

STRATEGIC PLANNING COMMITTEE

Date : **Wednesday 9 February 2011**

Time : **9.30 a.m.**

Venue : **Council Chamber, Cornwall Council, County Hall, Truro
TR1 3AY**

Agenda

- 1. Emergency Evacuation and Domestic Procedures**
- 2. Apologies for Absence**
- 3. Declarations of Interest**
- 4. Minutes of the Meeting held on 24 January 2011**

To follow

Public Speaking Information

Members of the public have the right to speak at meetings of the Strategic Planning Committee during consideration of planning applications.

Registration to speak at the meeting must be made with Democratic Services and should be received no later than 12 noon two working days before the Strategic Planning Committee meeting at which you wish to speak. Forms to register to speak are available to download from the Council's website or may be obtained by telephoning Democratic Services on 01209 614385.

5. Applications for Consideration

Members are encouraged, in the interests of time efficiency at the meeting, to contact the case officer prior to the meeting should they have any questions or comments on any of the following applications.

5 .1 **PA10/08142 ING Red UK (Hayle Harbour) Ltd: South Quay, Hayle** (Pages 1 - 38)

Full planning permission for the erection of a foodstore (A1) with an A2 unit, cinema (D2), three non-food retail units, two small retail units for shop/restaurant purposes (A1 or A3), the creation of a new public realm including quayside promenade and public open space, associated infrastructure including the construction of a raised development platform and related flood prevention measures, 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 for the erection of 30 residential units, 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

CASE OFFICER: Jeremy Content on 01736 336785 or email jeremy.content@cornwall.gov.uk

5 .2 **W1/10-0413-P Actoris Ltd: Jewson Site, Carnsew Road, Hayle** (Pages 39 - 62)

Demolition of existing building and construction of retail foodstore, formation of car parking, pedestrian links and vehicular access from Carnsew Road to service the car park, service yard area, and works to and within the listed building

CASE OFFICER: Jeremy Content on 01736 336785 or email jeremy.content@cornwall.gov.uk

5 .3 **PA10/06932 Asda Stores Ltd: Hayle Rugby Club, Marsh Lane, Hayle** (Pages 63 - 83)

Demolition of existing buildings and erection of eight industrial units (B1 business) and one retail foodstore, petrol filling station, with associated car parking, access and landscaping

CASE OFFICER: Jeremy Content on 01736 336785 or email jeremy.content@cornwall.gov.uk

5.4 **PA10/08329 Hayle Rugby Football Club and Walker Developments Ltd: Land to the East of Travelodge, Carwin Rise, Hayle** (Pages 84 - 98)

New sports ground to accommodate the relocation of Hayle Rugby Football Club, comprising two senior rugby pitches with ancillary floodlighting and ball stop netting, clubhouse with external spectator stand, associated works and landscaping and area for potential Phase 2 development to provide additional training zone

CASE OFFICER: Jeremy Content on 01736 336785 or email jeremy.content@cornwall.gov.uk

5.5 **PA10/04297 Sainsbury's Supermarkets and Cranford Hayle Ltd: Land at Marsh Lane, Hayle** (Pages 99 - 123)

Construction of supermarket, petrol filling station, car parking, highway works, nature reserve and associated works

CASE OFFICER: Jeremy Content on 01736 336785 or email jeremy.content@cornwall.gov.uk

6. Any Other Business which the Chairman Considers of Urgency

NB: The Local Government (Access to Information) Act 1985 prohibits the consideration of any items which have not appeared on the agenda for the meeting unless the Chairman is prepared to certify that a proposed item is 'urgent'. If urgent, the special circumstances which make it so, must be spelled out to the meeting and included in the minutes.

Richard Williams
Head of Legal and Democratic Services

Enquiries on this agenda to Michelle Davey, Senior Democratic Services Officer, 01209 614385 or email at planningcommittee@cornwall.gov.uk

At the close of this meeting there will be an opportunity for Members to raise matters on the contents of the Members' Information Pack.

Committee Membership

Conservative (8)	Independent (5)	Liberal Democrat (7)	Mebyon Kernow (1)
Councillors:	Councillors:	Councillors:	Councillors:
Mann (Vice-Chairman) Biggs Fitter Flashman Hatton Pugh Rushworth Stoneman	Varney (Chairman) Clayton May Wallis Wood	Glenton Brown Bull Duffin Lewarne Nolan Pascoe Pearce	Plummer

Substitutes

Conservative (8)	Independent (5)	Liberal Democrat (7)	Mebyon Kernow (3)
Councillors:	Councillors:	Councillors:	Councillors:
Dyer Ellis Lamshead Maddern Tony Martin Shakerley Tanner Vacancy	Brewer Eva Greenslade Lyne Vacancy	Austin Geoff Brown Fonk George Gillard-Loft Hughes Christopher Rowe	Cole Cullimore Long

Where a Member of a Committee is unable to attend a meeting he/she may arrange for a substitute to attend from his/her Party Group, drawn from the list of substitutes approved by the Council. The Head of Legal and Democratic Services or his representative must be notified of the substitution, normally by the Member of the Committee to be substituted, orally or in writing, prior to the commencement of the meeting in question. Members are required to give at least two working days notice wherever practicable.

We want to ensure that your needs are met. If you would like this information in another format or language please contact Jeanette Jose, Democratic Services on 01872 322111 or e-mail democratic@cornwall.gov.uk



Development Management
Planning and Regeneration Service

STRATEGIC PLANNING COMMITTEE**9 FEBRUARY 2011**

Application number:	PA10/08142
Site address:	South Quay, Hayle
Proposal:	<p>Full planning permission for the erection of a foodstore (A1) with an A2 unit, cinema (D2), three non-food retail units, two small retail units for shop/restaurant purposes (A1 or A3), the creation of a new public realm including quayside promenade and public open space, associated infrastructure including the construction of a raised development platform and related flood prevention measures, 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</p> <p>Outline planning permission for the erection of 30 residential units, 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</p>
Parish:	Hayle
Applicant:	ING RED UK (Hayle Harbour) Ltd
Target date for decision:	11 March 2011
Reason for application being called to Committee:	Major application. Scale of site area exceeds commercial development threshold of 10,000 square metres or two hectares
Departure:	No
Electoral Division	Hayle North
Electoral Divisional Member	Councillor John Pollard
Recommendation	That the matter is delegated to the Head of Planning and Regeneration to approve the proposal subject to the satisfactory completion of negotiations on design, delivery of the cinema, matters arising from Environmental Statement update, and all Heads of Terms for the Section106 Agreement

1. Summary:

- 1.1 The proposal is a hybrid application for full and outline planning permission for a supermarket, 3 non-food retail units, two retail / restaurants, 30 dwellings, a

restaurant at the end of the quay, a cinema, pedestrian bridge and public realm works to provide pedestrian links to Foundry Square. The site is in an edge of centre location at the west of Hayle and adjacent to the Foundry town centre. The development would mainly be on South Quay which is a Grade II Listed Building and Foundry Yard which is separated from the quay by the B3301.

- 1.2 The retail report commissioned by the Council assesses the site as being in the most sequentially preferable location. The report finds that the trade diversion impact will be significant but not to an extent that would justify refusal. The impact would be lessened by the improvement to pedestrian links between the site and Foundry Town Centre thus increasing footfall. The proposed cinema and other retail / restaurant uses will support the centre.
- 1.3 In terms of environmental impacts these are considered to be as expected of a development of this type and consultee responses are satisfied with the use of conditions to control the construction and operation phases of the development. An outstanding matter remains in respect of the effect of the development on the existing fishing uses and further information will be required to assess this impact in more detail.
- 1.4 Highways impacts are assessed by the Highways agency as not having a significant effect on the strategic road network. For the local road network the displacement of the outline consented development on South Quay has been assessed as resulting in a small reduction in traffic trips.
- 1.5 The heritage and design aspects remain of significant concern as does the way in which the Outstanding Universal Values of the World Heritage site have been assessed. Further work is required in regard to design and heritage, however positive outcomes are considered achievable.
- 1.6 Given the long term desire to provide regeneration in Hayle it is recommended that this site presents the best opportunities to deliver significant regeneration benefits and provide linkages and public realm improvements that will encourage linked trips and increased footfall in the Foundry town centre. These linkages will encourage daytime and evening activity on South Quay and contribute to vitality and viability of the town centre and the south Quay development.
- 1.7 To ensure that the Council has the best opportunity to deliver regeneration on South Quay it is recommended that the application be deferred to allow matters raised in the following report to be addressed.

2. Site description:

- 2.1 The site encompasses a Grade II listed quay known as South Quay and an area used as a car park directly to the south and separated from the quay by the B3301 (Carnsew Road) which runs through Hayle. Also included is Isis Garden which is Council owned public space accessed by walking under the viaduct. The Gardens abut the B3301 at Foundry Square. The site is within the Hayle Conservation Area and World Heritage Site and is sited at the western part of Hayle. The quay has the form of a narrow elongated triangle which extends from the B3301 at the south and projects into the harbour with water on both sides. To the east is Penpol Creek and beyond this is a narrow strip of green open space running along the water edge, the B3301 and Penpol Terrace. To the east is Carnsew Pool and a Jewsons builders outlet adjacent to the south-

east part of the site. To the south of the B3301 is the car park and land rising to a hill fort which overlooks the harbour and South Quay in particular and is the site of the Cunaide Stone a 6th Century artefact which is a Scheduled Ancient Monument. To the south west is a granite railway viaduct which visually dominates this part of Hayle. Beyond the viaduct is the Foundry town centre which contains a number of listed buildings.

- 2.2 As noted above South Quay itself is Grade II Listed and the listing describes granite quay walls of a peninsular wharf built for Harvey and Company. The listing description does not extend to include the peninsular wharf which is the bulk of the man-made South Quay but limits itself to the walls and dock furniture. Overall the Quay is generally level and open with some scrub vegetation and tipped material – mainly inert rubble from past demolition rather than fly-tipping.
- 2.3 The Quay is currently provides moorings for fishermen and leisure craft but is underused with the main activity being related to fishing.

3. Retail Context:

- 3.1 Addressing the supermarket aspect, it is useful at this point to set the context within which this application needs to be assessed. The proposed ING application, which does not have a named operator, is one of four distinct supermarket applications in or on the edge of Hayle along with an associated application to relocate the Hayle Rugby Club to provide a site for one of the supermarkets.
- 3.2 The Penwith Retail Study (PRS) of 2007 which identified Hayle as needing a significant improvement in its retail provision to address the significant leakage of retail shopping trips to towns such as Penzance, Camborne, Redruth and Pool and Truro. The 2007 Report advised that such a need could be met by the provision of a supermarket. The recent Cornwall Retail Study (November 2010) reiterates these findings. The detail of the retail need will be addressed in a separate section later in the report.
- 3.3 The current proposal for South Quay would prevent delivery of the outline consented uses for South Quay and ING have indicated that they will not seek to relocate displaced south Quay uses elsewhere. The main effect of this is to reduce the outline consent for dwellings from 260 flats to 30 dwellings which are indicated as a mix of flats and houses. The proposal would also reduce retail floorspace provision and this will be discussed below.

4. Proposal:

- 4.1 The full planning permission elements are the erection of a supermarket (A1) at the part of the quay closest to Foundry Square this would include an A2 café. The south east corner of the supermarket would be a cinema (D2) whilst to the north and further along the quay would be two separate retail / restaurant units (A1 or A3). On the opposite side of the B3301 the existing car park would be redeveloped with the introduction of 3 non-food retail units and car parking. South Quay would see an uplift in land levels to meet flood defence requirements, however the quaysides would remain at the same level. This creates a two tier public realm with the built development at the upper raised level and a public walkway at the existing level. The end of the quay would also

remain at the current level and a public space is provided here. The site would be accessed from a new signalised highway junction on Carnsew Road which would provide controlled pedestrian crossings and access to the 3 retail units opposite South Quay. The South Quay access road would be located at the west side and would serve the retail units and provide access to the dwellings and end of the quay.

- 4.2 The outline consent elements include 30 residential units which are split into a block of 6 flats and 24 two storey dwellings, the construction of a new restaurant (A3), between the dwellings and the open space at the end of the quay. All associated infrastructure including estate roads, car parking and amenity spaces are to be provided. There would be a new pedestrian footbridge over Penpol Creek to provide an additional link to Penpol Terrace. Isis Gardens would be improved and additional links to Foundry Square created from the Gardens. Reserved matters are landscaping, layout, scale and appearance leaving access to be determined.

5. Environmental Impact Assessment:

- 5.1 Prior to submission of the application the Council provided a screening and scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The outcome of this was that an Environmental Impact Assessment was carried out.
- 5.2 Having studied the Environmental Statement it is considered that it is deficient with regard to the impact on the existing fishing activities and with regard to the assessment of the Outstanding Universal Values of the World Heritage Site. The local planning authority is therefore not satisfied that the submitted Environmental Statement is sufficient to ensure that the environmental impacts have been comprehensively assessed and that any decision in relation to the grant or otherwise of planning permission will not be robust having taken into account the information submitted as part of the Environmental Statement.
- 5.3 It is recommended that the decision be deferred to allow the above matters to be resolved and to advertise any new information which will make up the Environmental Statement.

6. Relevant constraints:

- World Heritage Site.
- Conservation Area.
- Listed Buildings.
- Site of Special Scientific Interest.
- County Wildlife Site.
- RSPB Nature Reserve.
- Area of Great Scientific Value.

- Flood Zones 2, 3a.

7. Relevant planning/enforcement history:

- W1/09-1334: Withdrawn planning application for similar scheme.
- W1/08-0613: Outline planning consent for a mixed use development including 1039 residential dwellings, and associated infrastructure.

8. Relevant local/national/regional policy/guidance:

8.1 Regional Spatial Strategy: In May 2010 the Secretary of State (SoS) for Communities and Local Government set out the intention to revoke Regional Strategies and required this intention to be a material consideration in determining applications. On the 6th July 2010 the SoS revoked the Regional Strategies. This was subsequently challenged in the High Court the outcome being that the revocation was deemed unlawful. This decision reinstated Regional Strategies. In response the SoS responded on the 10th November 2010 to reiterate the Government's intention to revoke Spatial Strategies and that this would occur via the Localism Bill which is due to be enacted this year. Given this firm commitment by the Government to revoke Regional Spatial Strategies it is considered that although the Draft Regional Strategy for the South West remains a material consideration, little weight should be given to the policies therein in relation to determining this planning application. As such no further mention will be made to the RSS policies as there are other adopted development plan policies and national policy and guidance which are of greater weight.

8.2 Regional Planning Guidance Note 10 policies:

VIS1 – Promote sustainable development.
 VIS2 – Principles for Future Development.
 SS18 – Regeneration of main towns, conservation of environment in Cornwall.
 SS21 – Development in Coastal towns.
 EN1 – Landscape and Biodiversity.
 EN3 – Historic Environment.
 EN4 – Quality in the Built Environment.
 EC6 – Town Centres and Retailing.
 HO5 – Use of previously developed land and buildings.
 Tran 1 – Reducing the Need to Travel.
 RE2 – Flood Risk.

8.3 Saved Cornwall Structure Plan policies:

1 – Principles of Sustainable Development.
 2 – Character areas, Design and Environmental Protection.
 3 – Use of Resources.
 9 – Mix and affordability of Housing.
 10 – Location of Housing.
 11 – The Urban and Rural Economy.
 14 – Town Centres and Retailing.
 16 – Overall Distribution of Development.
 25 – Other Main Towns and Local Centres.
 27 – Transport Strategy.
 28 – Accessibility.

8.4 Saved Penwith Local Plan policies:

ST1 – Plan Strategy.
GD1 – Integration with surroundings.
GD2 – Design and layout of development.
GD4 – Prevention of pollution.
GD5 – Protection of character and amenity of an area from harmful highway works.
CC1 – Protection of the character and appearance of the countryside and coast.
CC7 – Protection of Sites of Special Scientific Interest.
CC8 – Protection of designated wildlife sites.
CC9 – Protected species.
TV1 – Location of development.
TV7 – Design of retail development.
TV16 – Location of major retail development.
TV17 – Location of shopping facilities and protection of town centres.
TV-D – Allocation of land at Hayle Harbour for mixed use redevelopment.
H3 – Location of housing.
H13 – Affordable housing.
E1 – Sustainable location of employment generating development.
TP5 – Cycling routes.
TP7 – Protection of Public Rights of Way.
TP8 – Protection of local character in road improvement schemes.
TP12 – Car parking standards.
CS4 – Flood risk.
CS6 – Disposal of surface water.

8.5 World Heritage Site Management Plan

Policy4c – New development protects, conserves and enhances the Site and its setting.
Policy 7b – Development should add to the quality and distinctiveness of the site.
Policy 7c – Presumption in favour of retaining and re-using buildings.
Policy 8b – Maintain historic character of the WHS.

8.6 National Policy:

Planning Policy Statement 1 – Delivering Sustainable Development.
Planning Policy Statement 3 – Housing
Planning Policy Statement 4 – Planning for Sustainable Economic Growth.
Planning Policy Statement 5- Planning for the Historic Environment.
Planning Policy Statement 9 – Biodiversity and Geological Conservation.
Planning Policy Statement 23 – Planning and Pollution Control.
Planning Policy Statement 25 – Development and Flood Risk.
Planning Policy Guidance Note 13 – Transport (updated January 2011).

8.7 Hayle Area Action Plan: This document reached the point of being ready for consultation at the preferred Options stage under the auspices of the former Penwith District Council. The change to the new unitary authority halted work on this document. Given the lack of progress beyond the Issues and Options phase any outcomes, although material considerations have little weight in determining this application.

9. Summary of Consultations:

9.1 Hayle Town Council

Objection on the following grounds: -

- the proposed supermarket and associated buildings, which would be located on a prominent and important site in the Foundry area, are of a poor design, an issue that could be addressed by taking into account the views expressed by English Heritage, CABI and ICOMOS;
- there is inadequate provision for access to the quaysides for marine purposes, local fishermen and emergency vehicles;
- the development will have a negative impact on the vitality and viability of the Foundry centre and the existing commercial premises along Penpol Terrace and
- it is considered that the number of vehicle movements associated with the development will cause significant congestion and conflict on the western approach to the town and result in gridlock at peak periods

9.2 Ramblers Association (Cornwall) None

9.3 Cornwall Council Highways

- Proposal should give the greatest benefits to the community with the least disruption and inconvenience in respect of the highway network.
- Acknowledges other supermarket proposals.
- The proposal will take up the capacity of the highway network in this area thus not leaving sufficient spare capacity to accommodate a supermarket within this area.
- An approval of this present application would secure the foodstore and thus remove the non food retail units of 10,585sqm and substitute it with 5,230 sqm foodstore plus 2,397 sqm non-food retail and 30 residential units rather than the 260 units consented. This will result due to the different profiling of trip generation at peak hours that there is likely to be less impact at the Foundry Square mini-roundabout than with the consented scheme. Road improvements would be brought forward with the supermarket.
- This proposal will provide direct and accessible routes to the site through the public realm improvements from the surrounding area by way of improved footways. During recent negotiations a commitment has been made by the applicants that these works will be completed prior to trading. Bus stop to be provided.
- Car parking for the food retail unit has been provided with 276 spaces this is acceptable but the site is edge of centre so a number of trips to the store will be by way of alternative modes of transport.
- Capacity difficulties at the Carwin Rise double mini-roundabout at Loggans Moor will be addressed as part of the proposals.

"In summary and conclusion I can state that this application is my preferred site for the food retail unit on the basis that whilst approving it, it will supersede the consented development which if commenced would likely take up any spare capacity in the highway network and therefore not leave room for a food retail unit. We have concluded that this current proposal will have less impact on Foundry Square than the consented scheme".

9.4 Environment Agency

- note that the consultation did not include a flood risk Sequential Test.
- object to this proposal on flood risk grounds, but consider that further information relating to the landscaping proposals to the Isis Gardens may be able to overcome our concerns.
- They recommend some conditions with respect to groundwater quality and have some comments on conservation and pollution control
- The proposal has the potential to increase flood risk to Foundry Square by removing a section of the wall around the Isis Gardens. While not a formal flood defence asset, this acts to keep water out of Foundry Square during large tidal flood events.
- It should be possible to overcome this potential impact through the detailed design of this area.
- They would welcome the opportunity to review these parts of the proposal as part of the application.
- Requires condition to ensure contamination does not affect the water environment and require a condition for Construction Environmental Management Plan and a Site Waste Management Plan.
- They consider that the Environmental Statement adequately covers the impacts on the aquatic ecology that will result from this phase of work at Hayle.

9.5 Cornwall Council Historic Environment Service:

- Have no objection in principle to a mixed use development on South Quay, including a supermarket and housing.
- Development on South Quay must be based on a thorough understanding of its contribution to the OUV of the Cornish Mining WHS and a reflection of this understanding in the development proposals.
- Concern that the submitted OUV analysis and there are few heritage benefits.
- Concern over scale and design of supermarket, location and effect of car park on character as well as concern over links to Foundry Yard.
- Linear layout of housing is acceptable but design and detailing needs further work.
- The principle of leaving the end of the Quay as open space is welcome;
- A landmark building, such as the proposed restaurant, is not appropriate the landmarks already exist in the three inter-visible churches of Phillack, Hayle and Lelant;
- The harbour area between should remain as open and uninterrupted as possible, reflecting historic character, but also the current character of the wider man-made and natural landscapes.
- We are concerned that the proposals pay insufficient regard to the importance of the currently infilled slipways on the west side of the Quay.
- Suggest that
 - Reduce scale of supermarket and re-think layout of car park
 - Better integration of South Quay and Foundry Yard.

- Better integration of the new built elements.
- Preservation in-situ of most of the Carnsew dock and slipways no development on this site (in the sense of buildings)
- Further work required to ensure the new quay wall is respectful of its setting and preserves character.
- As the proposals stand, what is currently an active quay with boats tied up all along its length to Penpol Creek, may end up being sterile and empty of boats. Requires further work to detail the public realm and make a more useable space for fishermen.
- Works to quays need specialist advice.
- Archaeological recording of the whole quay is needed in advance of the works
- An agreed conservation management plan and quinquennial inspection and remediation of the listed quays should also be conditioned.
- The net result of these changes should help to maintain the sense of the working quay.
- Additional mitigation and conditions are required in connection with the archaeological resource. They recommend if consent is given that an archaeological recording condition is included.

9.6 English Heritage Object to the application

Unfortunately, the current proposals have failed to overcome our concerns regarding harm to the Hayle Conservation Area and OUV of the Cornwall and West Devon Mining Landscape World Heritage Site. They are contrary to advice in PPS5 and Circular 07/09, and therefore, we object to these proposals. Considers that the application does not fully assess the OUV of the WHS. Of particular concern is the site layout, scale of the supermarket, size and disposition of the car park, ability of the two independent units to act as a visual bridge between the supermarket and housing. Concerned that the slipways will not be exposed and would not wish to see buildings over the infilled part of the harbour. Expresses concern over design detail and public realm quality and seek assurance that the outline parts of the development will be delivered. Also express concern that there is to be no improvement to the Carnsew sluice.

9.7 ICOMOS UK Object to the proposal

Concern that the submitted assessment of Outstanding Universal Value of the WHS is flawed. Proposals will harm the authenticity of the site. Positive impact of repair of quay walls is outweighed by loss of quaysides, loss of visual coherence, loss of local distinctiveness, introduction of large volume supermarket which would dominate immediate area. Harm to landscape setting, planting proposals, housing and restaurant at end of quay is inappropriate. Does not accord with WHS management plan policies. Prefer proposals for supermarket on Jewsons site which would contribute to off-site improvements. Concern that should the development go ahead as proposed the validity of Hayle's inclusion in the WHS is questioned.

9.8 Government Office For The South West None

9.9 Definitive Map Assistant (Footpaths) No objection

- The applicant should be made aware that Footpath 16 abuts the application site boundary and must not be affected.
- No part of the application must encroach on to these routes and safety of the public must be ensured at all times.

- Footpath 16 & 43 will be affected. Before any development works can commence, the applicant will need to submit detailed plans on how they intend to accommodate the public rights of way within the development.

9.10 RSPB:

Express concern over potential harm to SSSIs and RSPB Nature Reserve.

- Requires mitigation and compensation measures to address impacts on habitats and species, intertidal and sub-tidal features and migratory bird populations both during construction and post-development.
- Require management of additional recreational pressure on the area.
- Requires a condition for a management plan.
- Recommends provision of nest boxes.

9.11 Natural England

- The Environmental Statement (ES) supporting the application includes consideration of the matters identified in their response dated 10th June 2010 to the consultation on the Hayle Harbour South Quay EIA Scoping Report.
- The ES also appears to address the issues identified in their response to the previous planning application for South Quay 09-1334-ORM as identified in Natural England's letter dated 11th February 2010.
- Requires a CEMP
- Support the proposal that no surface water outfalls are to be provided on the west side of South Quay in order to protect Carnsew Pool. Supports proposals to prevent water pollution.
- Concern that storms may cause foul drainage to enter the SSSI.
- Mitigation measures proposed should be implemented.
- Support the proposed mitigation for the loss of the petalwort populations on South Quay.
- Support the proposed mitigation for light spill and the preparation of a Light Spillage Management Plan.
- Supports biodiversity enhancement proposals.

9.12 Cornwall Wildlife Trust No objection

- They have concerns that the Hayle Estuary County Wildlife Site is not mentioned in the Environmental Statement.
- Requires the construction and post development operation do not harm the water environment protected species or BAP habitats

9.13 Highways Agency

- Expects a reduction in trip rates when compared to the consented outline scheme.
- Retention of trips in Hayle will reduce trips on the strategic road network.

- Previously agreed upgrades which were outcomes of the outline consent to the Loggans Moor, double mini roundabout at Carwin Rise and the St Erth roundabout will still occur to address cumulative impact.
- Sustainable location but still requires a Travel Plan that covers the whole of the harbour development area.
- Directs conditions to be attached to any permission.

9.14 Duchy Of Cornwall None

9.15 Government Office For The South West None

9.16 Devon & Cornwall Police Architectural Liaison Officer

- note and welcome the comments within the Design and Access Statement re designing out crime
- Recommends relocation of ATM and integrating CCTV with Foundry centre.

9.17 South West Water Services

- Support the full planning submission for commercial/retail use.
- The outline submission for residential development will require further evaluation of the foul drainage networks and the resulting improvements deemed necessary to be identified and there subsequent funding by the developer to be contained within a suitably worded section 106 agreement (to which they would wish to be party to) before it can be fully supported.

10. Representations:

10.1 In response to publicity, 99 letters of objection have been received and 15 letters of support. Also a petition of 56 signature against the proposal has been received. Comments within the petition are included below.

Summary of objections

- Traffic impact on local road network.
- Inadequate footpaths.
- Not sympathetic to the character of area.
- Should be for long term benefit of town.
- Loss of views across South Quay.
- Harm to heritage of town.
- Diversion of trade from Hayle town centres.
- Loss of small shops will harm town centre and harm character of area.
- Sufficient supermarkets already present.
- Design of building.
- Alternative sites available.
- Harm to holiday trade deterred by loss of character.
- Reduction in marine use for South Quay.
- Inappropriate for World Heritage Site, Conservation Area and Listed Building.
- Hayle Harbour Users, Hayle Fishermans Association and Save Our Sand groups not consulted.
- No sluicing proposed.
- Pedestrian bridge will restrict access to berths.
- Increase in site levels
- Loss of on-street parking

- Increased pollution
- Not a town centre site
- Land raise will bury archaeology and listed structures
- Land raise increases flood risk for rest of town
- Adverse impact on functioning harbour
- 1983 Public Inquiry rejected supermarket
- Two bridges shown in illustrations but only one in application

Summary of support

- Redevelopment of brownfield site.
- Less traffic problems than Marsh Lane / Rugby Club sites.
- Benefit to area.
- Best solution for Hayle.
- Less distance to travel for shopping.
- Regeneration is crucial.
- Good pedestrian access
- Improved Quay
- Better option than consented development
- Easy access to A30
- Keep development in town rather than growing onto Greenfield site

Surveys

Public Opinion Surveys

10.2 There have been four surveys carried out:

- Hayle Residents Association.
- ING public exhibition.
- Asda public exhibition.
- Asda independent telephone poll.

10.3 Although these surveys are of interest they cannot be accorded significant weight. To place significant weight on those results may leave any decision open to legal challenge.

10.4 The surveys are material considerations and below is a summary of the results showing number of respondents and their preference of store location. The survey and poll questions vary so it is not possible to directly compare and contrast responses.

	Number of Responses	Asda	Actoris Morrison	ING	Sainsbury	None of these
Hayle Residents Association	727	37%	38%	4%	16%	5%
Asda public exhibition	208	95%		3%	6%	Some Responses Selected more than one option.
Asda Independent Telephone poll	1003	47%	19%	5%	16%	5%
	Poll recorded strong support for relocation of Rugby Club to the Carwin Rise site.					

- 10.5 On a final note relating to the surveys Planning Policy Statement 1 – Delivering Sustainable supplement The Planning System – General Principles notes in the section on Propriety that whilst community views are strong material consideration, ***"local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons"***.

11. Assessment of key planning issues:

Background

- 11.1 The historic development of Hayle is influenced by the presence of competing companies of Harvey's and the Cornish Copper Company located respectively at Harvey's Foundry to the west of the town and Copperhouse to the east. These companies were most active in the 19th century and Hayle's growth can be directly related to the increasing mining activity in Cornwall from the 17th Century. The Cornish Copper Company ceased trading in the late 19th C with Harvey's continuing until the early 20th C. This industrial influence has resulted in the presence of two town centres, Foundry and Copperhouse, both of which remain today and are viable and display good vitality with vacancies of commercial properties below the national average as confirmed by a recent health check carried out by the Council in November 2010.
- 11.2 This application is one of four such applications relating to the provision of a supermarket for Hayle, each site is distinct and delivery of development presents differing challenges and policy considerations. As such the following assessment will begin with the principle issue which is the acceptability of providing a supermarket on the Jewson site. The assessment thus begins with PPS4 – Planning for Sustainable Economic Growth (PPS4) and relevant development plan policies relating to retail development.

Penwith Retail Study 2007

- 11.3 Providing background context for the assessment are the Penwith Retail Study (PRS) of 2007 and the recent Cornwall Retail Study released in November 2010. The PRS identified Hayle as having significant leakage of expenditure to the extent of about 75% of main food shopping trips and 50 % of top up shopping trips occurring outside Hayle. The main towns benefiting from this are Penzance, Camborne, Pool and Redruth. For comparison shopping the study indicates that Hayle only retains about 10% of expenditure with the surrounding towns and Truro meeting this need. The Study anticipated that the West Cornwall Retail Park (which was not trading at the time of the study) would to an extent address comparison expenditure leakage. The existing Coop and Lidl stores cater mainly for top-up shopping.
- 11.4 The PRS provided a forecast need for retail space set out in the table below. The data is based on the assumption of retention of 70% of convenience expenditure in Hayle

Convenience Floorspace Capacity		
2012	2016	2021
Up to 1500 sqm net	Up to 1600 sqm net	Up to 1750 sq m net
Comparison Floorspace Capacity		
2012	2016	2021
2200 sqm net	2900 sqm net	4000 sqm net

Cornwall Retail Study 2010

- 11.5 This study confirmed that the rate of leakage from Hayle continues at the 2007 levels despite the opening of the West Cornwall Retail Park and an extension to the Lidl between Copperhouse and the Loggans Moor A30 Roundabout. The 2010 Study confirms that the existing deficiency is a significant cause of the current supermarket retailer interest. The Study also recommends that the capacity figures set out in the table above are an "appropriate guide when planning additional convenience floorspace in Hayle" and that a new foodstore can address this need.
- 11.6 In terms of comparison shopping the Study found the situation is little different to 2007 with Hayle's market share remaining low at 10 to 15 %, although this later study does show additional detail that the share for personal (e.g. toiletries, pharmaceutical) and luxury goods (e.g. jewellery, ornaments) is 25%.
- 11.7 Thus, in light of the results of both of the retail studies referred to above, it is evident that there is a need for additional retail provision to serve Hayle. The net square metres proposed by this application of 1658 sq m of convenience sales area is close to the predicted 2021 net convenience capacity of 1750 sq m. However this future proofs the development. To provide a smaller store in-line with predicted need would result in another store of the size of the existing Co-op or Lidl which would fail to meet the need to address main food shopping trip leakage.
- 11.8 In terms of net comparison capacity the proposal for the supermarket is 892 sq m. For the two separate retail and or restaurant uses is 407 sq m plus the 3 non food units at Foundry Yard of 1208 sq m. This comparison total provision of

2100 sq m to 2507 sq m (dependent on the final uses of the two retail or restaurant buildings on South Quay) is below the predicted capacity of 4000 sq m in 2021 and leaves capacity for predicted growth in the comparison sector.

Principle of development

- 11.9 The principle of creating new retail development in urban areas is accepted by national policy within Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4) where the provision will not harm the viability of existing retail centres, improves economic performance of towns, promotes regeneration, contributes to sustainable patterns of development and reduces the need to travel by private car.
- 11.10 The principle of providing housing on previously developed land is supported by Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Statement 3 – Housing.
- 11.11 The provision of a cinema in the proposed location is supported by Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4).
- 11.12 The proposal to develop this site which is previously developed land is in accordance with the aims of PPS1 – Delivering Sustainable Development, Cornwall Structure Plan policy 3, RPG policy VIS2 and Penwith Local Plan policy TV1 which promote the re-use of previously developed land in urban areas.

