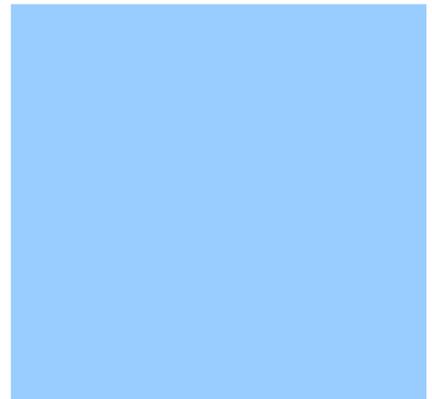


RPS

Planning Statement

Proposed Mixed Use Development on Hayle RFC Site, Marsh Lane, Hayle
Prepared On Behalf Of Asda Stores Ltd



Quality Management

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1 Introduction

Purpose

- 1.1 This Planning Statement has been prepared by RPS Planning and Development, on behalf of Asda Stores Ltd, in connection with a full planning application for a mixed development of Class A1 retail and Class B1 business uses on Hayle RFC's sports ground at Memorial Park, Marsh Lane, Hayle.
- 1.2 The purpose of this Statement is to describe the application proposal and to broadly evaluate its merits in relation to adopted local and national policy, as well as considering the wider planning policy and economic considerations relevant to the application site.
- 1.3 The Statement should be read in conjunction with by a range of other documents accompanying the planning application, including the following:
- Design and Access Statement;
 - Retail Assessment;
 - Transport Assessment;
 - Flood Risk Assessment;
 - Noise Assessment;
 - Ecological Report;
 - Archaeological and Cultural Heritage Assessment;
 - Preliminary Geo-Technical and Environmental Assessment Report;
 - Statement of Community Involvement.

The Proposed Development

- 1.4 The development proposals seek full planning permission for demolition of the existing structures on the site and the erection of a 5,529sq m gross (2,787sq m net) superstore with associated petrol filling station, car parking and servicing arrangements, together with eight Class B1/B2 business/industrial units totalling 1,573sq m. The new foodstore will be operated by Asda and provided in a modern building comprising a single trading floor, located towards the southern end of the site. A surface car park providing 381 spaces (including 19 disabled and 18 for parent & child) will be laid out to the north of the store with a pedestrian link provided through to the existing West Cornwall Shopping Park that is located immediately to the north. A petrol filling station (PFS) is proposed as part of the scheme and will be sited at the northern end of the car park alongside the access road. To the south of the Asda eight Class B1/B2 units will be provided, served by their own car park with 61 spaces. The

development will be accessed off the Marsh Lane roundabout the same as the existing rugby club and the West Cornwall Shopping Park, with a new traffic island to be provided within the site to allow traffic to either continue straight on to the business units or right to the store car park and PFS.

- 1.5 The development will require the relocation of the rugby club to a new site. This is the subject of a separate application by Walker Developments Ltd, which proposes the development of a new sports ground and clubhouse on land off Carwin Rise, south of the A30 and only 500 metres away from the existing rugby club at Memorial Park.

Report Structure

- 1.6 The structure of this statement is as follows:

- Section 2: Details the character and context of the application site in relation to the wider town of Hayle; the neighbouring uses; planning policy designations; access and the site constraints/features;
- Section 3: Sets out the justification for the proposed development in relation to prevailing planning policies; the identified need for a new foodstore and the surrounding land uses and site context;
- Section 4: Summarises the retail policy issues and the developments compliance with PPS4 policies;
- Section 5: Summarises the transportation issues, including impact on travel patterns; the site access and parking;
- Section 6: Summarises sustainable development and design considerations;
- Section 7: Summarises the potential effect on ecology and nature conservation;
- Section 8: Summarises the relationship of the development to archaeology and heritage issues;
- Section 9: Summarises the flood risk considerations;
- Section 10: Summarises the potential impact of the development in terms of noise;
- Section 11: Summarises the findings of the geo-environmental investigation re land contamination;
- Section 12: Sets out our conclusions.

2 Site Location and Description

Hayle

- 2.1 Hayle is located within west Cornwall, on the northern coast, and was one of the principal towns within the former Penwith District. It is located along the A30 trunk road that runs down through Cornwall from Launceston, through Bodmin, Camborne, Hayle and on to Penzance on the south coast.
- 2.2 The county of Cornwall, together with neighbouring West Devon, has historically been an important area for the mining of non-ferrous metals, in particular copper and tin, and was a key driver of the industrial revolution, providing technological developments in the fields of engines, engine houses and mining equipment that were exported around the world. At one time the area produced two-thirds of the world's supply of copper, with the Port of Hayle playing a particularly important role importing coal, timber and other materials for the mines and exporting hundreds of thousands of tons of copper ore for smelting. In addition the town contained two of the largest foundries in the country: the Cornwall Copper Company based beside the estuary at Copperhouse, and Harvey & Company based beside the railway line at Foundry. The importance of the area to world history has been recognised through its designation by UNESCO as a World Heritage Site.
- 2.3 The two foundries at Copperhouse and Foundry developed into twin settlements connected by the harbour and quayside, but in time coalesced into a single linear settlement with no particular focus other than the harbourside. Both foundries closed in the early part of the 20th century although the town continued as an important port and industrial centre until after World War 2. Today it suffers from economic and social deprivation, with the main 'industry' being tourism. However as stated in the draft Hayle Area Action Plan, despite the demolition of the Copperhouse Foundry and key elements of Harvey's, the historic industrial town and port is largely intact, with extensive quays and wharves and a number of historic structures connected with the industrial activity at Foundry and Copperhouse. The principal surviving historic fabric of the largest fully integrated mining, port and steam engine manufacturing centre in Britain still survives and is of considerable historical significance, which is why the Port of Hayle is included within the Cornwall and West Devon Mining Landscape World Heritage Site.
- 2.4 The former District Council had long recognised a need to arrest Hayle's decline and identified the most significant opportunity to improve both the environment and economy of the town as lying in the regeneration of the harbour area. In 2004 the Penwith Local Plan therefore allocated the harbourside for mixed-use development, although with the proviso that it should be heritage-led with redevelopment proposals respecting the special character of the area and providing for the retention of structures and features that provide the historical context of the harbour. Subsequent to that, the port's owners ING have been granted outline planning permission for a comprehensive development that broadly accords with the Local Plan's policy requirements. The approved masterplan includes small scale retail units but no large format superstore.

- 2.5 Following on from the Local Plan the Council commissioned the Penwith Retail Study in 2007, as background for the preparation of a new Local Development Plan. This Study assessed, inter alia, current food and non-food shopping patterns; the vitality and viability of existing centres and the need for additional floorspace. In respect of Hayle it identified that the town has the smallest level of retail and service provision in the District, dominated by local independent operators. A significant proportion of local expenditure is identified as being lost to other centres and the recommendation was to pursue a revised market share approach, providing a new foodstore to clawback expenditure to the town. The harbour areas were suggested as being the most appropriate locations, although their sequential assessment makes no mention of the considerable constraints imposed by the World Heritage Site listing. That area also has an extant planning permission for a comprehensive development that does not include a superstore: the identified need for such a store therefore remains unmet.
- 2.6 Given the constraints imposed on any development in the harbourside area (demonstrated by the opposition to a foodstore application submitted by ING on South Quay), which must protect the outstanding universal value of the World Heritage Site (WHS), the next best alternative to accommodate a large format foodstore is the application site on the Hayle rugby club at Marsh Lane. The suitability of this site in terms of retail planning policies is detailed in the retail assessment submitted with Asda's planning application. The Asda scheme would meet the identified need for a new store in Hayle without impacting on the character or appearance of the WHS, and would be sited adjacent to the West Cornwall Shopping Park, an established retail destination, allowing for linked shopping trips.

