

Business

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Conversion of existing hotel building to provide a 14 bedroom hotel with restaurant (A3 use class) and retail shop (A1 use class) and demolition of existing buildings/structures and erection of 25 residential apartments/houses, together with access, highway remediation, car parking, infrastructure, landscaping and ancillary works

**Pendower Beach Hotel
Rocky Lane
Ruan High Lanes
Truro
TR2 5LW**



PBHH Ltd

PLANNING STATEMENT

April 2020

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1.0 INTRODUCTION

- 1.1 This document is a Planning Statement and has been prepared by Business Location Services Ltd on behalf of PBHH Ltd in respect of the proposed development at the Pendower Beach Hotel site, Rocky Lane, Ruan High Lanes, Truro, TR2 5LW. The planning application is a full detailed planning application for the “Conversion of existing hotel building to provide a 14 bedroom hotel with restaurant (A3 use class) and retail shop (A1 use class) and demolition of existing buildings/structures and erection of 25 residential apartments/houses, together with access, highway remediation, car parking, infrastructure, landscaping and ancillary works”.
- 1.2 The Pendower Beach Hotel site comprises a large and extensive previously developed brownfield site in an isolated location within the designated Area of Outstanding Natural Beauty on the Roseland Peninsula. The site has existing use as a hotel and has been the subject of a number of development proposals over a number of years. PBHH Ltd as owners of the site are seeking to bring forward a viable and deliverable regeneration project for the site in this highly sensitive AONB location.
- 1.3 A pre-application advice request was submitted to Cornwall Council on the 19th December 2014. Cornwall Council provided a formal pre-application advice response in a letter dated 4th February 2015.
- 1.4 A pre-application advice request was submitted to Cornwall Council on the 21st August 2017 and formally registered on the 23rd August 2017 with the reference PA17/01864/Preapp. Cornwall Council provided a formal pre-application advice response in a letter dated 22nd December 2017. Further pre-application advice providing clarification was provided in an email from Chris Daly dated 5th January 2018.
- 1.5 A request to enter into a Planning Performance Agreement (PPA) was submitted to Cornwall Council on the 30th January 2019 and registered with the reference PPA PA18/01602/Preapp. The PPA has yet to be signed by Cornwall Council but a payment was made by the applicant and confirmed as being received by Cornwall Council on 13/12/2018.
- 1.6 A further pre-application advice request was submitted to Cornwall Council and a formal response was provided in a letter dated 30th October 2019 with the reference PA18/01602/Preapp.
- 1.7 In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 2017 a Screening Opinion was sought from Cornwall Council who confirmed in writing in a letter dated 5th February 2015 that the proposed development falls within Schedule I of the EIA Regulations and that an EIA would be required. A subsequent Scoping Opinion was sought from Cornwall Council and the form and content of the Environmental Statement was confirmed in writing in correspondence dated 19th June 2015.

- 1.8 This planning application is therefore accompanied by an Environmental Statement and provides a rigorous and comprehensive assessment of the key issues and environmental impacts of the proposed development together with mitigation measures for both the construction and operation stages aimed at reducing any adverse impacts.
- 1.9 This Planning Statement should also be read in conjunction with the Design and Access Statement and Financial Viability Assessment and Community Infrastructure Levy Assessment which accompanies this planning application. In addition the planning application is accompanied by the following plans/drawings and technical reports: -

Koha Architects

- Drawing No. 111.130B Proposed Area Schedule
- Drawing No. 111.132C Existing and Proposed Hotel GEA and GIA
- Drawing No. 111.205F Site Observations
- Drawing No. 111.320A Boundary Observations
- Drawing No. 111.400A Location Plan
- Drawing No. 111.401B Existing Block Plan
- Drawing No. 111.402A Existing LG Floor Plan
- Drawing No. 111.403A Existing UG Floor Plan
- Drawing No. 111.404B Existing Farmhouse Plans
- Drawing No. 111.405B Existing Farmhouse Elevations
- Drawing No. 111.406B Existing Block A and B Elevations
- Drawing No. 111.407A Existing Site Elevations
- Drawing No. 111.408A Existing Site Sections
- Drawing No. 111.409A Existing Site Sections 2
- Drawing No. 111.410 Existing Valley Sections P & Q
- Drawing No. 111.450A Existing Coordination Plan
- Drawing No. 111.501A Proposed Masterplan
- Drawing No. 111.502B LG and UG Proposed Masterplan
- Drawing No. 111.503A FF and RP Proposed Masterplan
- Drawing No. 111.510B Proposed Hotel LG
- Drawing No. 111.511B Proposed Hotel UG
- Drawing No. 111.512B Proposed Hotel RP
- Drawing No. 111.513A Proposed Hotel Elevations
- Drawing No. 111.514A Proposed Hotel Elevations in Context
- Drawing No. 111.515A Proposed Block A and M Plans and Elevations
- Drawing No. 111.516A Proposed Block B and C Plans and Elevations
- Drawing No. 111.517A Proposed Block D Plans and Elevations
- Drawing No. 111.518A Proposed Block E Plans and Elevations
- Drawing No. 111.520B Proposed Block F Plans
- Drawing No. 111.521A Proposed Block F Elevations
- Drawing No. 111.522B Proposed Block G Plans and Elevations

- Drawing No. 111.523B Proposed Block J Plans and Elevations
- Drawing No. 111.524B Proposed Block K Plans and Elevations
- Drawing No. 111.525B Proposed Block L Plans and Elevations
- Drawing No. 111.530A Proposed Site Elevations J, K, M & N
- Drawing No. 111.535B Site Sections A, B, C & D
- Drawing No. 111.536B Site Sections E, F, G, H, R & S
- Drawing No. 111.537 Proposed Valley Sections P and Q
- Drawing No. 111.540 CGI View 1
- Drawing No. 111.541 CGI View 2
- Drawing No. 111.542 CGI View 3
- Drawing No. 111.543 CGI View 4
- Drawing No. 111.544 CGI View 5
- Drawing No. 111.545 CGI View 6
- Drawing No. 111.550 Materials Sheet