Retail assessment

- 11.13 PS4 superseded PPS6 – Planning for Town Centres in December 2009 and one of its main effects was to remove the 'needs test' and to promote competition and choice. However within PPS4 there remains a role for local authorities, via evidence based planning, to identify retail needs for local areas. In this case there is an identified need for significant convenience shopping in Hayle to provide a choice for residents other than to travel significant distances to Penzance, Camborne, Pool, Redruth or Truro.
- 11.14 GVA Grimley have been retained by the Council to provide an independent assessment of the four supermarket application and the findings of that report have been fed into this assessment.
- 11.15 Having a population in the region of 8000 means that Hayle is classed as a main town by Policy 25 of the Cornwall Structure Plan and this positioning within the hierarchy of centres in Cornwall is reflected in Regional Planning Guidance 10 (RPG10) which does not specifically mention Hayle. At Policy SS18 the RPG in relation to Cornwall and the Isles of Scilly simply promotes regeneration of towns to serve their populations and rural hinterlands and to conserve or enhance the natural and historic environment. Of more relevance within the RPG is policy VIS1 which promotes sustainable development and a sequential approach to the location of development including the minimisation of greenfield site use and the need to travel. Policy VIS2 of the RPG seeks to redevelop previously developed urban land to relieve pressure on greenfield sites and promotes mixed use development and an efficient use of land. Amongst other aspects the policy also promotes alternative transport to the private car and minimisation of flood risk. RPG policy SS21 seeks to support the regeneration of coastal towns. Policy EC6 of the RPG encourages town centre developments of an appropriate scale to the size and function of the settlement

and that the development contributes to regeneration whilst protecting the viability and vitality of town centres. The sequential approach to locating retail development is required as is the reduction of the need to travel, especially by private car.

- 11.16 The Cornwall Structure Plan at policies 1 and 16 promote regeneration of towns to meet the needs of their populations and surrounding area and reduction in the need to travel. Re-use of previously developed land and protection of agricultural land whilst avoiding risk from flooding are aims for development within Policy 3 of the Structure Plan. Policies 11 and 14 of the Structure Plan encourage economic growth in towns via regeneration where vitality and viability are not harmed and the development should be well integrated with the town to minimise car usage and provide convenient access to public transport. Policy 28 promotes accessible locations which encourage walking, cycling and use of public transport and along with Policy 27 seeks to maintain a safe and efficient highway network. Policy 2 of the Structure Plan seeks to protect the natural and built environment as well as the heritage and distinctiveness of Cornwall.
- 11.17 The Penwith Local Plan supports the national and other development plan policies. Policies ST1 and TV1 focus development in the main towns whilst Policy TV16 and TV17 support major retail development in Hayle where the site is accessible without reliance on the use of the private car and contributes to the vitality and viability of the town centres. Policy TV16 only provides for out-of-centre sites where town centre or edge of centre sites have been demonstrated as unsuitable thus is in line with PPS4 in requiring a sequential approach to identifying suitable locations. Within Hayle, Proposal TV-D allocates land for mixed-use development. The site is the harbour area and presents significant opportunities for regeneration. Policy E1 supports new employment opportunities in accessible locations.
- 11.18 Penwith Local Plan Proposal TV-D mentioned above is a significant material consideration as this allocates land for development in an edge of centre site. The Proposal area encompasses the harbour area, but of particular note are the Jewson site as well as South Quay and Foundry Yard. South Quay and Foundry Yard are included as part of the wider Outline Planning Permission of 2009 for the mixed use regeneration of Hayle Harbour. There is a concurrent ING application for an alternative redevelopment of the adjacent South Quay and Foundry Yard which includes a supermarket, separate retail units, restaurant, cinema and residential uses.
- 11.19 PPS4 contains a number of policies against which the application for the ING proposal needs to be assessed. Policy EC14 sets out the requirement for a sequential test for planning applications for main town centre uses to be submitted. Policy EC16 requires an impact assessment for applications with a gross floor space over 2500 square metres (sqm) where the development is outside a town centre and not in accordance with an up-to-date development plan. Thus the proposal for the edge of centre ING proposed supermarket with a gross floor space of 5230 sqm triggers a sequential assessment and an impact assessment.

Sequential Test

- 11.20 Policy EC15 of PPS4 requires the local planning authority to take a sequential approach to assessing the supermarket application. Part of this assessment is

to ensure that sites are available, suitable and viable. The sequentially preferable site would be within a town centre, then edge of centre sites which are or can be well connected to the centre and finally out of centre sites i.e. sites more than 300m away from a town centre or separated from a centre by a significant barrier such as a road. Developers are required to demonstrate flexibility in assessing site suitability, for example, reducing the footprint, car parking or using innovative site layouts to enable sequentially preferable sites to be used. It is not acceptable for a developer to discount a sequentially preferable site simply because the site does not meet the developer's store format.

- 11.21 In assessing the alternative edge of centre sites the applicant has discounted the Jewson site which is edge of centre and also within the Penwith Local Plan Proposal TV-D, on the grounds that the Jewson site is further from the town centre than the South Quay site, the pedestrian linkages are less convenient and attractive and the Jewson site will fail to integrate with Foundry centre to the extent expected of the South Quay proposal. The applicant also considers the proposal for a supermarket on the Jewson site will not bring forward the wider harbour regeneration, development on South Quay or repairs to harbour walls. Other edge of centre sites identified have been tested by the applicant and found to be too small, even taking into account the need for flexibility in store format or are in locations where there it would be difficult to provide a retail frontage, poor linkages or existing policy constraint.
- 11.22 In general the above points are agreed with and are also supported by the findings of the GVA Grimley report a copy of which can be found within the appendices. It is considered that in terms of PPS4 that there are no other sites which would be more sequentially preferable than the South Quay and Foundry Yard sites which are also allocated for mixed use development within Penwith Local Plan Proposal TV-D.

Impact Assessment

- 11.23 Policy EC16 of PPS4 requires an impact assessment of the proposed supermarket.
- 11.24 Policy EC16 (c) requires an assessment of the impact on allocated sites outside the town centre being developed in accordance with the development plan. The proposal would not harm delivery of the heritage centre at Harvey's Foundry given the differing offers. Harvey's Foundry regeneration is for small scale business, craft workshops and ancillary retail outlets.
- 11.25 The proposal would replace the consented outline permission for mixed use development and ING has indicated a commitment to not provide any of the displaced South Quay uses elsewhere on the site. This adds confidence to assessing the cumulative impact for convenience and comparison provision. The proposals for the outline consented development on North Quay included a greater provision for non-food retail, leisure and recreation uses. There would be scope for specialist food or convenience retail but this provision would attract a different market to the supermarket thus this type of retailer is unlikely to be deterred by a large supermarket on South Quay. As such it is considered that the proposal will not harm delivery of the remaining parts of the consented harbour regeneration.

- 11.26 Should the ING proposal be consented then the proposal for the redevelopment of the Jewson site by Actoris would fail due to the need to avoid the harm caused by the cumulative impact of two adjacent supermarkets in terms of retail, traffic and townscape design impacts. The Jewson business could continue until such time as an alternative, potentially non-food proposal, was submitted. Non-food retail would not be deterred by an adjacent supermarket and would be an acceptable option for the Jewson site to complete the redevelopment of the TV-D Proposal area.
- 11.27 Redevelopment of the South Quay site would also be reasonably be expected to raise developer confidence in the rest of the harbour area and would thus provide a supporting role for regeneration of the harbour.
- 11.28 Policy EC16 parts b and d require an assessment of the impact on the vitality and viability of existing town centres and the impact on in-centre trade and turnover respectively. The GVA Report raises a concern over the reliability of the applicant's market share data in terms of clarity in reaching conclusions. However the applicant does factor in tourist spend and overall the applicant's findings generally reflect those of the 2010 Cornwall Retail Study. The applicant's sales density of £13,000/sq m is considered to provide a robust assessment outcome by the GVA Report as this is at the upper part of the range of retail densities of the various store operators. However given that ING has not identified an operator GVA use a density range of £10,000/sq m to £13,000/sq m.
- 11.29 The GVA Report uses the £13,000/sq m density figure to assess convenience trade diversion from the Co-op as £2.5m, £1.2m from Lidl, £0.6m from Marks and Spencer and £0.2m from other convenience stores in Hayle's town centres. Diversion of trade from the Marks and Spencer and Lidl stores is not discussed further as these stores are out of centre and thus have no policy protection.
- 11.30 At the lower trading density figure the convenience diversion from the Co-op would be £2.1m and diversion from the town centres remains at £0.2m. This equates to a 24 to 29% impact on the Co-op. The Co-op is overtrading at present and GVA estimate the diversion will result in the Co-op trading at to just above company benchmark levels. It is of note that the Co-op have not objected to the proposal. The planning authority discussed the potential impact of proposals with a Co-op representative in 2010 and no further communication has been received since.
- 11.31 Trade diversion from other convenience retailers in Foundry and Copperhouse centres is assessed as 15%.
- 11.32 In relation to comparison goods the GVA Report considers that the applicant has, in attributing £14.6m of expenditure within the town centres and £2.7m to the West Cornwall Retail Park, arrived at an incorrect balance. GVA assess the town centres to attract in the region of £4.0m which is a view found in the Asda and Actoris retail assessments.
- 11.33 GVA consider that most comparison goods turnover of a store on South Quay would be from out of centre stores in Hayle and from other towns. The Report also considers that diversion from Hayle's town centres will be in the region of 5% not the applicants assessed 4% especially given the provision of the 3 non-food retail units on Foundry Yard. The Report considers that the West Cornwall Retail Park will see significant diversion to the South Quay store. This

can be seen as a positive as the retail park currently experiences car parking problems which is an indicator that the retail park is over-trading.

- 11.34 For the town centres the comparison diversion would be in the region of £0.43m to £0.77m which equates to an impact of 10% to 19% based on a £4m comparison goods turnover. The GVA report considers this will result in comparison trade being 'modest' for the town, but does not consider that the impact should be a cause for concern.
- 11.35 Overall the impact is assessed as being significant. Based on the higher end trading density the impact would be some 24% loss which is higher than the 14% proposed by the applicant. If the store operates at the lower trading density then the impact reduces to around 20%. This impact now needs to be balanced against potential spin off benefits of a supermarket in the proposed location.
- 11.36 Policy EC16.1(e) of PPS4 requires consideration of whether the proposed store is of an appropriate scale in relation to the size of the centre and the hierarchy of centres. The current proposal is of a scale which does not rely on trade from other centres and is of a scale that will retain trips within Hayle as well as being more in line with the Cornwall Retail Study capacity findings. This is bearing in mind the above comment that it is necessary to provide a store of a larger capacity than needed at present to ensure that it can compete with other centres such as Penzance or Camborne. Overall it is considered that the proposal for South Quay and Foundry Yard is of an appropriate scale for Hayle.
- 11.37 Policy EC16b addresses the impact on viability and vitality and factors in direct impact, linked trips, competition and choice. The proposal for a new pedestrian bridge, cinema and restaurants widens choice and provides good linkages to Foundry when also taking into account the wider public realm improvements proposed by the scheme. The mixture of uses will in themselves attract linked trips to the town throughout the day as well as linked trips from the supermarket to Foundry centre. This aspect is a positive outcome of the scheme and will contribute to vibrancy and vitality in the centre to a greater extent than the other concurrent supermarket applications. There will also be a wider range of goods thus improving choice and will retain expenditure in the town.
- 11.38 The GVA Report concludes that the proposal will not have a significant impact on the health of Hayle's town centres. This is in the light of the above benefits and footfall within Foundry and that the Co-op is likely to continue trading thus generating footfall in Copperhouse
- 11.39 Policy EC10 sets out a number of other aspects against which the application should be tested. These relate to CO2 emissions and climate change, accessibility, design, impact on economic and physical regeneration and employment.
- 11.40 The proposed development would meet the BREEAM rating of Very Good and raising of levels will ensure the store and other businesses will not be vulnerable to flooding. The provision of the store would reduce the length of car borne trips made thus reducing the carbon emissions and encourage linked trips to the Foundry town centre. The proposal meets the requirements of PPS 4 in this respect.

- 11.41 The site is accessible to a range of modes of transport and is within walking distance of a town centre.
- 11.42 The design is at present subject to review and this aspect will be discussed in more detail in a later section. However it is considered for the purposes of the PPS4 tests that at this time a suitable design can be found thus whilst not conflicting with this aspect the proposal should not fail until such time as design options are exhausted. At that point an assessment will be made as to whether the design aspect has any significant conflict with the aims of PPS4.
- 11.43 In summary it is considered that the proposal complies with the sequential test set out in PPS4 and that the South Quay site is sequentially preferable being in proximity to the Foundry town centre and in being able to form stronger pedestrian and cycle links.

Cinema

- 11.44 The proposed cinema also falls within the remit of PPS4 in that it will generate employment and income. As such the tests above for the retail uses apply. There are no sites within Copperhouse or Foundry town centres which are available or suitable to accommodate a cinema of the scale proposed which is considered to be necessary to be viable. Nor would the cinema business be viable should the enterprise need to factor in the purchase cost of the site. As such the proposal for a cinema in this location is considered to comply with policy EC16 of PPS4 and Penwith Local Plan Proposal TV-D. The proposed edge of centre site is considered to be the most sequentially preferable as this will benefit from the improved pedestrian links to Foundry Square and Penpol Terrace. The cinema will encourage linked trips and support the day and night-time economy thus will have a positive impact in terms of generating footfall within this part of town. There are no other cinemas in Hayle thus there will be no trade diversion and all expenditure at the cinema will be new expenditure in Hayle which will be diverted from other cinemas outside Hayle. The proposed cinema will therefore have only appositive impact on trade within the Foundry centre and thus does not conflict with the aims of PPS4.
- 11.45 The proposed supermarket, cinema and retail units are appropriate in the edge of centre locations of South Quay and Foundry yard and accord with the policies within of PPS4, Regional Planning Guidance -South West policies VIS 1, VIS2 and EC6, and Cornwall Structure Plan policies 1, 13 and 14, and Penwith Local Plan policies TV1, TV16, TV17 and Proposal TV-D.
- 11.46 Remaining with the cinema, evidence has been provided to demonstrate that a digital cinema of the type proposed will be viable. However concern has been raised by the community group who would lead delivery of the cinema, that the current scale of cinema would not be viable and argue that other community uses, education and training facilities relating to digital media should be ancillary to the cinema. The applicant is proposing to deliver the shell of the cinema building and provide the community group with a 25 year lease on a peppercorn rent. It is questioned by the community group whether this offer would lead to a viable enterprise that would truly serve the community and are of the opinion that a cinema on its own as proposed by ING will not prove viable. This raises significant concern as to whether funding would be granted to fit-out the cinema and provide capital to support the period between opening and becoming profitable.

- 11.47 It is considered that the cinema is a vital element of creating activity on South Quay and will encourage linked trips from Foundry Square to South Quay. As such the cinema offer needs to give confidence that it will remain viable, and thus continue to support the viability and vitality of the town centre.
- 11.48 The community group intend the digital cinema to have additional community benefit in terms of providing training facilities for digital media which can also be used for meetings and education. The facility would also focus on Hayle's industrial heritage and would support interpretation of the contribution Hayle makes to the World heritage Site. As such there is potential to create additional benefits which will add additional footfall and thus support the vitality and viability of the town centre.
- 11.49 At present it is unclear as to whether the cinema will not only be viable and deliverable but also in its current format does the cinema make the best of opportunities to be of community benefit and provide a supporting role for encouraging activity and expenditure in Foundry centre and South Quay. It is recommended to Members that the application be deferred to permit further discussion with the community group and the applicant to ensure the best can be made of this opportunity. If the full potential of the cinema cannot be realised then further consideration will be required of whether the cinema on its own can provide a strong enough supporting role in terms of town centre vitality and viability.

Flood Risk

- 11.50 Parts of the site are within Flood zones 2 and 3 and include uses which are classed by Planning Policy Statement 25 – Development and Flood risk (PPS25) as being vulnerable to flood risk thus there is a requirement to carry out a sequential test to assess whether there are any sites which could accommodate the proposed development and are at lesser risk of flooding.
- 11.51 Initial discussion and correspondence with the Environment Agency (EA) focussed on the fact that the current proposal would displace consented development on the quay for which the sequential test had already been passed. The initial EA view was that use of the original sequential test for the wider harbour development was acceptable. This takes into account two factors; firstly that the supermarket and cinema are simply an alternative set of uses to those previously sequentially tested and as they did not introduce any new uses are considered by the planning authority to fall within the scope of the original sequential test. Secondly that the current proposals reduce the numbers of dwellings from 260 to 30 thus there is a significant reduction in the numbers of this more vulnerable use. There would also be fewer individually owned retail units thus making evacuation of the site should there be a risk of flooding a more manageable task and reducing the number of businesses which are at risk of flooding.
- 11.52 However, on further reflection it was considered that a formal detailed view from the EA was required, the outcome of this is awaited but should be available to Members before determination of this application. In the interim it is the officer view that the consideration at paragraph 11.51 is correct and that the proposed supermarket and cinema development fall within the remit of the outline consent which has passed the sequential test.

- 11.53 Unless the EA view is contrary to the above the position at his time is that the sequential test is considered to have been passed and that the proposals are acceptable in this location and justified on the significant regeneration benefits they bring. The proposals are therefore in accordance with the aims and advice within PPS25 – Development and Flood Risk and are in accordance with RPG 10 policy RE2, Cornwall Structure Plan policy 3 and Penwith Local Plan policies GD4, CS4 in relation to prevention of flooding.
- 11.54 The consultation response to this application raises an objection to the removal of a section of the boundary wall between Isis Gardens and Foundry Square. The removal of part of the wall is to facilitate one potential pedestrian access route to the Foundry town centre as part of the improvement of pedestrian linkages. The EA is concerned that this wall provides an informal flood defence and removal of part will increase risk of flooding in Foundry Square. The EA consider this matter capable of being overcome and require confidence that a solution can be found which can be controlled by way of a condition. The EA go on to say that there may be scope to improve the existing situation when addressing this particular matter and propose a potential solution. It is considered that a condition is required preventing the opening of the wall for pedestrian access until such time an agreed solution can be found and delivery of the agreed pedestrian link be completed before the opening of the supermarket.
- 11.55 The EA requires additional information on land contamination, particularly with regard to Foundry Yard but does not raise an objection. The EA recommend phased scheme to deal with contamination which can be required by way of a condition. This will permit development of parts of the site with each defined area having its own scheme for remediation rather than requiring the whole site to be remediated before development can commence. This is a reasonable approach and would enable the local planning authority to ensure contamination issues are dealt with appropriately whilst permitting the developer to take a more flexible approach to remediation of the site. Such a condition would cover land contamination and ensure that there would be no contamination of the water environment which includes the Hayle Estuary County Wildlife site and Sites of Special Scientific Interest as well as protection of the water environment in general.
- 11.56 The EA expect to see a Construction Environment Management Plan and Site waste Management Plan, these can satisfactorily be required by condition.

Ecology

- 11.57 The South Quay site is home to a population of petalwort which is a protected species. Outside the site are a number of sensitive areas which overlap or are linked by the tidal regime. To the north is an Area of Great Scientific Value incorporating a number of the following designated areas in part or in whole: Carnsew Pool SSSI which links to the Hayle Estuary County Wildlife Site. The whole estuary has an effect on the Copperhouse Pool SSSI which is also an RSPB reserve and the Lelant Water RSPB nature reserve as well as having a tidal influence on the Carrack Gladden SSSI and Gwithian to Mexico Towans SSSI. As such control of pollution to prevent harm to the water environment is of high importance.
- 11.58 The primary concern of the Environment Agency (EA), Natural England and the RSPB is pollution from surface water run-off. It is recommended that the EA

planning conditions mentioned in the Flood Risk section are imposed as this will provide controls to ensure that the water environment and ecologically sensitive areas are protected.

- 11.59 Natural England (NE) are satisfied that the Environmental Statement (ES) addresses NE concerns set out at the scoping stage of the environmental impact assessment. They consider that a CEMP will set out preventative measures relating to spillages of hazardous substances and increased suspended sediment in the water environment. Proposals for no surface water outfalls on the west side of South Quay to protect Carnsew Pool and the installation of oil separators are welcomed and recommend a condition to ensure these are in place.
- 11.60 NE advise that the Council be satisfied that the existing foul drainage infrastructure will be able to accommodate the proposed development and that there should be no increase in frequency or volume from the storm overflows from the North and East quay pumping stations. Given that South West Water require further work to be carried out with regard to the residential element it is recommended that the applicant address this concern before permission is granted. The existing drainage infrastructure appears from SWW response to be capable of carrying additional loading from the non-residential uses. Thus it is considered that the infrastructure to manage input from the residential uses should be in place at the outset to ensure that there is minimal delay in bringing forward the residential element of the application.
- 11.61 NE support the proposals for the protection and relocation of the protected petalwort colonies and recommend that a Management Plan is conditioned to demonstrate that the translocated petalwort on the Triangular Spit to ensure maintenance of the habitat. This does not appear to be an unreasonable request and would add confidence that the petalwort population will be protected.
- 11.62 The proposed mitigation measures set out in the Environmental Statement are considered appropriate and conditions are recommended to ensure the proposals within the ES are implemented.
- 11.63 The Cornwall Wildlife Trust has no objection in principle. They note that the ES does not refer to the Hayle Estuary County Wildlife Site. It is considered that this site is protected by the protection measures set out above required by the EA and Natural England. Other concerns raised such as sediment transport and loss of habitat due to the new harbour wall have been covered above, whilst harm to flora and fauna during repair of the harbour walls will be temporary and the niches will be re-colonised. The proposal for a pedestrian bridge design to have spaces to allow light penetration below the bridge is unnecessary as the bridge will only be for pedestrians and cyclists thus will not significantly shade the tidal area below. Proposals for compensatory habitat are considered to be adequately addressed in the ES and further compensatory requirement is considered unreasonable.
- 11.64 Overall it is considered that the proposal will provide appropriate mitigation and compensation measures and will have no significant long term impact on the natural environment. There are no other sites of lesser ecological value capable of accommodating the proposed development whilst the proposals will result in long term managed protection of petalwort. The proposal thus accords with the aims of Planning Policy Statement 9 – Biodiversity and Geological Conservation

in terms of the location of new development. The proposal also accords with RPG 10 policy EN1, Cornwall Structure Plan policies 1 and 2, and Penwith Local Plan policies CC7, CC8 and CC9.

Design and Layout

- 11.65 The proposed scale of development, design and site layout are currently subject to objections from statutory and non-statutory organisations. The scale design and layout are inseparable from the heritage significance of the site, the town of Hayle and the World Heritage Site for Hayle and the wider WHS and as such this aspect will be discussed below as part of the heritage section.

Highways and accessibility

- 11.66 The Highways Agency (HA) considers that the proposal will have little adverse impact on the A30 or associated junctions and simply requires a condition for the submission of a Construction Management Plan.
- 11.67 Cornwall Highways consider that the proposed redevelopment of south Quay and Foundry Yard will reduce the numbers of trips on the local road network. The reduction in the amount of non-residential floor space and numbers of dwellings when compared to the outline consented scheme is significant; 10585 sq m of floor space would reduce to 7630 sq m and the number of dwellings would reduce from 260 to 30.
- 11.68 The new scheme provides a different trip profile to the consented scheme and Highways advise that this will result in marginally less impact on the Foundry Square roundabout. Improvements to Foundry square roundabout can be delivered via a S106 obligation.
- 11.69 Access into south Quay and Foundry Yard would be controlled by a signalised junction which would also provide safe crossing for pedestrians.
- 11.70 Cornwall Highways consider the proposed links to the site are direct and accessible for pedestrians and they welcome the commitment to provide the pedestrian bridge in time for the supermarket to commence trading. For cyclists there are no dedicated routes but this is not considered to be of great concern. There is a recommendation that the provision of a Hoper Bus be secured with the developer and this is considered reasonable as it enhances linkages to the residential areas in Hayle.
- 11.71 The number of proposed parking spaces for the supermarket is 276 which is below the recommended 374. As such off site control will be needed to prevent parking on the highway, this will not affect existing designated parking spaces in the rest of Hayle. A parking time limit is recommended to ensure that the supermarket car park is not used for long stays. Given the accessibility to Foundry Centre and that there is a long stay car park at Foundry square thus is not considered an unreasonable suggestion to enable the store operator to ensure a turnover of parking spaces. Car parking provision for the residential units is acceptable.
- 11.72 The potential for cumulative impact when the remainder of the outline consent is delivered will affect the Carwin Rise double mini roundabout. The proposed scheme needs to be tied via a S106 obligation to ensure that the cumulative impact is addressed and any improvements to the double mini roundabout and

strategic road network are brought forward in an appropriate manner to address traffic levels generated by the harbour regeneration.

- 11.73 Cornwall highways consider this application to be preferable in terms of location and traffic impact in that it replaces a consented level of development rather than resulting in significant additional traffic flows over and above that expected from the consented outline permission. The proposal is thus considered to accord with the advice within Planning Policy Guidance Note 13 – Transport, Regional Planning Guidance – South West policy TRAN1 and TRAN8, Cornwall Structure Plan policies 27 and 28 and Penwith Local Plan policy GD2(v)

Heritage

- 11.74 As noted in above sections the site is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), Hayle Conservation Area and is sited on a Grade II listed quay and will affect the setting of other listed harbour structures nearby. Also there may be non-designated archaeological remains below the surface of the quay and Foundry Yard which are of local importance to the history of Hayle and interpretation of the WHS.
- 11.75 The WHS is made up of ten distinct areas of which include the Port of Hayle.
- 11.76 The following analysis will have regard to Planning Policy Statement 5 – Planning for the Historic Environment (PPS5), the WHS Management Plan and Circular 07/09 relating to the protection of World Heritage Sites as well as development plan documents.
- 11.77 PPS5 sets out a number of policies against which the proposal must be assessed. Policy HE7.1 requires local planning authorities to assess the significance of heritage assets. Thus the WHS is of international importance, the listed buildings and scheduled Cunaide stone are of national significance whilst the Hayle Conservation Area and non-designated but important buildings such as the railway viaduct are of local importance. Policy HE7.4 requires that the significance of heritage assets should be sustained and enhanced and used to contribute to place shaping. HE7.5 desires new development to make a positive contribution to the character and local distinctiveness of the historic environment. Where loss of significance is accepted then policy HE7.7 requires that conditions or obligations should be in place to ensure that once the loss has occurred then the approved development will proceed.
- 11.78 Policy HE9.1 requires a presumption in favour of conservation of designated heritage assets. Substantial harm to a WHS would be wholly exceptional and substantial harm to Grade II listed buildings would an exceptional occurrence. Policy HE9.2 recommends refusal of permission in instances of substantial harm unless there are substantial public benefits which outweigh the harm and the nature of the asset prevents all reasonable uses of the site or no viable alternate use can be found or funding is unavailable via public or charity sources or the harm is outweighed by bringing the site back into use.
- 11.79 Policy HE9.5 notes that not all aspects of a WHS or conservation area contribute to significance. When considering applications the significance of particular elements and the contribution they make to the WHs or conservation area.

- 11.80 Regional Planning Guidance – South West policy EN3 requires the protection of the historic environment and policy EN4 requires high quality architecture, urban design and landscaping. Cornwall Structure Plan policies 1 and 2 require the conservation of Cornwall's character and distinctiveness and the protection of conservation and enhancement of sites of archaeological or historic importance. Penwith Local Plan policy GD1 requires that development integrates with its surroundings in terms of scale, layout and design whilst Policy GD2 (ii, iii) require the design and layout to respect traditional patterns of development and to incorporate materials which are in keeping with the locality.
- 11.81 Circular 07/09 requires WHS Management Plan policies to be a material consideration in determining planning applications.
- 11.82 The Cornwall and West Devon Mining Landscape World Heritage Site was inscribed onto the WHS list in 2006 and in 2010 the retrospective Statement of Outstanding Universal Value was adopted. The WHS is inscribed as a cultural landscape and meets three of the ten criteria for inscription:
- *Criterion (ii): Exhibits an important interchange of human values, over a span of time or within a cultural area of the world, on development in architecture or technology, monumental arts, town-planning or landscape design;*
 - *Criterion (iii): Bears a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared; and*
 - *Criterion (iv): Is an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates significant stage(s) in human history.'*
- 11.83 Only one criterion is required for inclusion into the WHS List and the site must demonstrate Outstanding Universal Value (OUV). The UNESCO Guidelines explain OUV as being "*cultural or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity*".
- 11.84 Sites nominated under the above criteria also need to meet the tests of authenticity and integrity. Authenticity at a basic level relates to the information sources and their credibility which enable understanding of the value of the heritage asset. Thus for South Quay its value can be said to lie in its ability to demonstrate construction methods which have stood the test of time and which reflect the technology of that time thus the quay walls are granite not concrete. The quay is of a scale that reflects the nature of the shipping and its origin is founded on the mining trade rather than fishing, although fishing boats will have used the quay. For the wider harbour the sluicing infrastructure is an authentic reflection of the creativity which enabled the harbour to be kept clear of sand. The harbour is unique to Cornwall and is an authentic expression of the evolution of the industrial society.
- 11.85 Integrity relates to the wholeness of the cultural heritage in terms of the ability of the site to convey the relationships and functions. Thus Hayle Harbour retains its integrity in that it is possible to relate the quays to the Copperhouse

and Foundry heritage and the sluicing infrastructure to the workings of the harbour. This can be read as a whole and functioning harbour which contributes to its significance as Cornwall's principle mining port and an OUV of the Hayle WHS area.

- 11.86 The submitted Assessment of Significance has caused concern with English Heritage (EH), the Council's Heritage Environment Service (HES) and ICOMOS (UK) the advisor to UNESCO on the UK inscribed sites. They consider the assessment flawed in the way it addresses the OUV of the development site. Failure to correctly identify South Quay's contribution to the OUV of Hayle WHS runs the risk of the WHS being harmed and a reduction in its significance which is contrary to the aims of PPS5.
- 11.87 The submitted assessment places much emphasis on narrative values, whilst this is acceptable in part it does downplay the importance of the harbour. As noted above the harbour is both an authentic expression of the growth of the mining industry and retains its integrity as a complete example of a working industrial harbour. The harbour thus contributes to the OUV of the WHS and South Quay as an important part of the overall infrastructure contributes to the OUV. Thus to place over-reliance upon narrative values fails to fully address the OUVs and will not fully represent the significance of the site leading to the potential for harm to the heritage assets.
- 11.88 The Assessment is also considered to not relate well to the Criteria set out in the adopted 2010 Statement of OUV. Criterion (ii) notes that industrialisation lead to the transformation of landscape through the creation of railways, canals, docks and ports. Hayle Harbour transformed the estuary within which it is sited, this point is missed in the assessment which refers only to beam engines and smelting techniques.
- 11.89 For Criterion (iii) the Assessment refers only to steam engine technology contribution whereas the adopted criterion refers to the extent and scope of the remains of copper and tin mining and the associated transformation of the urban and rural environment. The adopted criterion covers a far broader range than has been assessed.
- 11.90 Criterion (iv) is addressed in accordance with the adopted criterion and recognises the importance of the harbour's technological ensemble. However the report goes on to note other structures in the harbour which are not mentioned in the OUV but does not mention what these structures are thus it is not possible to tell whether these have been correctly discounted.
- 11.91 The harbour inscription is for a period from 1700 to 1914 but the authenticity and integrity of the harbour relate to the date of inscription thus do not include buildings which have been removed before that time. The submitted assessment however considers that an absence of buildings reduces the significance of the site and that narrative values become more important to explain the merits of the site. Given that the buildings on south Quay have changed over time, had buildings remained then assessing the significance of a site on the basis of the most recent buildings devalues the significance of the previous structures. The photographic and other archives present an authentic record of the structures on south Quay which express the significance of the Quay over period of time thus more fully demonstrating the contribution of South Quay to the WHS.

- 11.92 The Assessment makes further references to the loss of buildings and that this adds to the difficulty in assessing authenticity and integrity despite these being set at the time of inscription.
- 11.93 Given the above it is difficult to have confidence in the Assessment of OUV and consequently it is not possible to accept that the development design has full regard to the OUV and will not harm significance of designated assets. Until such time as this matter can be rectified the proposal is considered to conflict with PPS5 policy HE9.1, and WHS Management Plan policies 4c and 8b.
- 11.94 Turning to design issues which are fundamental to the significance of the WHS, Listed Buildings and Conservation Area. The proposals are considered not to be of a standard acceptable for this sensitive site. CABE and the heritage consultees have raised concerns regarding various elements of the development. These relate to the scale of the supermarket and the effect this has on constraining the public realm, detailing of the car park and its lack of integration with the public realm and residential element of the proposal. The detailing of the supermarket in relation to the way the cinema relates to the supermarket as well as inactive elevations and awkward relation of the elevation facing the B3301 to the intervening public realm due to the creation of a series of disjointed spaces.
- 11.95 There is an acceptance that a supermarket is acceptable in the proposed location which reflects the past siting of large buildings on the quay. However concern over uplift of land is not considered to be of concern, any use on the site will require land uplift thus falls under PPS5 policy HE9.2(ii) which provides an exception for development which causes harm on sites which due to their nature prevent all reasonable uses. The nature of South Quay is that it is intended for maritime use and unless the current use continues any development will be subject to flood risk, even marine related development and will require mitigation in the form of land uplift.
- 11.96 The impact on views is also not considered of real concern. Firstly the current situation of a derelict inactive quay is inauthentic in the light of the past use which would have been busy and noisy with buildings on site and ships moored both of which would have obscured views across the site. The proposed layout pays particular attention to preserving views where possible. Secondly there is an outline consent which would provide significantly more built development and a greater reduction in views.
- 11.97 The proposed supermarket is not considered to overly harm the legibility of the harbour. At present with no development on South Quay, to understand the harbour from the ground it is necessary to move through the harbour to appreciate its scale and to identify the individual elements. The proposal would also open South Quay to the public which will enable new views from the tip of South Quay from where a number of the harbour elements can be seen in context.
- 11.98 Overall it is considered that the current proposals fail to deliver the objectives of PPS5 and will harm the significance of the WHS and thus fail to preserve or enhance the Hayle Conservation Area and will fail to respect the character and appearance of the listed buildings. The proposal is therefore contrary to Regional Planning Guidance – South West policies EN3 and EN4, Cornwall Structure Plan policies 1, 2 and Penwith Local plan policy GD1. However it is considered that the proposals can be amended to deliver an acceptable scheme.