Site Location and Surrounding Area

- 2.7 The application site is 3.93 hectares in size and lies between the A30 and the Hayle Industrial Park, on the eastern side of the urban area. The majority of the site comprises sports pitches used for training and match days by Hayle RFC; there is a clubhouse and areas of hardstanding on the north-eastern side of the site.
- 2.8 The main clubhouse building that currently occupies the site is of no architectural merit and is semi-industrial in appearance.
- 2.9 To the east the site is bounded by the rear of properties on the Hayle Industrial Park, predominantly car showrooms. Further east beyond the industrial area lies an area of open countryside and then the village of Angarrack.
- 2.10 To the west, the site is bounded by the A30 trunk road beyond which lies the main urban area of Hayle, comprising predominantly housing.
- 2.11 To the north lies the West Cornwall Shopping Park, which is accessed off the same roundabout on Marsh Lane as the application site. It contains Boots, Next, Marks & Spencer and Costa Coffee.
- 2.12 To the south lies a small area of trees beyond which runs Nanpusker Road, the railway line and then open countryside.
- 2.13 The area is commercial in nature, with the West Cornwall Shopping Park located immediately to the north of the site and a number of car dealerships to the east in the Hayle Industrial Park.

Site Access and Accessibility

- 2.14 The existing rugby ground is currently accessed off a four-arm roundabout on Marsh Lane that was designed to accommodate traffic in and out of the adjoining West Cornwall Shopping Park. The west arm off the roundabout provides access into the West Cornwall Shopping Park. Marsh Lane runs from the east arm on to the village of Angarrack to the east of Hayle; a short distance along from the roundabout there is an access road into the Hayle Industrial Park, which lies to the south of Marsh Lane and immediately east of the application site. The southern arm of the roundabout provides direct access in to the rugby ground and Marsh Lane runs from the northern arm up to the A30 Loggans Moor roundabout.
- 2.15 The surrounding area is commercial in nature, with the West Cornwall Shopping Park located immediately to the north of the application site and several car dealerships on the industrial park to the east. On Carwin Rise, either side of the Loggans Moor roundabout, is a Lidl foodstore, McDonalds, Travelodge, Premier Inn and a Brewers Fayre pub/restaurant.
- 2.16 The design of the proposed development places emphasis on the creation of safe routes within the site to provide easy access to both the store and the employment units by cycle and on foot. To encourage an uptake in cycling, sheltered and secure cycle storage will be provided.
- 2.17 The store's customer car park will provide dedicated spaces for the disabled and for parents with children. A new bus stop is also to be provided just inside the site and a free bus service will link the site and the adjoining shopping park to the town centre.

3 Justification for the Development

- 3.1 This section of the report assesses the principle of the proposed development in light of current planning policies and the existing pattern of development in this part of Hayle. Section 70 of the Town and Country Planning Act 1990 states that when determining planning applications the local planning authority shall have regard to the provisions of the Development Plan, while Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. In this instance the current Development Plan comprises the saved policies of the Cornwall Structure Plan and the Penwith District Local Plan. Previously the regional spatial strategy for the area also made up part of the statutory Development Plan; however the new Secretary of State issued a statement on 6th July 2010 revoking all regional spatial strategies with immediate effect. However primary legislation is still needed to abolish them and his revocation is also the subject of a legal challenge in the High Court.

Planning Policy Context

Regional Planning Guidance for the South West (RPG10)

- 3.2 Policy VIS 2 of RPG10 sets out the principles for development within the south west region and states that:

“Local Authorities in their development plans and other agencies in their plans, policies and programmes, should, inter alia:

- *Seek the development of suitable previously developed urban land (or buildings for reuse or conversion) and other appropriate sites in urban areas as a first priority for urban-related land uses; authorities and all agencies involved should examine critically the potential of the urban areas to accommodate new development;*
- *Seek a balance of land uses in urban localities:*
 - *by promoting mixed-use development and, where sites are smaller, through complementary land allocations over a wider urban area;*
 - *including a mix of housing types, retail, business and commercial development, industry, education, social and cultural facilities, leisure, sport, recreation and open space uses.*
- *Make adequate provision for all land uses, including those with large space requirements; the development needs of new or expanding firms and those unable to be accommodated within urban areas;*
- *Meet the economic and social needs of rural communities;*

- *Promote the provision and enhancement of networks for walking, cycling and public transport and ensure that development which generates large amounts of movement is well served by sustainable transport networks”.*

3.3 Policy SS 1 states that within the western sub-region there is a need for strong policies and action to tackle long-term deep-seated economic and social problems, which are particularly accentuated by its peripherality in relation to the South West region and the Country as a whole.

3.4 Specifically in relation to Cornwall and the Isles of Scilly, Policy SS 18 states that:

“Local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Cornwall and the Isles of Scilly:

- *The regeneration of the main towns to act as employment and service centres for their population and rural hinterlands;*
- *The significant improvement of the Camborne and Redruth urban area as a focus for economic growth;*
- *The enhancement of Truro as a sub-regional centre for retailing and administration and as a location for sustainable development;*
- *The conservation and enhancement of the distinctiveness of the natural and historic environment”.*

3.5 Policy SS 21 says that coastal towns in the region should be the focal points for development and service provision in the coastal areas and this role should be supported and enhanced.

3.6 Policy EN 3 states that local authorities should afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance.

3.7 Policy EC 1 requires local authorities to positively promote and encourage new economic activity in the areas where it can bring the greatest economic and social benefits and make the greatest contribution to reducing regional disparities in prosperity, while at the same time ensuring that the region’s unique environmental and cultural assets are maintained and enhanced. Policy EC 2 states that geographical priority should be given to measures for economic restructuring and regeneration in areas of special need, including areas that experienced structural decline such as Cornwall.

Cornwall Structure Plan 2004

3.8 Saved Policy 1 of the Structure Plan sets out principles for sustainable development and states that:

“Development should bring about a long term and sustainable improvement to Cornwall's economic, social and environmental circumstances without harming future opportunity. Development should be compatible with:

- *the conservation and enhancement of Cornwall's character and distinctiveness;*
- *the prudent use of resources and the conservation of natural and historic assets;*
- *the regeneration of towns and villages in meeting the needs of their population and surrounding area;*
- *fostering the links between the environment and the economy;*
- *a reduction in the need to travel, whilst optimising the choice of modes, particularly opportunities for walking, cycling and the use of public transport;*
- *access for all sectors of the community to well paid and rewarding employment, satisfactory housing and adequate services and facilities; and*
- *meeting needs where they arise”.*

3.9 Policy 2 states that the quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall will be protected and enhanced. Throughout Cornwall development must respect local character and, inter alia, contribute to the regeneration, restoration, enhancement or conservation of the area and positively relate to townscape and landscape character through siting, design, use of local materials and landscaping. The conservation and enhancement of sites, areas, or interests, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed [since confirmed] World Heritage Site, should be given priority in the consideration of development proposals.

3.10 Policy 11 says that economic growth and employment will be encouraged through regeneration and investment in the strategic urban centres and other towns (which include Hayle) by prioritising the regeneration of urban areas and town centres as a focus for retail, commercial and business activity, and by maintaining a range and choice of sites to meet the needs of existing and new firms within or well integrated with built-up areas. Policy 12 states that a range and choice of marketable and quality sites for employment should be made available, and that when considering development proposals Councils should take account of, inter alia:

- the need for better quality employment opportunities suitable to meet local skills;
- the need to reduce travel and widen the choice of travel modes;
- the need to encourage the development of new and emerging sectors; and
- the potential benefits of mixed use development.

3.11 Policy 14 relates to retail development and states that the priority will be given to the improvement and enhancement of town centres. A sequential approach to site selection is required, with the preference being for locations within or adjoining town centres, with out-of-centre development being limited to circumstances where particular needs cannot reasonably

be expected to be met in or adjoining town centres, taking account of the existing provision available and further development opportunities.

3.12 Policy 16 sets out the expected overall distribution of development within the region, saying that *“Most development will be in, or well integrated with, the existing built up areas of towns, according to their role and function and should not harm their character. Development should be focused on the Strategic Urban Centres (Bodmin, Camborne-Pool-Redruth, Falmouth-Penryn, Newquay, Penzance, St Austell and Truro) according to their role and function, and on Saltash and Torpoint in South East Cornwall. The role and function of other main towns and local centres will be supported to meet the needs of their population and surrounding areas. In rural areas, there will be an emphasis on meeting development needs arising from the existing population and the diversification of the economy, having full regard to local character”*.