Nijhuis Industries/i-consult

- Drawing No. J-11351 3001A
- Drawing No. J-11351 3002A
- Drawing No. K-11351 3003A

MeiLoci

- Drawing No. M319.DR.L.1000 SK Rev 00 Site Landscape Strategy
- Drawing No. M319.DR.L.1001.PL.Rev 01 Existing Site Conditions Plan
- Drawing No. M319.DR.L.1002.PL.Rev 01 General Arrangement
- Drawing No. M319.DR.L.1003.PL.Rev 01 Materials and Surfaces
- Drawing No. M319.DR.L.1004.PL.Rev 01 Materials and Surfaces
- Drawing No. M319.DR.L.1101.PL.Rev 00 Planting Details

GPJ Consulting Engineers Ltd

- Drawing No. 2558.EX02 Proposed Buried Services and Infrastructure Layout
- Drawing No. 2558.EX03 Proposed GSHP Borehold Layout

Evolve Tree Consultancy

- Drawing No. EV-2810-TCP Rev A Tree Constraints Plan
- Drawing No. EV-2810-TPP Rev A Tree Protection Plan

Green Ecology

- Drawing No. 0173-ECOP Ecological Constraints and Opportunities Plan

Hydrock – Geo Technical & Ground Investigation

- Drawing No.06304-HYD-XX-XX-DR-G-1012-S4-P1 Rocky Lane Outline S278 Proposals

- Drawing No. PBH-HYD-XX-XX-DR-G-1008-S4-P1 Indicative Foundation Strategy Plan
- Drawing No. PBD-HYD-XX-XX-DR-G-1010-S4-P1 Projected Regression
- Drawing No. PBD-HYD-XX-XX-DR-G-1011-S4-P1 Conceptual Site Model
- Drawing No. PBH-HYD-CC-CC-DR-G-1006-S2-P2 Site Walkover and Exploratory Hole Location Plan
- Drawing No.06304-HYD-PBH-HDY-XX-XX-DR-G-1007-S2-P2 Exploratory Hole Locations Overlay on Proposed Development Plan
- Drawing No.06304-HYD-PBH-HDY-XX-XX-DR-G-1006-S2-P2 Site Walkover and Exploratory Hole Locations Plan
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1005-S2-P1 Historical Cliff Recession Plan
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1004-S2-P1 Historical Cliff Recession Plan
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1003-S2-P1 Areas Analysed with respect to Historical Coastal Change
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1002-S2-P1 Sand Dune Regression Plan
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1001-S2-P1 Site Features Plan
- Drawing No.06304-HYD-PBD-HDY-XX-XX-DR-G-1000-S2-P1 Site Location Plan

Hydrock – Transport

- Drawing No. 06304-HYD-XX-XX-DR-TP-0104 P01 Road Realignment and Site Access General Arrangement and Visibility Splay
- Drawing No. 06304-HYD-XX-XX-DR-TP-0108 P01 Rocky Lane Carriageway Widening and Parking Restriction General Arrangement

MBA

- Drawing No. 15022 30 A Block G Structure Plan

Technical Reports

- Arboricultural Impact Assessment – Evolve Tree Consultancy
- Coastal Change Study Report – Hydrock
- Desk Study and Ground Investigation Report – Hydrock
- Flood Risk Assessment – Nijhuis Industries H2OK
- Surface Water and Foul Drainage Assessment – Nijhuis Industries H2OK
- Baseline Report – Green Ecology
- Shadow Habitats Regulations Assessment (sHRA) and Appropriate Assessment (AA) (Green Ecology 2019)
- Ecological Design Strategy (EDS) (Green Ecology 2019)
- Archaeological Report – South West Archaeology Ltd
- Statement of Community Involvement – Business Location Services Ltd
- Construction Environmental Management Plan

- Renewable Options Report - GPJ Consulting Engineers
- Transport Statement – Hydrock
- Travel Plan - Hydrock
- Design and Access Statement – Koha Architects
- Financial Viability Assessment and CIL Assessment – Business Location Services Ltd

1.10 The proposals for the Pendower Beach Hotel site have been subject to an extensive and rigorous design process and community consultation and engagement. The proposed development represents the culmination of extensive layout and design iterations and the Statement of Community Involvement which accompanies this planning application sets out in detail the scope of community consultation and engagement undertaken to date.

2.0 THE PROPOSED DEVELOPMENT

Introduction

2.1 The applicant is PBHH Ltd the company which acquired the Pendower Beach Hotel in 2009. Subject to planning permission being granted the company has the funding to implement the investment to facilitate the regeneration of the Pendower Beach Hotel site.

2.2 The planning application is a full detailed planning application and is described in detail in the Design and Access Statement and Chapter 3 of the Environmental Statement which accompanies this application. Under Section 70(2) of the 1990 Act and Section 38(b) of the 2004 Act, Cornwall Council is required to determine the planning application in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.3 The Pendower Beach Hotel site is located on the South Cornwall coast on the Roseland Peninsula immediately adjacent to Pendower Beach. The Pendower Beach Hotel site lies within the Cornwall South Coast Central Area of Outstanding Natural Beauty (AONB). It also lies within the Heritage Coast and the Coastal Zone. The Fal and Helford Estuaries Special Area of Conservation (SAC), the Falmouth and St Austell Bay Special Protection Area (SPA) and the Gerrans Bay to Camels Cove Site of Special Interest (SSSI) extend along the frontage of the Pendower Beach Hotel site but are not within the application site.