11.99 Given that this site presents the best opportunity for delivering regeneration and meeting an identified retail need in a sequentially preferable site it is recommended that determination be deferred to allow the Council to seek a more appropriate solution.

Any other material considerations

11.100 A number of concerns have been raised by third parties which have been covered above, the following list details the officers response in italics to some of the more detailed material considerations:

- Loss of views across South Quay.
Current views are not authentic to the WHS. Outline consented scheme would have a greater impact.
- Reduction in marine use for South Quay.
No significant marine use has been proposed for over 40 years. Unreasonable to prevent regeneration given lack of interest.
- Hayle Harbour Users, Hayle Fishermans Association and Save Our Sand groups not consulted.
These groups have responded in writing and have had access to application documents, thus their interest has not been prejudiced.
- No sluicing proposed.
Part of Phase II the previously approved detailed planning application for infrastructure works which is due to commence Phase I.
- Pedestrian bridge will restrict access to berths.
It is considered that smaller craft will be able to moor. New section of quay wall at the east side of the quay will provide additional moorings for any displaced larger boats.
- Loss of on-street parking.
No loss of on-street parking proposed.
- Increased pollution.
Controlled by way of Construction Management Plan. Traffic levels no greater than consented outline scheme..
- Land raise will bury archaeology and listed structures.
Buried archaeology will be preserved for future generations.
- Land raise increases flood risk for rest of town.
Tidal flood risk so increase in land level out of flood zone reduces risk on the site and will displace an insignificant amount of tidal water which will not increase flood risk off site.
- Adverse impact on functioning harbour.
Access to quays remains from the water, new moorings on the Carnsew side of the quay will offset loss of moorings for larger boats on the Penpol side.
- 1983 Public Inquiry rejected supermarket.
Planning policy has changed significantly since 1983. Have to determine application under current planning policy.
- Two bridges shown in illustrations but only one in application.
Second bridge from South Quay to East Quay is illustrative of the bridge approved as part of the outline consent. Not part of this application.

Residential amenity

11.101 The proposed construction works will create short to medium term impacts on residential amenity. The main areas affected will be the immediate area around

the quay. A Construction Environment Management Plan is recommended to be secured by way of condition. This will minimise disturbance

12. Conclusion:

- 12.1 Sequentially there can be little doubt that South Quay is the most appropriate location for a supermarket given its position and potential links to Hayle town centre. Thus, in terms of the retail benefits to the town as a whole the development presents a major opportunity. Whilst it is acknowledged that whilst the proposal is located in a very sensitive location not least with regard to heritage, it must be appreciated that the site does have an extant planning permission for development which inevitably has the potential to significantly change South Quay. In this respect the principle of redevelopment and many of its associated facets has in effect already been accepted.
- 12.2 From a highway view point the advice clearly indicates that the proposed development will have potentially less impact than the extant permission which is an important consideration when considering the concerns expressed regarding highway capacity.
- 12.3 In terms of the regeneration of Hayle it is considered that the proposed development has considerable merit, and whilst there are still a number of issues to be resolved it is considered appropriate that the committee considers this application along with the other proposed supermarket proposals at this stage. Clearly the heritage issues are sensitive given the designations of the site, however a number of parties have indicated that there are still areas where negotiation may help to resolve/ minimise the scope for conflict. Given that the decision requires a balancing of the issues identified it is recommended that further work be carried to try and reduce the evident heritage concerns, and therefore tip the balance more strongly in favour of approval.

13. Recommendation:

- 13.1 That the matter is delegated to the Head of Planning and Regeneration to approve the proposal subject to:
- 13.2 The satisfactory completion of negotiations to include additional conditions where appropriate, in respect of the following details:-
- Design.
 - Delivery of the cinema.
 - Matters arising from Environmental Statement update
 - Conclusion of all Heads of Terms for the Section 106 Agreement.
- 13.3 If in light of securing the revisions detailed above an objection is maintained by English Heritage the decision be referred to the Secretary of State (advising that the Council are minded to approve the application) and if not "called in" by the Secretary of State, the development will be approved subject to the completion of a Section 106 Agreement to secure amongst other things
- The funding of appropriate foul drainage works to serve the development.
 - The funding of highways improvement works to mitigate traffic increased arising from the development.
 - Transfer of the Pattern Shed and Cart Shed land

- Delivery of repairs to South Quay walls.

13.4 The following conditions, or similar conditions and appropriate additional conditions arising from further negotiations, to be agreed with the Head of Legal Service in consultation with the Chairman and Vice Chairman of the Strategic Planning Committee.

14. Conditions:

1. The element of the development the subject of the full application hereby permitted shall be begun before the expiration of three 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).
2. The works hereby authorised shall be begun not later than three years from the date of this consent.
Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
3. Approval of the details of landscaping, layout, scale and appearance (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1 and 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
4. Application for approval of all the reserved matters shall be made to Cornwall the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1 and 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
5. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1 and 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
6. The development hereby permitted shall be undertaken in accordance with the drawings hereby approved, namely drawing (to be inserted on conclusion of negotiations).
Reason: To ensure that the development is undertaken in accordance with the approved details in the interests of good planning.

7. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (viii) hours of working
- (ix) site compound details

The development shall be constructed in accordance with the Construction Method Statement.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon residential amenities currently enjoyed by existing residents in the locality in accordance with saved Policy 3 of the Cornwall Structure Plan 2004.

8. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until criteria 1 to 5 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until criteria 5 has been complied with in relation to that contamination.

Criteria 1: Preliminary risk assessment/desk study

A preliminary risk assessment/desk study identifying:

- (i) All previous uses
- (ii) Potential contaminants associated with those uses
- (iii) A conceptual model of the site indicating sources, pathways and receptors
- (iv) Potentially unacceptable risks arising from contamination at the site must be undertaken by competent persons and a written report of the findings produced. The written report is subject to the approval, in writing, of the Local Planning Authority.

Criteria 2: Site characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval, in writing, of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land;

groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Criteria 3: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Criteria 4: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Criteria 5: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of criteria 2, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of criteria 3, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with criteria 4.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of saved Policy 3 of the Cornwall Structure Plan 2004 and in accordance with the guidance contained in PPS23 entitled Planning and Pollution Control published November 2004.

9. Before commencement of any works on site, including ground preparation works a Construction Environment Management Plan (CEMP) shall have been submitted to and approved in writing by the local planning authority and the approved development shall be carried out in accordance with the approved CEMP.
Reason: To ensure proper management of the environmental impacts of the approved development during all construction phases.

Before commencement of any works on site, including ground preparation works a Site Waste Management Plan (SWMP) shall have been submitted to and approved in writing by the local planning authority and the approved development shall be carried out in accordance with the approved SWMP.
Reason: To ensure proper management of the environmental impacts of the approved development during all construction phases.

10. No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - Details of the drainage during the construction phase;
 - Details of the final drainage scheme;
 - Provision for the exceedance pathways and overland flow routes;
 - A timetable for construction;
 - A construction quality control procedure;
 - A plan for the future maintenance and management of the system and overland flow routes.Prior to occupation of the site, the relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless as otherwise approved in writing by the Local Planning Authority.
Reason: To avoid flooding and ensure that the development is drained in a manner which is compatible with best practice and the need to address climate change and in accordance with the aims and intentions of saved Policies 1 and 3 of the Cornwall Structure Plan 2004
11. Prior to the commencement of development, full details of foul drainage, including details of grease and fat interceptors, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use and maintained thereafter, unless permission for a variation is first obtained in writing from the Local Planning Authority.
Reason: To ensure the development is adequately served by foul drainage in accordance with saved Policy 3 of the Cornwall Structure Plan 2004.
12. Before first commencement of any of the uses hereby permitted a scheme to prevent an increase in risk of flooding within Foundry Square due to the removal of part of the boundary wall between Isis Gardens and the B3301 to provide a pedestrian link to Foundry Square shall be submitted to and agreed in writing by the local planning authority and the pedestrian link shall have been created in accordance with the approved scheme before first commencement of any of the uses hereby permitted.
Reason: To prevent an increase in off-site flood risk and to ensure the delivery of the pedestrian link to Foundry Square in accordance with the approved scheme which is in part made acceptable by the improved pedestrian linkage to Foundry Square.
13. Before any of the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with approved drawing no. *(to be inserted on conclusion of negotiations)* ; and the said areas shall not thereafter be obstructed or used for any other purpose unless permission for a variation is first obtained in writing from the Local Planning Authority.

Reason: To ensure adequate parking and turning facilities off the adjoining highway and in accordance with policies saved policy 28 of the Cornwall Structure Plan 2004.

14. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority relating to line, level and layout of off-site highway works to service the site, the proposed road junction and associated means of construction and surface water drainage. The approved access road junction shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining a safe and efficient highway network and in accordance with saved Policy 28 of the Cornwall Structure Plan 2004.

15. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting season following the first use of the retail building, or the completion of the development hereby approved, whichever is the sooner. The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; and hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.) The soft landscape works details shall include planting plans; written specifications; schedules of plants noting species, plant sizes and proposed numbers/ densities where appropriate; implementation plan. All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five years from the completion of the development which 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: In the interests of visual and residential amenity and in accordance with the aims and intentions of saved Policies 1 and 2 of the Cornwall Structure Plan 2004

16. There shall be no outside storage of goods, equipment or any other articles on the site otherwise than in defined screened areas. Details of the location and screening of these areas shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and they shall be completed in accordance with the approved details before the development is first brought into use. Thereafter there shall be no change in the location and/or screening of these areas without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with saved Policies 1 and 2 of the Cornwall Structure Plan 2004.

17. No development shall commence until details of the materials to be used in the construction of the external surfaces of the doors, walls, including retaining walls, and roof of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development

shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and in accordance with the aims and intentions of saved Policies 1 and 2 of the Cornwall Structure Plan 2004.

18. No development shall commence until a sample panel(s) of the external walling at least one metre square, showing the proposed coursing, method of pointing and colour of mortar, texture, and colour finish as appropriate been erected on the site and subsequently approved in writing by the Local Planning Authority, and the natural stone walls of the development hereby permitted (including the retaining wall) shall be constructed in the same way as the approved panel.
Reason: In the interests of visual amenity and in accordance with the aims and intentions of Policies 1 and 2 of Cornwall Structure Plan 2004.
19. The retail units hereby permitted shall only operate as single units with no vertical or horizontal sub division.
Reason: In order to protect the vitality and viability of Hayle town centre in accordance with saved Policy 14 of the Cornwall Structure Plan 2004.
20. The net retail sales area of the permitted supermarket shall not exceed 2550 square metres, with no more than 35% (892 square metres) of the net sales area to be used for the sale of comparison goods.
Reason: In order to protect the vitality and viability of Hayle town centre in accordance with saved Policy 14 of the Cornwall Structure Plan 2004.
21. Prior to installation, full details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the use commences and retained thereafter unless varied by prior written approval of the Local Planning Authority.
Reason: In the interests of protecting occupiers of residential properties in the area from excessive light pollution and in accordance with saved Policy 3 of the Cornwall Structure Plan 2004.
22. Before commencement of any works on site, including ground preparation works a Construction Traffic Management Plan (CTMP) shall have been submitted to and approved in writing by the local planning authority and the approved development shall be carried out in accordance with the approved CTMP.
Reason: To ensure proper management of the environmental impacts of the approved development during all construction phases and to minimise any adverse impacts on the safe and efficient use of the local and strategic highway networks.
23. The development shall be implemented in accordance with the submitted Green Travel plan. The Green Travel Plan shall be reviewed and updated and sent to the Local Planning Authority on an annual basis. If the Local Planning Authority give notice in writing within 2 weeks of receipt of the updated travel plan that it is not approved, then the development shall continue to be implemented in accordance with the last approved version of the Green Travel Plan until such time as a new updated version is accepted by the Local Planning Authority. Reason: (i) to ensure that traffic generation is minimised and reduced over time in the interests of general amenity and sustainability; (ii) to safeguard the free flow and safety of traffic and pedestrians using the adjoining highways.

24. Before the development hereby permitted is commenced details of the method of waste storage/disposal from the proposed use shall be submitted to and approved in writing by the Local Planning Authority. Following the development being brought into use the said details as approved shall be implemented and retained thereafter unless varied by prior written approval of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area and to avoid the adverse effects of odour upon occupiers of adjacent land in accordance with saved Policy 3 of the Cornwall Structure Plan 2004.

25. No development shall take place within the site until the applicant has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In the interest of recording and protecting the historic environment in accordance with saved Policies 1 and 2 of the Cornwall Structure Plan 2004.

Background Papers:

1. GVA Grimley Report
2. List of Definitions





Development Management
Planning and Regeneration Service

STRATEGIC PLANNING COMMITTEE

9 FEBRUARY 2011

Application number:	W1/10-0413-P
Site address:	Jewson Site, Carnsew Road, Hayle
Proposal:	Demolition of existing building and construction of retail foodstore, formation of car parking, pedestrian links and vehicular access from Carnsew Road to service the car park, service yard area, and works to and within the listed building
Parish:	Hayle
Applicant:	Actoris Ltd
Target date for decision:	22 July 2010
Reason for application being called to Committee:	Major application. Whilst scale of site area does not exceed commercial development thresholds of 10,000 square metres or 2 hectares, the application is one of four concurrent supermarket applications, the three other applications do exceed the thresholds.
Departure:	No
Electoral Division	Hayle North
Electoral Divisional Member	Councillor John Pollard
Recommendation	Refusal

1. Summary:

- 1.1 The proposal is for full planning permission for a supermarket in an edge of centre site at the west of Hayle. The site is currently occupied by a Jewson builders' merchant which would be relocated. The site is within the conservation area and World Heritage Site and accessed directly from the B3301 which runs through Hayle. There is a sequentially preferable site at the adjacent South Quay that is closer to the Foundry town centre and is subject to a concurrent supermarket application. The proposal would result in trade diversion from the Copperhouse and Foundry centres but not to an extent that would be so harmful as to warrant refusal. The proposal may prejudice the viability of the regeneration of the South Quay.
- 1.2 The traffic generated by the development has not been demonstrated to be of a level which could be accommodated in the local road network, either in isolation or cumulatively with the consented outline permission for the redevelopment of Hayle Harbour. Nor has the proposal demonstrated that safe and convenient

pedestrian or cycle links can be made to Foundry centre to encourage linked trips.

- 1.3 Part of the turning area within the service yard is within Flood Zone 3 but the Environment Agency consider the proposed use is appropriate for the flood zone and can be readily mitigated.
- 1.4 The site is adjacent to a Site of Special Scientific Interests and RSPB nature reserve, within the site there is little ecological value due to the type of use. The environmental consultees have raised no objection but require conditions to be imposed should permission be granted.
- 1.5 The proposal will enhance the area in terms of design and respects the character, appearance and setting of heritage assets.
- 1.6 There is an extant permission for a block of 6 flats adjacent to the proposed service area. The proposal is not considered to present such an impact as to justify refusal
- 1.7 The proposal provides an edge of centre supermarket which will meet the identified need for a main food shopping destination, enhancement of the existing site and provision of a bus service. However, there is a sequentially preferable site available, the potential for traffic congestion, poor pedestrian and cycle links to the Foundry town centre and harm to the delivery of the wider harbour regeneration aspirations mean that a recommendation of refusal is made.

2. Site description:

- 2.1 The site is located at the western edge of Hayle and is adjacent to South Quay and close to the Foundry Square town centre. The site extends to 1.63 hectares (ha) and is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and within the Hayle Conservation Area. The site currently contains a Jewson builders' merchant building, covered outdoor storage and display racks and a Grade II listed building formerly used as a timber drying shed but now used for storing stock. The service and delivery area extends to the west of the main site and currently this area is undeveloped and overgrown. To the immediate east is South Quay which is subject to a concurrent application for a supermarket by ING. South Quay is currently disused other than for some low level fishing and leisure activity generated by the moorings at the quay. The South Quay benefits from an outline planning permission for a mixed use redevelopment proposal. To the south is the B3301 and beyond this is Foundry Yard, also subject to the ING application, and public green space which contains a pedestrian route up the steeply rising wooded land to a hill fort which is a Scheduled Ancient Monument. To the north is a level scrubby strip of land with a public footpath and Grade II listed dock wall which is buried under fill with just the top of the coping stones visible. Beyond this is the tidal Carnsew Pool built to enable sluicing of the harbour during its heyday. To the west are two neighbouring derelict sites each containing a disused industrial unit which are now in poor condition. Beyond this is a ribbon of some 15 detached residential dwellings of modern appearance.

- 2.2 Of the two derelict industrial units on the adjacent land, the smaller and closest to the application site would be demolished to facilitate the proposed supermarket delivery access. The other building would be demolished as part of a 2010 planning permission to redevelop the site for nine residential flats. This application has commenced by virtue of demolition works on site. The proposed supermarket service and delivery area extends westwards along the north boundary of the residential development site.
- 2.3 The proposal would require the diversion of the footpath leading from the B3301 to Carnsew Pool to separate delivery traffic from pedestrian users.
- 2.4 In terms of the local road network the site is accessed from the B3301 with separate accesses for deliveries and visitors.
- 2.5 The site itself is previously developed land and is generally level but is at a varying 1 to 1.5 metre lower level than the B3301.

3. Retail Context:

- 3.1 Addressing the supermarket aspect, it is useful at this point to set the context within which this application needs to be assessed. The proposed Actoris application, with Morrison as the named operator, is one of four distinct supermarket applications in or on the edge of Hayle along with an associated application to relocate the Hayle Rugby Club to provide a site for one of the supermarkets.
- 3.2 The Penwith Retail Study (PRS) of 2007 identified Hayle as needing a significant improvement in its retail provision to address the significant leakage of retail shopping trips to towns such as Penzance, Camborne, Redruth and Pool and Truro. The 2007 Report advised that such a need could be met by the provision of a supermarket. The recent Cornwall Retail Study (November 2010) reiterates these findings and will be discussed further in the report.
- 3.3 This application runs concurrently with applications for named operator supermarkets of Asda and Sainsbury, the Asda supermarket requiring the relocation of the Rugby Club. The proposal from ING RED (UK) Ltd does not have a named operator, the intention being to acquire an operator should planning permission be received.

4. Proposal:

- 4.1 The proposal seeks full planning permission for the demolition of the 20th Century Jewson buildings, the construction of a 3455 square metre gross (sq m) A1 Use Class retail foodstore. The retail area of 1858 sq m splits 80:40 to give a 1486 sq m convenience and 372 sq m comparison retail offer. Also proposed are 227 car parking spaces, new pedestrian links and vehicular accesses.
- 4.2 Associated works applied for include:
- Works to renovate the listed building which, being open fronted with bays, is intended would be used for car parking.
 - Landscaping.
 - Improved pedestrian access to the Foundry town centre.

5. Environmental Impact Assessment:

- 5.1 Prior to submission of the application the Council provided a scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The applicant had unilaterally determined to carry out an Environmental Impact Assessment and has submitted an Environmental Statement with the application. This position is supported by the local planning authority for the reasons below.
- 5.2 The site lies in a sensitive location, as defined by Circular 02/99. The site is within the World Heritage Site and Conservation Area and affects the setting of listed buildings. The development would be close to Sites of Special Scientific Interest, County Wildlife Site and Area of Great Scientific Value. The proposal would also have a significant impact on the retail activity within the existing town centres of Copperhouse and Foundry. The proposal is for a major development which would have an impact on a number of receptors. The proposal is considered to represent a complex development with a high probability of significant impacts.
- 5.3 Additional information was submitted by the applicant and a Regulation 19 advertisement as per the Town and Country Planning (EIA) (England and Wales) Regulations 1999 was placed in the Cornishman as well as site notices to give publicity.
- 5.4 Given the above the local planning authority is satisfied that the submitted Environmental Statement is sufficient to ensure that the environmental impacts have been fully assessed and that any decision in relation to the grant or otherwise of planning permission will be robust having taken into account the information submitted as part of the Environmental Statement.

6. Relevant constraints:

- World Heritage Site.
- Conservation Area.
- Listed Buildings.
- Site of Special Scientific Interest.
- County Wildlife Site.
- Area of Great Scientific Value.
- Flood Zones 2, 3a.

7. Relevant planning/enforcement history:

- 7.1 W1/10-0108: Permission granted for construction of block of 9 flats to immediate south of proposed service yard. Demolition of existing building has commenced.

7.2 W1/08-0613/P Outline planning permission including mixed use development on South Quay on land adjacent to this site.

8. Relevant local/national/regional policy/guidance:

8.1 Regional Spatial Strategy: In May 2010 the Secretary of State (SoS) for Communities and Local Government set out the intention to revoke Regional Strategies and required this intention to be a material consideration in determining applications. On the 6th July 2010 the SoS revoked the Regional Strategies. This was subsequently challenged in the High Court the outcome being that the revocation was deemed unlawful. This decision reinstated Regional Strategies. In response the SoS responded on the 10th November 2010 to reiterate the Government's intention to revoke Spatial Strategies and that this would occur via the Localism Bill which is due to be enacted this year. Given this firm commitment by the Government to revoke Regional Spatial Strategies it is considered that although the Draft Regional Strategy for the South West remains a material consideration, little weight should be given to the policies therein in relation to determining this planning application. As such no further mention will be made to the RSS policies as there are other adopted development plan policies and national policy and guidance which are of greater weight.

8.2 Regional Planning Guidance Note 10 policies:

- VIS1 – Promote sustainable development.
- VIS2 – Principles for Future Development.
- SS18 – Regeneration of main towns, conservation of environment in Cornwall.
- SS21 – Development in Coastal towns.
- EN1 – Landscape and Biodiversity.
- EN3 – Historic Environment.
- EN4 – Quality in the Built Environment.
- EC6 – Town Centres and Retailing.
- Tran 1 – Reducing the Need to Travel.
- RE2 – Flood Risk.

8.3 Saved Cornwall Structure Plan policies:

- 1 – Principles of Sustainable Development.
- 2 – Character areas, Design and Environmental Protection.
- 3 – Use of Resources.
- 11 – The Urban and Rural Economy.
- 14 – Town Centres and Retailing.
- 16 – Overall Distribution of Development.
- 25 – Other Main Towns and Local Centres.
- 27 – Transport Strategy.
- 28 – Accessibility.

8.4 Saved Penwith Local Plan policies:

- ST1 – Plan Strategy.
- GD1 – Integration with surroundings.
- GD2 – Design and layout of development.

- GD4 – Prevention of pollution.
- GD5 – Protection of character and amenity of an area from harmful highway works.
- CC1 – Protection of the character and appearance of the countryside and coast.
- CC7 – Protection of Sites of Scientific Interest.
- CC8 – Protection of designated wildlife sites.
- CC9 – Protected species.
- TV1 – Location of development.
- TV16 – Location of major retail development.
- TV17 – Location of shopping facilities and protection of town centres.
- TV-D – Allocation of land at Hayle Harbour for mixed use redevelopment.
- E1 – Sustainable location of employment generating development.
- TP5 – Cycling routes.
- TP7 – Protection of Public Rights of Way.
- TP8 – Protection of local character in road improvement schemes.
- TP12 – Car parking standards.
- CS4 – Flood risk.
- CS6 – Disposal of surface water.

8.5 World Heritage Site Management Plan

- Policy4c – New development protects, conserves and enhances the Site and its setting.
- Policy 7b – Development should add to the quality and distinctiveness of the site.
- Policy 7c – Presumption in favour of retaining and re-using buildings.
- Policy 8b – Maintain historic character of the WHS.

8.6 National Policy:

- Planning Policy Statement 1 – Delivering Sustainable Development.
- Planning Policy Statement 4 – Planning for Sustainable Economic Growth.
- Planning Policy Statement 5- Planning for the Historic Environment.
- Planning Policy Statement 9 – Biodiversity and Geological Conservation.
- Planning Policy Statement 23 – Planning and Pollution Control.
- Planning Policy Statement 25 – Development and Flood Risk.
- Planning Policy Guidance Note 13 – Transport (updated January 2011).

8.7 Hayle Area Action Plan: This document reached the point of being ready for consultation at the preferred Options stage under the auspices of the former Penwith District Council. The change to the new unitary authority halted work on this document. Given the lack of progress beyond the Issues and Options phase any outcomes, although material considerations, has insignificant weight in determining this application.

9. Summary of Consultations:

9.1 Hayle Town Council: Object on the following grounds: -

- the proposed highway layout, which will involve the existing signaled pedestrian crossing, access to the service yard, the roundabout serving the store and a new signaled pedestrian crossing in approximately 200 metres

on the approach to Foundry Square, will cause an unacceptable level of traffic congestion on the western approach to the town;

- some of the proposed pedestrian links to the Foundry area cannot be achieved without the agreement of the adjacent landowner, which is unlikely to be forthcoming, and the scheme will therefore be poorly integrated with the existing shopping centre and
- as a result, the development would be sufficiently remote from the Foundry shopping area to deter combined shopping trips and will have a negative impact on the vitality and viability of the Foundry centre and the existing commercial premises along Penpol Terrace.

9.2 **Highways Agency**

No objections. Considers that the store will reduce trips on the A30 due to retention of shopping trips in Hayle. Requires a construction management plan to ensure construction traffic is managed.

9.3 **Cornwall Council Highways**

- Does not support this application
- Acknowledges the extant outline permission for the wider harbour redevelopment which would take the highway capacity of the highway network leaving no spare capacity for the additional traffic arising from the proposed supermarket.
- Applicant has not shown that the supermarket plus the consented scheme can be accommodated.
- Particular concern with regard to the Foundry roundabout and the potential for queues off the roundabout.
- The applicant has not shown that the proposed signalised junction will work.
- The pedestrian link to Foundry town centre from the site is not of an acceptable standard. The link requires crossing the road at an uncontrolled crossing whilst the section of footpath beneath the viaduct is narrow.
- Applicants cannot deliver alternative pedestrian routes as this requires use of third party land.
- Bus provision is made and a subsidised bus service offered for 2 years.

9.4 **Environment Agency:** No objection on flood risk grounds to the revised proposals subject to conditions relating to flood defence and resilience measures, surface water management and pollution control.

9.5 **RSPB:** No objection subject to conditions for surface water drainage to prevent pollution and a lighting scheme.

9.6 **English Heritage;** No objection in general but

- Requires car park furniture and signage kept to a minimum and to be in keeping with historic setting.
- Recommends applicant discusses the re-opening of the historic slipways with the adjacent landowner who is ING.
- Welcomes renovation of the Listed timber drying shed and
- Has no objection to the removal of the existing modern buildings.

9.7 **CABE:** Support proposal for supermarket at this site.

- Building design is well considered.

- Public realm, landscaping and pedestrian links need further thought.

9.8 **ICOMOS UK:**

- Design acceptable for WHS location.
- Lighting from store should not draw attention.
- Landscaping and car park structures to be kept unobtrusive.

9.9 **Cornwall Council Conservation Officer - Historic Environment Service:**

No objection to the proposed amended scheme.

9.10 **Natural England:** No objection subject to conditions

- Natural England welcomes and supports the preparation of the Environmental Statement (ES) to support of the planning application. This covers the issues identified as requiring assessment during pre-application discussions with the applicants agent.
- The identification of key features and potential impacts of construction and operation arising from the proposal appears to be comprehensive.
- Require a Construction Environment Management Plan.
- Supports landscaping proposals.
- Require confirmation of surface water control to prevent pollutants entering the Carnsew Pool SSSI.
- Supports lighting proposal and proposal for nature interpretation.

9.11 **Cornwall Council Historic Environment Service:** (11 October 2010)

The Cornwall and Scilly Historic Environment Record (HER) records that the proposed site is within the Cornwall and West Devon Mining World Heritage Site, the Hayle Conservation Area and contains a Grade II Listed Building and Grade II Listed quay walls.

Buried archaeological remains may include elements of previous harbour works including evidence for 19th century ship building activity. Other potential buried archaeology includes the remains of a lime kiln, features associated with the nearby medieval settlement of Carnsew, and an early cottage row constructed on the quay. There is also a small hillfort at Carnsew.

They recommend that if consent is given that an archaeological recording condition is included. This would require the archaeological recommendations are undertaken.

9.12 **South West Water:** No Objections.

9.13 **Ramblers Association:** None

9.14 **Government Office For The South West:** None

10. Representations:

10.1 In response to publicity, 22 letters of objection have been received and 4 letters of support.

Summary of objections

- ⌘ Traffic impact on local road network.
- ⌘ Inadequate footpaths.

- ⌘ Not sympathetic to the character of area.
- ⌘ Diversion of trade from Hayle town centres.
- ⌘ Sufficient supermarkets already present.
- ⌘ Design of building.
- ⌘ Alternative sites available.

Summary of support

- Redevelopment of brownfield site.
- Less traffic problems than Marsh Lane / Rugby Club sites.

Public Opinion Surveys

10.2 There have been four surveys carried out:

- a) Hayle Residents Association.
- b) ING public exhibition.
- c) Asda public exhibition.
- d) Asda independent telephone poll.

10.3 Although these surveys are of interest they cannot be accorded significant weight. To place significant weight on those results may leave any decision open to legal challenge.

10.4 The surveys are material considerations and below is a summary of the results showing number of respondents and their preference of store location. The survey and poll questions vary so it is not possible to directly compare and contrast responses.

	Number of Responses	Asda	Actoris / Morrison	ING	Sainsbury	None of these
Hayle Residents Association	727	37%	38%	4%	16%	5%
Asda public exhibition	208	95%		3%	6%	Some responses selected more than one option.
Asda independent telephone poll	1003	47%	19%	5%	16%	5%
	Poll recorded strong support for relocation of Rugby Club to the Carwin Rise site.					

10.5 On a final note relating to the surveys Planning Policy Statement 1 – Delivering Sustainable supplement The Planning System – General Principles notes in the section on Propriety that whilst community views are strong material consideration, ***"local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons"***.

11. Assessment of key planning issues:

Background

- 11.1 The historic development of Hayle is influenced by the presence of competing companies of Harvey's and the Cornish Copper Company located respectively at Harvey's Foundry to the west of the town and Copperhouse to the east. These companies were most active in the 19th century and Hayle's growth can be directly related to the increasing mining activity in Cornwall from the 17th Century. The Cornish Copper Company ceased trading in the late 19th C with Harvey's continuing until the early 20th C. This industrial influence has resulted in the presence of two town centres, Foundry and Copperhouse, both of which remain today and are viable and display good vitality with vacancies of commercial properties below the national average as confirmed by a recent health check carried out by the Council in November 2010.
- 11.2 This application is one of four such applications relating to the provision of a supermarket for Hayle, each site is distinct and delivery of development presents differing challenges and policy considerations. As such the following assessment will begin with the principle issue which is the acceptability of providing a supermarket on the Jewson site. The assessment thus begins with PPS4 – Planning for Sustainable Economic Growth (PPS4) and relevant development plan policies relating to retail development.

Penwith Retail Study 2007

- 11.3 Providing background context for the assessment are the Penwith Retail Study (PRS) of 2007 and the recent Cornwall Retail Study released in November 2010. The PRS identified Hayle as having significant leakage of expenditure to the extent of about 75% of main food shopping trips and 50 % of top up shopping trips occurring outside Hayle. The main towns benefiting from this are Penzance, Camborne, Pool and Redruth. For comparison shopping the study indicates that Hayle only retains about 10% of expenditure with the surrounding towns and Truro meeting this need. The Study anticipated that the West Cornwall Retail Park (which was not trading at the time of the study) would to an extent address comparison expenditure leakage. The existing Coop and Lidl stores cater mainly for top-up shopping.
- 11.4 The PRS provided a forecast need for retail space set out in the table below. The data is based on the assumption of retention of 70% of convenience expenditure in Hayle

Convenience Floorspace Capacity		
2012	2016	2021
Up to 1500 sqm net	Up to 1600 sqm net	Up to 1750 sq m net
Comparison Floorspace Capacity		
2012	2016	2021
2200 sqm net	2900 sqm net	4000 sqm net

Cornwall Retail Study 2010

- 11.5 This study confirmed that the rate of leakage from Hayle continues at the 2007 levels despite the opening of the West Cornwall Retail Park and an extension to the Lidl between Copperhouse and the Loggans Moor A30 Roundabout. The 2010 Study confirms that the existing deficiency is a significant cause of the current supermarket retailer interest. The Study also recommends that the capacity figures set out in the table above are an "appropriate guide when planning additional convenience floorspace in Hayle" and that a new foodstore can address this need.
- 11.6 In terms of comparison shopping the Study found the situation is little different to 2007 with Hayle's market share remaining low at 10 to 15 %, although this later study does show additional detail that the share for personal (e.g. toiletries, pharmaceutical) and luxury goods (e.g. jewellery, ornaments) is 25%.
- 11.7 Thus, in light of the results of both of the retail studies referred to above, it is evident that there is a need for additional retail provision to serve Hayle. However the net square metres proposed by this application of 1486 sq m of convenience sales area will permit additional capacity to reach the predicted 2021 net convenience capacity of 1750 sq m. In terms of net comparison capacity the proposal for 372 sq m is below the predicted capacity 4000 sq m in 2021 and allows for further growth in the comparison sector. The proposal will address the current need but leaves capacity for further retail growth in Hayle.