3.13 Following on from Policy 16, within the ‘other main towns and local centres’ Policy 25 states that *“Development should be in, or well integrated with, the built-up areas, and support the role and function of centres in meeting the needs of their own populations and surrounding areas to reduce the need to travel. The level of development in the main towns and local centres will be assessed against their ability to consolidate their roles and functions and to support balanced growth through jobs, services and transport infrastructure. Local plans should identify:*

- *Main Towns, over a population of about 5,000, with established roles and function serving an identifiable hinterland and having well developed transport nodes; and*
- *Local Centres, with an approximate population of between 2,000 and 5,000, providing basic shopping needs serving a smaller hinterland.*

Employment provision should focus on the needs of the local area and on opportunities relating to local characteristics and distinctiveness”.

Penwith Local Plan 2004

3.14 The Local Plan notes that the economy of the area has suffered considerably during the periods of recession experienced in the 1980s and early 1990s, with the problems faced by the local economy being further compounded by the District’s location at the western end of a long narrow County, which hinder good communications and in turn have make it difficult to attract and retain new manufacturing industry. Nevertheless it notes that industrial sites have been developed by both the private and public sectors in the Penzance, St. Ives and Hayle areas, although the take up of sites on these estates has varied and frequently there has been pressure to accommodate other inappropriate uses. However, overall the Plan identifies a shortage of available land for the provision of new workspace, both in and outside towns.

3.15 Both Policy ST1 and Policy TV1 state that development will be focused on the main urban centres of Penzance / Newlyn, St. Ives (including Carbis Bay) and Hayle, together with, in the case of serviced industrial land, the St. Erth station area. Under Policy TV1 proposals are required to maximise the use of previously developed land. Development that would have a significant adverse effect on the setting or character of a town or village will not be permitted, while proposals for development in or on the edge of a settlement should:

- i) be well integrated into the form of the settlement;
- ii) not have an adverse effect on areas of amenity, recreational or wider environmental value and
- iii) be of a scale and design which is in keeping with the character of the settlement.

Hayle Area Action Plan 2006-2026 (Issues and Options Paper, January 2008)

- 3.16 The draft Hayle Area Action Plan (AAP) does not form part of the development plan, having never got beyond a preliminary consultation stage. It was produced by the former Penwith District Council and set out the key issues facing the town together with opportunities and options for regeneration and growth up to 2026. Following the introduction of the new Cornwall Council unitary authority, work ceased on the Preferred Options version of the Plan as a result of the new Council's decision to prioritise work on the Truro & Threemilestone and the Camborne-Pool-Illogan-Redruth AAPs. However it is nevertheless useful in providing details of the former Council's thinking on the future plans for the town: it has been through some degree of public consultation and is included on Cornwall Council's website as one of a number of documents that comprise material considerations that supplement the Penwith Local Plan.
- 3.17 The application site was identified as one of a number of sites with potential for development (site ref. H32) and the responses to Question 20 showed that 71.1% of respondents considered the site to be suitable for development, with retail being by far the most popular use, followed by industrial and business. It is also noteworthy that when asked whether they would support the relocation of the rugby club (Question 34) 74.6% said yes they would.
- 3.18 In relation to town centres and shopping, the Issues and Options Paper was informed by the Penwith Retail Study (December 2007) and confirmed that the two existing centres in Hayle are relatively small with a limited range of shops and services, but with lower than average vacancy rates (indicating reasonable demand). Only about a third of locally generated convenience expenditure is being retained within the town and there is a public desire to improve the level of shopping facilities.
- 3.19 The draft AAP identified a number of preferred sites for retail development, within and adjoining the defined centres (principally the harbourside). However when asked (Question 66) what other locations would be suitable for retail development the most popular response was the rugby club at Marsh Lane (Site H32).
- 3.20 Given the above, it is evident that i) the application site has previously been identified by the LPA as having the potential for redevelopment for alternative uses; and ii) other than the harbourside and sites within the defined centres (none of which are actually suitable to accommodate a superstore) the public's preferred location for new retail floorspace is the application site. The report to members on the consultation responses stated that it was clear that development in the Loggans/Marsh Lane area and in the vicinity of the St Erth roundabout was generally supported.

Application Site Environs

- 3.21 Historically the town of Hayle has been developed out from the harbour, with the two shopping areas, Foundry and Copperhouse, being centred around the sites of the two competing foundries. However in later years substantial amounts of commercial development has taken place on the eastern periphery of the town, to the east of the A30 trunk road. These include the following sites.

Land to the East of Loggans Moor Roundabout

- 3.22 The A30 trunk road runs into Hayle from the northeast, running alongside Carwin Rise (the former A30) and joining it at the Loggans Moor roundabout to the north of the application site. Accessed off Carwin Rise, only a short distance to the east of the roundabout junction, are a number of commercial premises providing services for travellers on the trunk road. On the north side of the road lies a petrol filling station and Travelodge budget hotel, and on the south side a McDonalds restaurant; Brewers Fayre pub/restaurant and a Premier Inn hotel.
- 3.23 We understand that the PFS was developed in the 1950s, although the Travelodge was only granted permission in 2005. The McDonalds, Brewers Fayre and Premier Inn on the south side of the road were approved in 1998.

Lidl Discount Foodstore, Carwin Rise

- 3.24 This is an out-of-centre foodstore located on Carwin Rise just to the west of the Loggans Moor roundabout. The store commenced trading in 2001 and in 2006 planning permission was granted for an extension that increased its sales area from 871sq m to 1407sq m net, making it the largest foodstore in Hayle. However the Penwith Retail Study concluded that there was still a qualitative need for improved food shopping provision in the town.

West Cornwall Shopping Park

- 3.25 This development lies immediately to the north of the application site, adjoins the Loggans Moor roundabout and is served off the same access on Marsh Lane as the rugby club. The site has a long planning history relating to retail uses, with permission first being granted by the Secretary of State on appeal for two non-food retail warehouses totalling 4644sq m gross: although renewed in 1991 and 1994 that scheme was never implemented. In 1996 planning permission (ref. 1/95/P/0285/F) was approved for a tourist/retail park, comprising a restaurant, retail craft units and a tourist information centre. A further application was made to allow the implementation of that permission by the construction of the access road junction: that was approved in 2000 and the Council accepted that a material commencement had been made on the 1996 consent.
- 3.26 In April 2005 permission (ref. 05/P/0034/F) was granted for a revised retail park/tourist centre scheme that incorporated a replacement gatehouse for the rugby club: it permitted up to 6332sq m gross of retail floorspace but prohibited food sales. In November of 2005 consent (ref. 05/P/0690/F) was then given for a variation of Condition 6 on the permission to increase the amount of internal retail floorspace so as to allow up to 6374sq m gross plus 570sq m of ancillary space that could not be used for retail sales. In July 2006 a further consent (ref. 05/P/1410/FD) was given to allow a variation of Condition 2 to widen the range of goods that could be sold, to allow up to 465sq m of ground floor space to be used for food sales: this was

- 3.27 The development of the shopping park (now occupied by Boots, Costa, M&S and Next) has made Marsh Lane an established retail destination, not only for residents living locally but also for visitors travelling to it from outside Hayle. In form and function the development is similar to the proposed Asda, comprising large format retail buildings with a substantial surface level car park and it demonstrates that the principle of retail uses (both food and non-food) have been accepted in this locality by both the (former) District Council and the Secretary of State.

Hayle Industrial Park

- 3.28 The Hayle Industrial Park lies immediately to the east of the application site, on the southern side of Marsh Lane, and was developed in the early 1990s following the site's allocation in the previous Local Plan. Outline planning permission for B1/B2/B8 uses was initially granted in 1990, followed by a series of detailed applications between 1992 and 2006. The development now extends to just over 6ha and comprises a large number of industrial units together with several car showrooms on the western side of the development, adjoining the application site.
- 3.29 The development of this industrial park set the scene for commercial development east of the A30 trunk road and established the principle of large format uses in this locality. Together with the West Cornwall Shopping Park and the A30 trunk road it encloses the application site, bringing the proposed Asda and B1 business units within the urban area rather than the open countryside.