2.4 The Pendower Beach Hotel site is accessed from Rocky Lane which extends from the A3078 via a priority T-Junction in a north-west to south-east alignment for approximately 650m before reaching the Pendower Beach Hotel. The road is a no through road with a rural single lane carriageway width of approximately 3.5m with passing places, devoid of street lighting and footways. The road is an adopted highway.

2.5 The Pendower Beach Hotel regeneration proposes the re-use of an existing brownfield site located within Gerrans Bay on the Roseland Peninsula.

Through a detailed programme of refurbishment, new build proposals, off-site improvements and sensitive landscape design represented in the proposals the intention is to demonstrate a full understanding of the designations upon the site and how the design responds to these and to comments received during the extensive consultations that have been carried out during the last six years.

2.6 A summary of the proposed development is provided below: -

- Retention of the existing hotel and leisure use on site
- Retention and refurbishment of the original farmhouse (hotel) to accommodate new core hotel functions
- Ancillary hotel accommodation to include improved public toilet facilities, a shop, restaurant and café
- Demolition of poor quality existing 1970's additions which are detrimental to the site and the original building
- New-build northern and southern hotel wings to complement and enhance the original building and the setting
- 25no. open-market residential apartments/houses across 10 no. new buildings located on the site. These are designed to minimise visual impact and effect of change upon the site whilst providing a cross-subsidy for the regeneration of the hotel.
- Retention of key existing landscape features such as courtyard walls, gates and retaining walls on site
- Off-site enhancements including the concealment of existing overhead power cables below ground, road improvements and cliff stabilisation along Rocky Lane
- Provision of on-site parking spaces to cater for the development
- Site wide Bio-diversity net gain enhancements and significant improvements to water quality within the Melinsey stream
- Retention of the majority of trees and vegetation and new planting of trees and landscaping.
- Long-term future management and maintenance of the site via a management team and succession plan backed up by Building with Nature Accreditation
- Introduction of clean low energy provision to the site

The schedule of areas for the development can be seen below expressed as Gross Internal Area (GIA) and Gross External Area (GEA):

	<u>GIA (m2)</u>	<u>GEA(m2)</u>
Existing Hotel Site Total	1,290.1	1,563.9
Proposed		
	<u>GIA (m2)</u>	<u>GEA(m2)</u>
Hotel	1,157.53	1,381.10
Residential	2,871.30	3,606.50
Total	4,028.80	4,987.70

2.7 The development plan for the Pendower Beach Hotel site is the Cornwall Local Plan Strategic Policies 2010 – 2030 and the Roseland Neighbourhood Plan 2015. The policies in the Cornwall Local Plan and Roseland Neighbourhood Plan are material considerations in the determination of this planning application.

2.8 National planning policy guidance is also a material consideration as follows: -

- National Planning Policy Framework (NPPF) (February 2019) which sets out the Government's policies for England and how these are expected to be applied.
- Planning Practice Guidance (PPG) in particular Appropriate Assessment (July 2019), Climate Change (March 2019), Community Infrastructure Levy (September 2019), Design (October 2019), Environmental Impact Assessment (March 2019), Flood Risk and Coastal Change (March 2014), Historic Environment (July 2019), Housing and Economic Land Availability Assessment (July 2019), Land affected by Contamination (July 2019), Land Stability (July 2019), Light Pollution (March 2014), Natural Environment (July 2019), Noise (July 2019), Planning Obligations (September 2019), Travel Plans and Transport Assessments (March 2014), Viability (September 2019), Water Supply and Water Quality (July 2019).
- Good Practice Guide on Planning for Tourism (DCLG July 2007)
- Plan for Growth 2011
- Fixing the Foundations: Creating a More Prosperous Nation (July 2015) H M Treasury
- Towards a One Nation Economy: A 10 Part Plan for Boosting Productivity in Rural Areas (August 2015) (Defra)
- Backing the Tourism Sector: A Five Part Plan (July 2015)
- Tourism Sector Deal (June 2019)
- Tourism: Statistics and Policy – House of Commons Briefing Paper (September 2019)

2.9 Other local planning policy guidance that are considered to be material considerations:-

- Cornwall Design Guide 2019
- Cornwall Housing SPD Consultation Draft (April 2019)
- Chief Planning Officer's Advice Note: Good Design in Cornwall (December 2017)
- Cornwall AONB Management Plan 2017-2030
- Planning Practice Guidance
- Draft Chief Planning Officer's Advice Note: Planning for Coastal Change

2.10 The legal framework relevant to the proposed development sets out:

- The procedures that are required to be followed in the determination of the application for planning permission; and

- The obligations placed on competent authorities, including Cornwall Council, which must be complied with in the determination of the application for planning permission.
- 2.11 Section 38(b) of the Planning and Compulsory Purchase Act 2004 together with Section 70(2) of the Town and Country Planning Act 1990 require that an application for planning permission should be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
 - 2.12 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) set out the process of environmental impact assessment (EIA), which requires Cornwall Council to take into account 'environmental information' in the determination of the planning application. Environmental information includes this Environmental Statement, responses from statutory consultees and representations from third parties including members of the public. The Environmental Statement (ES) presents information on the identification and assessment of likely significant environmental effects of the proposed development.
 - 2.13 The Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') transpose European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC on the conservation of wild birds (Birds Directive) in England and Wales and territorial seas. They provide protection for 'European sites' (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and candidate SACs (cSACs). Together, these sites provide a network of sites known as Natura 2000. As a matter of policy, the UK Government also treats as European sites potential SPAs (pSPAs), possible SACs, listed or proposed Ramsar sites, and sites identified as required as compensatory measures for adverse effects on such European sites.
 - 2.14 The Habitat Regulations also confer protection on European Protected Species, providing a framework within which controls are placed on activities that may cause harm to European Protected Species and defining the circumstances under which licenses may be granted to permit specified activities to take place.
 - 2.15 Section 40 of the Natural Environment and Rural Communities Act 2006 imposes a duty on every public authority to have regard to the purpose of conserving biodiversity insofar as it is consistent with the proper exercise of its functions.
 - 2.16 The Countryside and Rights of Way Act 2000, section 85 requires that in determining the planning application Cornwall Council shall have regard to the purposes of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.
 - 2.17 The Wildlife and Countryside Act 1981, the Habitats Regulations and Environmental Permitting (England and Wales) Regulations 2010 make provision for the licenses and permits that the proposed development may

require.