Principle of development

- 11.8 The principle of creating new retail development in urban areas is accepted by national policy within Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4) where the provision will not harm the viability of existing retail centres, improves economic performance of towns, promotes regeneration, contributes to sustainable patterns of development and reduces the need to travel by private car.
- 11.9 The proposal to develop this site which is previously developed land is in accordance with the aims of PPS1 – Delivering Sustainable Development, Cornwall Structure Plan policy 3, RPG policy VIS2 and Penwith Local Plan policy TV1 which promote the re-use of previously developed land in urban areas.

Retail assessment

- 11.10 PPS4 superseded PPS6 – Planning for Town Centres in December 2009 and one of its main effects was to remove the 'needs test' and to promote competition and choice. However within PPS4 there remains a role for local authorities, via evidence based planning, to identify retail needs for local areas. In this case there is an identified need for significant convenience shopping in Hayle to provide a choice for residents other than to travel significant distances to Penzance, Camborne, Pool, Redruth or Truro.
- 11.11 The Council has commissioned GVA Grimley to independently assess the proposed application in light of PPS4 . The GVA report is a background paper to this agenda.

- 11.12 Having a population in the region of 8000 means that Hayle is classed as a main town by Policy 25 of the Cornwall Structure Plan and this positioning within the hierarchy of centres in Cornwall is reflected in Regional Planning Guidance 10 (RPG10) which does not specifically mention Hayle. At Policy SS18 the RPG in relation to Cornwall and the Isles of Scilly simply promotes regeneration of towns to serve their populations and rural hinterlands and to conserve or enhance the natural and historic environment. Of more relevance within the RPG is policy VIS1 which promotes sustainable development and a sequential approach to the location of development including the minimisation of greenfield site use and the need to travel. Policy VIS2 of the RPG seeks to redevelop previously developed urban land to relieve pressure on greenfield sites and promotes mixed use development and an efficient use of land. Amongst other aspects the policy also promotes alternative transport to the private car and minimisation of flood risk. RPG policy SS21 seeks to support the regeneration of coastal towns. Policy EC6 of the RPG encourages town centre developments of an appropriate scale to the size and function of the settlement and that the development contributes to regeneration whilst protecting the viability and vitality of town centres. The sequential approach to locating retail development is required as is the reduction of the need to travel, especially by private car.
- 11.13 The Cornwall Structure Plan at policies 1 and 16 promote regeneration of towns to meet the needs of their populations and surrounding area and reduction in the need to travel. Re-use of previously developed land and protection of agricultural land whilst avoiding risk from flooding are aims for development within Policy 3 of the Structure Plan. Policies 11 and 14 of the Structure Plan encourage economic growth in towns via regeneration where vitality and viability are not harmed and the development should be well integrated with the town to minimise car usage and provide convenient access to public transport. Policy 28 promotes accessible locations which encourage walking, cycling and use of public transport and along with Policy 27 seeks to maintain a safe and efficient highway network. Policy 2 of the Structure Plan seeks to protect the natural and built environment as well as the heritage and distinctiveness of Cornwall.
- 11.14 The Penwith Local Plan supports the national and other development plan policies. Policies ST1 and TV1 focus development in the main towns whilst Policy TV16 and TV17 support major retail development in Hayle where the site is accessible without reliance on the use of the private car and contributes to the vitality and viability of the town centres. Policy TV16 only provides for out-of-centre sites where town centre or edge of centre sites have been demonstrated as unsuitable thus is in line with PPS4 in requiring a sequential approach to identifying suitable locations. Within Hayle, Proposal TV-D allocates land for mixed-use development. The site is the harbour area and presents significant opportunities for regeneration. Policy E1 supports new employment opportunities in accessible locations.
- 11.15 Penwith Local Plan Proposal TV-D mentioned above is a significant material consideration as this allocates land for development in an edge of centre site. The Proposal area encompasses the harbour area, but of particular note are the Jewson site as well as South Quay and Foundry Yard. South Quay and Foundry Yard are included as part of the wider Outline Planning Permission approved in 2009 for the mixed use regeneration of Hayle Harbour. There is a

concurrent ING application for an alternative redevelopment of the adjacent South Quay and Foundry Yard which includes a supermarket, separate retail units, restaurant, cinema and residential uses.

- 11.16 PPS4 contains a number of policies against which the application for the Actoris / Morrison proposal needs to be assessed. Policy EC14 sets out the requirement for a sequential test for planning applications for main town centre uses to be submitted. Policy EC16 requires an impact assessment for applications with a gross floor space over 2500 square metres (sqm) where the development is outside a town centre and not in accordance with an up-to-date development plan. Thus the proposal for an edge of centre Morrison supermarket with a gross floor space of 3355 sqm triggers a sequential assessment and an impact assessment.

Sequential Test

- 11.17 Policy EC15 of PPS4 requires the local planning authority to take a sequential approach to assessing the supermarket application. Part of this assessment is to ensure that sites are available, suitable and viable. The sequentially preferable site would be within a town centre, then edge of centre sites which are or can be well connected to the centre and finally out of centre sites i.e. sites more than 300m away from a town centre or separated from a centre by a significant barrier such as a road. Developers are required to demonstrate flexibility in assessing site suitability, for example, reducing the footprint, car parking or using innovative site layouts to enable sequentially preferable sites to be used. It is not acceptable for a developer to discount a sequentially preferable site simply because the site does not meet the developer's store format.
- 11.18 In assessing the alternative sites the applicant has discounted South Quay which is also a Grade II listed building within a conservation area and World Heritage Site, on the basis of the impact on a number of points.
- Scale of building on this sensitive site which is also visually prominent in the historic setting.
 - Difficulty in integrating the design and scale to the townscape set by Penpol terrace and Foundry square.
 - Development cost constraints presented by repairs to the heritage assets.
- 11.19 The above points are valid; however the fact that there is a submission for a supermarket, dwellings and retail units for South Quay and Foundry Yard indicates the development costs are not sufficient to deter retail led development. South Quay is between the Jewson Site and the Foundry town centre thus it is in principle sequentially preferable to the Jewson site in terms of proximity to the Foundry centre. The difficulty in designing a building of scale and design which will integrate with its surroundings and respect the heritage is not considered sufficient to dismiss South Quay as an option. Until it has been conclusively shown that either such a building cannot be designed or that the overall heritage benefits of the proposed regeneration cannot outweigh any harm from a carefully designed scheme then South Quay remains a sequentially acceptable site. Should South Quay be dismissed then the Jewson site is the next sequentially preferable site to be tested in terms of PPS4.

- 11.20 The South Quay site presents greater opportunities for pedestrian links to the Penpol and Foundry retail areas. A pedestrian bridge is proposed as part of the Outline Masterplan and included in the concurrent ING application. There is greater scope for improvements to the public realm at Isis Gardens which are adjacent to the Viaduct, and links from the Gardens to Foundry Square. The Jewson site, whilst not significantly further from Foundry in terms of walking distance (approximately 100 m to the west taking into account store siting) relies at present upon the existing formal footpath adjacent to the B3301 which terminates at the entrance to South Quay and requires pedestrians to cross the road to continue on another formal footpath to Foundry Square. There is no formal controlled or Zebra crossing point. Pedestrians also access Jewson and the footpath at the B3301 via informal routes across ING owned South Quay. These cannot be relied upon to serve the proposed Actoris / Morrison supermarket as there is no public rights of access across South Quay. Should Morrisons be approved the applicant has made provision for pedestrian links to the South Quay.
- 11.21 The proposal would introduce a controlled crossing where the pavements terminate to allow a safe route to Foundry Square. Potential future development on South Quay as part of the harbour regeneration could provide attractive links to a supermarket on the Jewson site, however when those links would be available is uncertain. As such the current potential for strong pedestrian routes to encourage linked walking trips between the proposed store and Foundry centre is limited and a weakness of the Actoris scheme.
- 11.22 However it is considered that the impacts of the scheme are less than those of the out-of-centre sites and should the ING proposal as the sequentially preferable site (in terms of PPS4) be rejected then it is considered that the Actoris proposal for Jewson presents an acceptable option in terms of supporting the viability and vitality of the Foundry centre through increased footfall and linked trips and will not significantly harm the Copperhouse centre.
- 11.23 Policy EC16 of PPS4 requires an impact assessment of the proposed supermarket. Although the smallest net trading area footprint of the four supermarkets, GVA Grimley has advised that the proposed Actoris / Morrison supermarket would be of a scale and retail offer to be attractive to Hayle residents and meet their needs for main weekly food shopping, this meets the policy test of EC16 (e). The proposed store would not rely on attracting convenience and comparison expenditure from surrounding areas and will result in a majority of shorter trips from within Hayle and its hinterland.
- 11.24 Policy EC16 (c) requires an assessment of the impact on allocated sites outside the town centre being developed in accordance with the development plan. This is relevant to the Local Plan proposal TV-D which includes South Quay and Foundry Yard as well as the Jewson site. Should the Actoris / Morrison proposal be granted permission then the regeneration of South Quay and Foundry yard would fall back to the outline planning approval. The current global financial market affects the viability of South Quay as set out in the outline permission. Under this permission it was accepted that South Quay would be brought forward at a later stage of the wider harbour regeneration and relied on increased developer confidence that worthwhile returns to

investment could be realised due to an increase in attractiveness in Hayle through redevelopment of other parts of the harbour. It was and is acknowledged that the South Quay is the most costly area to be brought forward due to the infrastructure requirements and heritage constraints. The existing outline permission included 260 flats on South Quay and this residential element would have provided significant funding to deliver development. At present the property market for flats is difficult and this has affected viability of the outline permission aspirations for South Quay.

- 11.25 The independent GVA Grimley's report identifies that that there is a convenience capacity for only **one** foodstore of a size capable of meeting a weekly food shopping need for Hayle. Should the Jewson site be redeveloped for a supermarket then the redevelopment of South Quay reverts back to the outline permission. The viability and delivery of that outline permission and may be adversely affected by a supermarket at Jewsons because it would undermine the attractiveness of the South Quay regeneration to other food retail development this assumption is supported by the GVA report.. However the presence of a supermarket would not necessarily deter specialist food retailers and would not deter non-food retail.
- 11.26 Given the above, the primary concern is that a supermarket approval for Jewson would significantly delay delivery of development on South Quay which currently relies upon a significant upturn in the financial sector, increase in property developer confidence and a buoyant property market. However this needs to be balanced against the fact that Hayle residents require a local supermarket which addresses the current situation whereby residents need to drive significant distances. Also that a foodstore in this location will retain expenditure within Hayle and encourage linked trips to primarily the Foundry town centre but also the Copperhouse centre.
- 11.27 Policy EC16 parts b and d require an assessment of the impact on the vitality and viability of existing town centres and the impact on in-centre trade and turnover respectively.
- 11.28 The GVA report highlights an inconsistency in the applicant's data analysis which weakens their argument with respect to predicting store turnover levels. The applicant assesses trade draw as being mainly from Hayle then St Ives / Carbis Bay then from rural areas between Hayle and Camborne with 15% being drawn from tourist trade and residents from outside the above mentioned areas. GVA disagrees with the level of tourist spend being attracted from outside Hayle but consider that tourist spend is more likely to be diverted from within Hayle.
- 11.29 Most trade diversion is expected to be claw back from Tesco and Morrisons in Penzance, Tesco in Carbis Bay and Tesco in Camborne. GVA assess the minimum local convenience trade draw to be £2.1m from the Co-op, £1.1m from Lidl, £0.4m from Marks and Spencer and £0.2m from other convenience stores in Hayle.. This is the lowest impact of the four supermarket proposals. The trade diversion equates to a loss of 24% for the Co-op and 13% for convenience trade at other town centre stores.
- 11.30 In terms of comparison trade diversion, GVA estimates this to be in the order of 5%, £0.2m from stores in the town centres of Hayle. This level of diversion

is not considered to be of significant concern and would not be sufficient to warrant the refusal of the application.

- 11.31 Overall impact is assessed in the GVA report to be an impact of 17% to 19% on Hayle's town centres with the majority of the diversion being from the Co-op.
- 11.32 Policy EC16b addresses the impact on viability and vitality and factors in direct impact, linked trips, competition and choice. The Co-op will see the greatest effect with diversion of 24% to 29% of its trade, other convenience stores would lose 10% to 12% of turnover. Co-op is currently overtrading and thus has some capacity to absorb the impact. GVA consider that the impacts are not of such harm as to justify a refusal.
- 11.33 The impact of the trade diversion has to also be assessed in relation to the potential for linked trips which would bring additional trade to the area. The Morrisons proposals has some potential for linked trips to the Foundry centre but as discussed elsewhere in the report the actual potential for creating attractive pedestrian links is at present limited. The Actoris / Morrison proposal is unlikely to encourage linked trips to the extent that is expected of the South Quay proposal who's potential for pedestrian links to Foundry and Penpol are greater. The additional distance to the Jewson site is not considered to be a significant factor in deterring linked trips. Should the South Quay application fail then it is recommended that the Actoris / Morrison scheme will provide more options for linked trips than the out of centre proposals at Marsh Lane. The proposal would widen choice and would compete with neighbouring towns thus increasing footfall to mitigate impacts on Hayle's town centres. The proposal is not considered to have such an adverse impact on vitality and viability as to justify refusal of the application on these grounds.
- 11.34 Policy EC10 sets out a number of other aspects against which the application should be tested. These relate to CO2 emissions and climate change, accessibility, design, impact on economic and physical regeneration and employment.
- 11.35 The proposed development would meet the BREEAM rating of Very Good and is sited to ensure the store will not be vulnerable to flooding. The provision of the store would reduce the length of car borne trips made thus reducing the carbon emissions and encourage linked trips to the Foundry town centre. The proposal meets the requirements of PPS 4 in this respect.
- 11.36 The site is accessible to a range of modes of transport and is within walking distance of a town centre.
- 11.37 The design is considered well thought through and represents a good standard of architecture which will allow the building to integrate with its surroundings whilst preserving the historic character of the area.
- 11.38 In summary it is considered that the proposal fails the sequential test set out in PPS4 and that the adjacent South Quay site is sequentially preferable in proximity to the Foundry town centre and in being able to form stronger pedestrian links. However, the proposed supermarket location would

encourage walking and cycling as well as linked trips to other businesses in Hayle. Should the South Quay site be discounted as being unsuitable, unavailable or unviable then the Jewson site becomes the sequentially preferable site.

- 11.39 The failure to meet the sequential test policy EC15 of PPS4 constitutes a reason for refusal. Until such time as South Quay is discounted the proposal also fails to meet the requirements of Cornwall Structure Plan policy 14 and Penwith Local Plan policy TV16 in terms of locating development where it can provide the greatest benefits to the community.

Flood Risk

- 11.40 The majority of the site, including all proposed buildings will be within Flood Zone 1. A small part of the landscaped area of the north east corner of the car park would be within flood Zone 2 and at risk from tidal flooding. A section of the delivery service area at the western extent of the site would be within Flood Zones 2 and 3. There would be no buildings within these areas. PPS 25 – Development and Flood Risk sets out the type of development appropriate in each flood zone. The proposed vehicle turning area in the service yard is of low vulnerability to flooding as is the landscaped area. The low risk of flooding is reflected in the consultation response from the Environment Agency, which raises no objection to the proposal and conclude that the redevelopment of the site is appropriate with the flood zone subject to flood defence and resilience conditions which are recommended to be attached to any permission.
- 11.41 The applicant has carried out a sequential test in accordance with the requirement within PPS25 to identify sites of lower flood risk. It is considered that the submitted sequential test is robust in determining that the level of flood risk is so low that there is little to be gained in seeking other sites of less or no flood risk. The land area within Flood Zone 3 will be raised from 4.04m AOD (Above Ordnance Datum) to 5.00m AOD which will prevent flooding of the turning area.
- 11.42 It is considered that the proposals are in accordance with the aims and advice within PPS25 – Development and Flood Risk and are in accordance with RPG 10 policy RE2, Cornwall Structure Plan policy 3 and Penwith Local Plan policies GD4, CS4 and CS6 in relation to prevention of flooding, water pollution and surface water disposal.

Ecology

- 11.43 The Jewson site is currently of little ecological value and sees regular vehicle movement throughout the site. Replacement of the existing business with a supermarket will have no adverse ecological impact within the existing site boundary. The proposed service yard would result in the removal of an area of scrub waste to the west of the site. This area is of low ecological value and its loss will have little harm to local biodiversity.
- 11.44 Outside the site are a number of sensitive areas which overlap or are linked by the tidal regime. To the north is an Area of Great Scientific Value incorporating a number of the following designated areas in part or in whole:

Carnsew Pool SSSI which links to the Hayle Estuary County Wildlife Site. The whole estuary has an effect on the Copperhouse Pool SSSI which is also an RSPB reserve and the Lelant water RSPB nature reserve as well as having a tidal influence on the Carrack Gladden SSSI and Gwithian to Mexico Towans SSSI. As such control of pollution to prevent harm to the water environment is of high importance.

- 11.45 The primary concern of the Environment Agency (EA), Natural England and the RSPB is pollution from surface water run-off. It is recommended that the EA planning conditions are imposed as this will satisfactorily ensure that the water environment and ecologically sensitive areas are protected. The RSPB and Natural England also recommend planning conditions relating to the need to submit a Construction Environment Management Plan to mitigate construction disturbance and a separate condition to ensure that lighting from the site does not adversely affect flora and fauna in the adjacent sensitive areas. The Environmental Statement does not identify any protected species which would be at risk from the proposed development.
- 11.46 Overall it is considered that the proposal will have no significant impact on the natural environment and is located on a site of little ecological value. The proposal thus accords with the aims of Planning Policy Statement 9 – Biodiversity and Geological Conservation in terms of the location of new development. The proposal also accords with RPG 10 policy EN1, Cornwall Structure Plan policies 1 and 2, and Penwith Local Plan policies CC7, CC8 and CC9.

Design and Layout

- 11.47 The proposed design with its series of roofs and bays takes cues from Hayle's industrial heritage but provides a modern interpretation. The building relates well to the Grade II Listed Timber Drying Shed and does not dominate this listed structure. Materials proposed are granite cladding, timber and slate roofs and this respects the local context. The design, materials and scale of the supermarket building are supported by English Heritage and CABE and received positive comments from ICOMOS UK (International Committee for Sites and Monuments) the adviser to UNESCO. The proposals will enhance the character and appearance of the conservation area and are sympathetic to the adjacent industrial site and Foundry Centre.
- 11.48 The foodstore building with its separate service and car parking area and separate accesses provides a sensible working arrangement that works well within this relatively constrained site.
- 11.49 The landscaping and linkages to Foundry Centre have been raised as requiring some additional attention by the above consultees, however it is considered that this aspect may be dealt with by way of a planning condition.
- 11.50 The proposals thus accord with PPS1 – Delivering Sustainable Development, Cornwall Structure Plan policies 1 and 2, and Penwith Local Plan policies GD1 and GD2 where these relate to design and the protection of the character and appearance of urban areas. The proposal will enhance the character and fabric of the listed building which is of national importance and will enhance its setting. The proposal will enhance the conservation area and world Heritage

site. The proposed development thus accords with Planning Policy Statement 5 – Planning for the Historic Environment policy 7.2 as well as World Heritage Site Management Plan policies 4a, 7b, 7c and 8b.

Highways and accessibility

- 11.51 The Highways Agency (HA) considers that the proposal will have little adverse impact on the A30 or associated junctions and simply requires a condition for the submission of a Construction Management Plan.
- 11.52 Cornwall Highways are concerned that the proposal will have a negative impact on the Foundry roundabout resulting in queues. Nor are they convinced that the latest proposal for a signalised junction will work in terms of the access to the store main car park and in conjunction with the approved access to South Quay as discussed below.
- 11.53 The proposed access has been raised as a concern by ING the owners of the adjacent South Quay. The proposed car park access to the Morrison supermarket would be in close proximity to the approved access to the South Quay site as part of the outline planning application to regenerate the harbour. Access was not held as a reserved matter. ING have formally objected noting that the Actoris / Morrison proposal would prejudice delivery of the regeneration aspirations on South Quay. Cornwall Highways have confirmed that as both accesses would be in close proximity should the supermarket be built then Cornwall Highways could not issue the necessary highway permissions to create the new access onto the B3301 despite the presence of a planning permission. In effect the outline permission may be blighted.
- 11.54 Actoris have proposed a S106 commitment to agree to a revision of their vehicular access to facilitate access to South Quay. This could be in the form of a joint access. This option has not yet been pursued but could be explored.
- 11.55 In terms of its pedestrian and cycle links to Foundry Square the proposal is particularly weak. There is one footpath on the north side of the B3301 which terminates before the viaduct requiring pedestrians to cross without the benefit of a controlled crossing. Concern has been raised as to whether a controlled crossing at this point would work due to visibility constraints caused by the viaduct. The continuing path on the south of the B3301 is not ideal and narrow under the viaduct bringing pedestrians into close proximity with vehicles. The proposals thus fail to provide a safe and convenient pedestrian or cycling route and have the potential to cause a significant adverse impact on the safe and convenient movement of vehicles on the local road network. The proposal is in this respect contrary to Penwith Local Plan policy GD(v) and Cornwall Structure Plan policies 27 and 28 as well as conflicting with advice within Planning Policy Guidance Note 13 at Paragraph 28 which requires that new development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.
- 11.56 The proposal requires the closure of a 50 metre section of a public right of way which runs from the B3301 to the footpath adjacent to Carnsew Pool at the north boundary of the site. The footpath would be closed at the point where it

meets another footpath and pedestrians will then be directed around the boundary of the service area utilising a new section of footpath to join another existing footpath to the north of the site and next to Carnsew Pool. There have been no objections to this aspect of the proposals and the detour would add 58 metres to the pedestrian route when accessing Carnsew Pool from the footpath adjacent to the B3301. This is not considered to be a significant increase in distance or to create any significant adverse impact on the enjoyment of the public footpath network. A condition could be used to ensure the new route is open for members of the public before first opening of the store to the public. It is expected that the route will need to be temporarily stopped during construction works for the safety of pedestrians. There are alternate routes to Carnsew Pool in easy walking distance. The proposal is not considered to present any significant detriment to the local public footpath network and complies with Penwith Local Plan policy TP7.

Heritage

- 11.57 The site is within a World Heritage Site (WHS), Conservation Area and is adjacent to listed buildings. Also there are non-designated archaeological remains below the surface which are of local importance to the history of Hayle and interpretation of the WHS. The statutory consultees as well as the Council's Conservation and Archaeological officers have supported the proposals and consider the impact on the WHS which is of international importance and its conservation area setting which is of national importance are acceptable. However as shall be returned to later, it needs to be borne in mind that the Actoris / Morrison application will deliver fewer heritage benefits than the concurrent ING proposal for South Quay and Foundry Yard.
- 11.58 The proposals will not affect the setting of the scheduled 6th Century Cunaide Stone located close to the hill fort on the opposite side of the B3301, but do affect the setting of the Grade II Listed Timber Drying Shed, the Grade II Listed South Quay, Carnsew Quay and sluices and Carnsew Dock which served Carnsew Pool. These are significant designated heritage assets of national importance. Only the capping stones of the top of the wall of Carnsew Dock are visible as past infilling within Carnsew Pool hides the wall from view. The proposed supermarket building is considered to represent an opportunity to improve the setting of these listed heritage assets and proposals for education and interpretation will assist visitors in understanding the heritage of the area.
- 11.59 The proposals for the renovation and re-use of the listed Drying Shed are supported by the Council's Conservation Officer.
- 11.60 Final details of car park furniture and public realm would need to be conditioned should permission be granted. The Council's heritage team would need to be involved in advising on the appropriate treatment for the public realm to ensure that the concerns of English Heritage, CABI and ICCOMOS are addressed.
- 11.61 Policy HE7.2 of PPS5 – Planning for the Historic Environment (PPS5) requires local planning authorities to have regard to the nature and significance of heritage assets and the value they hold to for this and future generations. It is considered that the proposals respect the various heritage designations of

the area and will support the industrial heritage of Hayle. The proposal will make a positive contribution to the character and local distinctiveness in accordance with policy HE7.5. The proposals also contribute positively towards regeneration, albeit on a lesser scale than that proposed by the concurrent South Quay and Foundry Yard application, in accordance with the aims of policies HE3 and HE7.4.

- 11.62 Policy HE8.1 relates to non-designated heritage assets such as the archaeological remains of the lime kiln and workers cottages, of which no above ground trace remains but are clearly present on historic maps and photographs. The proposed landscaping would highlight the location of lime kilns, dock profiles and dwellings by the use of different surface materials and interpretation panels. These positive benefits to interpretation of the site can be secured by way of condition. Recording of archaeological features can be dealt with by way of a standard recording condition.
- 11.63 Returning to the matter of heritage benefits mentioned above; the Actoris / Morrison application will deliver renovation of the listed Drying Shed and enhance interpretation of the heritage assets within and surrounding the site. Actoris have, by way of a Section 106 Agreement contribution offered £534,495 for repair of South Quay dock wall; £500,000 towards a pedestrian bridge between South Quay and Penpol Terrace; £500,000 towards other buildings and structures within the WHS; contribution to public realm improvements between the site and Foundry Square. Of these only the Drying Shed and interpretation can be delivered directly by the applicant. The other heritage contributions for the dock wall, pedestrian bridge rely wholly on third party agreement as they are in separate ownership. The pedestrian bridge requires delivery of development on South Quay and uplift in the land levels to provide the delivery platform. ING also own a significant area of land over which pedestrian links need to be made to provide improved pedestrian access. Actoris has acknowledged the potential for improved links and provided for these in the layout of the site. However it has to be questioned whether the positive Actoris contributions towards heritage improvements on ING land are actually deliverable within a foreseeable timescale.
- 11.64 In summary the proposed Actoris / Morrison supermarkets will preserve the character, appearance and setting of the historic environment. The removal of the existing Jewson buildings and introduction of a building of a more respectful design will enhance the historic environment. The proposals are considered to accord with policies within PPS25 – Planning for the Historic Environment, Regional Planning Guidance Note 10 policy EN3 and EN4, and Cornwall Structure Plan policies 1, 2 and Penwith Local Plan policies GD1 and GD2.

Residential amenity

- 11.65 Adjacent to the proposed service area and access road is a site with extant planning permission granted in March 2010 to construct a block of 9 apartments with parking to the front. The proposed service area would replace the area of scrub to the north of the residential development site. The access to the adjacent derelict unit would become the service area access and the existing derelict unit would be removed. A letter of notification is recorded as being sent to the site owner and no adverse comment has been received.

- 11.66 The outlook for proposed ground floor flats at the time of approval would be of the scrub land which has dense growth to an average height of 2 metres, this would have restricted the outlook from ground floor flats. The public right of way separating the scrubland from the proposed flats would afford clear views into the rear windows of the ground floor flats.
- 11.67 The proposed boundary wall of the service yard would be 7 metres from the ground floor windows of the proposed flats and 10 metres at its furthest. Where the wall faces the flats it will be solid timber to 2 m with a further 1 m open fence on top to prevent an overbearing and overshadowing impact on users of the footpath and occupants of the ground floor flats. The ground floor flat rear windows are north facing thus will not receive direct sunlight or shadowing from the service yard wall. It is considered that there is sufficient separation between the proposed service yard wall and rear elevation of the proposed flats to maintain an acceptable standard of daylighting to ground floor windows. The first and second storeys will not be affected.
- 11.68 In terms of noise, the existing Jewson builders' merchant use generates an existing level of daytime noise from HGV and other deliveries, use of the outdoor storage area, both by visitors and the fork-lift truck which operates throughout the day. The applicant has addressed this and stated that there will be fewer deliveries on a daily basis and that no deliveries would be made to the proposed supermarket between 11pm and 7am. It is recommended that the latest delivery be complete by 8 pm. Use of the roller shutter is not considered to significantly add to the existing noise levels and is over 36 metres away from the boundary wall. Unloading will be directly into the loading bay thus minimising noise from unloading vehicles.
- 11.69 Overall it is considered that the proposed boundary wall will have little additional impact when compared to the existing situation of tall scrubby vegetation which currently minimises outlook and is outside the developer's control. There would be a reduction in the numbers of deliveries and no public access thus reducing the frequency of disturbance. The proposal will thus be acceptable with regard to the impacts of use of the service yard on future occupants of the flats.

13. Conclusion

- 13.1 Whilst it is acknowledged that the proposed development has resolved the not inconsequential heritage constraints presented by the site, it is considered that there are over whelming policy implications that have not been resolved. These include the sequential assessment whereby it is considered that the South Quay site represents a site which is favourable due to its proximity to the town centre and ability to make safe and successful links between South Quay and the established town centre. Furthermore concerns are expressed as to the potential for the proposed development to harm the regeneration of South Quay.
- 13.2 The traffic implications of the proposed development are potentially significant when assessed together with the traffic which could be generated by the extant planning permission for South Quay. In this respect it is considered that the development would present significant impacts in terms of potential congestion and highway safety.

14. Recommendation: Refusal for the following reasons:

1. The proposal is in an edge of centre site as defined by Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4). There is an adjacent sequentially preferable site in an edge of centre location at South Quay which has not been demonstrated to be other than viable, suitable and available for development of a supermarket. The proposal thus fails to comply with the requirements of the sequential approach set out in PPS4 policy EC15 and should be refused in accordance with policy EC17.1 (a) of PPS4. The proposal also is contrary to Regional Planning Guidance South West policy EC6 which requires a sequential approach to location of retail development, Cornwall Structure Plan policy 11 which prioritises regeneration of urban areas and town centres and Cornwall Structure Plan policy 14 which gives priority to the improvement and enhancement of town centres and requires retail development to be in or adjoining town centres where they can help sustain the centre's viability and vitality, contribute to the town centre environment in an accessible location. The proposal is contrary to Penwith Local Plan policy TV16 which requires major retail development in town centres or edge of centre sites where no town centre sites exist.
2. The proposal has not demonstrated that the increased level of traffic movements generated by the proposed supermarket will have no significant harmful impact on the safe and convenient use of the local road network. Nor has the proposal demonstrated that it will be possible to provide a safe and efficient access from the B3301 to the main visitor car park of the proposed supermarket. The proposal has failed to demonstrate that it will be possible to provide a safe, attractive and convenient pedestrian and or cycle route from the proposed supermarket to the Foundry town centre. The proposal is therefore contrary to Planning Policy Statement 1 – Delivering Sustainable Development where the policy statement relates to design at Paragraph 35 and in particular to the provision of connections between people and places by considering the needs of people to access jobs and services. The proposal also conflicts with Planning Policy Guidance Note 13 – Transport objective to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling as well conflicting with Regional Planning Guidance - South West policies VIS2 in terms of provision and enhancement of networks for walking and TRAN10 in terms of developing safe, attractive and convenient cycle and pedestrian routes. The proposal also conflicts with Cornwall Structure Plan policies 27, 28 and Penwith Local Plan policies GD2(v) where these relate to the provision of pedestrian and cycle routes and contribute towards a safe and effective highway network.
3. The proposal does not accord with the aim of Planning Policy Statement 1 – Delivering Sustainable Development set out at Paragraph 27 (viii) to bring vacant and underused previously developed land back into use. The proposal has the effect of harming the potential delivery of committed development on South Quay which would regenerate a significant part of the harbour to the benefit of the town in terms of heritage and urban regeneration. Therefore the proposal conflicts with Planning Policy Statement 4 – Planning for Sustainable Economic Growth policy EC16(c) due to the harmful impact on delivery of an allocated site and should be refused planning permission as set out in Policy EC17(b).



Development Management
Planning and Regeneration Service

STRATEGIC PLANNING COMMITTEE

9 FEBRUARY 2011

Application number:	PA10/06932
Site address:	Hayle Rugby Club, Marsh Lane, Hayle
Proposal:	Demolition of existing buildings and erection of eight industrial units (B1 business) and one retail foodstore, petrol filling station, with associated car parking, access and landscaping
Parish:	Hayle
Applicant:	Asda Stores Ltd
Target date for decision:	25 October 2010
Reason for application being called to Committee:	Major application. Scale of site area exceeds commercial development threshold of 10,000 square metres or two hectares.
Departure:	No
Electoral Division	Hayle North
Electoral Divisional Member	Councillor John Pollard
Recommendation	Refusal

1 Summary:

- 1.1 The proposal is for full planning permission for an out of centre supermarket and nature reserve at the eastern edge of Hayle and accessed from the A30 Loggans Moor Roundabout. The proposed location is considered to fail the sequential test for new retail uses and there are alternative edge of centre sites. The scale of the supermarket is such that it is assessed as being likely to significantly harm the vitality and viability of Hayle's town centres. The current pedestrian and cycle links would be upgraded including safe crossings at the A30 roundabout. However the distance from the town centres means that the numbers of linked trips on foot are not likely to be significant.
- 1.2 The proposal also has the potential to draw trade from outside the intended catchment area thus increasing numbers of car trips and diminishing the positive outcome of the reduction in the length of journey currently made by Hayle residents for main food shopping trips.
- 1.3 There is an outstanding Article 25 Direction in place from the Highways Agency and Cornwall Highways have expressed concern. At present it has not been

clearly demonstrated that the development will not cause harm to the safe and convenient use of the strategic and local road network. Also the proposed roundabout improvements will result in a roundabout of a scale and design that will be out of keeping with the character of West Cornwall.