Conclusions on the Appropriateness of the Site for the Proposed Development

- 3.30 The application site clearly falls within the Hayle urban area, being separated from the countryside by the Hayle Industrial Park and it is notable that the adopted Penwith Local Plan does not define a development boundary for the town. The draft Hayle Area Action Plan suggested a possible development boundary that excluded all land to the east of the A30 (including the rugby club, shopping park and industrial park), however that draft AAP was not progressed beyond the initial Issues and Options consultation. It is noteworthy that a number of respondents, including the Hayle Town Council, did suggest that the proposed development boundary was too tightly drawn and should be extended to include land at Marsh Lane.
- 3.31 Substantial large scale commercial development already exists in this locality, and the Council have previously permitted both food and non-food retail on the shopping park and the Lidl site at Carwin Rise. Further large scale development in the area would therefore not be out of place. The rugby club has also been identified as a potential development site in both the Penwith Retail Study and the draft AAP, with the latter Plan noting that there may be benefits in locating additional retail provision adjacent to the West Cornwall Shopping Park, which is an established retail destination.
- 3.32 The proposed development will provide the new superstore for which a need has already been identified, on a site that will result in no impact on the World Heritage Site, Conservation Area

4 Retail Policy Issues

Planning Policy Context

Development Plan

- 4.1 Policy 14 of the Cornwall Structure Plan states that retail, office and leisure development should be located in or adjoining town centres. Elsewhere, such development should be limited to circumstances where particular needs could not reasonably be expected to be met in or adjoining town centres, having taken account of the existing provision available and further development opportunities. In the case of retailing it will be important to assess the capacity of the centre as a whole to meet future needs, rather than its ability to accommodate a particular retailer or form of development. Development should not be harmful to the vitality and viability of existing centres; locations should be well integrated with towns where the impact on travel patterns would be unlikely to lead to increased car usage; and consideration should be given to the potential role of the development in assisting the physical and economic regeneration of urban areas.
- 4.2 Structure Plan Policy 16 seeks to focus development on the Strategic Urban Centres but says that the role and function of other main towns and local centres will also be supported to enable them to meet the needs of their population and surrounding areas. Policy 25 states that in the other main towns (which include Hayle) new development should be in, or well integrated with, the built-up area, and support the role and function of the centre in meeting the needs of the area's population so as to reduce the need to travel.
- 4.3 Within the Penwith Local Plan Policy TV-16 states that major retail development should be located in the town centres of Penzance, St Ives and Hayle. A sequential approach to site selection is required with out-of-centre locations only being acceptable where there are no suitable sites within or on the edge of a centre. Policy TV-17 also requires that there be a need that cannot be met within a centre and that the development should not be likely to lead to a significant reduction in the range of retailing in any town centre or adversely affect the vitality or viability of any town centre. Proposals must also be compatible with surrounding land uses and accessible by means of transport other than the private car.

Other Material Considerations

- 4.4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) sets out the Government's national policies on 'economic development', which includes retailing as well as Class B uses, and says that planning applications that secure sustainable economic growth should be treated favourably. The Government's objectives for prosperous economies and sustainable economic development are said to be to:
- Build prosperous communities by improving the economic performance of both urban and rural areas;
 - Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation;

- Deliver more sustainable patterns of development and reduce the need to travel;
- Promote the vitality and viability of town centres and others including:
 - New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities
 - Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups).
 - The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate enhanced to provide a sense of place and a focus for the community and civic activity.
- Raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside.

4.5 In respect of development control, Policy EC10 says that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that applications that secure sustainable economic growth should be treated favourably. However all economic development proposals should be assessed against the following series of impact considerations:

- CO₂ reduction;
- Accessibility by a choice of means of transport;
- Quality of design;
- Regeneration impacts;
- Local employment impacts

4.6 Policy EC14 highlights the need for impact and sequential assessments to be prepared for proposals in excess of 2,500 sq m, and for such assessments to “focus in particular” on the first five years after implementation of a proposal. Policy EC15 details the sequential assessment required for proposals that are not within a centre or in accordance with the development plan, where sites must be assessed for their availability, suitability and viability and where preference must be given to sites within defined centres, followed by edge-of-centre sites accessible by a choice of means of transport. The application site is out-of-centre and is not allocated for retail uses, meaning a sequential appraisal is mandatory.

4.7 Policy EC16 sets out the relevant criteria against which impact should be assessed. These are:

- Impact on existing, committed and planned investment in existing centres

- Impact on town centre vitality and viability
- Impact on the delivery of allocated sites outside of town centres
- Impact on wider trading patterns
- Scale of the proposal within the retail hierarchy
- Locally important impacts identified in LDFs

4.8 A failure to comply with the sequential test can be reason enough to refuse planning consent, but in respect of impact considerations refusal should only occur where there is clear evidence that the proposal is likely to lead to significant adverse impacts, taking account of the cumulative effect of recent permissions, developments under construction and completed developments. Where no significant adverse impacts have been identified, Policy EC17.2 highlights the need for a balancing exercise between the benefits and dis-benefits of new proposals.

Compliance with Retail Policy

4.9 A separate Retail Assessment has been prepared in support of the planning application. It considers the proposed development against criteria in PPS4 and comes to the following conclusions:

- The application site lies within the town's urban area and its reuse would therefore conform to national and local planning policies encouraging sustainable development.
- The proposed Asda will address the gap in the provision of local convenience shopping facilities in Hayle identified in the 'Penwith Retail Study' and will therefore be in conformity with the Council adopted retail strategy.
- The development of a large format superstore within the harbourside area adjoining the Foundry Town Centre, while sequentially preferable in terms of PPS4, cannot be undertaken without having an unacceptable adverse impact on the outstanding universal value of the World Heritage Site. A superstore on South Quay has been judged unacceptable in design and heritage terms by the heritage statutory consultees and would prejudice the implementation of the masterplan that has been approved for the harbour area. A store on the Jewson's site at Carnsew Road would have a similar unacceptable impact on the WHS and the approved regeneration scheme, and in any event the site is too small to satisfactorily accommodate a store of the necessary size. The application site at Memorial Park therefore complies with the sequential approach to site selection since no other location has been identified within or adjoining a defined centre that is available, suitable and viable to accommodate the development and meet the identified need.
- The majority of the expenditure being generated within the local catchment area is being spent outside it, with local residents travelling to existing superstores in Penzance, Camborne, Pool and Redruth. The proposed new Asda will recapture some of this

leakage, allowing residents to undertake their main food shopping locally, thereby reducing the need to travel.

- The Asda will take the majority of its trade from existing large stores outside the PCA, most of which are out-of-centre stores. The expected trade diversion is not expected to undermine the vitality or viability of any defined town centre.
- The proposed development will generate up to 270 new jobs in the Asda store, as well as further employment in the new business units.

Conclusions on Retail Issues

- 4.10 The Retail Assessment has assessed the development and concluded that the proposed store would be acceptable in terms of the policy criteria set out in PPS4.