3.0 PLANNING POLICY FRAMEWORK

National Planning Policy Framework (NPPF) (February 2019)

- 3.1 The National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and how these are expected to be applied.
- 3.2 Section 2: Achieving Sustainable Development. Paragraphs 7-11 sets out the mechanism for achieving sustainable development, together with the presumption in favour of sustainable development in decision making.
- 3.3 Section 4: Decision Making. Local Planning Authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible. Paragraph 47 stipulates that planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.4 Paragraph 48 stipulates that Local Planning Authorities may give weight to relevant policies in emerging plans according to their consistency to the relevant policies to the NPPF.
- 3.5 Section 5: Delivering a sufficient supply of houses. Paragraph 59 states that to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with planning permission is developed without unnecessary delay.
- 3.6 Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote a good mix of sites, Local Planning Authorities should identify through the development plan and brownfield registers at least 10% of their housing requirement on sites no larger than 1 Ha and support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for houses.
- 3.7 Paragraph 78 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 3.8 Section 6 of the NPPF: Building a Strong, Competitive Economy states in paragraph 80 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 places significant weight on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development.

- 3.9 Paragraph 83 stipulates that planning decisions should enable the sustainable growth of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings. Paragraph 85 also promotes rural tourism and leisure developments which respect the character of the countryside.
- 3.10 Paragraph 84 stipulates that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found or beyond existing settlements and in locations not served by public transport. The use of previously developed land and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.
- 3.11 Paragraph 102 requires transport issues to be considered at the earliest stage of development proposals to enable potential impacts of development on the highway network to be addressed together with opportunities to promote sustainable forms of transport.
- 3.12 Paragraph 108 requires development proposals to ensure that opportunities to promote sustainable transport modes have been taken up given the type of development and its location, a safe and suitable access can be achieved and any significant impacts from development on the highway network can be mitigated.
- 3.13 Paragraph 111 states that all developments that will generate significant movements should be required to produce a travel plan and be supported by a transport assessment.
- 3.14 Section 11: Making effective use of land. Paragraph 117 requires planning decisions to promote an effective use of land in meeting the need for homes. Paragraph 118(c) stipulates that planning decisions should give substantial weight to the value of using suitable land within settlements for housing. Paragraph 118(d) seeks to promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 3.15 Paragraph 122 stipulates that planning decisions should support development that makes efficient use of land taking into account the need for different types of housing, local market conditions and viability and the desirability of maintaining areas' prevailing character and setting together with the importance of securing well designed and attractive places. In paragraph 123, the NPPF states that it is especially important that planning decisions avoid houses being built at low densities and ensure that developments make optimum use of the potential for each site and that Local Planning Authorities should refuse applications, which they consider fail to make efficient use of land.
- 3.16 Section 12: Achieving well-designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the

planning and development process should achieve and that good design is a key aspect of sustainable development.

- 3.17 Paragraph 125 requires plans to set out a clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable.
- 3.18 Paragraph 126 states that in order to provide maximum density about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes.
- 3.19 Paragraph 127 sets out criteria to ensure that development is visually attractive and sympathetic to local character and optimises the potential of the site creating safe, inclusive and accessible places. Paragraph 131 states that in determining applications great weight should be given to outstanding or innovative design, which promotes high levels of sustainability, or to raising the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 3.20 Paragraph 130 states that where the design of development accords with clear expectations in plan policies design should not be used by the decision maker as a valid reason to object to development.
- 3.21 Section 14: Meeting the challenge of climate change, flooding and coastal change. Paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. Paragraph 150 states that new developments should be planned to avoid increased vulnerability to climate change and to help reduce greenhouse emissions.
- 3.22 Paragraph 163 requires Local Planning Authorities when determining planning applications to ensure that flood risk is not increased elsewhere and in paragraph 165 that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 3.23 Paragraph 166 states that in coastal areas planning decisions should take account of the UK Marine Policy Statement and marine plans and in paragraph 168 that development in a Coastal Change Management Area will only be appropriate if it can be demonstrated that any development will be safe over its planned lifetime and not have an unacceptable impact on coastal change.
- 3.24 Section 15: Conserving and enhancing the natural environment in Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment and by preventing new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, noise, pollution or ground instability.
- 3.25 Paragraph 170(a) requires the protection and enhancement of valued

landscape while paragraph 170(c) seeks to maintain the character of the undeveloped coast. Paragraph 170(f) requires the remediation and the mitigation of derelict and contaminated land where appropriate.

- 3.26 Paragraph 172 places great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection. The conservation and enhancement of wildlife and cultural heritage are also important considerations.

The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 3.27 Paragraph 175 sets out certain principles for Local Planning Authorities when determining planning applications relating to significant harm to biodiversity from development proposals which cannot be adequately mitigated together with development on land within or outside of a SSSI.

- 3.28 Paragraph 177 states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on habitats unless an appropriate assessment has concluded the project will not adversely affect the integrity of the habitat's site.

- 3.29 Paragraph 178 stipulates that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any soils from land instability and contamination.