- 1.4 With regard to design and layout, the supermarket will integrate well with the location. There would be no flood risk off site and no harm to ecology or heritage interests.
- 1.5 There are positive aspects in the form of the bus link, improvements to pedestrian and cycle safety in crossing the A30, however these are considered insufficient to outweigh the negative aspects of retail and highway impact and out of centre location. As such a recommendation of refusal is made.

2. Site description:

- 2.1 The site is located at the eastern edge of Hayle and extends to 3.93 hectares (ha). The site is currently occupied by Hayle Rugby Club. Within the site is the clubhouse building, a gatehouse, rugby pitch and practice pitch and parking area. To the east and adjoining the site are industrial units of the Marsh Lane Industrial Estate, to the north is the West Cornwall Retail Park, the western boundary of the site is adjacent to the A30. To the south the land rises and the site is bordered by trees, which help to screen the land to the south.
- 2.2 In terms of the local road network the site is accessed from the existing roundabout on Marsh Lane which also serves the West Cornwall Retail Park and links to the A30 Loggans Moor roundabout to the north. Marsh Lane also serves the industrial estate and leads to Angarrack village.
- 2.3 The site itself is previously developed land and generally level at the northern half in which the main pitch is located. In the southern half which accommodates the practice pitch the land rises gently to the southern boundary. The boundary with the A30 has netting and is screened by a row of mature conifers.

3. Retail Context:

- 3.1 This application is for a supermarket (Use Class A1- Retail), and associated facilities including a petrol station, together with 8 B1 industrial units. The B1 use class has a permitted change of use to B8 (storage and distribution) use class.
- 3.2 The application by Asda Stores Ltd. is one of four distinct supermarket applications in or on the edge of Hayle. This application is linked to application PA10/08329 for the relocation of the existing Hayle Rugby Football Club. As will be discussed below the proposal will rely upon the successful relocation of the rugby club in order to release the site for development.
- 3.3 The Penwith Retail Study (PRS) of 2007 identified Hayle as needing a significant improvement in its retail provision to address the significant leakage of retail shopping trips to towns such as Penzance, Camborne, Redruth and Pool and Truro. The 2007 Report advised that such a need could be met by the provision of a supermarket. The recent Cornwall Retail Study (November 2010) reiterates these findings, and will be discussed further in the report.

- 3.4 This application runs concurrently with applications for named operator supermarkets of Asda and Morrison's, the Asda supermarket also requiring the relocation of the Rugby Club. The proposal from ING RED (UK) Ltd does not have a named operator, the intention being to acquire an operator should planning permission be received.
- 3.5 This application runs concurrently with the application to relocate the Hayle Rugby Club and applications for named operator supermarkets of Sainsbury and Morrison's. The proposal from ING RED (UK) Ltd does not have a named operator, the intention being to acquire an operator should planning permission be received.

4. Proposal:

- 4.1 The proposal seeks full planning permission for the construction of a supermarket with a gross floor area (total store footprint) of 5529 square metres (sq m) and a net trading area (sales area not including lobby, café or checkouts) of 2787 sq m. The net trading area would be split 1951sq m (70%) convenience and 836sq m (30%) comparison goods. Included in the supermarket package would be a 6 pump petrol filling station and 470 space car park including 28 disability spaces and spaces for the industrial units.
- 4.2 Included in the application is the proposal for 8no. B1 industrial units with a total gross floor area of 1572 sq m.
- 4.3 Associated works include:
Works to the A30 Loggans Moor roundabout.

5. Environmental Impact Assessment:

- 5.1 Prior to submission of the application the Council provided a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The outcome of this exercise was that an Environmental Impact Assessment was not required in this case.

6. Relevant constraints:

Hayle Critical Drainage Area.

7. Relevant planning/enforcement history:

PA10/08329: Related planning application for relocation of Hayle Rugby Club.

8. Relevant local/national/regional policy/guidance:

- 8.1 Regional Spatial Strategy: In May 2010 the Secretary of State (SoS) for Communities and Local Government set out the intention to revoke Regional Strategies and required this intention to be a material consideration in determining applications. On the 6th July 2010 the SoS revoked the Regional Strategies. This was subsequently challenged in the High Court the outcome

being that the revocation was deemed unlawful. This decision reinstated Regional Strategies. In response the SoS responded on the 10th November 2010 to reiterate the Government's intention to revoke Spatial Strategies and that this would occur via the Localism Bill which is due to be enacted this year. Given this firm commitment by the Government to revoke Regional Spatial Strategies it is considered that although the Draft Regional Strategy for the South West remains a material consideration, little weight should be given to the policies therein in relation to determining this planning application. As such no further mention will be made to the RSS policies as there are other adopted development plan policies and national policy and guidance which are of greater weight.

8.2 Regional Planning Guidance Note 10 policies:

VIS1 – Promote sustainable development.
VIS2 – Principles for Future Development.
SS18 – Regeneration of main towns, conservation of environment in Cornwall.
SS21 – Development in Coastal towns.
EN1 – Landscape and Biodiversity.
EN3 – Historic Environment.
EN4 – Quality in the Built Environment.
EC6 – Town Centres and Retailing.
Tran 1 – Reducing the Need to Travel.

8.3 Saved Cornwall Structure Plan policies:

1 – Principles of Sustainable Development.
2 – Character areas, Design and Environmental Protection.
3 – Use of Resources.
11 – The Urban and Rural Economy.
14 – Town Centres and Retailing.
16 – Overall Distribution of Development.
25 – Other Main Towns and Local Centres.
27 – Transport Strategy.
28 – Accessibility.

8.4 Saved Penwith Local Plan policies:

ST1 – Plan Strategy.
GD1 – Integration with surroundings.
GD2 – Design and layout of development.
GD4 – Prevention of pollution.
GD5 – Protection of character and amenity of an area from harmful highway works.
CC1 – Protection of the character and appearance of the countryside and coast.
CC9 – Protected species.
CC12 – Protection of hedgerows and Cornish Hedges.
TV1 – Location of development.
TV16 – Location of major retail development.
TV17 – Location of shopping facilities and protection of town centres.
TV-D – Allocation of land at Hayle Harbour for mixed use redevelopment.
E1 – Sustainable location of employment generating development.
TP5 – Cycling routes.
TP8 – Protection of local character in road improvement schemes.

TP12 - Car parking standards.
CS4 – Flood risk.
CS6 – Disposal of surface water.

8.5 **National Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development.
Planning Policy Statement 4 – Planning for Sustainable Economic Growth.
Planning Policy Guidance 13 – Transport (updated January 2011).

- 8.6 **Hayle Area Action Plan:** This document reached the point of being ready for consultation at the preferred Options stage under the auspices of the former Penwith District Council. The change to the new unitary authority halted work on this document. Given the lack of progress beyond the Issues and Options phase any outcomes, although material considerations have insignificant weight in determining this application.

9. Summary of Consultations:

- 9.1 **Hayle Town Council** :raise no objection but raise the following issues that must be addressed in any Section 106 Agreement for this development: -

- the design and operation of the Loggans roundabout, traffic signals, the pedestrian crossing in Marsh Lane and the 2 roundabouts serving the West Cornwall Retail Park and the new supermarket should not exacerbate and, ideally, ameliorate the existing congestion on the A30 trunk road and the approach to the site via Marsh Lane;
- measures should be included to avoid the use of the roads through Angarrack as a 'rat-run' when drivers seek to circumvent any congestion on the main approach to the development;
- the need for the petrol filling station should be investigated further in view of the potential effects on local businesses;
- the development should not be a 24 hour a day operation and
- the fact that the development is located on the site of the Memorial Park, named in memory of Hayle rugby players who had given their lives in the two world wars, should be recognized through the erection of a plaque, or similar, in a suitably prominent location in the new development.

9.2 **Cornwall Council Highways:**

- Acknowledges there are sequentially preferable edge of centre sites and the consented outline proposals for the regeneration of Hayle Harbour which would take up the capacity of the highway network in this area thus not leaving sufficient spare capacity to accommodate any other supermarket.
- Car borne trips through Hayle to the site would impact on the Loggans Moor and double mini roundabout at Carwin Rise.

- Express concern about the acceptability of the existing pedestrian and cycle links.
- Shuttle bus provision noted as is the improvement to the Loggans Moor roundabout for pedestrians and cycles.
- Car parking requires management and travel plan policy.

9.3 **Environment Agency:**

No objection subject to conditions relating to flood risk and contaminated land.

9.4 **South West Water Services**

South West Water has no objection in terms of capacity within the infrastructure to serve the development proposal.

9.5 **Natural England**

Natural England does not object to the proposed development. But requires bat survey to be carried out.

9.6 **Cornwall Wildlife Trust** (10 January 2011)

Do not object in principle to the application, but note that

- The ecological report recommends further survey work for bats (p.11), and support these recommendations.
- Request mitigation for rare flora identified on site.
- Advise the development results in at least no net loss of Cornish hedgerow.
- support the recommendations for mitigation and enhancement in sections 6.1 and 6.2 of the ecological report and
- Advise the ecologist ensures that these recommendations have been included in the design plan.
- Appropriate new nest sites for swallows and house martins will need to be provided in the finished development.

9.7 **Highways Agency**

A holding Direction has been issued.

- Transport assessment does not fully address impacts.
- Require further information but consider concerns are capable of being resolved.

9.8 **Sport England** None

10. Representations:

10.1 In response to publicity, 15 letters of objection have been received and 152 letters of support.

Summary of objections

- Traffic impact on local road network and trunk road.
- No need for another petrol station.
- No need for an additional supermarket.
- Flood risk and surface water drainage.
- Character of area.

- Diversion of trade from Hayle town centres.
- No long term benefit to rugby club
- Sufficient supermarkets already present.
- Alternative sites available.

Summary of support

- Lowest traffic impact of all four applications.
- Benefit to Rugby Club.
- Less distance to travel.
- Shopper bus a benefit.
- Supermarket will attract other businesses to Hayle.
- Improvements to roundabout will improve traffic flows.
- Reduce in-town traffic.
- Linked trips to the retail park.
- Employment.
- Design appropriate.
- Option to shop in Hayle.
- Improve appearance of Rugby Club site.
- Draw tourist spend with more spend in Hayle.

Public Opinion Surveys

10.2 There have been four surveys carried out:

- Hayle Residents Association.
- ING public exhibition.
- Asda public exhibition.
- Asda independent telephone poll.

10.3 Although these surveys are of interest they cannot be accorded significant weight. To place significant weight on those results may leave any decision open to legal challenge.

10.5 The surveys are material considerations and below is a summary of the results showing number of respondents and their preference of store location. The survey and poll questions vary so it is not possible to directly compare and contrast responses.

	Number of Responses	Asda	Actoris Morrison	ING	Sainsbury	None of these
Hayle Residents Association	727	37%	38%	4%	16%	5%
Asda public exhibition	208	95%		3%	6%	Some Responses Selected more than one option.
Asda Independent Telephone Poll	1003	47%	19%	5%	16%	5%
	Poll recorded strong support for relocation of Rugby Club to the Carwin Rise site.					

10.6 On a final note relating to the surveys Planning Policy Statement 1 – Delivering Sustainable supplement The Planning System – General Principles notes in the section on Propriety that whilst community views are strong material consideration, ***"local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons"***.

11. Assessment of key planning issues:

Background

11.1 The historic development of Hayle is influenced by the presence of competing companies of Harvey's and the Cornish Copper Company located respectively at Harvey's Foundry to the west of the town and Copperhouse to the east. These companies were most active in the 19th century and Hayle's growth can be directly related to the increasing mining activity in Cornwall from the 17th Century. The Cornish Copper Company ceased trading in the late 19th C with Harvey's continuing until the early 20th C. This industrial influence has resulted in the presence of two town centres, Foundry and Copperhouse, both of which remain today and are viable and display good vitality with vacancies of commercial properties below the national average as confirmed by a recent health check carried out by the Council in November 2010.

11.2 This application is one of four such applications relating to the provision of a supermarket in or adjoining Hayle, each site is distinct and delivery of development presents differing challenges and policy considerations. As such the following assessment will begin with the principle issue which is the acceptability of providing a supermarket on the Rugby Club site. The assessment thus begins with PPS4 – Planning for Sustainable Economic Growth (PPS4) and relevant development plan policies relating to retail development.

Penwith Retail Study 2007

11.3 Providing background context for the assessment are the Penwith Retail Study (PRS) of 2007 and the recent Cornwall Retail Study (CRS) released in November 2010. The PRS identified Hayle as having significant leakage of expenditure to the extent of about 75% of main food shopping trips and 50 % of top up shopping trips occurring outside Hayle. The main towns benefiting from this are Penzance, Camborne, Pool and Redruth. For comparison shopping the study indicates that Hayle only retains about 10% of expenditure with the surrounding towns and Truro meeting this need. The Study anticipated that the West Cornwall Retail Park (which was not trading at the time of the study) would to an extent address comparison expenditure leakage. The existing Coop and Lidl stores cater mainly for top-up shopping.

11.4 The PRS provided a forecast need for retail space set out in the table below. The data is based on the assumption of retention of 70% of convenience expenditure in Hayle

Convenience Floorspace Capacity		
2012	2016	2021
Up to 1500 sqm net	Up to 1600 sqm net	Up to 1750 sq m net
Comparison Floorspace Capacity		
2012	2016	2021
2200 sqm net	2900 sqm net	4000 sqm net

Cornwall Retail Study 2010

11.5 This study confirmed that the rate of leakage from Hayle continues at the 2007 levels despite the opening of the West Cornwall Retail Park and an extension to the Lidl between Copperhouse and the Loggans Moor A30 Roundabout. The 2010 Study confirms that the existing deficiency is a significant cause of the current supermarket retailer interest. The Study also recommends that the capacity figures set out in the table above are an "appropriate guide when planning additional convenience floorspace in Hayle" and that a new foodstore can address this need.

11.6 In terms of comparison shopping the Study found the situation is little different to 2007 with Hayle's market share remaining low at 10 to 15 %, although this later study does show additional detail that the share for personal (e.g. toiletries, pharmaceutical) and luxury goods (e.g. jewellery, ornaments) is 25%.

11.7 Thus, in light of the results of both of the retail studies referred to above, it is evident that there is a need for additional retail provision to serve Hayle. However the net square metres proposed by this application of 1951 sq m of convenience sales area would exceed the predicted 2021 net convenience capacity of 1750 sq m. In terms of net comparison capacity the proposal for 836 sq m takes up much of the predicted capacity of 4000 sq m in 2021. In effect the proposed Asda would be providing a 2021 sales capacity or greater for convenience shopping and close to the capacity for comparison shopping at

the time of opening which could realistically be in 2012 or 2013 when factoring in the relocation of the Rugby Club.

Principle of development

- 11.8 The principle of creating new retail development in urban areas is accepted by national policy within Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4) where the provision will not harm the viability of existing retail centres, improves economic performance of towns, promotes regeneration, contributes to sustainable patterns of development and reduces the need to travel by private car. The site proposed for the Asda supermarket is an unallocated site.

Retail assessment

- 11.9 PPS4 superseded PPS6 – Planning for Town Centres in December 2009 and one of its main effects was to remove the 'needs test' and to promote competition and choice. However within PPS4 there remains a role for local authorities, via evidence based planning, to identify retail needs for local areas. In this case there is an identified need for significant convenience shopping in Hayle to provide a choice for residents other than to travel significant distances to Penzance, Camborne, Pool, Redruth or Truro.
- 11.10 Having a population in the region of 8000 means that Hayle is classed as a main town by Policy 25 of the Cornwall Structure Plan and this positioning within the hierarchy of centres in Cornwall is reflected in Regional Planning Guidance 10 (RPG10) (albeit now having limited weight) which does not specifically mention Hayle. At Policy 18 the RPG in relation to Cornwall and the Isles of Scilly simply promotes regeneration of towns to serve their populations and rural hinterlands and to conserve or enhance the natural and historic environment. Of more relevance within the RPG is policy VIS1 which promotes sustainable development and a sequential approach to the location of development including the minimisation of greenfield site use and the need to travel. Policy VIS2 of the RPG seeks to redevelop previously developed urban land to relieve pressure on greenfield sites and promotes mixed use development and an efficient use of land. Amongst other aspects the policy also promotes alternative transport to the private car and minimisation of flood risk. RPG policy SS21 seeks to support the regeneration of coastal towns. Policy EC6 of the RPG encourages town centre developments of an appropriate scale to the size and function of the settlement and that the development contributes to regeneration whilst protecting of the viability and vitality of town centres. The sequential approach to locating retail development is required as is the reduction of the need to travel, especially by private car.
- 11.11 The Cornwall Structure Plan at Policies 1 and 16 promotes regeneration of towns to meet the needs of their populations and surrounding area and reduction in the need to travel. Re-use of previously developed land and protection of agricultural land whilst avoiding risk from flooding are aims for development within Policy 3 of the Structure Plan. Policies 11 and 14 of the Structure Plan encourage economic growth in towns via regeneration where vitality and viability are not harmed and the development should be well integrated with the town to minimise car usage and provide convenient access to public transport. Policy 28 promotes accessible locations which encourage

walking, cycling and use of public transport and along with Policy 27 seeks to maintain a safe and efficient highway network.

- 11.12 The Penwith Local Plan supports the national and other development plan policies. Policies ST1 and TV1 focus development in the main towns whilst Policy TV16 and TV17 support major retail development in Hayle where the site is accessible without reliance on the use of the private car and contributes to the vitality and viability of the town centres. Policy 16 only provides for out-of-centre sites where town centre or edge of centre sites have been demonstrated as unsuitable thus is in line with PPS4 in requiring a sequential approach to identifying suitable locations. Within Hayle Proposal TV-D allocates land for mixed –use development. The site is the harbour area and presents significant opportunities for regeneration. Policy E1 supports new employment opportunities in accessible locations.
- 11.13 Penwith Local Plan Proposal TV-D mentioned above is a significant material consideration as this allocates land for development in an edge of centre site. The policy Proposal area encompasses the harbour area, but of particular note are the Jewson site, South Quay and Foundry Yard. Of these sites the latter two areas are included as part of the wider outline planning permission of 2009 for the mixed use regeneration of Hayle Harbour. There is a concurrent application for an alternative redevelopment of South Quay and Foundry Yard which includes a supermarket, separate retail, restaurant, cinema and residential uses and a concurrent application for the redevelopment of the Jewson site for a supermarket.

The Sequential Test

- 11.14 PPS4 sets out a number of policies against which the application needs to be assessed. Policy EC15 sets out the requirement for a sequential test for planning applications for main town centre uses to be submitted. Policy EC16 requires an impact assessment for applications with a gross floor space over 2500 square metres (sqm) where the development is outside a town centre and not in accordance with an up-to-date development plan. Thus the proposal for an out of centre Asda supermarket with a gross floor space of 5529 sqm triggers a sequential assessment and an impact assessment.
- 11.15 Policy EC15 of PPS4 requires the local planning authority to take a sequential approach to assessing the supermarket application. Part of this assessment is to ensure that identified alternative sites are available, suitable and viable. The sequentially preferable site would be within a town centre, then edge of centre sites which are or can be well connected to the centre and finally out of centre sites. Developers are required to demonstrate flexibility in assessing site suitability, for example, reducing the footprint, car parking or using innovative site layouts to enable sequentially preferable sites to be used. It is not acceptable for a developer to discount a sequentially preferable site simply because the site does not meet the developer's store format.
- 11.16 It is considered that the unallocated edge of centre site subject to this application is sequentially less acceptable than the South Quay and Jewson sites which are edge of centre locations and until shown otherwise these are considered to be suitable, available and viable. The applicant has carried out a sequential test and has discounted the South Quay site on the basis that a

supermarket cannot be designed to an acceptable standard for a World Heritage Site. The applicant has not undertaken any robust design or heritage exercise to demonstrate this position to the Council. The applicant considers that the current proposal for South Quay would compromise the implementation of the approved outline masterplan. This is a self evident statement as the proposal would place a different form of development on South Quay but would not in itself prevent delivery of the development which forms the rest of the outline application within other parts of the harbour. The applicant's assertion that the ING proposal is not suitable or viable is not proven. As such it is considered that the applicant's sequential test fails with regard to the South Quay site.

- 11.17 The applicant's sequential test assumes that the OPA permission relies on residential development to make it viable. The applicant concludes that the South Quay site is unviable and unavailable due to the lack of residential development , however there is a current proposal for the South Quay .This undermines the applicants assertion. Given the above it is considered that the applicant's sequential test fails with regard to the South Quay site.
- 11.18 The applicant also discounts the Jewson site on the grounds that a supermarket would harm delivery of the wider harbour proposals. However there is no explanation of this assumption. It is considered that the redevelopment of Jewson with a supermarket would delay the redevelopment of South Quay due to the current economic climate. This affects the viability of bringing forward the consented South Quay scheme but not the rest of the harbour area which would still attract non-food retail, leisure and recreation uses as well as significant residential development. Development of South Quay would thus rely upon a resurgent property and commercial / retail sector at some uncertain future date to bring forward development.
- 11.19 The question of the approved access for South Quay is raised as a problem in that the access for the supermarket on the Jewson site would harm delivery of the South Quay development given the proximity of the two accesses. The applicant has not demonstrated that the access issue is insurmountable but relies upon a written ING response to the Actoris proposal that a supermarket at the Jewson site would harm the ability to access South Quay. This position is supported in that Cornwall Highways has stated that a supermarket access and the South Quay access will not work together. However, Actoris have suggested their access could be changed to accommodate both the supermarket and the South Quay accesses. The applicant has not demonstrated that a combined access is not feasible. It is considered that the reliance upon access difficulties as a reason to discount the Jewson site is insufficiently supported at this time.
- 11.20 The applicant considers the Jewson site to be too small to accommodate a store of a size that would retain main food shopping trips within Hayle. This is not the finding of the independent GVA report which considers the Actoris proposal will meet this need and will claw back expenditure leakage. The applicant notes that the average Morrisons store is 2707 sqm but does not give the range of store sizes Morrisons operates. The Morrisons report and annual financial statements are easily accessible in the internet and this indicates a range of stores sizes which includes a retail portfolio of 135 stores in 2009 and 145 stores in 2010 of a size between 1400 sqm to 2300 sqm demonstrating that the proposal for an 1858 sqm store is not an unusual trading format for Morrisons.

- 11.21 The applicant claims that the proposal would have at least as much visual impact as the current Jewson buildings and assesses the impact as being the same as for the proposal on South Quay. They also refer to a previous dismissed appeal on the site immediately to the west of the Jewson site. The appeal dismissed an application for a 4 storey block of flats due to its impact on the World Heritage sites. However an appropriate design has since been agreed by the Council and planning permission granted. The applicant's assessment of the scheme to redevelop the Jewson site is contrary to the positive comments from the heritage consultees. Given the above it is considered that the applicant's sequential test fails with regard to both the Jewson site and the South Quay site.
- 11.22 The proposal for a supermarket at the HRFC fails the PPS4 sequential test in that there are two allocated sites in edge of centre locations which the applicant has failed to robustly demonstrate are unsuitable, unavailable and not viable. Until such time as the South Quay and Jewson site have been robustly discounted the proposal for a supermarket at the HRFC is contrary to PPS4 policies EC15 and EC17. The proposal is also contrary to RPG policy EC6, Cornwall Structure Plan policies 11, 14 and Penwith Local Plan policies TV16 and TV17.

Impact Assessment

- 11.23 Policy EC16 of PPS4 requires an impact assessment of the proposed supermarket. It is considered that the proposed primary catchment areas (PCA) of Hayle and St Ives / Carbis Bay underestimates the attractiveness of an Asda store to a wider catchment area. The applicant does not assess the trade draw from the Camborne, Pool and Redruth (CPR) which would be new trade and not claw back of leakage of trips from Hayle.
- 11.24 The applicant suggests that £16.6m of the turnover would be from outside the catchment area; £8.6m from Penzance and £7.7m from CPR and this is presented as claw back trade. The difference is £0.3m which is not accounted for in the applicant's assessment so is assumed to be the additional trade draw to the Asda from outside the primary catchment area. This figure is not supported and appears optimistically low.
- 11.25 Asda is underrepresented in the west of Cornwall and it is reasonable to assume that the addition of choice and competition will attract trips from a wider area than the proposed. Whilst competition with other towns is a valid activity the generation of significant numbers of additional car borne trips from these towns is contrary to the sustainability objectives of PPS4 policy EC10 to minimise carbon dioxide emissions, improve accessibility and reduce congestion, especially on the trunk road network. The applicant has not demonstrated the net difference between the claw back of trade resulting in Hayle residents travelling less distance against the additional distance travelled by residents of the CPR. The evidence based need for a supermarket in Hayle as identified by the 2007 Penwith retail Study and continued in the 2010 Cornwall Retail Study is to meet a need in the Hayle area and to an extent in the St Ives and Carbis Bay area as the local road network means persons driving from St Ives or Carbis Bay will find a new supermarket in Hayle closer than at Penzance or Camborne, Pool, Redruth (CPR). This failure to robustly consider the draw of

new trade from CPR is considered a weakness in the submitted impact assessment.

- 11.26 The GVA Report raises concern that the Asda proposal does not assess the cumulative impact should the Harbour Regeneration come forward in the form approved by the outline consent. The Report also questions the likely turnover of the Asda store as the applicant has without apparent justification assessed the store turnover at 15% less than the national average giving a turnover of £25.2 million rather than £29.6 million. Both turnover estimates are the highest of the four concurrent supermarket applications.
- 11.27 GVA consider the convenience trade draw from Hayle will be in the order of :
- Co-op £3.0m
 - Lidl £1.4m
 - Marks and Spencer £0.7m
 - Other convenience stores in Hayle town centres £0.2m
- 11.28 The above trade draw from Co-op could increase to £3.5 m and £0.3m for the town centres if Asda trades at its national average. This equates to a respective 30% to 40% and 12% to 20% trade diversion from the Co-op and town centres. This is a significant diversion and will remove a significant number of shopping trips from Hayle, reducing linked trips and will harm the viability and vitality of the town centres. There is unlikely to be any significant numbers of linked trips between the Asda store and Hayle Town centres when compared to the opportunities presented by the two edge of centre sites.
- 11.29 The report assesses a £0.5m comparison goods diversion. Overall the report predicts a 23 to 31% diversion from Hayle stores to the Asda supermarket which is considered will lead to significant impact on the vitality and viability of the Foundry and Copperhouse town centres. When considered cumulatively with the potential outline consent the impact could be greater.
- 11.30 The proposal will introduce choice and competition, and will reduce the distance travelled to stores outside Hayle. Additional linked trips with the West Cornwall retail Park will reinforce the location as an alternative to the town centres.
- 11.31 There is potential to reinforce the West Cornwall Retail Park in combination with the proposed Asda supermarket as a retail destination in its own right creating a third "centre" for Hayle. The proposal will widen choice and reduce the distances travelled by Hayle residents. However this has to be tempered with the fact that there are still considered to be alternative available sites closer to the Foundry centre and the potential for the Asda supermarket to drawing new trips from a wider area.
- 11.32 Overall the GVA conclusion that the Asda proposal for a supermarket will have an high negative impact on the vitality and viability of Hayle's town centres is well considered ,reasoned and accurate. The proposal will thus be contrary to PPS4 policy EC17 which advises that planning permission should be refused where applications will lead to significant adverse effects. The proposal is also contrary in terms of impact to RPG policy EC6, Cornwall Structure Plan policy 14 and Penwith Local Plan policies TV16 and TV17 which seek to support and contribute to town centres.

- 11.33 The proposed development would meet the BREEAM rating of Very Good and is sited to ensure the store will not be vulnerable to flooding. The provision of the store would reduce the length of trips made thus reducing the carbon emissions and encourage linked trips to the West Cornwall Retail Park. The proposal meets the requirements of PPS 4 policy EC10 (a) in this respect.
- 11.34 The site is accessible to a range of modes of transport and the proposals would improve the pedestrian and cycle routes, however the distance from the existing town centres means that it is unlikely to be as attractive as an edge of centre site for pedestrians or cyclists. As such it is considered that there are sequentially preferable sites which are closer to the Foundry town centre and provide better linkages to the centre as well as to a greater number of residential areas in Hayle.
- 11.35 The proposal would generate some 270 jobs but this benefit is tempered by the potential for job losses in the town centres.
- 11.36 The design of the supermarket is considered to be of good quality and when assessed against the design requirements of Policy EC10.2 (c) would be appropriate for the location. However, the proposal is considered to have adequately demonstrated that the local road network can accommodate the level of traffic activity generated by the supermarket. As such it is not considered the proposal will improve the quality of the area and the way it functions in terms of ease of use of the local road network to the detriment of other business activity in the immediate area. The proposal is thus contrary to this aspect of policy EC10.2 (c).
- 11.37 In summary it is considered that the proposal fails to address the sequential test set out in PPS4 in a robust manner. The proposal is for an out of centre site and it is considered that there are two sequentially preferable edge of centre sites at South Quay and Jewson. Neither of these sites has been clearly demonstrated to be unavailable, unsuitable or unviable thus at this time the sites remain in contention. The proposal thus fails to meet the aims of PPS4 policies EC14, EC15 and EC17 as well as being contrary to Cornwall Structure Plan 11 and 14 and Penwith Local Plan policies 16 and 17 in relation to the sequential approach to locating retail and B1 business development. The proposals will have a significant impact on the viability and vitality of the Copperhouse and Foundry town centres due to the diversion of trade and footfall away from these centres. The location of the proposal will also fail to encourage linked trips to the town centres thus will not contribute to the overall viability and vitality. Policy EC17 of PPS 4 states that where there are significant adverse impacts identified under the impact assessment required by policy EC16 then permission should be refused. This approach is reflected in Cornwall Structure Plan policy 14 and Penwith Local Plan policy 16 which seek to protect the vitality and viability of towns. As such it is recommended that the above policy failures constitute a reason for refusal of this application.

B1 Industrial units

- 11.38 The proposal includes the provision of 8 B1 use class units to the south of the site. The use class includes, offices (other than A2 offices such as professional and financial services), research and development, studios, laboratories and

light industry. The B1 use class has permitted development rights to change to B8 (storage and distribution) and back to B1.

11.39 It is questioned whether this site is appropriate given that there is existing previously developed industrial land at Hayle Harbour and that part of the site is allocated for industrial uses. It is considered that any B1 proposals should be directed to the allocated site within Hayle to support regeneration of the harbour and hence the town. The applicant has not demonstrated why this would not be possible. In terms of mitigating employment loss the proposed units would address this to an extent but this employment provision could equally be at the harbour thus does not need to be on the edge of Hayle. It is considered that B1 development on the harbour site makes better use of the land than at the HRFC thus the proposal is contrary to Penwith Local Plan policy E1 (v) which directs that the major employment needs should be met by available industrial land and sites proposed in the Local Plan. The proposal for industrial units in this location is contrary to Cornwall Structure Plan policy 3 and Penwith Local Plan policy TV1 which require priority to be given to redevelopment of previously developed land. It is considered that there would be greater benefits to Hayle from encouraging redevelopment of the harbour than redevelopment of the existing Rugby Club. Thus the proposal is not supported by PPS4 policy EC17.1 which advises refusal of applications where there is clear evidence that the proposal would have a significant adverse impact on regeneration as set out in the impact assessment of policy EC10.2 (d) with regard to economic and physical regeneration.

11.40 Members will also be mindful that the Penwith Local Plan supports the principle of B1, B2, and B8 development on the edge of Hayle. In this respect if the application were to be approved an option would be to consider the imposition of a planning condition to seek to withdraw the office element of the B1 use class so as to minimise the potential impact on the regeneration of central Hayle.

Flood Risk

11.41 The site is within Flood Zone 1 and does not present any risk from flooding. The proposal would replace a permeable grass surface with buildings and car park. The proposal addresses surface water run-off which will not cause harm or flooding off-site. The Environment Agency have not objected subject to conditions relating to drainage.

Ecology

11.42 The proposal will have no harmful impact on protected species or sensitive habitats. Original concern from Natural England and the Cornwall Wildlife Trust regarding the lack of a bat survey have now been addressed and both these consultees have responded positively. Natural England have no objection and the CWT recommend that the mitigation and enhancement measures proposed in the ecology assessment are carried out. Should members decide to approve this application then this requirement can be dealt with by way of a condition.

Design

11.43 The proposed store would be of a good design. The building would use timber cladding, granite and glazing. The materials are appropriate for the location as is the scale and design. The industrial units would be finished with grey clad panels which will integrate well with the adjacent industrial estate buildings. Overall the proposal will integrate well with its surroundings and is in accordance with RPG policy EN4, Cornwall Structure Plan policies 1 and 2 and Penwith Local Plan policies GD1 and Gd2 where these relate to protection of the character of the urban area.

