proposed at Hayle Rugby Club and a J. Sainsbury's store on land adjacent to West Cornwall Shopping Park. ING has submitted representations in relation to these developments.

In summary however, South Quay is unquestionably the best site in locational terms, given that it lies immediately adjacent to the town centre (it is the sequentially preferable location when considered against the tests set out in PPS4), it is also the only site that will deliver the repairs to the heritage in the harbour and the only proposal that can stimulate the wider harbour regeneration.

Design

As explained within the Design & Access Statement prepared by Mountford Pigott LPP, with heritage in mind, and taking into account the relationship of the development with the town centre, the architecture responds to the scale and massing of the adjacent viaduct and the nearby commercial buildings. The larger of the proposed buildings, the foodstore and cinema, has been located closest



to the viaduct where the scale and grain reflects the historical location of large structures, whilst still respecting the dominance of the viaduct in this part of town.

The disposition of the buildings and the siting of the car parking area also reflect what is known about the heritage of the site and in particular the buried assets that has been identified following archaeological investigations. Towards the centre of the site the remains of the former quay ensemble will be preserved in situ and identified through the use of different surface treatments and marker post, such that visitors can appreciate their former scale.

The architecture of the main building, whilst contemporary in style, is based on a traditional warehouse but its gabled elevation to Penpol Creek, the use of different facing material and the provision of northlights in the roof create the perception of a terrace of units. The two smaller retail units, located between the car park and the quayside promenade, frame the new footbridge and provide screening to the car park when the site is viewed from Penpol Terrace. These units also provide the link to the residential development to the north of the quay.

The residential element has been designed to complement the scale of buildings on Penpol Terrace, and is in keeping with the scale recommended by CABI at the initial stage of the project. This part of the application is in outline only, but the illustrative layout sets the standard for further development in due course.

The public realm enhancements are extensive and take the form of the promenade around the entire perimeter of the quay and a network of footpaths that link the different elements of the development and integrate the site with the Foundry, Penpol Terrace and Carnsew Pool. Three large open spaces are created. The first straddles Carnsew Road creates a distinct public space to the north of the viaduct, which responds to the grain of Foundry Square and draws development of South Quay into the Town. The second is located at the western end of the footpath that links to the footbridge, which will provide the setting for the heritage interpretation area. The final public zone will be sited at the northern tip of the quay below the proposed residential area and the feature restaurant. In total, the public realm enhancements for which detailed approval is sought extend to 4,570 sqm.

South Quay and Foundry Yard will be accessed via a new signalised junction broadly in the location approved in the Masterplan application. This junction arrangement seeks to reflect the views of English Heritage and Cornwall Council by providing for combined vehicular and pedestrian movements in a form that has least visual impact on this section of the highway network. The junction layout has been designed to accommodate cars and service vehicles and provides for right hand turns into both Foundry Yard and South Quay. The entrance to the main customer car park on South Quay is located well to the north of the foodstore to avoid any congestion occurring on Carnsew Road.

Benefits of the Proposed Development

Overall, the development will bring about positive regeneration, heritage, employment, social, environmental, sustainability and community improvements. Most importantly, it will result in a substantial level of investment in the town which will in turn improve investor confidence in a recessionary climate that will hopefully stimulate further investment/development in Hayle. ING has calculated the total investment value of the scheme to be in the region of £35 million.

The range of significant benefits that can be summarised as follows:



Heritage Benefits

- Repairs to the breach in the wall including maintenance of the existing listed structure (infilling of missing granite and re-pointing).
- A photographic record of heritage features.
- Archaeological investigation and recording of the buried heritage features.
- Reinstatement/maintenance of harbour furniture.
- Construction of a new sheet pile quay wall with timber baulks to Carnsew Channel including exposing and maintaining the existing sill at low tide level.
- The dedication of a site for a heritage feature (site for the Goonvean engine).
- The transfer of ownership of the Pattern Building and Cart Shed Land to the Hayle Heritage Trust
- Education through the introduction of interpretation panels and identification of heritage assets.

The benefits have been costed at in excess of £1,675,000.

Infrastructure Benefits

- New access to South Quay.
- Public realm improvements to Carnsew Road to improve physical integration with the town centre.
- The creation of quayside promenade linking various parts of the town to Carnsew Pool.
- A new square at the northern tip of the quay.
- A footbridge between South Quay and Penpol Terrace.
- Highway improvements to Foundry Square.

These benefits are costed at circa. £2,045,000.

Environmental Benefits

- Translocation of the existing Petalwort colony.
- Site preparation including raising of site levels to provide for climate change/flood protection.
- Introduction of soft landscaping at ISIS Gardens.

These benefits are costed at £2,225,000.