- 3.30 Section 16: Conserving and enhancing the historic environment and addresses development proposals affecting heritage assets. Paragraph 189 places the emphasis on Local Planning Authorities to require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting.

- 3.31 Paragraph 195 stipulates that where a proposed development will lead to substantial harm to a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

Planning Practice Guidance (PPG)

- 3.32 On 6th March 2014, the Government launched the Planning Practice Guidance (PPG) as a web based resource, which seeks to bring together planning practice guidance for England in an accessible and useable way.
- 3.33 Under the Section headed “Design” ID:26-01, the PPG emphasises the advice provided in the NPPF that “Good quality design is an integral part of sustainable development. Good Design responds in a practical and creative way to both the function and identity of a place”.
- 3.34 In respect of promoting local character the PPG, ID:26-007 states “Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation”.
- 3.35 Paragraph 024 concerns layout and requires new developments to respond appropriately to the existing layout of buildings and streets and to ensure that adjacent buildings relate to each other, continuing: “The layout of areas, whether existing or new, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site”.
- 3.36 Paragraph 026 concerns scale and notes that “Decisions on building size and mass, and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area”.
- 3.37 Paragraph 040 states “Well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants”.
- 3.38 The PPG section on Viability (July 2018) sets out key principles in understanding viability in decision taking. Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable and it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. Paragraph 007 Ref ID: 10-007-20180724.
- 3.39 With regard to viability assessments in decision making, the PPG stipulates that where a viability assessment is submitted to accompany a planning application, this should refer to the viability assessment that informed the plan with the applicant providing evidence of what has changed since then. Paragraph 008 Ref ID: 10-008-20180724.
- 3.40 The PPG provides guidance on the standardised impacts to viability assessment together with the principles for carrying out a viability assessment. Viability assessment is a process for assessing whether a site is financially viable, by looking at whether the value generated is more than the

cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium and developer's return. Any viability assessment should be supported by appropriate evidence informed by engagement with the viability assessment being transparent and publicly available. In decision making, viability is said to help to strike a balance between the aspirations of developers and landowners, in terms of returns against risk and the aims of the planning system to secure maximum benefits in the public interest. Paragraph 010 Ref ID: 10-010-20180724.

3.41 The PPG provides guidance as to how gross development value is defined for the purpose of viability assessment. Gross development value is defined as an assessment of the value of the development. For residential development this may be total sales and/or capitalised rental income from developments. For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from existing developments can be used. It is said that under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan. Paragraph 011 Ref ID: 10-011-20180724.

3.42 The PPG provides a definition as to how costs should be defined for the purposes of viability assessment. Assessment of costs should be based on evidence which is reflective of local market conditions. The costs include:

- Build costs based on appropriate data i.e. BCIS.
- Additional costs – including treatment of contaminated sites or costs associated with brownfield sites.
- Site specific infrastructure costs – including access roads, drainage systems etc.
- Total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure and CIL.
- General finance costs including those incurred through loans.
- Professional, project management, sales, marketing and legal costs.
- Project contingency costs with a justification relative to project risk and developers return.

Paragraph 012 Ref ID: 10-012-20180724.

3.43 The PPG provides guidance as to how land value should be defined for the purpose of viability assessment. To define land value for viability assessment a benchmark land value should be established on the basis of an existing use value (EUV) for land. The provision for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell land. The provision should provide a reasonable incentive for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is called EUV+. Paragraph 013 Ref ID: 10-013-20180724.

3.44 The PPG provides guidance on those factors to be considered to establish benchmark land value which includes:

- Existing Use Value.
- Allowance for a premium to landowners.
- Reflecting the implications of abnormal costs, site infrastructure and professional fees.
- Market evidence including costs and values including evidence from comparable policy compliant developments.

In decision taking, the cost implications of all relevant policy requirements including planning obligations and CIL charge should be taken into account.

Where viability assessment is used to inform decision making, it is said that under no circumstances will the price paid for the land be relevant justification for failing to accord with relevant policies in the plan. Paragraph 014 Ref ID: 10-014-20180724.

- 3.45 The PPG provides guidance as to what is meant by existing use value in viability assessment.

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. Paragraph 015 Ref ID: 10-015-20180724.

- 3.46 The PPG provides guidance as to how the premium to the landowner should be defined for viability assessment.

The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements. Any data used should reasonably identify any adjustments necessary to reflect the cost of policy compliance (including for affordable housing), or differences in the quality of land, site scale, market performance of different building use types and reasonable expectations of local landowners. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement). Paragraph 016 Ref. ID: 10-016-20180724.

- 3.47 The PPG provides guidance as to how should a return to developers be defined for the purposes of viability assessment. Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan. For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers

in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end scale at a known value and reduces risk. Alternative figures may also be appropriate for different development types. Paragraph 018 Ref ID: 10-018-20180724.

- 3.48 The PPG sets out guidance in respect of the use of planning obligations. Planning obligations are legal obligations entered into, to mitigate the impacts of a development proposal and are the subject of a legal binding Section 106 agreement. Planning obligations are referred to as “developer contributions” when considered alongside highway contributions and CIL. Paragraph 001 Ref ID:23b–001-20190315.
- 3.49 Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations, in the form of Section 106 agreements should only be used where it is not possible to address unacceptable impacts through a planning condition. Developers may also contribute towards infrastructure by way of CIL, which is a fixed charge levied on new development to fund infrastructure. Where CIL is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities’ infrastructure needs and what developers will be expected to pay for through which route. There should not be actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure. Plan makers should consider the combined total impact of such requests so they do not undermine the deliverability of the plan. Paragraph: 003 Ref ID:23b-003-20190315.
- 3.50 Plans should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of CIL and planning obligations. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that total cumulative cost of all relevant policies will not undermine deliverability of the plan. Paragraph: 005 Ref ID:23a-005-20190315.
- 3.51 Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools. Funding is reduced, however, to take account of developer contributions, to avoid double funding of new school places. Government funding and delivery programmes do not replace the requirement for developer contributions in principle. Plan makers and local authorities for education should, therefore, agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts. Paragraph: 007 Ref ID: 23b-007-20190315.
- 3.52 Discussions about planning obligations should take place as early as possible