Highways and accessibility

11.44 The Highways Agency (HA) has issued an Article 25 Direction, at the time of writing the Direction was still in force. The HA has concerns that fundamental matters have yet to be resolved but considers that in time these may be satisfactorily addressed. The Article 25 Direction has the effect of preventing the Council from issuing a planning permission until such time as the HA has either is satisfied that the proposed works to the strategic road network (A30) will accommodate the increase in traffic activity. Should the HA concerns not be overcome then they can recommend that permission is refused. The Direction does not prevent the Council from refusing the application on grounds other than adverse impact to the A30.

11.45 Concern has been expressed by residents of Angarrack that there will be an increase in traffic through the village. Cornwall Highways advise that this is dependent upon the highways improvements to the Loggans Moor roundabout and that the double mini roundabout at Carwin Rise does not cause queues. Should the local and strategic routes become congested despite improvements then Cornwall Highways consider there to be a likelihood that additional traffic would pass through Angarrack to access the new supermarket. Highways advise that the roads through and to Angarrack are not suitable for any significant uplift in traffic and there would a risk of reduction in the safety of highway users, including pedestrians on roads without footpaths. The proposal does include a footpath link from the supermarket to the village which is positive outcome for the scheme. However significant concern remains that the overall proposal may harm the local road network safety elsewhere thus conflicts with Penwith Local Plan policy GD2 and Cornwall Structure Plan policy 28 in terms of enabling a safe and convenient walking routes.

11.46 The proposed improvements to the Loggans Moor roundabout include a signal controlled pedestrian and cycle crossing to complement the existing pedestrian bridge. This improves cycle and pedestrian accessibility as well as catering for disabled persons unable to use the footbridge which is not provided with a ramp access. This aspect also complies with Penwith Local Plan policy GD2 and Cornwall Structure Plan policy 28.

11.47 The proposed roundabout would be of a design and scale not common within Cornwall and more associated with principle urban areas. The roundabout in itself would have a significant visual impact reinforcing the modern character of the adjacent service area, industrial estate, proposed Asda supermarket and retail park which do not reflect the character of the town of Hayle or its hinterland. The proposed roundabout is considered to fail to integrate with its

surroundings and would be harmful to the character of the area thus is contrary to Penwith Local Plan policies GD1, GD5, CC1 and TP8, Cornwall Structure Plan policies 1 and 2 and RPG policies SS18, EN1, EN3 and EN4.

- 11.48 The above needs to be balanced against the improved at grade pedestrian and cycle linkage and the improved access for disabled persons who are deterred by the pedestrian footbridge which has no ramp access.
- 11.49 A new bus stop will be provided within the site and a shuttle bus would be provided to link the store with Hayle this also complies with policy relating to accessibility.
- 11.50 Cornwall Highways have raised concerns that the applicant has not correctly addressed the impact on the double mini roundabout adjacent to the Lidl supermarket. Exceeding of capacity of this roundabout could lead to queues onto the A30 as well as on the arms of the roundabouts. Concern has also been raised that the existing footpath access to the bridge over the A30 and leading to the at grade proposed crossings at the Loggans Moor roundabout are not adequate for additional use and conflicts could arise between cycle and pedestrian use given the width of the footpaths.
- 11.51 It is considered that the proposed supermarket is provided with alternative means of access to the private car. However, the alternative edge of centre sites are closer to a wider population and are better located to encourage non-car borne modes of access than the out of centre sites. Should these be discounted then the Asda store will prove acceptable in terms of accessibility.

Heritage

- 11.52 There are no significant heritage assets on or under the site, however a condition is recommended to require a Written Scheme of Investigation prior to development commencing to ensure that any sub-surface archaeology is recorded.

Other material considerations

- 11.53 A number of concerns have been raised in public representations. It is not intended to revisit concerns which have been considered in previous sections but this section considers those points not already covered in the report. The Officers response is set out in italics.
- 11.54 No need for another petrol station.
PPS4 encourages competition and choice and removes the need test. There is a petrol filling station at the Loggans Moor roundabout and that those shopping outside Hayle will be likely to purchase petrol outside Hayle as well. Thus retained trips in Hayle will simply transfer to the Asda petrol station. It is not for planning to assess impacts on individual businesses but to protect the overall viability and vitality of the town centres. It is not considered that provision of another out of centre filling station will in itself harm Hayle's town centres.
- 11.55 Flood risk and surface water drainage.
The development presents no flood risk to visitors and will not create additional flood risk off-site.

11.56 Character of area.

The character of the area within which the supermarket would be located is set by the adjacent uses. The proposal would integrate well with its surroundings.

11.57 Supermarket will attract other businesses to Hayle.

Uncertain this is correct as there is potential to deter business from the Harbour area if they have to compete with an out of centre supermarket. Loss of town centre trade and footfall will also deter new business.

12. Conclusion

12.1 Whilst it is acknowledged that the proposal makes provision for the replacement of Hayle Rugby Football with a new purpose built facility, which has received a considerable measure of third party support , it is considered that proposal would represents a significant conflict with planning policy for the reasons set out above. The proposed location is considered to fail the sequential test for new retail uses especially as there are alternative edge of centre sites potentially available. The scale of the supermarket is such that it is assessed as being likely to significantly harm the vitality and viability of Hayle's town centres.

12.2 There are also concerns raised regarding the increased traffic and implications of this on the free flow and safety of traffic using the highway network which would serve the site.

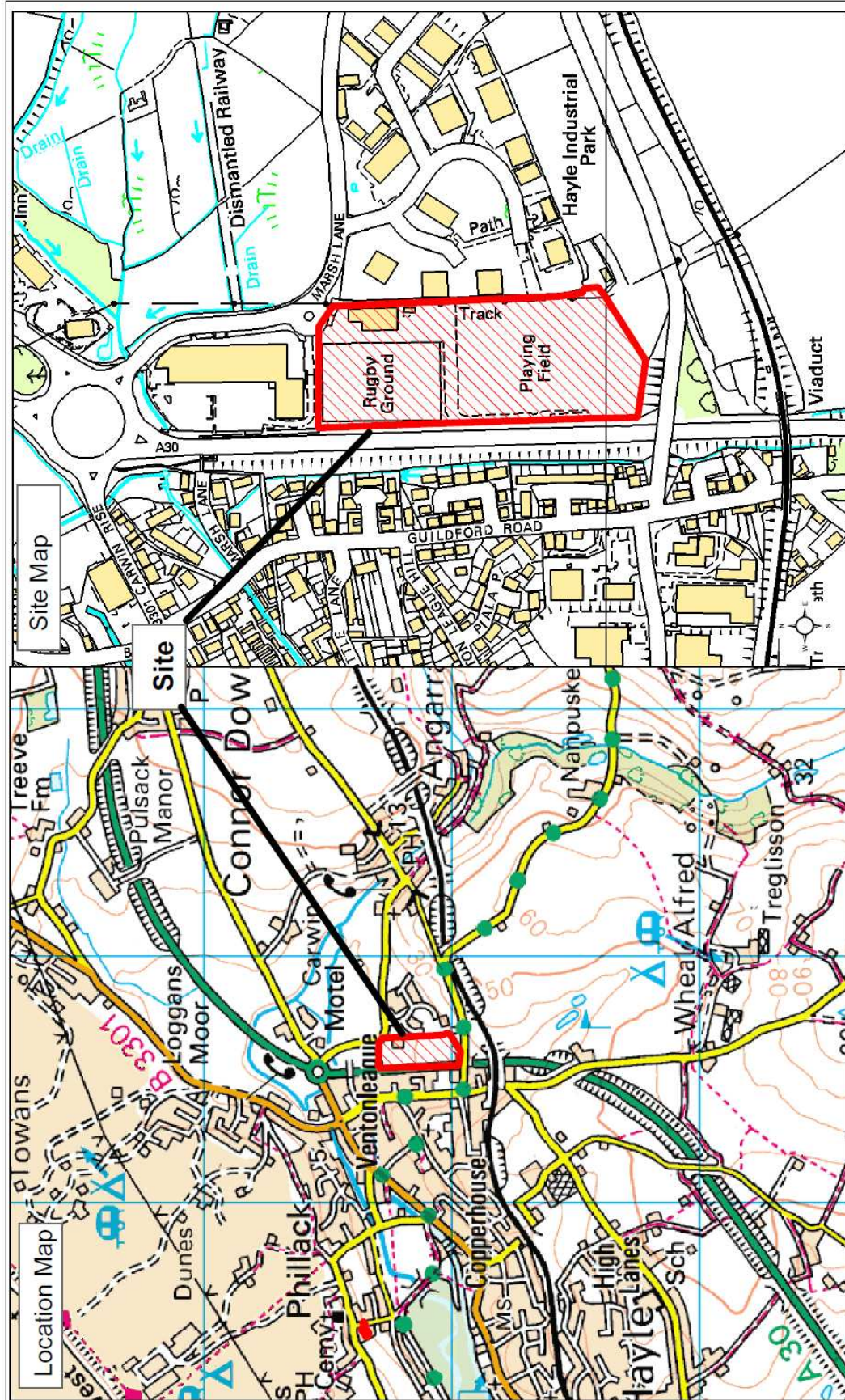
12.3 Thus, in conclusion it is considered that the proposals represent a significant conflict with planning policy and that the weight of the material considerations in this case are not so significant as to overcome the recommendation of refusal as set out below.

13. Recommendation: Refusal for the following reasons

- 1 The proposal is in an out of centre site as defined by Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4). There are sequentially preferable sites in edge of centre locations which have not been demonstrated to be other than viable, suitable and available for development of a supermarket. The proposal thus fails to comply with the requirements of the sequential approach set out in PPS4 policy EC15 and should be refused in accordance with policy EC17.1 (a) of PPS4. The proposal also is contrary to Regional Planning Guidance South West policy EC6 which requires a sequential approach to location of retail development, Cornwall Structure Plan policies 11 which prioritises regeneration of urban areas and town centres and policy 14 which gives priority to the improvement and enhancement of town centres and requires retail development to be in or adjoining town centres where they can help sustain the centre's viability and vitality, contribute to the town centre environment in an accessible location. The proposal is contrary to Penwith Local Plan policy TV16 which requires major retail development in town centres or edge of centre sites where no town centre sites exist. Policy TV16 does not permit out of centre development until all town centre and edge of centre sites have been demonstrated to be unsuitable.
- 2 The scale of the proposed supermarket in terms of net floor trading area will result in a significant diversion of trade from the Foundry and Copperhouse town

centres of Hayle with a consequential significant adverse impact on the viability and vitality of the town centres. The advantage to local consumers of increased choice and competition is not considered to outweigh the harmful impact of the proposal on town centre vitality and viability. The proposed location is distant from the town centres and will not encourage linked trips, especially those trips made on foot or cycle when compared to edge of centre sites, as such the proposal will fail to support the existing town centres in this respect. Furthermore the proposed location will encourage linked trips to the West Cornwall Retail Park further discouraging linked trips with the town centres. The proposal should be refused in accordance with policy EC17.1 (b) of Planning Policy Statement 4. The proposal is contrary to Regional Planning Guidance policy EC6, Cornwall Structure Plan policy 14 and Penwith Local Plan policies TV16 and TV17 which protect the viability and vitality of Town Centres.

- 3 Whilst the proposal will result in a reduction in the length of trips made by Hayle residents to undertake their main food shopping, the applicant has failed to demonstrate that the proposal will not generate lengthy additional trips drawn from new trade outside the primary catchment area. The stores location adjacent to the West Cornwall Retail Park will increase the attractiveness of the site as a retail destination in its own right that will increase the use of the local and strategic road network to the detriment of the operation of those networks and increase the use of private car borne transport contrary to the sustainability aims set out in the Key Principle (ii) of Planning Policy Statement 1 – Delivering Sustainable Development.
- 4 The proposal has failed to demonstrate that the supermarket development will not harm the safe and efficient operation of the Strategic Road Network. Nor has it been demonstrated that there would be no harmful effect on the capacity of the double mini roundabout at Carwin Rise to the west of the Loggans Moor A30 roundabout. As such the proposal has not been robustly shown to maintain or enhance the existing level of local and strategic road network highway safety for all users or capacity to efficiently provide for the movement of vehicles. The proposal is therefore contrary to Regional Planning Guidance policy VIS2, Cornwall Structure Plan policies 27 and 28 and Penwith Local Plan policy GD2(v) and advice within Planning Policy Guidance Note 13.



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PA10/06932

Hayle Rugby Club, Marsh Lane, Hayle, TR27 5HX

SW 575 381

Drawn by: M Jose
Date: 28/01/2011

Development Management
Planning and Regeneration Service



STRATEGIC PLANNING COMMITTEE

9 FEBRUARY 2011

Application number:	PA10/08329
Site address:	Land to the east of Travelodge, Carwin Rise, Hayle
Proposal:	New sports ground to accommodate the relocation of Hayle Rugby Football Club, comprising two senior rugby pitches with ancillary floodlighting and ball stop netting, clubhouse with external spectator stand, associated works and landscaping and area for potential Phase 2 development to provide additional training zone
Parish:	Hayle
Applicant:	Hayle Rugby Football Club and Walker Developments Ltd
Target date for decision:	21 March 2011
Reason for application being called to Committee:	Major application. Scale of site area exceeds thresholds of two hectares.
Departure:	No
Electoral Division	Hayle North
Electoral Divisional Member	Councillor John Pollard
Recommendation	Refusal

1. Summary:

- 1.1 The proposal is for full planning permission for the relocation of the Hayle Rugby Football Club and requires the provision of new pitches and clubhouse. The new site is 500m to the north-east of the current location and is agricultural land on the edge of Hayle. The proposal has received strong community support and would continue this popular community and sports facility. However, the proposed location is on the edge of Hayle and is considered to result in development in the countryside. The proposed new facility would have a significant visual impact which would harm the rural character and appearance of the area to the east of Hayle.
- 1.2 The applicant has carried out a sequential test to identify alternative sites, the proposed location is considered the least harmful of those sites identified. The pedestrian access to the site is not considered to be safe or convenient and requires pedestrians to traverse two additional roads without the benefit of a controlled crossing.

- 1.3 With regard to loss of agricultural land, flood risk, drainage and heritage the proposal is considered acceptable.
- 1.4 The proposal is linked to the concurrent application for an Asda supermarket which would be sited on the vacated HRFC site. However the HFRC application stands alone and no robust justification for a need to relocate the site has been given, although the desire to upgrade the club facilities is acknowledged. The HRFC could remain at the current site which is better located in terms of easy and safe access and integration with the built environment. The current site has little visual impact from important views. There is potential to explore alternative sources of funding in conjunction with the Council in terms of infrastructure levies to deliver improvements to the existing facility.
- 1.5 Taking into account the strong community support and the potential harm due to the development it is regretted that on balance the application be recommended for refusal.

2. Site description:

- 2.1 The site is located at the eastern edge of Hayle and is adjacent to a service area comprising of two motels, a restaurant, petrol station and a MacDonald's takeaway. The site is 7.43 hectares and is agricultural land used for crops rather than pasture. The site slopes down from west to east, dropping by some 16 metres and is bordered to the north by the A30 which is at a lower level and to the south by Carwin Rise at the same level of the site. Carwin Rise links the A30 Loggans Moor roundabout to the village of Connor Downs. To the west is agricultural land which is also the case to the south beyond the Carwin Rise road. To the west is the above mentioned service area, the West Cornwall Retail Park (WCRP), an industrial estate and the Hayle Rugby Football Club (HRFC) grounds. Beyond the sports grounds and retail park is the A30 Hayle bypass on the other side of which is a residential area set at a higher level and screened by trees.
- 2.2 In terms of the local road network the site is accessed from Carwin Rise which is an arm of the Loggans Moor roundabout.

3. Environmental Impact Assessment:

- 3.1 The Council has screened the proposal to assess whether an Environmental Impact assessment would be required under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The outcome of this exercise was that an Environmental Impact Assessment was not required in this case.

4. Relevant constraints:

- Site of Special Scientific Interest.
- Grade 3a agricultural land.
- Hayle critical drainage area.

5. Relevant planning/enforcement history:

- 5.1 PA10/06932: Concurrent planning application by Asda Stores Ltd to construct a supermarket, 8 B1 industrial units, petrol filling station and ancillary works at the site of the existing Hayle Rugby and Football Club.

6. Relevant local/national/regional policy/guidance:

- 6.1 Regional Spatial Strategy: In May 2010 the Secretary of State (SoS) for Communities and Local Government set out the intention to revoke Regional Strategies and required this intention to be a material consideration in determining applications. On the 6th July 2010 the SoS revoked the Regional Strategies. This was subsequently challenged in the High Court the outcome being that the revocation was deemed unlawful. This decision reinstated Regional Strategies. In response the SoS responded on the 10th November 2010 to reiterate the Government's intention to revoke Spatial Strategies and that this would occur via the Localism Bill which is due to be enacted this year. Given this firm commitment by the Government to revoke Regional Spatial Strategies it is considered that although the Draft Regional Strategy for the South West remains a material consideration, little weight should be given to the policies therein in relation to determining this planning application. As such no further mention will be made to the RSS policies as there are other adopted development plan policies and national policy and guidance which are of greater weight.

6.2 Regional Planning Guidance Note 10 policies:

VIS1 – Promote sustainable development.
VIS2 – Principles for Future Development.
SS18 – Regeneration of main towns, conservation of environment in Cornwall.
SS21 – Development in Coastal towns.
EN1 – Landscape and Biodiversity.
EN3 – Historic Environment.
EN4 – Quality in the Built Environment.
EC6 – Town Centres and Retailing.
Tran 1 – Reducing the Need to Travel.
RE2 – Flood Risk.

6.3 Saved Cornwall Structure Plan policies:

1 – Principles of Sustainable Development.
2 – Character areas, Design and Environmental Protection.
3 – Use of Resources.
13 – Tourism and recreation.
15 – Implementation, monitoring and review.
16 – Overall Distribution of Development.
25 – Other Main Towns and Local Centres.
26 – Rural areas.
27 – Transport Strategy.
28 – Accessibility.

6.4 **Saved Penwith Local Plan policies:**

ST1 – Plan Strategy.
GD1 – Integration with surroundings.
GD2 – Design and layout of development.
GD3 – Landscaping and planting.
GD4 – Prevention of pollution.
CC1 – Protection of the character and appearance of the countryside and coast.
CC7 – Protection of Sites of Special Scientific Interest.
CC8 – Protection of designated wildlife sites.
CC9 – Protected species.
CC12 – Protection of hedgerows.
TV1 – Location of development.
R1 – Recreation.
TP5 – Cycling routes.
TP12 – Car parking standards.
CS4 – Flood risk.
CS6 – Disposal of surface water.

6.5 **National Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development.
Planning Policy Statement 5- Planning for the Historic Environment.
Planning Policy Statement 9 – Biodiversity and Geological Conservation.
Planning Policy Statement 23 – Planning and Pollution Control.
Planning Policy Statement 25 – Development and Flood Risk.
Planning Policy Guidance 13 – Transport (updated January 2011).
Planning Policy Guidance 17 – Planning for Open space, Sport & Recreation

- 6.6 **Hayle Area Action Plan:** This document reached the point of being ready for consultation at the preferred Options stage under the auspices of the former Penwith District Council. The change to the new unitary authority halted work on this document. Given the lack of progress beyond the Issues and Options phase any outcomes, although a material consideration has little weight in determining this application.

7. Summary of Consultations:

- 7.1 **Hayle Town Council:** “It was resolved to raise no objection but it was considered that the road to the Rugby Club should have footways on both sides and a footway should be provided to Connor Downs.
- 7.2 **Highways Agency:** Article 25 holding direction. Concern that the new facility will generate additional trips and needs to see an assessment of trip generation and the mitigation strategy. The rugby club pedestrian routes are of concern but should the Asda application be approved then the overall package may be adequate on terms of the strategic road network. Approves of proposals to provide bus services to the site. Requires more information on floodlighting and the ball stop netting. Overall the HA considers these aspects can be addressed.
- 7.3 **Natural England:** No objection.

7.4 Cornwall Council Ecologist (inc. Marine Ecology and Biodiversity)

Standing advice and guidance should be followed to ensure that protected species and priority habitats are safeguarded and that the principles of PPS9 are satisfied.

7.5 Cornwall Council Historic Environment Planning Advice Officer

They have consulted the Cornwall and Scilly Historic Environment Record (HER) and the archaeological assessment produced by AC Archaeology. We concur with section 11.2 of the archaeological report: The construction of new rugby club facilities on the site will involve groundworks for the pitches, car parking and access, drainage etc and therefore any archaeological remains that might be present are likely to be damaged or destroyed by development. Because of the relative lack of disturbance on the site (i.e. it is not built up), it is considered likely that geophysical survey would be an effective technique to further define the archaeological resource on the site.

They recommend a condition as follows:- No works pursuant to the consent are to be commenced or the development beneficially occupied before a relevant part or the whole of a Written Scheme of Investigation is carried out. This Written Scheme of Investigation will be submitted by the applicant and approved by the Local Planning Authority in consultation with Cornwall Council Historic Environment Advice.

7.6 South West Water Services

South West Water has no comment on the proposal.

7.7 Devon & Cornwall Police Architectural Liaison Officer

Raise the following comments based on the principles of Secured By Design (See www.securedbydesign.com)

- They note the design proposed for the clubhouse in particular the timber shutter doors which will be a sensible security addition.
- For those windows which will not be protected in this way they would recommend that consideration is given to using laminated glass (6.8mm)
- Advise that a robust lockable gate is incorporated at the main vehicle entrance to prevent unauthorised vehicle access of the site.
- There should be adequate lighting of the car park.
- The clubhouse should be protected by a monitored intruder alarm recommended to be compliant with current ACPO standards.
- That consideration be given to installing CCTV

7.8 Environment Agency

No objection to the application provided that a condition is included to ensure the construction and maintenance of a sustainable drainage system to control surface water.

Surface Water Drainage

This site is located on the boundary but outside of an area identified as a Critical Drainage Area.

The formal Flood Risk Assessment submitted indicates how an appropriate surface water drainage scheme could be achieved on site using a combination of

infiltration and attenuation. We consider that this is sufficient information for us to condition the final detailed surface water drainage design on the site. The adjacent watercourse is the Loggans Moor Leat, a Main River. Formal written consent is required from the Environment Agency under the Water Resources Act/Land Drainage Act prior to commencement of engineering works over, under or within the channel or within 7 metres of the bank, including the proposed headwall.

7.9 **Cornwall Wildlife Trust**

Do not object to the application, provided that the mitigation and management recommendations in the ecological report (Sections 5 and 6) are translated into and implemented as enforceable conditions as part of any planning permission.

7.10 **Sport England** None

8. Representations:

8.1 In response to publicity, 2 letters of objection have been received and 138 letters of support. A petition from the parents and families of the HRFC junior teams in support has also been received with 56 signatures.

8.2 Summary of objections

- Existing grounds should be refurbished.

8.3 Summary of support

- Upgraded facility.
- Support for young players.
- Long term security for the continuation of the community facility.
- Safe crossings at the Loggans Moor roundabout. Reduce queues.
- Free bus service linking Hayle to the new grounds.
- More parking spaces for the retail park thus reducing queues and the temptation to rat run through Angarrack with a consequent benefit to road safety.

Planning Policy Statement 1 – Delivering Sustainable supplement The Planning System – General Principles notes in the section on Propriety that whilst community views are strong material consideration, ***"local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons"***.

9. Assessment of key planning issues:

Principle of development

9.1 The proposal would deliver an updated and improved sports facility which provides an opportunity for expansion in the future. The new facility would meet current Sport England and the Rugby Football Union requirements. Upgrading existing facilities is supported by national policy within Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation. The proposal is also supported

by Cornwall Structure Plan policies 1 and 13 where these relate to long term sustainable improvement of social circumstances and regeneration of towns and hinterland to meet the needs of their communities. Policy 13 seeks the improvement of recreation through enhancement of existing facilities or through appropriate new provision and major development should be within or well related to towns.

- 9.2 The Penwith Local Plan at policy ST1 focuses new development on the main urban centres whilst policy TV1 requires new development on the edge of towns to be well integrated into the form of the settlement. Policy TV16 of the Local Plan supports new recreation and leisure facilities but requires a sequential approach to identifying the most suitable location for new leisure and community facilities with town centre sites being the preferable locations, followed by edge of centre then out of centre sites. In this way the Local Plan seeks to locate new recreational facilities where they will be most accessible without reliance on the private car. The sequential test will be returned to in a later section.

Context

- 9.3 The proposal relies on the sale of the existing rugby club site to fund relocation and construction of the new facility. The existing site would then provide a location for the proposed Asda supermarket, for which there is a concurrent planning application. However, the acceptability of the relocation of the Hayle Rugby Football Club (HRFC) in planning terms is not dependent upon Asda gaining permission. The HRFC proposal is a stand-alone application which does not rely on the Asda store application to be approved. A distinction is made here in that the proposed supermarket requires the HRFC to relocate to make the supermarket application feasible. To make both applications acceptable in planning terms the new HRFC facility must be provided, ideally before the existing facility closes to make way for a supermarket, to ensure that this community facility continues. As such should planning permission be granted for the supermarket proposal then this needs to be on the condition that the HRFC is relocated before the supermarket can be acceptable in the proposed location in terms of policy which protects community facilities, recreation and sports facilities. Provision of a supermarket with the loss of the sports and community facility is considered to be unacceptable. The supermarket would, in-principle and notwithstanding other material considerations, address a evidence based identified need to provide local residents with a supermarket of a scale capable of meeting a weekly shopping requirement. But, it is considered that this benefit in reducing the need to travel to Penzance or Camborne provision of choice and competition would not outweigh the harm to the community arising from the loss of the HRFC.
- 9.4 The existing club house facility, whilst somewhat outdated and requiring upgrading, currently provides a popular community facility which could continue without relocation. Should the planning application by Asda for a supermarket fail, then it would still be possible for the HRFC to seek funding elsewhere should planning permission be granted for the relocation of the club. It is of note that in the Design and Access Statement document it is stated that *"the HRFC are happy with their existing location as it is close to the A30 with good access for its players and visitors whilst the road frontage helps with advertising the club and attracting new players and members"*. This indicates that there is no over-riding

need for the club to relocate at this time and that renovation and upgrading of the existing facility is an option to be explored.

- 9.5 The applicant has also stated in the Design and Access Statement that the HRFC cannot afford to upgrade the existing facility. As such the following assessment will be based upon the assumption that even should the Asda application fail then the HRFC will still seek to relocate and fund the new facility from sale of the site to an alternative commercial enterprise. It is regretted that the applicant has not taken the opportunity to clearly show why there is no option but to relocate given that the existing facility is, for a number of reasons, in a preferable location to the proposed site. This aspect of the advantages of the existing location is important in assessing the acceptability of the overall proposals and will be returned to in the following sections. The applicant has not provided evidence of attempts to gain funding from other sources. Should this application not be approved then there remains potential in the future for the HRFC to gain other funding sources.

Site Location and Sequential Test

- 9.6 The applicant has carried out a comprehensive search for alternative sites and identified 15 potential locations on the edge of Hayle. The size of the site and multiple ownership issues narrowed this down to 6 options. Factors such as hope value for housing development, access, exposed location, the need for significant terracing and high visual impact from distant views eliminated all but the Carwin Rise site. This conclusion appears reasonable as other sites would also have resulted in floodlighting being visible from a far greater distance than at Carwin Rise. Exposed locations were discounted as past experience of a previous ground showed that in windy conditions play was difficult. The current HRFC site is sheltered from the wind and the impact from floodlighting in terms of residences and views is minimal given the location close to the A30 roundabout and the retail park, both of which contribute to lighting in the vicinity.

Visual Impact

- 9.7 The site is on the edge of the built environment of Hayle and has development to the south west only in the form of the petrol station, motels and restaurants. The south western boundary of the site consists of a tree and hedge screen which provides a visual separation from the existing edge of town development. ' which provides a visual separation from the existing edge of town and the development. Furthermore the location of the proposed clubhouse will be some distance from this boundary and visually will appear separated from the existing built environment of Hayle. As such it is considered that the proposal will be sited in the countryside and the development will represent an extension of the urban environment. The introduction of ball stop netting and floodlights along with the clubhouse will result in a very different visual appearance of the site when compared to the existing agricultural use.
- 9.8 The existing rugby ground is well integrated with the industrial estate and West Cornwall Retail Park. The ball stop netting and floodlighting are screened by buildings and boundary trees. The existing site is not seen in the context of anything other than the urban environment and does not intrude into any rural views. The proposal will result in a reduction in the visual amenity of the surrounding rural area when compared to the existing location and thus there is

an in-principle conflict with Regional Planning Guidance – South West (RPG) policy EN1, Cornwall Structure Plan policy 2 and Penwith Local Plan policy CC1.

- 9.9 It should be noted that the proposed site is not within any designated landscape and does not provide a buffer zone to any designated landscape. As such it is considered that there is flexibility with regard to the sensitivity of the immediate area within which the new facility would be located and an assessment of the significance of the policy conflict needs further attention. The built form at this eastern part of Hayle is predominantly modern and the uses are also those of a type common to the edge of larger towns. In this instance it is considered that a sports facility as proposed will integrate with the character of the area in terms of land uses and their associated built form of industrial units and motels. However the proposed sports facility in terms of its built form, regular terraced pitches and location of the clubhouse would not integrate with the landscape character of the towans dunescape to the north or the agricultural landscape to the south and east. In essence it is considered that the proposed development would represent a significant visual encroachment into the countryside between the existing built limits of Hayle and Connor Downs.
- 9.10 The site would be graded, to create three levels with the clubhouse between the upper two main pitches. The terracing would be at odds with the irregular field patterns to the detriment of the character of the rural landscape to the east of Hayle. Tree planting is proposed and photo montage provided to show the mitigating impact at 5 and 20 years from completion of development. The tree planting would provide mitigation for the appearance of the terracing from most views but the timescale to achieve mitigation will mean the impact will be evident for a significant length of time. The clubhouse will remain fully visible from most views as will the floodlights and ball stop netting. It is considered that the proposed site would have a significant adverse daytime impact for at least 5 years from completion. The mitigation of tree planting would effectively screen the site from a number of views; however the key sensitive views across the site from the towans to Angarrack and the return view from land around Angarrack would remain affected for a much longer period and potentially for the life of the club.
- 9.11 The applicant has carried out a landscape visual impact assessment and on the whole the findings of the assessment are agreed with. The assessment looked at areas from which the pitch, floodlighting and clubhouse would be visible. There is a significant area from around the site and within the 3km study area from which the site will be visible as will floodlighting. It is considered that the pitches and clubhouse will have little visual impact outside the 1km zone as the site will blend with the adjacent built form. However from the popular walking area at the towans and viewpoints to the south the site will be clearly visible.
- 9.12 From within the 1km zone the site will be visible from a number of vantage points; however it is only the views from the Towans towards Angarrack village and the Grade II listed railway viaduct at Angarrack and the return view towards the towans which are considered of real significance. From the majority of views from within 1km of the site the proposed development is seen in the context of the industrial estate, West Cornwall Retail Park, motels and petrol station. Other views, especially from the south show the site in the context of the adjacent Carwin Farm which has a group of substantial agricultural buildings. Views from the Towans are of an attractive agricultural landscape which encompasses the

Angarrack viaduct as well as the built form of the eastern part of Hayle. The clubhouse would be seen as being distinctly separate and within the rural context. Proposals for tree planting will over time mitigate the visual appearance of the building and ball stop netting in this location, however the development will be continue to result in some harm to the character of the landscape especially when matches are in progress and the car park is full.

- 9.13 The 12 metre highball stop netting and support posts will comprise of two 90 metre sections at the ends of the main pitches the closest part being 15m from of the A30 boundary and the furthest away being 55m away. An additional 50m section of netting would be adjacent to the car park. The Phase 2 training pitches would introduce a further 65m section of netting which would be between 20m and 30 m of the A30. The netting will therefore be a significant visual intrusion at 12m height. The netting required for a rugby and football pitch is likely to have an open mesh thus avoiding concern that the fence will appear as a solid when viewed at an angle. The impact will be greatest from close views, mainly from the A30 and Carwin Rise. However the netting and support posts will also be visible from medium views.
- 9.14 Floodlighting has been carefully considered by the applicant resulting in minimal light spill from the pitches, although there would be reflected light from the pitches. Tree screening would eventually block most views of the pitch and minimise reflected light. There would be little impact on the A30 or Carwin Rise due to the lowlight spill.
- 9.15 The floodlights would be used mainly in the evenings with a greater use in winter. It is considered the floodlighting will not have a significant impact on tourism or walkers as the lights would be on at times of low use of the areas from which views are available.
- 9.16 The applicant has provided a typical requirement of;
- Mondays: 6 times per year.
 - Tuesdays: 7 until 9 pm in winter for training.
 - Wednesday: 6 times per year for games.
 - Thursday: 7 till 9 pm in winter for training.
 - Friday: 6 till 7.30 pm for mini-rugby in winter evenings.
 - Saturday: Match days during bad light.
 - Sundays: Occasional fixture during bad light conditions.
- 9.17 The above assessment of need for floodlighting is considered to have short periods of impact and is acceptable. Natural England have confirmed they have no objection due to the short periods of time and that the lights will be on in the early evening. As such Natural England does not consider that the floodlighting will have any significant impact on the Loggans Moor wetland or its fauna including bats. A habitat survey forms part of the application in addition to the specific floodlighting issue which concludes that the site is of low ecological importance with no record of species of ecological importance. Based upon an assessment of the information provided it is considered that the proposal will not significantly harm any protected species. The proposal thus accords with Planning Policy Statement 9 – Biodiversity and Geological Conservation, RPG policy EN1, Cornwall Structure Plan policy 2 and Penwith Local Plan policies CC7, CC8 and CC9. However the visual impact of the ball stop netting and posts, and the floodlight columns will be a significant incongruous intrusion into the rural

area to the detriment of the rural character of the landscape. The proposal is considered to conflict with Regional Planning Guidance – South West (RPG) policy EN1, Cornwall Structure Plan policy 2 and Penwith Local Plan policy CC1.