5 Transportation Issues

Planning Policy Context

Development Plan

- 5.1 Policy 1 of the Cornwall Structure Plan states that development should bring about a long term and sustainable improvement to the county's economic, social and environmental circumstances without harming future opportunity, and that it should, inter alia, reduce the need to travel, whilst optimising the choice of modes, particularly opportunities for walking, cycling and the use of public transport. That is reiterated in Policy 25, which says that within the main towns development should be in, or well integrated with, the built-up areas, and support the role and function of centres in meeting the needs of their own populations and surrounding areas to reduce the need to travel.
- 5.2 Policy 27 advises that development and transport should contribute to a more effective, more environmentally friendly and safer transport system, while Policy 28 states that consideration should be given to the overall impact on travel patterns and the availability of alternative locations for development in order to minimise the need to travel and to increase choice of travel by walking, cycling and public transport.
- 5.3 Within the Penwith Local Plan paragraph 4.2 sets out the objectives of the Plan, which include pursuing a distribution and pattern of development that reduces the need to travel; allows for the use of alternative means of transport to the private car and is well related to existing transport networks.
- 5.4 Policy GD5 says that proposals for development will only be permitted where the safe movement of traffic can be accommodated without the need for alteration to the proposed access, or the roads leading to the site, that would have a significant adverse effect on the character and amenity of the surrounding area.
- 5.5 The Local Plan identifies a need to reduce reliance on road transport, with its consequent energy consumption, pollution and congestion, and to provide for greater and more efficient use of public transport. Policy TP1 advises that transportation proposals will be permitted provided that they, inter alia, facilitate alternatives to the private car; are necessary for public safety or to achieve a traffic improvement; or would achieve other environmental benefits in terms of a reduction in pollution, congestion, use of energy or trip generation.

Other Material Considerations

- 5.6 'Planning Policy Statement 13: Transport' (PPG13) sets out the Government's policies in relation to transportation and land use planning, which they seek to integrate in order to promote more sustainable transport choices for people; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel, especially by car. Within rural areas most development for uses such as jobs and shopping should be located in local service centres which are designated in the

development plan to act as focal points for housing, transport and other services and should encourage better transport provision in the countryside.

- 5.7 Paragraph 23 of the guidance is clear in requiring Transport Assessments to be submitted with applications for developments that will have significant transport implications. The coverage and extent of the assessment should reflect the scale of development and the extent of the transport implications of the proposal. For major proposals it should illustrate accessibility to the site by all modes of transport and the likely modal split of journeys to and from the site, and give details of proposed measures to improve access by public transport, walking and cycling.

Compliance with Transport Policy

- 5.8 The planning application is accompanied by a Transport Assessment prepared by Hydrock Byways and Highways, which addresses the acceptability of the proposed development in terms of its impact on the highway network: this has involved an assessment of the existing non-car infrastructure (ie a non-motorised user audit); analysis of local accident data; analysis of existing and predicted traffic flows; assessment of development traffic and its likely operational impact on the surrounding highway network; and proposed measures to promote sustainable travel.
- 5.9 In relation to vehicular access into the development, it is proposed to widen the Marsh Lane carriageway as it approaches the site from the Loggans Moor roundabout, with the existing Marsh Lane roundabout junction at the entrance to the site being remodelled to provide additional capacity to accommodate the Asda traffic. These works have been agreed in principle with the Highway Authority and will be carried out under Section 278 of the Highways Act 1980.
- 5.10 Significant improvements are also proposed to the A30 Loggans Moor junction to ensure that it will remain capacity efficient beyond 2020, to enable it to accommodate not only the proposed Asda development but also other committed development in Hayle (including the harbourside regeneration), as well as an allowance for possible further development elsewhere in the town sometime in the future. The three key alterations comprise:
- i) conversion to a 'Throughabout' by the provision of a lane from the A30 westbound entry arm that circumvents the roundabout gyratory system, by forming a section of carriageway through the centre of the island that links to the Hayle entry arm of Carwin Rise (western arm);
 - ii) signalisation of the junction using a new MOVA control system to control traffic flows, which will increase capacity; reduce the potential for conflicts and allow more positive control by the highway authorities;
 - iii) alongside the signalisation there will be the construction of at grade pedestrian/cycle crossing facilities, to aid vulnerable users to travel between Carwin Rise eastern arm, Marsh Lane and Carwin Rise western arm.

- 5.11 These proposed junction improvements will allow the A30 junction to accommodate not only the traffic that will be attracted to the new Asda but also the existing background traffic growth and committed development, and so will provide distinct benefits compared to the existing Loggans Moor layout.
- 5.12 The new Asda will provide a quantitative and qualitative improvement in food shopping provision within Hayle and is expected to clawback a substantial amount of the expenditure that is currently leaking out of the local area to existing superstores in Camborne-Pool-Redruth and Penzance. In enabling local residents to shop locally the distance they travel to undertake their main food shopping will be greatly reduced, which will reduce traffic on the strategic road network, easing congestion and reducing vehicle emissions. This accords with national and local transport policies.
- 5.13 Pedestrian access to the development across the A30 will be via the existing footbridge to the West Cornwall Shopping Park (which will be connected to the Asda by a new pedestrian link). A shared footway/cycleway also extends from the bridge around the southern arm of the Loggans Moor roundabout, crossing the splitter island at the Marsh Lane arm and continuing on to the pedestrian entrance into the McDonalds restaurant. It is proposed to construct a new length of at grade footway/cycleway, integrated into the improved Loggans Moor junction, to link the proposed development to the existing pedestrian and cycle facilities.
- 5.14 A bus layby is proposed at the entrance to the development, which will serve, inter alia, a free bus service that Asda will fund to link the store (and the adjoining shopping park) to the town centre.

Conclusions on Transport Issue

- 5.15 The proposed Asda store will reduce the distance residents will need to travel to undertake their main food shopping, reducing traffic on the strategic road network and vehicle emissions, all in line with current transport policy. The development will be accessible by a choice of means of transport, with improvements proposed to the existing pedestrian and cycle accessibility and the provision of a free bus service to and from the town centre. At the same time improvements to the existing A30 Loggans Moor roundabout will provide additional vehicular capacity to accommodate not only the proposed Asda but also other committed development elsewhere in Hayle as well as possible further development in the future.
- 5.16 The overall conclusions of the transport assessment are that the application accords with prevailing policy in respect of its likely traffic impacts, and that the site is the most suitable location for a new superstore given the constraints affecting other potential sites in or adjoining the defined town centres.

6 Sustainability

Planning Policy Context

Development Plan

- 6.1 The Cornwall Structure Plan Policy 1 states that development should bring about a long term and sustainable improvement to Cornwall's economic, social and environmental circumstances without harming future opportunity. Development should:
- be compatible with the conservation and enhancement of Cornwall's character and distinctiveness;
 - make prudent use of resources and conserve natural and historic assets;
 - regenerate towns and villages allowing them to meet the needs of their population and surrounding areas;
 - foster the links between the environment and the economy;
 - reduce the need to travel, whilst optimising the choice of modes, particularly opportunities for walking, cycling and the use of public transport;
 - provide access for all sectors of the community to well paid and rewarding employment, satisfactory housing and adequate services and facilities; and
 - meet needs where they arise.
- 6.2 The supporting text to Policy 1 makes clear that the location of development in relation to transport provision is vital and that access is needed for all sectors of the community to a range of services and facilities. At the same time there is a need to reduce the harmful effects of transport on the global and local environment. Dependency on the private car is expected to remain in Cornwall for many journeys, but there is still a requirement to try and reduce its usage. The long term development strategy is therefore underpinned by a need to ensure that the most accessible location (by all means of travel) is chosen to meet each particular development need.
- 6.3 Policy 2 goes on to say that the quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall is to be protected and enhanced. Development must respect local character and, inter alia, retain important elements of the local landscape and historic features that add to its distinctiveness; contribute to the regeneration, restoration, enhancement or conservation of the area; positively relate to townscape and landscape character. The conservation and enhancement of sites, areas or interests of recognised international or national importance, including the World Heritage Site, are to be given priority in the consideration of development proposals.

- 6.4 The Penwith Local Plan interprets the provisions of the Structure Plan and other relevant planning guidance at the local level and develops them into detailed policies to guide and coordinate development across the former District, seeking to achieve a consistent and high standard of development by specifying broad criteria that all developments will be expected to meet.
- 6.5 Policy GD-1 requires that development should be integrated with its surroundings in terms of scale, siting and design and be in keeping with the character of the district. Policy GD-2 then goes on to provide criteria for the design and layout of new development, while Policy GD-3 sets out a requirement for appropriate landscaping and planting. Policy GD-4 requires that development should not cause significant harm as a result of inadequate drainage; noise, light, air or water pollution; or flooding.