Economic Benefits

- Kick- starting the wider regeneration of Hayle (The Outline Masterplan Approval).
- Employment:
 - Maximum 277 Full Time Equivalent (FTE) operational jobs in retail and leisure sector and a further max. 83 FTE net additional indirect jobs (suppliers, distributors etc.); and
 - Maximum 176 FTE, net additional direct and indirect jobs at the construction stage.
- The new retail development will claw back retail spending to Hayle and increase footfall within the centre to the benefit of existing businesses. Stimulating new investment and an improved retail environment.
- The new residential population will introduce new spending into the local economy.
- The sourcing of local building materials will support local businesses.
- Educational contribution for every market housing unit of 2 or more bedrooms.
- Primary Health Facilities contribution for each market housing unit.
- The provision of affordable residential accommodation.

These benefits are costed at £710,400.



Community/Sustainability Benefits

- Transformation of a gateway site that is currently under-used into a vibrant commercial and residential area.
- A cinema.
- Provision of a choice of housing.
- Provision of a range of new shopping facilities – a foodstore, comparison goods floorspace and restaurants.
- Enhanced public realm that will improve public access to the water's edge and the creation of new public spaces and increase pedestrian permeability and safety.
- Improved linkage between South Quay, The Foundry Centre and Penpol Terrace.
- Maintenance of existing moorings and provision of new moorings in Carnsew Channel.
- Provision of dedicated parking and lockers for harbour users.
- Adding to the tourist attraction of Hayle and keeping tourists in Hayle for longer periods.
- More sustainable shopping patterns.
- Developer commitment to 10% reduction in CO₂ emissions, BREEAM "Very Good" rating for commercial development.

The total cost of all benefits have been calculated to cost £6,655,400 , excluding finance costs and arrangement fees, which would take this figure to in excess of £7million.

It is to be noted that whilst some of these benefits were promoted in association with the Outline Masterplan application, a number have been brought forward and will now be triggered on implementation of the South Quay development, should planning permission be granted.

Conclusions

As set out in the Planning Statement, the proposed development is considered to be entirely consistent with adopted planning policy at national, regional and local level.

Furthermore, the proposals are broadly consistent with the extant masterplan permission which promoted a mix of uses including retail, other commercial and residential uses on South Quay and the Foundry Car Park site.

Throughout the development process the applicant has consulted extensively with the local community, the Council and other statutory and non-statutory bodies. The consultation process has included a public exhibition held over 3 days (16th – 18th September), various press releases and news drops via ING's local website www.hayleharbour.com. In particular, the applicant has engaged with English Heritage and CABI in relation to the detailed design and heritage issues.

In heritage terms, the proposed development has been fully assessed against the provision of the recently published guidance contained within PPS5 "Planning for the Historic Environment". The Heritage Statement that accompanies this application has assessed the significance of the World Heritage Site, the Conservation Area and the local Listed Buildings. In relation to the World Heritage Site designation it has been concluded that its significance lies predominantly in the area's mining history that is to a large extent intangible given that nearly all physical connections to this have been lost. Notwithstanding this conclusion, and following archaeological investigations the former 1908 alignment of the quays and slipways will be reflected in the landscape design throughout the site.

By contrast, those historical assets that do remain are either listed, or can be appreciated in the context of the conservation area designation (notably the listed quaysides, the setting of the town and its relationship to the harbour and the existing urban grain and the influence of the viaduct). In this regard, considerable weight is to be given to the setting of the listed quaysides, the repairs to the listed structure and the commitment to its future maintenance; measures that can only be



secured if planning permission is granted. In relation to the Conservation Area designation, particular emphasis has been paid to the integration of the proposed development with the existing urban fabric through the siting of the buildings and open spaces and the creation of clearly defined, attractive and safe linkages to the town centre.

Overall, it can be concluded that the proposed development is acceptable in so far as any impacts on the heritage assets and their wider setting can be accommodated or satisfactorily mitigated.

In housing terms, the proposal conforms with the provisions of national guidance contained within PPS5 "Housing". The proposed residential development is also consistent with the wider masterplan permission and despite the terms of the existing Section 106 Agreement will secure an element of affordable provision.

The retail floorspace is located on an edge-of-centre site that is considered to be the most appropriate location in sequential terms. The foodstore meets a recognised need to improve the level of provision within Hayle in circumstances where there is a significant outflow of expenditure to other centres and out-of-centre facilities. The proposal will therefore result in more sustainable shopping patterns. The accompanying Retail Statement confirms that the proposed retail floorspace will have no adverse impact on the existing town centre and will generate positive spin off benefits for existing businesses thereby enhancing the vitality and viability of the centre as a whole. In overall terms, the development is considered to be entirely in conformity with PPS4.

Overall, the revised proposals for South Quay and the Foundry Yard clearly demonstrate ING's commitment to advancing the permitted regeneration proposals at the earliest possible date to the benefit of the local community.

It is against this background that the applicant seeks the support of the Council.

Yours sincerely

Peter Edwards
Partner
For and on behalf of Planning Perspectives LLP

Encl.