- 9.18 The applicant has suggested there is pressure to develop the eastern part of Hayle and that the built form will spread towards the sports facility thus reducing its visual impact and sense of separation from the town. This assumption is considered incorrect as there are no proposals at this time on the part of the Council to allocate land in this area for development.
- 9.19 It is a material consideration that there is strong community support for the new facility and few objections have been received with regard to the application. The Town Council, at its formal meeting to discuss the HRFC relocation considered visual impact and location on the edge of the town but after deliberation voted unanimously to support the application. Given the strong local support for the application regard has to be had as to whether this is sufficient to overcome policy conflict. As the HRFC could continue at its existing grounds there is no over-riding need for them to relocate. However, should Members approve the Asda application then the proposed site is the most suitable site selected in terms of visual impact and in meeting the club's needs.

Clubhouse Design

- 9.20 The proposed clubhouse was designed with the intention that it appear as an agricultural building within the landscape. To an extent the use of timber and granite along with the timber shuttering to secure the building when not in use will assist the building in blending with the local landscape colours and the other large agricultural buildings at Carwin Farm. The shuttering will also hide the glazed areas when the building is not in use. The scale and simple form of the building are also appropriate in achieving this aim. However the monopitch roof with its shallow slope is very different to the local agricultural buildings with their pitched roofs and is more in keeping with the form of the West Cornwall Retail Park. The proposed roof does minimise the mass of the building and is an honest design feature allowing the building to be read as part of the sports facility. It is considered that from distant views the building will not be incongruous within the landscape. From medium and close views the building will be seen in the context of the pitches and car park and will be recognisable as the clubhouse, more so on days when matches are in progress. On balance it is considered that the clubhouse design contributes to the overall harm of the proposal to the character of the area.

Accessibility

- 9.21 The proposal would provide a new footpath link from Marsh Lane to the south west corner of the site from where the footpath would continue inside the site. This partially addresses the need for a safe and convenient link from the footbridge at the A30 to the new site. However, the proposal requires visitors on foot to cross the Marsh Lane arm of the A30 roundabout which serves the retail park, industrial estate and Angarrack. The proposed route also crosses Carwin Rise opposite the existing petrol station and then across the left and right turn exits from the petrol station. No pedestrian controlled crossings are proposed and this raises significant concern over safety and is likely to deter pedestrian access. The Highways Agency (HA) Article 25 holding direction remains in place

although the HA consider this could be removed on agreement of additional information regarding impact on the strategic road network. However it is the safety of the local road network which is of particular concern. The proposal is therefore contrary to Cornwall Structure Plan policies 27 and 28 in terms of accessibility and safety and Penwith Local Plan policy GD2 (v) in terms of provision of safe and attractive walking routes.

Flood Risk

9.22 The site falls from east to west by a maximum of 16m and there are a number of drainage ditches at the boundaries as well as the Angarrack Stream which is just beyond the west boundary. The ground water table is deep however, permeability for rain water is low. The proposal would introduce drainage under the pitches and surface water drainage from the clubhouse would enter the same drainage system. The pitch drains will attenuate flows to the current rate of discharge from the field. Where discharge rates are exceeded then the water would enter a swale of sufficient capacity to accommodate run-off from a 1 in 100 year rain event. The swale forms part of a sustainable drainage system which would also further attenuate discharge of water to a rate close to that of the existing field and would drain directly to the Angarrack Stream. The swale would allow settling of fine suspended material and reduce sediment input to the stream. It is considered that the proposed drainage system will prevent flooding off-site and should Members approve this application then a condition is recommended to ensure the drainage system is in place before first use of the club.

9.23 The proposed drainage system should not have any adverse impact on the Loggans Moor wetland Site of Special Scientific Interest to the north of the A30. Natural England have not raised any concern on this matter following discussion with the applicant.

Foul Drainage

9.24 The site is 450m away from the nearest main foul sewer and the connection would have to traverse a watercourse. The proposal is for a package treatment plant which would discharge directly to the drainage system and would require Environment Agency consent. The Environment Agency does not object to this means of foul drainage disposal. A condition to ensure a consented treatment works is in place is recommended if the application were to be approved. The proposal complies with RPG policy RE2, Cornwall Structure Plan policy 2 and 3 and Penwith Local Plan policies GD4 and CS4 where these relate to prevention of flooding and flood risk and protection of the water environment from pollution. The proposal will also protect the nearby SSSI.

Hedgerows

9.25 The site layout requires the realignment of an important hedge as defined by the Hedgerow Regulations. The hedge appears on an 1840 Tithe Map. However, as the hedge will be rebuilt using the materials from the original hedge and that the new orientation will fit with the existing field patterns the Cornwall Council heritage Advice Service has raised no objection. The proposal will not conflict with RPG policy EN1, Cornwall Structure Plan policy 2 or Penwith Local Plan policy CC12 relating to protection of hedgerows and the historic environment or

character of the countryside. The proposal will not significantly harm the field pattern to which the hedgerow contributes and which may be classed as a non-designated heritage asset for the purposes of Planning Policy Statement 5 – Planning and the Historic Environment.

Archaeology:

9.26 There is sub-surface archaeology which can satisfactorily be recorded subject to a condition requiring a written scheme of investigation to be submitted. The proposal would record non-designated heritage assets and as such is in accordance with Regional Planning Guidance - South West policy EN3, Cornwall Structure Plan policy 2 and national guidance within Planning Policy Statement 5 – Planning for the Historic Environment.

Contaminated Land

9.27 There are no contaminated land issues associated with the site which would be of concern given the proposed use.

Agricultural land loss

9.28 The proposal would utilise mainly grade 3b agricultural land and an area of Grade 3a agricultural land which represents about 1 hectare of the 7.43 hectare site. Policy E5 of the Penwith Local Plan and Policy 3 of the Cornwall Structure Plan seek to protect the best quality agricultural land of Grades, 1, 2 and 3a. It is considered that the loss of the Grade 3a land will have no significant impact on the overall agricultural land resource thus the proposal does not significantly conflict with policy E5 of the Local Plan or policy 3 of the Structure Plan.

Any other material considerations including representations from Members of the public

9.29 The representations received from members of the public have been overwhelmingly supportive of the application and the points of support set out above are valid planning considerations as they ensure the upgrade and ongoing presence of this important sports and community facility for Hayle residents.

9.30 However, given the above concerns over landscape impact, that there is no apparent over-riding need to relocate the HRFC and that the current site presents no significant adverse impacts as well as that there are potential other funding options which have yet to be explored, it is considered that on-balance the proposal should be refused.

9.31 Residential amenity

The proposal will not have any significant adverse impact on residential amenity.

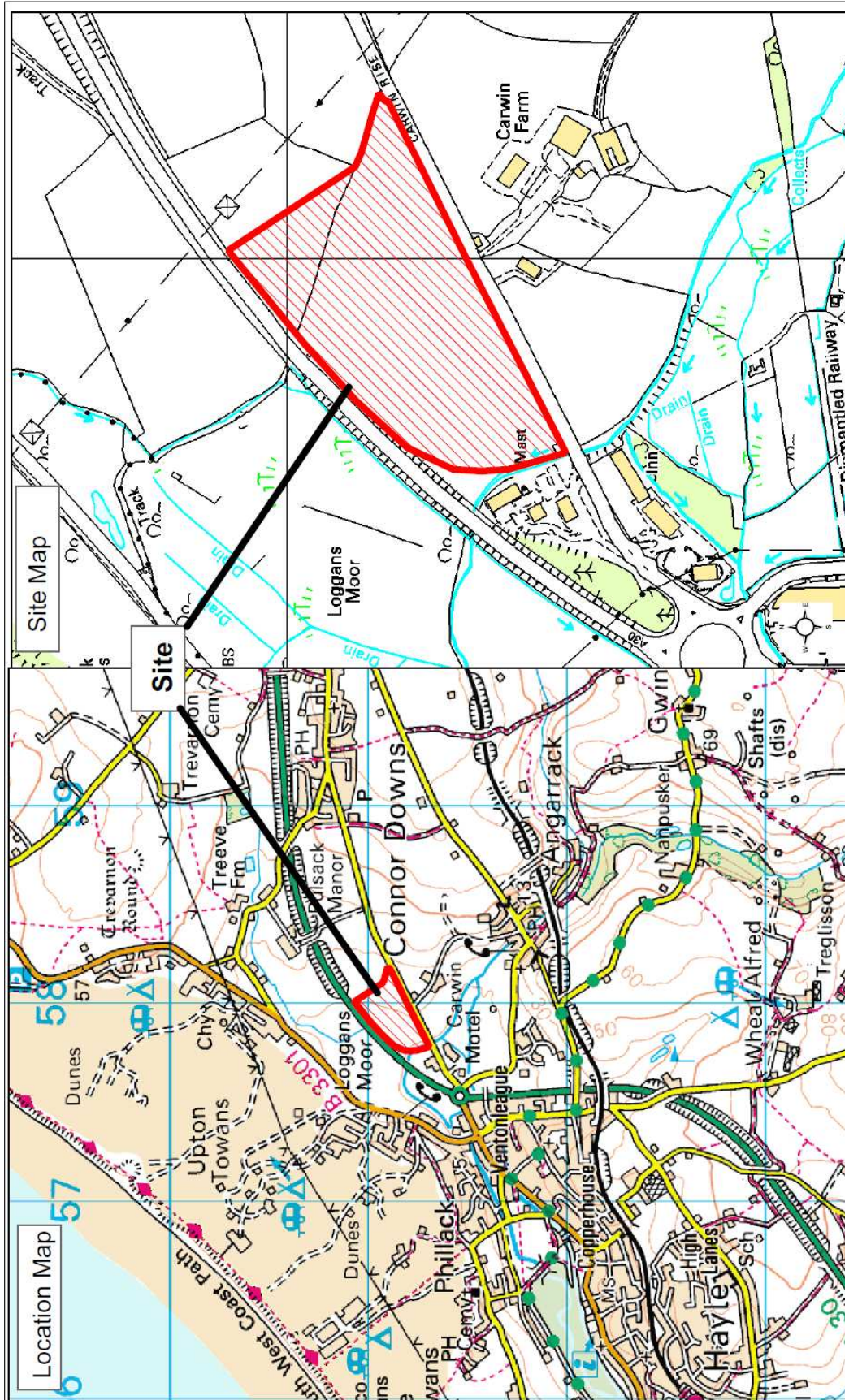
10. Conclusion

10.1 Whilst it is acknowledged that there would be potential benefits to Hayle Rugby Football Club in securing the new facilities proposed, it is considered that there are significant planning policy objections which on balance justify a recommendation of refusal. There can be little doubt that the existing rugby club

site provides a sequentially preferable site and that the proposed site will cause harm to the landscape, and would present significant highway safety issues.

11. Recommendation: Refusal for the following reasons:-

1. The proposed site is outside the built environment of Hayle and would represent development of a green-field site in the countryside for which no robust justification has been provided. The existing site presents fewer adverse visual impacts and is in a more easily and safely accessed location in terms of pedestrian access. The site will appear as being separate from the built form of the service area to the west by virtue of the tree screen at the west boundary of the site and due to the siting of the clubhouse away from the built development at this part of Hayle. The proposal is therefore contrary to Regional Planning Guidance – South West policies VIS1, VIS2, Cornwall Structure Plan policies 1, 3, 13 and 26 and Penwith Local Plan policies TV1 and R1.
2. The proposed sports facility elements of the regular terracing, floodlighting, ball stop netting and clubhouse design would be of a form that will not integrate with the character of the rural landscape within which the sports facility would be viewed to the detriment of the character and appearance of the rural landscape. The proposed planting to mitigate the visual impact of the development will be ineffective for a number of years and once fully mature will fail to mitigate harm to the character and appearance of the landscape to an acceptable level and will harm important views of the countryside from the north and the south. The proposal is therefore contrary to Planning Policy Statement 7 – Sustainable Development in Rural Areas in terms of landscape protection, Regional Planning Guidance – South West policy VIS2 and SS18, Cornwall Structure Plan policies 1, 2, 26 and Penwith Local Plan policies GD1, CC1, TV1 and R1 as well as failing to meet the aims of policy GD3 in terms of mitigation of impact through landscaping and planting.
3. The proposed sports facility would require pedestrians to travel further than to the existing sports facility at Marsh Lane and would also require pedestrians and cyclists to cross Marsh Lane and Carwin Rise to access the new sports ground as well as crossing the exits from the adjacent petrol filling station. The proposed footpath improvements are not considered to overcome the additional risk to pedestrians arising from the need to cross additional roads to access the site. The proposal is therefore contrary to Cornwall Structure Plan policies 27 and 28 in terms of accessibility and safety and Penwith Local Plan policy GD2 (v) in terms of provision of safe and attractive walking routes.



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PA10/08329

Land to east of Travelodge, Carwin Rise, Hayle, TR27 5DG

SW 579 388

Drawn by: M Jose
Date: 28/01/2011

Development Management
Planning and Regeneration Service

**STRATEGIC PLANNING COMMITTEE****9 FEBRUARY 2011**

Application number:	PA10/04297
Site address:	Land at Marsh Lane, Hayle
Proposal:	Construction of supermarket, petrol filling station, car parking, highway works, nature reserve and associated works
Parish:	Hayle
Applicant:	Sainsbury's Supermarkets and Cranford Hayle Ltd
Target date for decision:	25 October 2010
Reason for application being called to Committee:	Major application. Scale of site area exceeds commercial development threshold of 10,000 square metres or two hectares.
Departure:	No
Electoral Division	Hayle South
Electoral Divisional Member	Councillor John Coombe
Recommendation	Refusal

1. Summary:

- 1.1. The proposal is for full planning permission for an out of centre supermarket and nature reserve at the eastern edge of Hayle and accessed from the A30 Loggans Moor Roundabout. The proposed location is considered to fail the sequential test for new retail uses and there are alternative edge of centre sites. The scale of the supermarket is such that it is assessed as being likely to significantly harm the vitality and viability of Hayle's town centres. The current pedestrian and cycle links would be upgraded including safe crossings at the A30 roundabout. However the distance from the town centres means that the numbers of linked trips on foot are not likely to be significant.
- 1.2. The proposal is considered to fail the sequential test with regard to flood risk. There are alternative sites at a lower risk of flooding. However the actual risk is not so significant and could be adequately mitigated for should the proposal be found acceptable on all other matters.
- 1.3. The site is within a County Wildlife Site (CWS) and would cause significant harm due to loss of habitat. The applicant controls the CWS and has proposed to present the remainder of the site plus compensatory land to a local trust along with a financial contribution to manage the site. The proposal is contrary to national policy which directs development to sites of lowest biodiversity. As there

are alternate previously developed sites within Hayle the proposal is contrary to policy.

- 1.4. It is considered the store design will not cause any significant visual harm given the surrounding context of modern industrial and retail units.
- 1.5. There is an outstanding Article 25 Direction in place from the Highways Agency and Cornwall Highways have expressed concern. At present it has not been clearly demonstrated that the development will not cause harm to the safe and convenient use of the strategic and local road network.
- 1.6. There are positive aspects in the form of the nature reserve, bus link, footpath to Angarrack, however these are considered insufficient to outweigh the negative aspects of retail and highway impact, out of centre location, and harm to biodiversity. As such a recommendation of refusal is made.

2 Site description:

- 2.1 The site is located at the eastern edge of Hayle and extends to 13.89 hectares (ha). The site encompasses a designated County Wildlife Site immediately to the east of the West Cornwall Retail Park and north east of the Hayle Rugby Club. To the south is the Marsh Lane Industrial Estate; to the north is a cluster of development comprised of a MacDonald's takeaway, petrol filling station, Travelodge and a Premier Inn with attached Brewer's Fayre restaurant. To the west is a small lorry park and beyond this is agricultural land.
- 2.2 In terms of the local road network the site is accessed from either Grist Lane, to the south of the site, which leads to the village of Angarrack, approximately 500 meters to the east, or from Marsh Lane which links to the A30 Loggans Moor roundabout to the immediate north west. Marsh Lane also serves the West Cornwall Retail Park and the industrial estate as well as the Rugby Club.
- 2.3 The site itself is greenfield, undeveloped land and generally level, colonised by a variety of scrub vegetation and low trees although part of the south west corner of the site contains a surface layer of tipped material. This tipped material has now been colonised by scrubby vegetation.
- 2.4 The Angarrack stream runs through the northern part of the site and the surrounding land is functional floodplain. The site is bisected west to east with a disused railway embankment which is a relic of the past mining activity. Land to the south of this embankment is mainly in Flood Zone 1 and it is in this part of the site that the proposed supermarket would be located.

3. Retail Context:

- 3.1 This application is for a supermarket (Use Class A1- Retail), and associated facilities including a petrol station, together with a proposed nature reserve which is a compensatory measure to offset the impact of locating a supermarket within a County Wildlife Site and will be discussed further in this report.
- 3.2 The application by Sainsbury & Cranford is one of four distinct supermarket applications in or on the edge of Hayle.

- 3.3 The Penwith Retail Study (PRS) of 2007 identified Hayle as needing a significant improvement in its retail provision to address the significant leakage of retail shopping trips to towns such as Penzance, Camborne, Redruth and Pool and Truro. The 2007 Report advised that such a need could be met by the provision of a supermarket. The recent Cornwall Retail Study (November 2010) reiterates these findings, and will be discussed further in the report.
- 3.4 This application runs concurrently with applications for named operator supermarkets of Asda and Morrison's, the Asda supermarket also requiring the relocation of the Rugby Club. The proposal from ING RED (UK) Ltd does not have a named operator, the intention being to acquire an operator should planning permission be received.

4. Proposal:

- 4.1 The proposal seeks full planning permission for the construction of a supermarket with a gross floor area (total store footprint) of 4983 square metres (sq m) and a net trading area (sales area not including lobby, café or checkouts) of 3042 sq m. Included in the supermarket package would be a 6 pump petrol filling station and kiosk and 337 space car park.
- 4.2 The associated works applied for include:
- Improvements to Loggans Moor A30 roundabout.
 - Improvements to Marsh lane to provide a filter lane, improvements to the existing Retail Park / Rugby Club roundabout and a new roundabout serving the supermarket.
 - Signalised pedestrian crossing to the West Cornwall Retail Park.
 - Footpath to link Angarrack to the supermarket.
 - New bus lay by.
 - Shopper bus link to Hayle.
 - Ecology mitigation and 2.3 ha of compensatory land provided to augment the County Wildlife Site.
 - Dedication of County Wildlife Site to third party control plus contribution towards funding future management
 - New boardwalk, bird hide, bat roosts and visitor interpretation boards on land to north of the disused railway embankment.
 - Commitment to remediate the adjacent lorry park.

5. Environmental Impact Assessment:

- 5.1 Prior to submission of the application the Council provided a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The outcome of this exercise was that an Environmental Impact Assessment was not required.

6. Relevant constraints:

- 6.1 County Wildlife Site.
- 6.2 Grade 2/3a agricultural land.

6.3 Flood Zones 2, 3a and 3b.

7. Relevant planning/enforcement history:

- 7.1 09-1273 –P: Planning application for a supermarket, petrol filling station and associated works. Withdrawn by applicant due to impact on the County Wildlife Site, flood risk, retail policy acceptability and local concern.

8. Relevant local/national/regional policy/guidance:

- 8.1 Regional Spatial Strategy: In May 2010 the Secretary of State (SoS) for Communities and Local Government set out the intention to revoke Regional Strategies and required this intention to be a material consideration in determining applications. On the 6th July 2010 the SoS revoked the Regional Strategies. This was subsequently challenged in the High Court the outcome being that the revocation was deemed unlawful. This decision reinstated Regional Strategies. In response the SoS responded on the 10th November 2010 to reiterate the Government's intention to revoke Spatial Strategies and that this would occur via the Localism Bill which is yet to be enacted. Given this firm commitment by the Government to revoke Regional Spatial Strategies it is considered that although the Draft Regional Spatial Strategy for the South West remains a material consideration, little weight should be given to the policies therein in relation to determining this planning application. As such no further mention will be made to the RSS policies as there are other adopted development plan policies and national policy and guidance which are of greater weight.

8.2 Regional Planning Guidance Note 10 policies:

VIS1 – Promote sustainable development.
VIS2 – Principles for Future Development.
SS18 – Regeneration of main towns, conservation of environment in Cornwall.
SS21 – Development in Coastal towns.
EN1 – Landscape and Biodiversity.
EN3 – Historic Environment.
EN4 – Quality in the Built Environment.
EC6 – Town Centres and Retailing.
Tran 1 – Reducing the Need to Travel.
RE2 – Flood Risk.

8.3 Saved Cornwall Structure Plan policies:

1 – Principles of Sustainable Development.
2 – Character areas, Design and Environmental Protection.
3 – Use of Resources.
11 – The Urban and Rural Economy.
14 – Town Centres and Retailing.
16 – Overall Distribution of Development.
25 – Other Main Towns and Local Centres.
27 – Transport Strategy.
28 – Accessibility.

8.4 **Saved Penwith Local Plan policies:**

ST1 – Plan Strategy.
GD1 – Integration with surroundings.
GD2 – Design and layout of development.
GD4 – Prevention of pollution.
GD5 – Protection of character and amenity of an area from harmful highway works.
CC1 – Protection of the character and appearance of the countryside and coast.
CC8 – Protection of designated wildlife sites.
CC9 – Protected species.
CC12 – Protection of hedgerows and Cornish Hedges.
TV1 – Location of development.
TV16 – Location of major retail development.
TV17 – Location of shopping facilities and protection of town centres.
TV-D – Allocation of land at Hayle Harbour for mixed use redevelopment.
E1 – Sustainable location of employment generating development.
TP5 – Cycling routes.
TP8 – Protection of local character in road improvement schemes.
TP12 – Car parking standards.
CS4 – Flood risk.
CS6 – Disposal of surface water.

8.5 **National Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development.
Planning Policy Statement 4 – Planning for Sustainable Economic Growth.
Planning Policy Statement 9 – Biodiversity and Geological Conservation.
Planning Policy Statement 23 – Planning and Pollution Control.
Planning Policy Statement 25 – Development and Flood Risk.
Planning Policy Guidance 13 – Transport (updated January 2011).

8.6 **Hayle Area Action Plan:**

This document reached the point of being ready for consultation at the preferred Options stage under the auspices of the former Penwith District Council. The change to the new unitary authority halted work on this document. Given the lack of progress beyond the Issues and Options phase any outcomes, although a material consideration it has insignificant weight in determining this application.

9. Summary of Consultations:

9.1 **Hayle Town Council:** Raise a strong objection on the following grounds:-

- a) it runs contrary to national and local policy on the location of retail floorspace in that it utilises an edge-of-town, greenfield site that extends the built-up area of the town into open countryside;
- b) it impacts adversely on nature conservation values by encroaching onto a Cornwall Wildlife Trust site and, in addition, there would be an increased threat to the surrounding area from surface water run-off contaminated by vehicle residues;
- c) it encroaches on the limited green break between Angarrack and Hayle to the extent that the separate identity of the village will be threatened;

- d) the proposed development is of a poor and unimaginative design;
- e) the development will exacerbate existing traffic problems in this location by causing increased congestion: -
 - on the A30 Trunk Road and the approach to the site via Marsh Lane which are already proving incapable of coping with the existing traffic flows;
 - on Marsh Lane through conflicts between the accesses to the proposed development, the West Cornwall Retail Park, Marsh Lane Industrial Estate and traffic to and from Angarrack and
 - in Angarrack as frustrated drivers use the village as a short cut or 'rat-run' to avoid the congestion on the principle approach and
- f) the development is located on an area of marshland and accordingly will have deleterious effect on the ability to absorb surface water in an area which already suffers from periodic flooding problems.

9.2 **Gwinear Gwithian Parish Council:** raise the following issues

- Question the need for another supermarket and suitability of the location.
- Flood concern.
- Urban sprawl towards Angarrack.
- Inability of local road network and A30 roundabout to accommodate additional traffic.
- Creation of additional traffic through Connor Downs and Angarrack to avoid A30 queues.
- A wider view of the surrounding area is needed and issues such as a park and ride scheme for the Towans and other nearby areas, traffic calming for villages such as Connor Downs and the other relevant infrastructure such as schools, doctors and housing are all issues in the wider area.

9.3 **Cornwall Council Historic Environment Service**

Identify that the proposed application is on land recorded by the Cornwall and Scilly Historic Environment Record as being Upland Rough Ground (URG). The Cornwall Landscape Assessment 1994 describes URG as:

'The semi-natural vegetation community is the most immediately visible component but there is also usually a wealth of archaeological remains, many of which may be fairly ephemeral, not making a significant impact on present landscape form. Others do, for instance, hill-top Bronze Age barrows, long post-medieval pasture boundaries, areas of peat cutting, medieval fields and crofts (enclosed and partly improved rough ground) which have reverted through abandonment to rough ground. Survey, excavation and analysis of remains will yield much valuable information, as will palaeo-environmental work, particularly that investigating the ancient pollen preserved in deep bogs.'

They recommend that an archaeological desk based assessment and walk over survey is conducted to provide the Local Planning Authority, the Developer and Historic Environment Advice with the archaeological potential of the site and potential methods for mitigation.

If, however, consent is given they would expect an archaeological recording condition to be included, in the form advised by PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide

9.4 **Highways Agency** – summary of issues raised

- Disagrees with applicants conclusion that the edge of centre sites are unsuitable, considers reasons for discounting sites could be addressed.
- Raise concern that out of centre location has potential to promote longer distance trips which will impact on the strategic road network.
- Consider this an unsustainable location for access on foot and requires further information on bus provision.
- They consider that the access to site from Loggans Moor is at capacity.
- They are concerned by the soundness of the methodology used to describe linked trips.
- Consider that this is an unsustainable location for Hayle residents and a site should be found in-town.
- Requires traffic data used to inform modelling exercise and also requires modelling of St Erth roundabout.

Because of these outstanding issues an Article 25 Direction has been issued preventing the approval of the application at this time.

9.5 **Cornwall Council Highways** – summary of issues raised

- Notes that the Highways Agency Article 25 holding Direction
- Notes the outline planning consent for Hayle Harbour, which if completed in accordance with the outline plans would take up the capacity of the highway network in this area thus not leaving sufficient spare retail capacity to accommodate any other supermarket.
- Questions the applicant's assessment of impact on the double mini roundabout adjacent to the Lidl store. This double mini roundabout may require upgrading.
- Consider that there will be a major impact on the free running of the double mini-roundabout in Carwin Rise based on any food retail development on this or any adjoining site. The consultants for this scheme have suggested that there will be a modal split of 94% to car journeys and this would seem accurate based on the fact that this is considered to be an out of town food retail unit.
- Considers the existing pedestrian links not ideal as restricted in width in places. The acceptability of a continuous link from the local network over the strategic A30 to the local network again requires approval from the Highways Agency which is yet to be given.
- Supports the proposed provision of bus service and improvements to Marsh Lane.
- Raises concern that the number of parking spaces may be inadequate resulting in queues, requires a traffic and parking management strategy.

"In summary and conclusion I can state that this application is not my preferred recommendation to you in as much that the main issues which have not yet been satisfactorily addressed by the applicant's consultants is the an acceptable signalisation of the Loggans Moor roundabout with at-grade pedestrian and cycle crossing facilities of the A30 and the effects of any development on the Marsh Lane site and its additional impact on the double mini-roundabout at Carwin Rise.

Further, in view of the considerations set out at the head of this response, I view this site as being an out of town supermarket reliant on high volumes of car borne trips due to its inaccessibility from the town centres of Hayle when compared with other edge of town applications that are sequentially preferable. I would not wish to offer any recommendation on the approval of this application until such time as the junction improvements have been submitted to and approved by the HA and this Council and in any event until such time as the Highways Agency see fit to lift their direction of non-approval."

9.6 Environment Agency OBJECT to this application for two reasons:

Flood Risk Sequential Test:

They object because the Sequential Test information prepared has demonstrated that there are reasonably available sites with less flood risk on which this development could proceed instead. They therefore recommend that the application should be refused.

The application site lies within Flood Zone 3 defined by Planning Policy Statement 25 (PPS25) as having a high probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. In this instance the evidence provided to indicate that this test has been carried out indicates that there are reasonably available sites at lower flood risk. Developing this site therefore fails to apply the sequential approach advocated in paragraph 14 of PPS25.

Risk to controlled waters:

Secondly they object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

9.7 Natural England:

Natural England does not object to the proposed development and is satisfied the proposals will not affect nearby Sites of Special Scientific Interest. They require that regard is given to the potential presence of protected species.

They welcome the revised ecological compensation proposal detailed in the revised application, but are not convinced that it will compensate for the loss of part of the County Wildlife Site.

9.8 Cornwall Wildlife Trust (5 January 2011)

They welcome provision of the National Vegetation Classification (NVC) survey report and bat survey, but they have not been provided with an assessment of the invertebrate interest of the site.

In summary, they are unable to state with confidence that any compensation will be adequate to offset the damage that this proposal would cause to Marsh Lane Meadows County Wildlife Site. The tall herb fen that would be lost to hardstanding is a rich habitat of at least county value, and they do not feel loss of this habitat is justified. This rich habitat supports an equally rich fauna, with bird populations of at least county interest. As well as being of significant biodiversity interest in its own right, Marsh Lane Meadows also provides an important stepping stone for species utilising the dune habitats and Loggans Moor to the north, and as such is a very valuable contribution to the biodiversity of this area of Cornwall. They therefore object in principle to this development, and advise that it runs contrary to PPS9 and policy cc-8 of the Penwith Local Plan.

9.9 **Cornwall Council – Natural Environment**

Have concerns over the harm to biodiversity that this application will have further damaging the biodiversity interests of this important area. They support the views of the County Wildlife Trust and would wish to see consideration to alternative sites that will have less biodiversity impact.

9.10 **Ramblers Association (Cornwall)** None

9.11 **RSPB** None

9.12 **South West Water** : No objections.

9.13 **Cornwall Fire and Rescue Service:** Access for fire appliances to comply with Building Regulations. Provision of water supply guidance provided.

10. Representations:

10.1 In response to publicity, 59 letters of objection have been received and 8 letters of support.

Summary of objections

- Traffic impact on local road network and trunk road.
- Encroachment of built development towards Angarrack.
- No need for another petrol station.
- Lack of screening.
- Flood risk and surface water drainage.
- Character of area.
- Diversion of trade from Hayle town centres.
- Noise.
- Loss of property value.
- Loss of green-field land.
- Harm to County Wildlife Site.
- Loss of tourist shopping.
- Sufficient supermarkets already present.
- Design of building.
- Not a preferred location for development in the Hayle Plan.
- Alternative sites available.

Summary of support

- Provision of managed nature reserve.
- Provision of green buffer between store and Angarrack.
- Employment.
- Improved shopping choice.
- Less distance to travel.
- Attract people to area.
- Accessible.
- Enhance site.
- Improved traffic capacity.
- No traffic increase through Hayle.

Public Opinion Surveys

10.2 There have been four surveys carried out:

- Hayle Residents Association.
- ING public exhibition.
- Asda public exhibition.
- Asda independent telephone poll.

10.3 Although these surveys are of interest they cannot be accorded significant weight. To place significant weight on those results may leave any decision open to legal challenge.

10.5 The surveys are material considerations and below is a summary of the results showing number of respondents and their preference of store location. The survey and poll questions vary so it is not possible to directly compare and contrast responses.

	Number of Responses	Asda	Actoris Morrison	ING	Sainsbury	None of these
Hayle Residents Association	727	37%	38%	4%	16%	5%
Asda public exhibition	208	95%		3%	6%	Some Responses Selected more than one option.
Asda Independent Telephone poll	1003	47%	19%	5%	16%	5%
	Poll recorded strong support for relocation of Rugby Club to the Carwin Rise site.					

10.7 On a final note relating to the surveys Planning Policy Statement 1 – Delivering Sustainable supplement The Planning System – General Principles notes in the section on Propriety that whilst community views are strong material

consideration, ***"local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid planning reasons"***.

11. Assessment of key planning issues:

Background

- 11.1 The historic development of Hayle is influenced by the presence of competing companies of Harvey's and the Cornish Copper Company located respectively at Harvey's Foundry to the west of the town and Copperhouse to the east. These companies were most active in the 19th century and Hayle's growth can be directly related to the increasing mining activity in Cornwall from the 17th Century. The Cornish Copper Company ceased trading in the late 19th C with Harvey's continuing until the early 20th C. This industrial influence has resulted in the presence of two town centres, Foundry and Copperhouse, both of which remain today and are viable and display good vitality with vacancies of commercial properties below the national average as confirmed by a recent health check carried out by the Council in November 2010.
- 11.2 This application is one of four such applications relating to the provision of a supermarket in/adjoining Hayle, each site is distinct and delivery of development presents differing challenges and policy considerations. As such the following assessment will begin with the principle issue which is the acceptability of providing a supermarket on the Marsh Lane site. The assessment thus begins with PPS4 – Planning for Sustainable Economic Growth (PPS4) and relevant development plan policies relating to retail development.