Other Material Considerations

- 6.6 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) summarises the Government’s four aims for sustainable development as being:
- Social progress that recognises the needs of everyone;
 - Effective protection of the environment;
 - The prudent use of natural resources; and
 - The maintenance of high and stable levels of economic growth and employment.
- 6.7 Paragraph 5 of PPS1 states that planning should facilitate and promote sustainable and inclusive patterns of development by:
- Making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;
 - Contributing to sustainable economic development;
 - Protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities;
 - Ensuring high quality development through good and inclusive design, the efficient use of resources; and
 - Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.
- 6.8 In delivering sustainable development PPS1 states that planning authorities should seek to, inter alia, bring forward sufficient land of a suitable quality in appropriate locations to meet the expected needs for industrial, retail and commercial development, taking into account issues such as accessibility and sustainable transport needs, the provision of essential infrastructure and the need to avoid flood risk and other natural hazards. Improved access should be

provided to, inter alia, jobs and shops, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. Councils should promote the more efficient use of land through higher density, mixed use development and the use of previously developed land, and should seek to reduce the need to travel.

- 6.9 High quality and inclusive design should be required for all development, which should:
- Address the connections between people and places by considering the needs of people to access jobs and key services;
 - Be integrated into the existing urban form and the natural and built environments;
 - Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
 - Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
 - Consider the direct and indirect impacts on the natural environment.
- 6.10 A supplement to PPS1 'Planning and Climate Change' also details how planning should contribute to reducing emissions and stabilising climate change. LPAs should encourage developments to provide sustainable buildings incorporating decentralised energy supplies, with the policy being to minimise energy consumption and carbon dioxide emissions.

Compliance with Policy

- 6.11 Asda have shown a commitment to providing year on year reductions in carbon emissions and achieved the Carbon Trust Standard in 2009. The proposed store will provide a 42% carbon reduction when compared against Asda's 2005 format and will achieve a BREEAM rating of Very Good.
- 6.12 The design includes timber and translucent insulated cladding construction and will incorporate rain water harvesting and a natural ventilation system. The store specification includes:
- Low energy lighting, adjusted to meet daylight levels and occupancy;
 - Roof light panels, reducing the need for artificial lighting;
 - 'Energy dashboard' system providing real time smart meter information to the store manager, to enable him/her to efficiently manage energy consumption;
 - Heat reclamation on all refrigeration units to capture previously wasted energy;
 - Voltage optimisation units, reducing the demand for main grid electricity;
 - Trim heater controls, to avoid unnecessary heating of chilled cabinet doors.

- 6.13 The store will have a dedicated energy manager who will be charged with ensuring the efficient running of all store systems.
- 6.14 The store will promote more sustainable travel patterns by reducing the need for local residents to travel outside Hayle to gain access to a modern food superstore. The Penwith Retail Study clearly identified that significant numbers of people in Hayle are travelling to Penzance, Camborne, Pool and Redruth to undertake their main food shopping, and by allowing them the opportunity to shop locally the proposed Asda will reduce car mileage and vehicle emissions. The opportunity for linked shopping trips with the adjoining West Cornwall Shopping Parks will potentially also further reduce vehicle trips.
- 6.15 In terms of the objective of supporting existing communities and contributing to the creation of safe, sustainable, liveable and mixed communities, it is notable that the development will also facilitate Hayle Rugby Club's relocation. The Club is an important focus for the local community and amongst other activities provides a starting point for Hayle Runners each week; facilitates band practices; functions; meetings; school rugby trials; provides a social club, bingo and cards nights; and functions as a polling station. Its relocation to a new modern ground with much improved facilities will help secure its future and ensure it continues as an asset to the local community.
- 6.16 The development also proposes improvements to the A30 Loggans Moor roundabout to improve the existing traffic flows, as well as improved connections for pedestrians and cycles crossing the A30. A free bus service will also be provided between the town centre and the new store, which will also serve the existing shopping park.

Conclusions on Sustainability

- 6.17 The proposed Asda will constitute a sustainable form of development that will meet the need for a new foodstore in Hayle to reduce vehicle mileage and emissions. The store will be built to a modern design incorporating features to minimise energy consumption. Overall the development will accord with current policy requirements on maximising sustainability.

7 Ecology

Planning Policy Context

Development Plan

- 7.1 Policy 2 of the Cornwall Structure Plan states that the quality, character, diversity and local distinctiveness of the natural (and built) environment of Cornwall will be protected and enhanced. Any important elements of the local landscape, including natural and semi-natural habitats, hedges, trees, and other natural and historic features should be retained.
- 7.2 Policy GD-3 of the Penwith Local Plan requires that proposals for development should where appropriate incorporate landscaping and planting which reduces the impact on the environment and which reflects the character of the surroundings and provides screening shelter and interest. Where practicable, such landscaping and planting must be capable of supporting a variety of species and include provision for wildlife and other creative conservation measures. Policy CC-1 goes on to say that development will not be permitted where it would significantly harm the landscape character, amenity, nature conservation, archaeological, historic or geological values of the coast and countryside of the district. Policy CC-9 says that proposals for development which would cause significant harm to a protected species or its habitat will not be permitted. Policy CC-10 states that proposals for development which would have a significant adverse effect on the integrity or continuity of landscape features and habitats of major importance for wild flora and fauna will not be permitted. The application site is not designated as an area of importance for nature or wildlife.

Other Material Considerations

- 7.3 Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) sets out the Government's policies on nature conservation through the planning system. The key objectives are to promote sustainable development; to conserve, enhance and restore the diversity of England's wildlife and geology; and to contribute to rural renewal and urban renaissance. The conservation and enhancement of biological and geological diversity should be an integral part of social, environmental and economic development.
- 7.4 There is a requirement for planning decisions to be based on up to date information about the environmental characteristics of the area, and the aim should be to prevent harm to biodiversity and geological conservation interests.

Compliance with Policy

- 7.5 An ecological assessment of the application site has been undertaken and forms one of the supporting documents to the planning application. It concludes that the small number of habitats contained within the site are all of low biological value, with none of the habitats or species recorded having any recognised nature conservation interest beyond a purely local value. The majority of the existing planting/trees around the periphery of the site are to be retained, with only a limited amount of the existing conifers along the A30 boundary proposed

to be removed so as to allow a glancing view of the store from the highway. Provided that appropriate environmental and operational controls, and mitigation measures outlined in the ecological assessment are adhered to (and these may be agreed with the LPA and conditioned on the planning permission) it is considered unlikely that the proposed development will have a significantly adverse effect on the nature conservation interest of the surrounding area.

Conclusions on Ecological Issues

- 7.6 The application site comprises a brownfield site, albeit one that is largely grassed over for the purposes of sports and recreation. It has no specific landscape or ecological designation within the development plan and is surrounded by existing built development and so does not comprise an area of public open space or open countryside. An ecological assessment has shown that it contains no habitats or species of significance. Its redevelopment will therefore not conflict with national or local planning policies on the conservation flora and fauna.

8 Archaeological and Heritage Issues

Planning Policy Context

Development Plan

- 8.1 Policy 1 of the Cornwall Structure Plan states that development should be compatible with the conservation and enhancement of Cornwall's character and distinctiveness and its natural and historic assets. Policy 2 requires the quality, character, diversity and local distinctiveness of the natural and built environment to be protected and enhanced. All development must respect the local character and, inter alia, retain important elements of the local landscape (including historic features); and positively relate to the townscape and landscape character. The conservation and enhancement of sites or areas of recognised international or national importance is to be given priority in the consideration of development proposals. That will particularly apply to the World Heritage Site (WHS) at Hayle Harbour, which is of international importance.
- 8.2 Policy GD-1 of the Local Plan states that development should be integrated with its surroundings in terms of scale, siting and design, and be in keeping with the character of the district, while Policy GD-2 says it should respect traditional patterns of development. Policy CC-16 states that proposals for development within the areas of great historic value and those affecting archaeological remains of county importance will not be permitted where it would harm the historic character of the landscape, or the value, character or setting of the remains. The application site is not identified as an area of any historic or archaeological importance, however these policies are of some relevance in respect of the restrictions they impose on the competing sites that have been identified for redevelopment within Hayle Harbour. Policy TV-D allocated land for mixed use development within the harbour area but with the proviso that it must be of a scale and design that respects the maritime environment and heritage of the location, and retain existing buildings and traditional features that contribute to the character of the area.