in the planning process. Plans should set out policies for the contributions expected from development to enable fair an open testing of the policies at examination. Local communities, landowners, developers, local (and national where appropriate) infrastructure and affordable housing providers and operators should be involved in the setting of policies for the contributions expected from development. Pre-application discussions can prevent delays in finalising those planning applications which are granted subject to the completion of planning obligation agreements. Paragraph: 013 Ref ID: 23b-013-20190315.

- 3.53 Provision of affordable housing should only be sought for residential developments that are major developments. For housing development, major development is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5Ha or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1Ha or more, or as otherwise provided in the Town and Country Planning (Development Management Procure) (England) Order 2015. Paragraph: 023 Ref OD: 23b-023-20190315.
- 3.54 National policy provides an incentive for brownfield development sites containing vacant buildings. Where a vacant building is brought back to use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable Housing contributions may be required for any increase in floorspace. Paragraph 026 Ref ID: 23b-026-20190315.
- 3.55 Where there is an overall increase in floorspace in the produced development, the Local Planning Authority should calculate the amount of affordable housing contributions required from the development as set out in the Local Plan. A credit should then be applied to the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing calculation. The existing floorspace of a vacant building should be credited against the floorspace of the new development. Paragraph: 027 Ref ID: 23b-027-20190315.
- 3.56 The vacant building credit applies where the building has not been abandoned. The policy is intended to incentivise brownfield development and Local Planning Authorities should have regard to the intention of national policy and in doing so it is appropriate for Local Planning Authorities to consider: -
- Whether the building has been made vacant for the sole purposes of redevelopment.
 - Whether the building is covered by an extant planning consent.
- Paragraph: 028 Ref ID: 23b-028-20190315.

- 3.57 The Development Plan in Cornwall is the Cornwall Local Plan (CLP) which was adopted on 22nd November 2016.
- 3.58 Policy 1: Presumption in favour of sustainable development of the Cornwall Local Plan states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework”. The Policy states further that “When considering whether a development proposal is sustainable or not, account will be taken of its location, layout, design and use against the three pillars of economic development, social development and environmental protection and improvement”.
- 3.59 Policy 2: Spatial Strategy of the Cornwall Local Plan requires that new development provide a sustainable approach to accommodating growth, providing a well balanced mix of economic, social and environmental benefits. Policy 2 of the Cornwall Local Plan seeks to focus growth on the main towns where they can support regeneration and sustainable development. Policy 2(1) requires development proposals to respect and enhance the quality of space and special character of Cornwall by ensuring development is high quality and demonstrating and understanding of its location. Policy 2a: Key Targets of the Cornwall Local Plan sets a target for the delivery of a minimum of 52,500 homes to the year 2030 and for the Truro and Roseland Community Network Area, identifies the need for some 1,200 dwellings to be provided.
- 3.60 Policy 3: Role and Function of Place of the Cornwall Local Plan seeks to manage development in the key towns and villages. Policy 3 identifies policy guidance for new housing outside of the main towns with emphasis on the use of previously developed land in settlements.
- 3.61 Policy 4: Shopping, Services and Community Facilities of the Cornwall Local Plan seeks to maintain the retail hierarchy by supporting centres to provide for the needs of their community. The policy supports the provision and retention of community facilities and village shops wherever possible.
- 3.62 Policy 5: Business and Tourism seeks to ensure a continued supply of business space and in the countryside and smaller rural settlements proposals should be of a scale appropriate to its location or demonstrate an overriding need to be in that location where it is an extension to an existing business where relocation would be impractical or not viable. Policy 5(3) provides policy support for the development of new or upgrading of existing tourism facilities through the enhancement of existing and provision of new high quality sustainable tourism facilities, attractions and accommodation. The scale of development should be appropriate to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits.
- 3.63 Policy 8: Affordable Housing of the Cornwall Local Plan requires all housing schemes within the plan area where there is a net increase of more than 10 dwellings or where dwellings would have combined gross floorspace of more than 1,000 square metres to contribute to affordable housing need which in

Value Zone 1 (Pilleigh Parish lies in Value Zone 1) would equate to 50% affordable housing.

- 3.64 Policy 10: Managing Viability of the Cornwall Local Plan provides policy guidance on managing viability and provides a mechanism and approach where a proposal cannot justify the full quota of affordable housing without affecting the viability of the scheme.
- 3.65 Policy 12: Design of the Cornwall Local Plan provides that development proposals will be judged against fundamental design principles of character, layout, movement, adaptability, inclusiveness, resilience and diversity and process. The Policy also requires that development proposals should protect individuals and property from overlooking and unreasonable loss of privacy, overshadowing and overbearing impacts, and unreasonable noise and disturbance.
- 3.66 Policy 13: Development Standards of the Cornwall Local Plan requires that all new development will be expected to provide sufficient on-site open (or private amenity) space, car parking provision, and space for storage for domestic activities and recreation, as well as collection of waste, recycling and compostables.
- 3.67 Policy 16: Health and Wellbeing seeks to improve the health and wellbeing of Cornwall's communities and to protect and alternate risk to people and the environment and to mitigate against harmful impacts of health risks such as air and noise pollution and water and land contamination and future climate change. The policy also provides for the provision of easy, safe and secure storage for cycles and other recreational equipment.
- 3.68 Policy 21: Best Use of Land and Existing Buildings of the Cornwall Local Plan seeks to ensure the best use of land through the use of previously developed land and buildings where they are not of high environmental or historic value.
- 3.69 Policy 22: European Protected Species – mitigation of recreational impacts of the Cornwall Local Plan requires financial contributions to mitigate the impacts of residential and tourist accommodation in respect of recreational impacts on European sites.
- 3.70 Policy 23: Natural Environment of the Cornwall Local Plan seeks to sustain local distinctiveness and character and where possible to enhance the natural environment and assets. Section 3(d) of the Policy seeks to give priority to protect protected species and habitats. Sub-policy 2a stipulates that great weight will be given to conserving the landscape and increase beauty within or affecting the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity.
- 3.71 Policy 24: Historic Environment of the Cornwall Local Plan stipulates that development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic, rural, urban and coastal

environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.

- 3.72 Policy 26: Flood Risk Management and Coastal Change of the Cornwall Local Plan relates to flood risk management and requires that development should take account of and be consistent with any adopted strategic and local flood and coastal management strategies. Section 2 of the Policy requires that development should be sited, designed, of a type and, where necessary, located in a manner that it minimises, or reduces and (where possible) eliminates flood risk on the site and in the area.
- 3.73 Policy 27: Transport and Accessibility of the Cornwall Local Plan provides for all development to provide a safe and suitable access and not to cause adverse impact on the local or strategic road network.
- 3.74 Policy 28: Infrastructure of the Cornwall Local Plan requires developer contributions towards infrastructure.

Biodiversity SPD

- 3.75 The Biodiversity SPD sets out the opportunities for biodiversity in the planning process and seeks to promote environmental growth and ecological enhancement. The SPD provides additional guidance in respect of Policies 22 and 23 of the Cornwall Local Plan. The Biodiversity SPD also relates to Policy 25 of the Cornwall Local Plan in respect of green infrastructure provision.
- 3.76 The SPD sets out guiding principles for development proposals with a four stage process in respect of avoidance, mitigation and compensation of ecological enhancement measures. The SPD sets out a requirement for a “net gain” ecological and biodiversity approach in the development process.

Chief Planning Officer’s Advice Note: Good Design in Cornwall (December 2017)

- 3.77 The Chief Planning Officer’s Advice Note: Good Design in Cornwall aims to provide a guide to greater consistency in decision making and, again, although it does not form part of the development plan, it is a material consideration.
- 3.78 The Advice Note states that the Council wishes to work with the applicants to achieve the best outcomes by encouraging innovation in sustainable construction and seeking good solutions and that there is no wish to impose an artificial vernacular or aesthetic taste. The Advice Note encourages engagement with the community and planners and that development should not be stuck in the past or replicate poor quality development. It is also emphasised in the Advice Note that it should not be used too prescriptively, that it is not a toolkit and that it should be read in conjunction with the Cornwall Design Guide and Building for Life.
- 3.79 The Advice Note provides a series of questions in respect of practical

considerations for good development in Cornwall under three headings; Integrating into the Neighbourhood, Creating a Place and Street and Home.

Cornwall Council Housing SPD (February 2020)

- 3.80 The Cornwall Council Housing (SPD) (February 2020) aims to provide a range of high level strategic policies relating to housing and will sit beneath the Cornwall Local Plan providing operational, technical and detailed guidance to support the delivery of new residential developments and clarity as to how the policies from the Cornwall Local Plan should be interpreted and implemented by developers, landowners and the public.
- 3.81 Paragraph 85 (page 21) of the draft SPD provides guidance in respect of circumstances where a proposal cannot deliver on-site affordable housing and an off-site financial contribution is appropriate. Paragraph 86 (page 21) sets out the tariff based approach to be applied where an off-site contribution in lieu of on-site affordable housing provision. In accordance with the NPPF the off-site contribution tariff is set out broadly equivalent value to the cost of providing on-site affordable housing. The cost will be equivalent to the difference between the open market value of a dwelling and the price that a Registered Provider would pay for the dwelling.
- 3.82 Appendix 2 (page 39) identifies three different tariffs for the three different Local Housing Allowance (LHA) areas in Cornwall:
- Kernow West - £102,000;
 - North Cornwall and Devon Borders - £102,000;
 - Plymouth - £92,000.

Community Infrastructure Levy (CIL)

- 3.83 Cornwall Council adopted a CIL Charging Schedule in July 2018 and came into effect on 1st January 2019. The Charging Schedule sets out the rates per sqm that will now be charged on all new planning permissions for liable development from the 1st January 2019.

Cornwall Design Guide 2017

- 3.84 The Cornwall Design Guide was originally adopted in March 2013 and was produced to help inform the design of new development and ensure of good design and improve the quality of development. The Cornwall Design Guide sets out principles of design and encourages sustainability, the use of design and access statements and proactive engagement in the design process.
- 3.85 The Cornwall Design Guide supports development that has been subject to an interactive design process and follows the principles of good design. It also supports sustainable and safe neighbourhoods and development proposals with excellent architecture. The Guide should be read in conjunction with the Chief Planning Officer's Advice Note: Good Design in Cornwall.