Penwith Retail Study 2007

- 11.3 Providing background context for the assessment are the Penwith Retail Study (PRS) of 2007 and the recent Cornwall Retail Study (CRS) released in November 2010. The PRS identified Hayle as having significant leakage of expenditure to the extent of about 75% of main food shopping trips and 50 % of top up shopping trips occurring outside Hayle. The main towns benefiting from this are Penzance, Camborne, Pool and Redruth. For comparison shopping the study indicates that Hayle only retains about 10% of expenditure with the surrounding towns and Truro meeting this need. The Study anticipated that the West Cornwall Retail Park (which was not trading at the time of the study) would to an extent address comparison expenditure leakage. The existing Coop and Lidl stores cater mainly for top-up shopping.
- 11.4 The PRS provided a forecast need for retail space set out in the table below. The data is based on the assumption of retention of 70% of convenience expenditure in Hayle

Convenience Floorspace Capacity		
2012	2016	2021
Up to 1500 sqm net	Up to 1600 sqm net	Up to 1750 sqm net
Comparison Floorspace Capacity		
2012	2016	2021
2200 sqm net	2900 sqm net	4000 sqm net

Cornwall Retail Study 2010

- 11.5 This study confirmed that the rate of leakage from Hayle continues at the 2007 levels despite the opening of the West Cornwall Retail Park and an extension to the Lidl between Copperhouse and the Loggans Moor A30 Roundabout. The 2010 Study confirms that the existing deficiency is a significant cause of the current supermarket retailer interest. The Study also recommends that the capacity figures set out in the table above are an "appropriate guide when planning additional convenience floorspace in Hayle" and that a new foodstore can address this need.
- 11.6 In terms of comparison shopping the Study found the situation is little different to 2007 with Hayle's market share remaining low at 10 to 15 %, although this later study does show additional detail that the share for personal (e.g. toiletries, pharmaceutical) and luxury goods (e.g. jewellery, ornaments) is 25%.
- 11.7 Thus, in light of the results of both of the retail studies referred to above, it is evident that there is a need for additional retail provision to serve Hayle. However the net square metres proposed by this application of 2129 sq m of convenience sales area would significantly exceed the predicted 2021 net convenience capacity of 1750 sq m. In terms of net comparison capacity the proposal for 913 sq m equates to the predicted capacity of 4000 sqm in 2021. In effect the proposed Sainsbury would be providing a 2021 sales capacity or greater for convenience shopping at the time of opening which could realistically be by the beginning of 2012.

Principle of development

- 11.8 The principle of creating new retail development in urban areas is accepted by national policy within Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4) where the provision will not harm the viability of existing retail centres, improves economic performance of towns, promotes regeneration, contributes to sustainable patterns of development and reduces the need to travel by private car.

Retail assessment

- 11.9 PPS4 (Planning for Sustainable Economic Growth) superseded PPS6 – (Planning for Town Centres) in December 2009. One of its main effects was to remove the 'needs test' and to promote competition and choice. However within PPS4 there remains a role for local authorities, via evidence based planning, to identify retail needs for local areas. In this case there is an identified need for significant convenience shopping in Hayle to provide a choice for residents other than to travel significant distances to Penzance, Camborne, Pool, Redruth or Truro.
- 11.10 The Council has commissioned GVA Grimley to independently assess the proposed application in light of PPS4 and a copy of the GVA report can be found as an appendix to this agenda.
- 11.11 Having a population in the region of 8000 means that Hayle is classed as a main town by Policy 25 of the Cornwall Structure Plan and this positioning within the hierarchy of centres in Cornwall is reflected in Regional Planning Guidance – South West (RPG) (albeit now having limited weight) which does

not specifically mention Hayle. At Policy 18 the RPG in relation to Cornwall and the Isles of Scilly simply promotes regeneration of towns to serve their populations and rural hinterlands and to conserve or enhance the natural and historic environment. Of more relevance within the RPG is policy VIS1 which promotes sustainable development and a sequential approach to the location of development including the minimisation of greenfield site use and the need to travel. Policy VIS2 of the RPG seeks to redevelop previously developed urban land to relieve pressure on greenfield sites and promotes mixed use development and an efficient use of land. Amongst other aspects the policy also promotes alternative transport to the private car and minimisation of flood risk. RPG policy SS21 seeks to support the regeneration of coastal towns. Policy EC6 of the RPG encourages town centre developments of an appropriate scale to the size and function of the settlement and that the development contributes to regeneration whilst protecting of the viability and vitality of town centres. The sequential approach to locating retail development is required as is the reduction of the need to travel, especially by private car.

- 11.12 The Cornwall Structure Plan at Policies 1 and 16 promotes regeneration of towns to meet the needs of their populations and surrounding area and reduction in the need to travel. Re-use of previously developed land and protection of agricultural land whilst avoiding risk from flooding are aims for development within Policy 3 of the Structure Plan. Policies 11 and 14 of the Structure Plan encourage economic growth in towns via regeneration where vitality and viability are not harmed and the development should be well integrated with the town to minimise car usage and provide convenient access to public transport. Policy 28 promotes accessible locations which encourage walking, cycling and use of public transport and along with Policy 27 seeks to maintain a safe and efficient highway network.
- 11.13 The Penwith Local Plan supports the national and other development plan policies. Policies ST1 and TV1 focus development in the main towns whilst Policy TV16 and TV17 support major retail development in Hayle where the site is accessible without reliance on the use of the private car and contributes to the vitality and viability of the town centres. Policy TV16 only provides for out-of-centre sites where town centre or edge of centre sites have been demonstrated as unsuitable thus is in line with PPS4 in requiring a sequential approach to identifying suitable locations. Within Hayle Proposal TV-D allocates land for mixed –use development. The site is the harbour area and presents significant opportunities for regeneration. Policy E1 supports new employment opportunities in accessible locations.
- 11.14 Penwith Local Plan Proposal TV-D mentioned above is a significant material consideration as this allocates land for development in an edge of centre site. The Proposal area encompasses the harbour area, but of particular note are South Quay and Foundry Yard. These areas are included as part of the wider outline planning permission of 2009 for the mixed use regeneration of Hayle Harbour. There is a concurrent application for an alternative redevelopment of South Quay and Foundry Yard which includes a supermarket, separate retail, restaurant, cinema and residential uses.

The Sequential Test

- 11.15 PPS4 sets out a number of policies against which the application needs to be assessed. Policy EC14 sets out the requirement for a sequential test for

planning applications for main town centre uses to be submitted. Policy EC16 requires an impact assessment for applications with a gross floor space over 2500 square metres (sqm) where the development is outside a town centre and not in accordance with an up-to-date development plan. Thus the proposal for an out of centre Sainsbury supermarket with a gross floor space of 4983sqm triggers a sequential assessment and an impact assessment.

- 11.16 Policy EC15 of PPS4 requires the local planning authority to take a sequential approach to assessing the supermarket application. Part of this assessment is to ensure that sites are available, suitable and viable. The sequentially preferable site is within a town centre, then edge of centre sites which are or can be well connected to the centre and finally out of centre sites. Developers are required to demonstrate flexibility in assessing site suitability, for example, reducing the footprint, car parking or using innovative site layouts to enable sequentially preferable sites to be used. It is not acceptable for a developer to discount a sequentially preferable site simply because the site does not meet the developer's store format.
- 11.17 The applicant has identified alternative sites as part of their sequential assessment at the North Quay, R&J Supplies and Loggans Moor. The applicant has discounted them for a variety of reasons. They consider that the R&J site is too small to accommodate a supermarket of a scale to meet the identified need to retain trips in Hayle. They considered that the remaining three sites are out of centre thus are sequentially equal to the Marsh Lane site in terms of PPS4.
- 11.18 Other alternative proposals on South Quay, Jewsons and the Rugby Club at Marsh Lane have been discussed in detail in relation to the associated planning applications which form part of this Strategic Planning Committee Agenda.
- 11.19 The site subject of this application is sequentially least acceptable and therefore it follows that this site only be considered if none of the other sites are felt acceptable. However, given the officer recommendations regarding the other potential sites this proposed site is considered to be unacceptable in relation to the sequential test.

Impact Assessment

- 11.20 Policy EC16 of PPS4 requires an impact assessment of the proposed supermarket. GVA Grimley has advised that the proposed supermarket would harm delivery of the Hayle Harbour regeneration.
- 11.21 GVA also find that the proposal would divert a minimum of £2.5m from the Co-op, £1.2m from Lidl, £0.6m from Marks and Spencer and £0.2m from other convenience stores in Hayle. This is significantly higher than the applicant's prediction of a diversion of £1.0m from the Co-op and £0.1m from the town centre convenience trade. GVA consider it not unreasonable to estimate the trade diversion from the Co-op to be in the order of 29% to 41%. Should the Sainsbury trade at a level closer to that of the proposed ASDA with its smaller trading area then the impact could rise to a diversion of 35% to 41% for the Co-op and 14% to 20% for the town centre convenience stores. GVA do not consider this an unreasonable assessment given the size of the Sainsbury and Asda stores and their location adjacent to the A30. These impact levels are higher than the impact ranges for the edge of centre supermarket proposals.

- 11.22 This impact is balanced against the potential to retain shoppers within Hayle rather than expenditure leaking to stores in other towns. The proposal also improves opportunities for linked trips to the West Cornwall Retail Park but to a lesser extent to Foundry and Copperhouse given the distance between the proposed store and the town centres and the limited attractiveness of the pedestrian route. The potential for linked trips by walking, cycling and bus is not considered to be of a level that would overcome harm from trade diversion and there is no robust information to demonstrate otherwise.
- 11.23 There is potential to reinforce the West Cornwall Retail Park in combination with the proposed Sainsbury supermarket as a retail destination in its own right creating a third "centre" for Hayle. The proposal will widen choice and reduce the distances travelled by Hayle residents. However this has to be tempered with the fact that there are alternative available sites closer to the Foundry centre, which would complement and enhance the existing town centre retail offer.
- 11.24 GVA consider that the levels of trade diversion are significant and likely to remove shopping trips from Hayle's centres to an extent that it is reasonable to conclude that there will be an adverse impact on the vitality and viability of these centres.
- 11.25 GVA assess the diversion of comparison goods from Hayle's centres will be around £0.5 producing an 13% impact based on 2014 turnover levels for comparison goods.
- 11.26 The overall assessed impact is between 26% and 31% of all retail expenditure will be diverted to the proposed Sainsbury store. Should the outline permission for the harbour regeneration be delivered then the permitted retail element of this may further add to trade diversion from the centres.
- 11.27 GVA also note that the proposed net floor area is greater than the size identified in the Cornwall Retail study to meet the need in Hayle and as such is out of scale with the available local expenditure capacity. The proposed store is also expected to draw customers from a wider area resulting in new trips over long distances.
- 11.28 The site is accessible on foot via an existing pedestrian bridge which is not Disability Discrimination Act compliant. The applicant has proposed an at grade pedestrian crossing as part of the wider improvements including signalisation of the Loggans Moor roundabout. This will permit easier access on foot or by cycle as will the proposed shuttle bus to be provided as part of the S106 agreement. Be this as it may, the current town centres provide a top-up shopping facility thus it is questioned how effective the non-car borne options will be for those making the weekly main food shopping trip.
- 11.29 Policy EC10 sets out a number of other aspects against which the application should be tested. These relate to CO2 emissions and climate change, accessibility, design, impact on economic and physical regeneration and employment.
- 11.30 The proposed development would meet the BREEAM rating of Very Good and is sited to ensure the store will not be vulnerable to flooding. The provision of the store would reduce the length of trips made thus reducing the carbon emissions

and encourage linked trips to the West Cornwall Retail Park. The proposal meets the requirements of PPS 4 in this respect. However of less certainty will be the net benefit as there is potential to create new longer distance trips as noted above.

- 11.31 The site is accessible to a range of modes of transport, however the distance from the existing town centres means that it is unlikely to be as attractive as an edge of centre site for pedestrians or cyclists. As such it is considered that there are sequentially preferable sites which provide better linkages to at least the Foundry centre as well as to a greater number of residential areas in Hayle.
- 11.32 The design is modest and somewhat uninspiring but would not be visually intrusive and is in keeping with the surrounding built form which is dominated by large scale retail, commercial and industrial buildings. The impact on regeneration has been discussed above.
- 11.33 In terms of employment the proposal would provide 60 full time and 210 part time jobs which is on a par with the other supermarket proposals in Hayle. This benefit needs to be balanced against the potential for job losses within the town centres.
- 11.34 In summary it is considered that the proposal fails to address the sequential test set out in PPS4. The proposal is for an out of centre site and it is considered that there are two sequentially preferable edge of centre sites at South Quay and Jewson. Neither of these sites has been clearly demonstrated to be unavailable, unsuitable or unviable thus at this time the sites remain in contention. The proposal thus fails to meet the aims of PPS4 policies EC14, EC15 and EC17 as well as being contrary to Cornwall Structure Plan 11 and 14 and Penwith Local Plan policies TV16 and TV17 in relation to the sequential approach to locating retail development. The proposals will have a significant impact on the viability and vitality of the Copperhouse and Foundry town centres due to the diversion of trade and footfall away from these centres. The location of the proposal will also make linked trips to the town centres less convenient than an edge of centre site thus will not contribute to the overall viability and vitality of the existing town centres. Policy EC17 of PPS 4 states that where there are significant adverse impacts identified under the impact assessment required by policy EC16 then permission should be refused. This approach is reflected in Cornwall Structure Plan policy 14 and Penwith Local Plan policy TV16 which seek to protect the vitality and viability of towns. As such it is recommended that the above policy failures constitute a reason for refusal of this application.
- 11.35 It is considered that there are alternative sequentially preferable sites available which are also previously developed the proposal to develop this greenfield site is considered to be contrary to Cornwall Structure Plan policy 3, RPG policy VIS2 and Penwith Local Plan policy TV1 which promote the re-use of previously developed land in urban areas. This constitutes a reason for refusal.

Flood Risk

- 11.36 The site layout has regard to the fact the land to the north of the disused railway viaduct is comprised mainly of Flood Zones 3a and 3b, 3b is functional floodplain. The majority of the store site is at the southern part within Flood Zone 1 and is not at risk of flooding. A significant section of the pedestrian

route linking to the West Cornwall Retail Park is within Flood Zone 2, whilst just a small proportion of the necessary highway works are within Flood Zone 2. The mapped extent of Flood Zone 2 is close to the proposed store, car park and filling station. Planning Policy Statement 25 – Development and Flood Risk (PPS25) classes the proposed uses as less vulnerable which are acceptable in Flood Zones 2 and 3a subject to there being no sequentially preferable sites in a lower flood classification available.

- 11.37 The applicant has carried out a sequential test in accordance with the requirement within PPS25 to identify sites of lower flood risk. It is considered that the submitted sequential test is not robust in discounting alternative sites and this is in line with the Environment agency objection that there are sites of a lower flood risk available. The submitted sequential test identifies the Hayle Rugby Club site and Jewson as having a lesser flood risk but discounts these on the grounds that the Rugby Club site is not available for development and would require relocation of this sports facility to free up the site requiring an approval of a separate planning application which adds uncertainty. Jewson is discounted as it is simply too small to accommodate the proposed Sainsbury store. It is worth noting that unlike PPS4, PPS25 does not require the developer to demonstrate flexibility in the store model. As such it is correct to discount Jewson purely in terms of PPS25. Given that there are concurrent applications for an Asda store on the Rugby Club site and that there is also an application to relocate the Rugby Club it is considered that the Rugby Club site is available, suitable and viable. Attempts to discount the site on matters which may result in refusal of permission is not an acceptable approach. That the Rugby Club site is or is not an appropriate location for a supermarket, along with the relocation site for the Rugby Club is a matter for the Council to decide. Should a particular competing site not be granted permission then sequentially less preferable sites in flood zones of higher risk may be considered.
- 11.38 The submitted sequential test also discounts South Quay which although has a greater area within Flood Zones 2 and 3 does benefit from having passed the sequential test for the Outline Planning Application (OPA) for the harbour regeneration. South Quay is part of a wider area allocated for development in the Penwith Local Plan, regeneration benefits and the ability to mitigate against flooding have resulted in agreement from the Environment Agency that the South Quay site is acceptable for development. A proposal for a supermarket on South Quay such as the concurrent application by ING will also deliver regeneration benefits but with a lower number of residential units and individual shops thus presents a lower level of overall risk than that accepted for the OPA. No sequential test has been carried out by the applicant for the South Quay site or South Quay in combination with Jewson. This is on the basis that South Quay is sequentially less preferable due to the greater level of land within Flood Zones 2 and land within Flood Zone 3. This is not a robust approach and fails to address the material consideration of the extant permission.
- 11.39 Other sites identified are sequentially less preferable having a greater extent of land within Zones 2 and 3 and do not benefit from any extant permission. These sites have been correctly discounted.
- 11.40 Given the above it is considered that the applicant has failed to correctly apply the sequential test and that at this time there are alternative sites which present a lesser flood risk or have significant regeneration benefits and have already been accepted by the Environment Agency as having passed the

sequential test. As such the proposed site is considered to fail the sequential test and that the proposal conflicts with the objective of PPS 25 to direct development to areas of least flood risk. The proposal thus also conflicts with RPG policy RE2, Cornwall Structure Plan policy 3 and Penwith Local Plan policy CS4. This constitutes a reason for refusal.

- 11.41 However it should be noted that the level of flood risk attached to locating the store in this location would not be recommended as a reason for refusal should other sites at lesser risk be discounted on grounds other than flood risk.
- 11.42 The proposal would present a significant area of impermeable surface arising from the car park, highway works and the store itself. A Sustainable Urban Drainage system (SUD) is proposed to capture surface water and store this in geocellular storage units under the car park. These units would act as attenuation releasing stored water in the manner of a soakaway. Modelling carried out by the applicant has shown that this is a reasonable route to take in preventing an increase in off-site flood risk. PPS 25 requires that development does not increase flood risk elsewhere, it is considered that the proposed SUDs scheme will achieve this objective and accords with PPS 25 as well as policies CS4 and CS6 of the Penwith Local Plan where it relates to reduction of flood water storage capacity. The proposals will not impact on the storage capacity of the functional floodplain to the north of the site.
- 11.43 The Environment Agency have objected due to there being insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. It is considered that this objection could be overcome by the imposition of a planning condition to meet the requirements of PPS23 – Planning and Pollution Control and Penwith Local Plan policy GD4 in relation to prevention of water pollution, and as such is not considered to justify a reason for refusal.

Ecology

- 11.44 The proposed store as noted above would be sited within a County Wildlife Site (CWS). Cornwall Wildlife Trust has raised an objection – *"proposal will cause significant harm to biodiversity conservation interests"*, and requires the planning authority to be satisfied that there are no other sites available in Hayle of lower ecological value which would accommodate a supermarket. Natural England raises no objection in relation to the SSSI which is to the north and on the opposite side of the A30. They do, however, note that regard must be had to the potential presence protected species and express doubt that the proposed compensatory land will adequately balance the loss of part of the CWS which Natural England estimate to be a 20% reduction. Cornwall Wildlife Trust are not confident that the loss of an important tall herb fen habitat can be adequately compensated and its loss will result in a reduction in particular fauna species within this habitat. Taking into account the compensatory land and the potential to manage the site Cornwall Wildlife Trust acknowledges the potential for an overall neutral biodiversity impact. Cornwall Wildlife Trust (CWT) have requested further surveys and with the exception of the bat survey, these have been submitted and Natural England and the Cornwall Wildlife Trust have accepted the findings and raised no further concern or objection.

- 11.45 The applicant has proposed as part of the S106 package to transfer the remainder of the CWS to a Community Trust including local residents and the Town Council and to make a financial contribution towards ongoing management. Originally the land had been offered to Cornwall Council but was declined following discussion with the Council's Natural Environment service on financial grounds. The site has also been offered to the CWT but their financial requirement for management is considered excessive by the applicant hence the offer to a community trust. In addition the applicant has acquired the adjacent lorry park which would be remediated and an additional 2.3 ha of land adjacent to the CWS which would be transferred to the Trust as part of the direct compensation for the land lost to the supermarket development. The overall result would result in a gain in size of the CWS of 0.56ha. Remediation of the lorry park would be a positive impact in terms of visual amenity as well as removal of contaminated material and the prevention of the potential for spillage of pollutants.
- 11.46 The application also proposes to introduce boardwalks and bird hides and interpretation boards to the wildlife site and visitor parking at the remediated lorry park. As the proposal is now to pass the remaining land and compensatory land to a Trust the outcomes proposed for the nature reserve are less certain as the Trust may decide that there should be no public access to the site in order to minimise disturbance. This possibility is not considered to significantly detract from the overall proposal as the significant gain due to the introduction of management remains. The site could still provide educational value without the need for visitors to wander through the site.
- 11.47 Attractive as the proposal to hand over the County Wildlife Site land may be, the site is in no danger of further development beyond that of the supermarket as the majority is Flood Zone 3a and functional floodplain which effectively preclude built development. As such there is no existing need for the CWS to be protected.
- 11.48 As discussed above there are sites which are sequentially preferable in terms of retail, regeneration and flood risk policy and are of a lesser ecological value. A key objective of PPS9 is that planning decisions should be to prevent harm to biodiversity interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused. It is considered that the proposal for a supermarket fails at the first hurdle in that it has not been clearly demonstrated by the applicant that the development could reasonably be located elsewhere.
- 11.49 The proposal will harm the biodiversity interest of a County Wildlife Site and thus conflicts with the aims of PPS9 as well as policies 1 and 2 of the Cornwall Structure Plan, policy EN1 of the Regional Planning Guidance and Penwith Local Plan policy CC8. This constitutes a reason for refusal. However, should alternative sites be discounted then it is considered that the harm to the CWS

may be adequately mitigated and compensated for to result in a neutral biodiversity impact.

Design

- 11.50 As noted above in the retail impact assessment the proposed store would be of a modest design. The building is to be set to the eastern part of the site with the front of the building facing west towards the Retail Park. The car park and filling station are to be between the store and the Retail Park with a pedestrian route at the north boundary of the store site. The pedestrian route would link to the Retail Park via a controlled pedestrian crossing over Marsh Lane.
- 11.51 Site levels are lower than Marsh lane where it passes the supermarket building thus the supermarket will sit into the site and this will assist in mitigating its bulk when viewed from Marsh Lane. The exterior is to be clad in grey metal panels with a substantial use of glazing to the front of the store. The south elevation facing Marsh Lane would have a high level band of glazing which to an extent breaks up what is an otherwise monotonous elevation.
- 11.52 The character of the adjacent built form is set by the industrial units at the estate on the opposite side of Marsh Lane and the rear of the West Cornwall Retail Park which presents a blank delivery area façade to Marsh Lane. The site is screened from the A30 and by the nature reserve to the north. The roof of the building would be visible from the road to Connor Downs but it is considered that this will integrate with the industrial estate which is at a higher level and more readily visible. Thus most significant visual impact is limited to close views. Once past the supermarket the land becomes agricultural in character providing a green buffer before reaching the village of Angarrack. The supermarket and village would not be mutually visible thus the proposal will have little adverse impact on the character of this village. Given the presence of two car sales showrooms at the industrial estate and estate roads dominated by on street parking the proposed car park will not be incongruous in this setting. Whilst the proposed design is uninspired it does integrate with its surroundings in terms of scale, materials, design and layout thus presents basic compliance with Penwith Local Plan policies GD1 and GD2, Cornwall Structure Plan policies 1 and 2, and RPG policy EN4. The proposal takes no opportunity to improve the character of the area as required by PPS1 – Delivering Sustainable Development, however it is considered that refusal on the grounds of design would be difficult to sustain at appeal given the character of the surrounding built form and the lack of visual prominence.
- 11.53 Overall, the design and materials are acceptable for this location given the limited visual impact and adjacent built form and land uses.

Highways and accessibility

- 11.54 The Highways Agency (HA) has issued an Article 25 Direction, at the time of writing this report the Direction was still in force. The Article 25 Direction has the effect of preventing the Council from issuing a planning permission until such time as the HA has either is satisfied that the proposed works to the strategic road network (A30) will accommodate the increase in traffic activity. Should the HA concerns not be overcome then they can recommend that permission is refused. The Direction does not prevent the Council from refusing the application on grounds other than adverse impact to the A30.

- 11.55 Concern has been expressed by residents of Angarrack that there will be an increase in traffic through the village. Cornwall Highways advise that this is dependent upon the highways improvements to the Loggans Moor roundabout and that the double mini roundabout at Carwing Rise does not cause queues. Should the local and strategic routes become congested despite improvements then Cornwall Highways consider there to be a likelihood that additional traffic would pass through Angarrack to access the new supermarket. Highways advise that the roads through and to Angarrack are not suitable for any significant uplift in traffic and there would a risk of reduction in the safety of highway users, including pedestrians on roads without footpaths. The proposal does include a footpath link from the supermarket to the village which is positive outcome for the scheme. However significant concern remains that the overall proposal may harm the local road network safety elsewhere thus conflicts with Penwith Local Plan policy GD2 and Cornwall Structure Plan policy 28 in terms of enabling a safe and convenient walking routes.
- 11.56 The proposed improvements to the Loggans Moor roundabout include a signal controlled pedestrian and cycle crossing to complement the existing pedestrian bridge. This improves cycle and pedestrian accessibility as well as catering for disabled persons unable to use the footbridge which is not provided with a ramp access. This aspect also complies with Penwith Local Plan policy GD2 and Cornwall Structure Plan policy 28.
- 11.57 A new bus stop will be provided and bus turning area.
- 11.58 Cornwall Highways have raised concerns that the applicant has not correctly addressed the impact on the double mini roundabout adjacent to the Lidl supermarket. Exceedance of capacity of this roundabout could lead to queues onto the A30 as well as on the arms of the roundabouts. Concern has also been raised that the existing footpath access to the bridge over the A30 and potential at grade proposed crossings at the Loggans Moor roundabout are not adequate for additional use and conflicts could arise between cycle and pedestrian use given the width of the footpaths.
- 11.59 The supermarket proposal provides alternatives modes of travel to the private car. However, the alternative edge of centre sites are closer to a wider population and are better located to encourage non-car borne modes of access than the out of centre sites.

Heritage

- 11.60 There are no significant heritage assets on or under the site, however a condition is recommended to require a Written Scheme of Investigation prior to development commencing to ensure that any sub-surface archaeology is recorded.

Other material considerations

- 11.61 A number of concerns have been raised in public representations. It is not intended to revisit concerns which have been considered in previous sections but this section considers those points not already covered in the report. The Officers response is set out in italics.
- 11.62 Encroachment of built development towards Angarrack.

It is considered that the proposed supermarket is development on greenfield land thus only acceptable where no other sites are available. Given the need for a supermarket in Hayle to provide choice and reduce the distance travelled to other supermarkets it is considered that the benefits outweigh any harm from the extension of the built environment. Should a supermarket be permitted on this site then there will remain sufficient green buffer between Angarrack and the supermarket to prevent any significant harm to the Character of the village.

11.63 No need for another petrol station.

PPS4 encourages competition and choice and removes the need test.

11.64 Lack of screening.

The site is low lying and relatively well screened from all but close views. The site will integrate with the adjacent industrial and retail buildings.

11.65 Flood risk and surface water drainage.

Whilst the development presents no flood risk to visitors and will not create additional flood risk off-site it does fail the sequential test set out in the report above.

11.66 Character of area.

The character of the area within which the supermarket would be located is set by the adjacent uses thus no significant harm will occur.

11.67 Noise.

The site is of sufficient distance from residential units not to cause any unacceptable level of noise.

11.68 Loss of property value.

This is not a matter that can be taken into account in reaching a planning decision.

11.69 Loss of green-field land.

See above comment. Also should the preferable sites be discounted then the benefits to Hayle residents will outweigh the loss of greenfield land.

11.70 Loss of tourist shopping in Hayle.

The location on the A30 is likely to attract passing trade and tourist trade thus reducing spend within Hayle town centres.

12. Conclusion

- 12.1 The proposed location is considered to fail the sequential test for new retail uses especially as there are alternative edge of centre sites potentially available. The scale of the supermarket is such that it is assessed as being likely to significantly harm the vitality and viability of Hayle's town centres. There are also concerns raised regarding the increased traffic and the implications of this on the free flow and safety of traffic using the highway network. These issues together with the concerns expressed regarding flood risk and biodiversity as fully detailed in the refusal reasons set out below weigh heavily against the proposed development to an extent where it is considered to represent a significant conflict with planning policy. Thus, in the absence of any significant material considerations which would weigh in favour of the development, refusal is recommended.

Recommendation: Refusal for the following reasons
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1. The proposal is in an out of centre site as defined by Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4). There are sequentially preferable sites in edge of centre locations which are potentially viable, suitable and available for development of a supermarket. The proposal thus fails to comply with the requirements of the sequential approach set out in PPS4 policy EC15 and should be refused in accordance with policy EC17.1 (a) of PPS4. The proposal also is contrary to Regional Planning Guidance South West policy EC6 which requires a sequential approach to location of retail development, Cornwall Structure Plan policy 11 which prioritises regeneration of urban areas and town centres and policy 14 which gives priority to the improvement and enhancement of town centres and requires retail development to be in or adjoining town centres where they can help sustain the centre's viability and vitality, contribute to the town centre environment in an accessible location. The proposal is contrary to Penwith Local Plan policy TV16 which requires major retail development in town centres or edge of centre sites where no town centre sites exist. Policy TV16 does not permit out of centre development until all town centre and edge of centre sites have been demonstrated to be unsuitable.
2. The scale of the proposed supermarket in terms of net floor trading area will result in a significant diversion of trade from the Foundry and Copperhouse town centres of Hayle with a consequential significant adverse impact on the viability and vitality of the town centres. The advantage to local consumers of increased choice and competition is not considered to outweigh the harmful impact of the proposal on town centre vitality and viability. The proposed location is distant from the town centres and will not encourage linked trips, especially those trips made on foot or cycle when compared to edge of centre sites as such the proposal will fail to support the existing town centres. Furthermore the proposed location will encourage linked trips to the West Cornwall Retail Park further discouraging linked trips with the town centres. The proposal should be refused in accordance with policy EC17.1 (b) of Planning Policy Statement 4. The proposal is contrary to Regional Planning Guidance policy EC6, Cornwall Structure Plan policy 14 and Penwith Local Plan policies TV16 and TV17 which protect the viability and vitality of Town Centres.
3. Whilst the proposal will result in a reduction in the length of trips made by Hayle residents to undertake their main food shopping, the applicant has failed to demonstrate that the proposal will not generate lengthy additional trips drawn from new trade outside the primary catchment area. The stores location adjacent to the West Cornwall Retail Park will increase the attractiveness of the site as a retail destination in its own right that will increase the use of the local and strategic road network to the detriment of the operation of those networks and increase the use of private car borne transport contrary to the sustainability aims set out in the Key Principle (ii) of Planning Policy Statement 1 – Delivering Sustainable Development.
4. The proposed site fails the sequential test set out in Planning Policy Statement 25 – Development and Flood Risk which directs development towards areas of least flood risk. The applicant has failed to demonstrate that the identified alternative sites that present a lesser flood risk and are not suitable, available or viable. The proposal thus fails to accord with the advice within Planning Policy

Statement 25 and is contrary to Regional Planning Guidance – South West policy RE2, Cornwall Structure Plan policy 3 and Penwith Local plan policy CS4.

5. The proposal would be site within a County Wildlife Site and would have a significant harmful impact on biodiversity conservation interests within the site. The proposal thus conflicts with Planning Policy Statement 9 which seeks to preserve biodiversity. The applicant has not robustly demonstrated that there are no other sites of lesser biodiversity interest where location of a supermarket would have less harm. As such the proposed compensation and mitigation measures do not make the proposal acceptable. The proposal is thus contrary to regional Planning Guidance – South West policy EN1 and Cornwall Structure Plan policy 1 and 2 as well as conflicting with Penwith Local Plan policy CC8.
6. The proposal has failed to demonstrate that the supermarket development will not harm the safe and efficient operation of the Strategic Road Network. Nor has it been demonstrated that there would be no harmful effect on the capacity of the double mini roundabout at Carwin Rise to the west of the Loggans Moor A30 roundabout. As such the proposal has not been robustly shown to maintain or enhance the existing level of local and strategic road network highway safety for all users or capacity to efficiently provide for the movement of vehicles. The proposal is therefore contrary to Regional Planning Guidance policy VIS2, Cornwall Structure Plan policies 27 and 28 and Penwith Local Plan policy GD2(v) and advice within Planning Policy Guidance Note 13.
7. The proposal would result in the development of greenfield land on the edge of the urban environment and constitutes an extension of the built form into the countryside. The applicant has not robustly demonstrated that there are no previously developed alternative sites in town available which would meet the need for a supermarket. The proposal is thus contrary to Regional Planning Guidance – South West policy Vis 2, Cornwall Structure Plan policy 3 and Penwith Local Plan policy TV1 and fails to have sufficient regard to addressing Proposal TV-D.