Other Material Considerations

- 8.3 Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out national policies on the conservation of the historic environment. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this the Government's objectives are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment, inter alia, recognise that heritage assets are a non-renewable resource; and to conserve England's heritage assets in a manner appropriate to their significance.
- 8.4 Policy HE7 of PPS5 states that in decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a

heritage asset. Local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

- 8.5 Government Circular 07/2009 provides policy specifically in relation to World Heritage Sites, which are to be protected from inappropriate development. This circular is of no relevance to the application site but does apply to the alternative development sites within Hayle harbour.

Compliance with Policy

- 8.6 An archaeological and cultural heritage assessment has been undertaken as part of the application, and has found no evidence of any previously recorded pre-historic to medieval occupation on the site or adjoining land. Within the middle of the nineteenth century documentary evidence indicates the area was in agricultural use, divided into a number of smaller fields. A shaft of the North Wheal Alfred Mine is shown on the northern boundary but it is thought that this may have been a trial as no associated workings are recorded. Two fields shown on the 1842 parish tithe map are called Higher Brick Field and Lower Brick Field, which suggests that there may be some buried evidence of post-medieval brick manufacture in the vicinity of the site.
- 8.7 The possibility of an unrecorded post-medieval brickworks would be of interest, however the construction of the rugby pitches and club house will have involved at least some disturbance to any below-ground remains. Any archaeological deposits that may be present are therefore unlikely to be well preserved and provide an overriding constraint to the development. However if the LPA believe it expedient an appropriately worded condition can be imposed on the planning permission to require a watching brief during the development and/or some trial trenches.

Conclusions on Archaeological and Heritage Issues

- 8.8 The application site is considered to have limited archaeological potential and its development will not result in any conflict with current policies relating to the conservation of heritage assets. In particular the site is capable of meeting the need for a new foodstore in Hayle with no impact on the World Heritage Site, in contrast to the other potential development sites within the harbourside area, where such a development would be likely to adversely effect the outstanding universal value of the WHS.

9 Flood Risk Issues

Planning Policy Context

Development Plan

- 9.1 Policy 3 of the Structure Plan states that development should avoid land at risk from flooding, following a sequential approach to site selection where priority is always given to low risk areas, and utilise sustainable drainage techniques to deal with surface water run-off as close to source as possible. Policy GD-4 of the Local Plan also says that proposals for development will not be permitted where they would cause significant harm as a result of inadequate provision for sewerage or surface water drainage, or the prevention of flooding.

Other Material Considerations

- 9.2 Planning Policy Statement 25: Development and Flood Risk (PPS25) sets out national planning policies for reducing and managing flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.
- 9.3 A sequential approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process. The risk-based sequential test should be applied at all stages of planning. Its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). Flood Zones 2 and 3 are shown on the Environment Agency Flood Map and Flood Zone 1 is defined as all the land falling outside Zones 2 and 3.
- 9.4 At the planning application stage an appropriate FRA will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and in the future, taking account of climate change. Policies in local development plans should require FRAs to be submitted with planning applications in areas of flood risk identified in the plan. Paragraph E9 of the PPS states that planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 should be accompanied by an FRA.

Compliance with Policy

- 9.5 Since the site lies within Flood Zone 1 and is larger than 1ha, a Flood Risk Assessment has been undertaken by Arcadis UK Ltd and forms a separate technical report submitted with the application. They have concluded that in view of the site location and local topography the risk of fluvial flooding from watercourses; tidal flooding from the sea/estuary; and flooding from overland flows, groundwater and surcharged sewer flooding are all negligible. There is no historical evidence of any flooding on the site and it is significantly above the predicted flood levels provided by the Environment Agency.

- 9.6 It is intended that drainage of surface water run-off will be attenuated on site for all rainfall events up to a 1 in 100 year event including an allowance for climate change. The exact method for provision of the attenuation storage will be determined at the detailed design stage, and it is anticipated that the planning permission will be conditioned to require the approval of the drainage scheme by the planning authority prior to development commencing. Subject to the provision of an appropriate drainage scheme the development will not affect existing overland flow rates on the site. The attenuation on site of surplus flows for all rainfall events will reduce the flood risk off-site.

Conclusions on Flooding Issue

- 9.7 The application site lies wholly within Flood Zone 1, defined as having a low probability of flooding. PPS25 directs development to locations within Zone 1 as the preferred choice. Under the sequential approach required by PPS25 the application site is therefore preferable to the sites proposed by Sainsbury north of Marsh Lane; by Morrison on the Jewson site at Carnsew Road (part of which is within Zone 2) and ING's site at South Quay.
- 9.8 With the provision of a suitable drainage scheme (to be conditioned and agreed with the Council) the proposed development is considered to be acceptable in terms of the potential flood risk.

10 Noise Issue

Planning Policy Context

Development Plan

- 10.1 Policy 3 of the Cornwall Structure Plan states that development should avoid, directly or indirectly, the risk of significant levels of, inter alia, noise pollution. The supporting text to the policy notes that pollution can adversely affect the environment and peoples' quality of life and that the County Council is therefore committed to the minimisation of pollution to land, water and air, including the minimisation of noise pollution.
- 10.2 The Penwith Local Plan says that when considering development proposals it is essential to ensure that they can be adequately serviced and do not cause wider environmental problems. Policy GD-4 therefore states that development will not be permitted where it would cause significant harm as a result of inadequate provision for, inter alia, the prevention of noise pollution. In relation to the B1 element of the application Policy E-11 says that proposals for industrial or business development will be permitted where, inter alia, nuisance from noise, fumes, dust, vibration or smell is minimised and specific activities are compatible with surrounding uses.

Other Material Considerations

- 10.3 National planning guidance on minimising the adverse impact of noise is provided in Planning Policy Guidance 24: Planning and Noise (PPG24). Paragraph 2 advises that the impact of noise can be a material consideration in the determination of planning applications and that the planning system has the task of guiding development to the most appropriate locations, ensuring that, wherever practicable, noise-sensitive developments are separated from major sources of noise and that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. However paragraph 10 acknowledges that much of the development that is necessary for the creation of jobs will generate noise, and the planning system should not place unjustifiable obstacles in the way of such development. Annexes to the PPG then provide detailed guidance on the assessment of noise from different sources.

Compliance with Policy

- 10.4 The planning application is accompanied by a noise impact assessment for all activities and noise sources associated with the proposed development, undertaken by Acoustic Consultancy Partnership Ltd. It includes an extended noise survey that was undertaken to establish the existing noise climate already affecting the nearest residential properties, which are located on the western side of the A30 trunk road.
- 10.5 The immediate vicinity of the application site contains no land uses sensitive to noise, with the adjoining land comprising the trunk road, a retail park and an industrial estate. The closest housing is located beyond the trunk road, which provides continuous high noise levels during the day and only intermittent short quiet periods during the night.

- 10.6 The noise impact assessment concludes that with appropriate attenuation measures (including an acoustic screen for the store's plant area and service yard) the operation of the fixed plant and compactor will not exceed the existing background noise level. Delivery operations and activity within the service yard, the car park, the petrol filling station and the recycling centre will also not have a detrimental impact on any residential amenity.

Conclusions on Noise Issue

- 10.7 Subject to appropriate measures that can be conditioned by the Council, the proposed development can be considered acceptable in terms of its potential impact from noise.

11 Land Contamination Issues

Planning Policy Context

Development Plan

- 11.1 Policy TV-1 of the Penwith Local Plan seeks to maximize the use of previously developed land. Policy TV-15 then requires that where proposals for the re-use of previously developed land, including the reclamation of derelict land, involve sites likely to contain contaminated or toxic materials prior investigations will be required to determine the extent of contamination and, where necessary, the measures needed to avoid pollution during and after implementation.
- 11.2 Policy CC-18 of the Local Plan covers the reclamation of derelict land, which has been given a high priority by the Government. It requires that the proposed use be compatible with the location of the site and its surroundings, or that the scheme be intended to reduce safety hazards; and that features of landscape character, nature conservation, archaeological, historic and geological value be safeguarded. Where it is likely that a site contains contaminated or toxic materials prior site investigations will be required to determine the extent of contamination and, where necessary, the measures required to avoid pollution.

Other Material Considerations

- 11.3 Planning Policy Statement 23: Planning and Pollution Control (PPS23) sets out the Government's land use planning policies in relation to the development of land that might impact on health. Paragraph 2 of the guidance states that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises from or may affect any land use. It notes that the presence of contaminated land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land, but that development presents an opportunity to deal with these risks successfully. It also notes that contamination is not restricted to land with previous industrial uses but can occur on greenfield as well as previously developed land and can arise from natural sources. Paragraph 15 states that local planning authorities must be satisfied that planning permission can be granted taking full account of environmental impacts.
- 11.4 Paragraph 18 advises that the Government's objectives for contaminated land are:
- To identify and remove unacceptable risks to human health and the environment;
 - To seek to bring damaged land back into beneficial use; and
 - To seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.
- 11.5 Paragraph 23 states that when determining planning applications the potential for contamination to be present must be considered in relation to the existing use and

circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA is required to satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation. Annex A of the guidance provides details of matters to be considered when taking decisions on individual planning applications.

Compliance with Policy

- 11.6 A Preliminary Geo-Technical and Environmental Assessment has been undertaken on the application site by Arcadis UK Ltd and is detailed in a separate technical report. It included both a desk-top study to determine the background of previous uses on the site and possible sources of contamination, as well as intrusive investigation including borehole drilling; well installation; soil and groundwater sampling and laboratory analysis.
- 11.7 The conclusions of the environmental field investigations and risk assessment can be summarised as follows:
- The desk study information indicates that the site is in an area where radon protection is deemed necessary.
 - A mining report documented that a mineshaft was located to the north of the site. The exact location of the potential mineshaft and details of any action undertaken to decommission it remain unknown following the intrusive investigation. There is no record of any workings associated with the shaft.
 - Ground conditions encountered at site comprised topsoil over a thin layer of Made Ground, underlain by alluvial deposits comprising clays, sands and gravels overlying bedrock (Mylor Slate Formation).
 - Based on reported soil and groundwater laboratory results, the site is not considered to present a risk to human health based on a commercial end use.
 - Polycyclic Aromatic Hydrocarbon (PAH) compounds in soil and Total Petroleum Hydrocarbons (TPH) compounds in groundwater were locally encountered at concentrations presenting a potential risk to water resource receptors. Laboratory data indicated that the PAH compounds in soils are not partitioning to groundwater at concentrations considered to present a risk to water resources. The TPH in groundwater is indicated to be localised in the northern portion of the site. Given that groundwater is indicated to flow to the north, the potential for the TPH impacts in groundwater to migrate off site cannot be discounted.
 - Two samples representative of natural soils showed material suitable for disposal as inert waste landfill. One sample of made ground had a single exceedance for disposal in an inert waste landfill.

11.8 The reports recommendations are as follows:

- Some additional shallow boreholes should be progressed to facilitate the installation of groundwater wells to delineate the area of hydrocarbon contamination identified in groundwater from borehole BH8 (at the northern end of the site).
- In line with Asda's stated environmental commitments the quantity of material arising from the development to be disposed to landfill should be kept to a minimum. Where surplus soils are to be removed from site it should be done by an appropriately registered waste carrier and disposed of in an appropriately licensed facility under the appropriate duty of care procedures.

Conclusions on Land Contamination Issue

11.9 Overall the existing ground conditions do not present a barrier to the commercial redevelopment of the site. Any concerns the local planning authority may have can be satisfactorily dealt with by imposing conditions on the planning permission requiring further ground investigation and, if necessary, remediation works.

12 Summary and Conclusions

- 12.1 Asda Stores Ltd are proposing the redevelopment of the existing Hayle Rugby Club site at Memorial Park on Marsh Lane for a mixed use development comprising eight Class B1/B2 business/light industrial units and a 5529sq m gross foodstore with ancillary petrol filling station and car parking. A pre-requisite for the development will be the relocation of Hayle RFC to a new and improved ground at Carwin Rise and the development of these replacement facilities is the subject of a separate planning application by Walker Developments Ltd.
- 12.2 Asda's planning application is supported by a number of technical reports addressing different land use planning issues, and this Planning Statement has summarised the conclusions of each one and confirmed that the proposed development is acceptable in the context of prevailing local and national planning policies.
- 12.3 The application site is located in an area characterised by existing commercial development, alongside an established retail destination. The Retail Assessment has shown that the site accords with the sequential approach to site selection and that the proposed Asda would not undermine the vitality or viability of either of the defined centres, but will address the quantitative and qualitative need for a new large foodstore in Hayle.
- 12.4 The proposed store will be accessible by a choice of means of transport, in line with current transport policies, and the Transport Assessment confirms that the development will be acceptable in terms of its impact on the highway network. Improvements are proposed to the A30 Loggans Moor roundabout that will improve traffic flows and a free bus service is to be provided to link the store and the existing shopping park with the town centre. The improvements to the A30 junction will provide additional capacity to meet the needs not only of the proposed development but also traffic generated by committed development elsewhere in Hayle.
- 12.5 The Flood Risk, Noise and Ecology Assessments confirm that the development will be acceptable in terms of flooding; the potential impact from noise and its impact on bio-diversity. The application site comprises brownfield land that is surrounded by existing development and none of the habitats or species recorded on it are of significant nature conservation interest. The nearest residential properties are located on the other side of the A30 trunk road and the servicing of the store and activity within the car park and petrol filling station will have no detrimental impact on residential amenity. With appropriate attenuation measures the operation of the store's fixed plant and compactor will also not exceed existing background noise levels. In terms of flood risk the site satisfies the sequential approach in PPS25 being in the lowest risk Flood Zone 1.
- 12.6 In relation to archaeology and heritage issues, no evidence has been found of any previously recorded pre-historic to medieval occupation in the vicinity, with evidence of post-medieval activity also being scant and limited to a possible nineteenth century brickworks somewhere in the area. Any archaeological deposits that may exist are likely to have been disturbed by the construction of the rugby pitches and clubhouse. Overall the archaeological assessment concludes that the redevelopment of the site would be acceptable in policy terms. If necessary

appropriately worded condition may be included on the planning permission to require further archaeological investigation during the construction.

- 12.7 The most important heritage/conservation designation in Hayle is the World Heritage Site listing covering the port area, which is of international importance. The 1972 World Heritage Convention ratified by the UK states that each State recognises the duty of, inter alia, doing all it can to protect and conserve its cultural and natural heritage (Article 4). DCLG Circular 07/2009 provides national planning guidance on the protection of World Heritage Sites and requires planning authorities to protect their outstanding universal value, and their settings, from inappropriate development. In Hayle the only sites technically superior to the application site in terms of the PPS4 sequential test are located in the harbourside area, within the WHS: however an application for a superstore submitted by ING in that area (at South Quay) has already been judged inappropriate development by UNESCO's representatives ICOMOS. The application site is therefore believed to afford the best opportunity to provide a new superstore in the town without any adverse impact on the outstanding universal value of the WHS.
- 12.8 A Preliminary Geo-Technical and Environmental Assessment has identified no significant land contamination within the site.
- 12.9 Through a careful assessment of the proposed scheme against relevant policy documents the principle of the redevelopment of the site for an Asda foodstore has been established. The application will meet the acknowledged need for a superstore in Hayle, at an established retail destination where the development will have no impact on the character of the conservation area or World Heritage Site in the harbour area. At the same time it will facilitate the relocation of Hayle rugby club to new and improved premises close by, which will help to secure the club's long term future. The provision of new Class B1 business/light industrial units alongside the existing industrial park is considered logical and appropriate. It is therefore considered that the proposed development is acceptable in planning terms and that planning permission should therefore be granted.