Roseland Peninsula Neighbourhood Plan

- 3.86 The Roseland Peninsula Neighbourhood Plan has been adopted and forms part of the development plan in conjunction with the Cornwall Local Plan. The Roseland Neighbourhood Plan predates both the NPPF (2019) and the Cornwall Local Plan (2016) and there are significant issues with the consistency of policies in the Roseland Neighbourhood Plan and policy guidance in the NPPF and Cornwall Local Plan. The planning policies contained in the Neighbourhood Plan considered pertinent to the proposed development are summarised as follows: -

Policy CV4 – Archaeological Heritage
Policy LA1 – AONB Management Plan
Policy LA2 – Local Landscape Character
Policy LA4 – Sea Defences and Shoreline
Policy LA5 – Biodiversity and Geological Conservation
Policy SF2 – Sustainable Transport
Policy GP1 – Sustainable Development
Policy GP2 – Design and Character of the Roseland
Policy CD1 – Commercial Development

Cornwall AONB Management Plan 2017 – 2030

- 3.87 The Cornwall AONB Management Plan 2017 – 2030 does not form part of the development plan but is a material consideration. Policies considered relevant to the proposed development in the Cornwall AONB Management Plan are summarised as follows: -

Policy MD1

Major development will be refused in the Cornwall AONB unless it can be demonstrated that there are exceptional circumstances for the development; that the development is in the public interest and that the purposes of the AONB designation are afforded the highest status of protection with regard to landscape character and scenic beauty.

Policy MD5

Support small scale developments that enable the identified needs of local people to be met, in terms of affordable housing, employment and gypsy/traveller sites. Development should be in sustainable locations with good access to services where landscape capacity and opportunity to enhance the protected landscape can be demonstrated. VC1, 2, 3, 5 and 7.

Policy MD6

Support new tourism, leisure and recreation development that conserves and enhances the diverse local landscape characteristics of the various sections of the Cornwall AONB. Ensure that the scale, design and use of materials have appropriate regard to the character, sensitivity and capacity of the

protected landscape and seek better integration of existing holiday sites, visitor infrastructure, and car parks in order to reduce landscape and visual impact.

Policy MD9

Any necessary development in or within the setting of the AONB will be high quality sustainable development that:

Any necessary development in or within the setting of the AONB will be high quality sustainable development that:

- It is appropriately located, of an appropriate scale and addresses landscape sensitivity and capacity.
- Is compatible with the distinctive character of the location described by the Landscape Character Assessment, with particular regard to the setting of settlements and the rural landscape.
- Does not compromise the special qualities and characteristics of the AONB designation as outlined in the Statement of Significance for each local section and relevant character assessments.
- Maintains semi-natural corridors.
- Promotes the conservation of the historic environment as a whole and in particular those designated heritage assets and their setting; including the Conservation Areas and World Heritage Site.
- Is designed to respect quality of place in the use of distinctive local building styles and materials, dark skies and tranquility.

Policy MD11

Promote the use of local vernacular stone within built development and infrastructure, if necessary by the small scale and sensitive reworking of local quarries.

Policy MD15

Built development should provide gains for biodiversity, promoting habitat retention, creation and enhancement; and species protection in line with BS 42020:2013, Biodiversity: Code of practice for planning and development and the Cornwall Biodiversity Supplementary Planning Document.

National Economic Policy

The Plan for Growth 2011

3.88 In March 2011 the Government announced its Planning for Growth Agenda

which places greater responsibility on planning authorities to support economic development, advising that reforming the planning system to promote sustainable economic growth was the Government's top priority. It sets out *"the steps the Government expects local planning authorities to take with immediate effect"* in order to achieve this. Local Planning Authorities are to *"respond positively to wider opportunities for growth"* in their areas and, when deciding whether to grant planning permission they must:

"(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment;

(ii) consider the range of likely economic, environmental and social benefits of proposals;

(iii) ensure that they do not impose unnecessary burdens on development". The Government has introduced a presumption in favour of sustainable development which underpins the National Planning Policy Framework.

- 3.89 The entire tourism sector is the UK's sixth biggest industry and in bound tourism is the UK's third largest export earner. The 200,000 businesses in the tourism industry provide £52 billion of UK GDP and employ 4.4 per cent of the workforce. The tourism sector is predominantly driven by small businesses and is a particularly important source of employment in rural communities.

Good Practice Guide on Planning for Tourism (2007)

- 3.90 The Good Practice Guide on Planning for Tourism was published by the Department for Communities and Local Government in July 2007. The document identifies that tourism in all its forms is of crucial importance to the economic, social and environmental well-being of the whole country. It also recognises the vital role the planning system has to play in terms of facilitating the development and improvement of tourism in appropriate locations.
- 3.91 The Guide highlights the value of tourism to the national and regional economy and that tourism is of crucial importance to the country. It highlights the many broader benefits that tourism can bring and contribute to the economic and social wellbeing of local communities.
- 3.92 The Guide recognises that the planning system, by taking a proactive role in facilitating and promoting the implementation of good quality development, is crucial to ensuring that the tourism industry can develop and thrive. In terms of tourism in rural areas the provision of essential facilities for visitors is considered vital.
- 3.93 Annex A of the Guide relates to Tourist Accommodation and emphasises that the various types of accommodation are all capable of bringing economic benefits to a given area. It recognises that any benefits have to be assessed alongside other issues such as suitability of the location in terms of its sustainability.
- 3.94 In respect of hotel accommodation in rural areas particularly AONBs Annex A of the Guide recognises that it is important that sufficient accommodation of a

suitable range of types is provided for visitors. However, the Guide acknowledges that particular care needs to be taken over the number, scale and location of accommodation facilities in these designated areas to ensure that the particular qualities that justified the designation are conserved.

- 3.95 Paragraph 12 of Annex A relates to modernisation and extensions to existing hotels and acknowledges that moderate sized extensions to an existing hotel including the addition of bedroom accommodation can help to ensure the future viability of such businesses.
- 3.96 Paragraph 24 of Annex A relates to the need for staff accommodation and recognises that the need should be met through the conservation/adaption of existing buildings in preference to the construction and new potentially intrusive housing development in the countryside.
- 3.97 With regard to other forms of self-catering accommodation development Paragraph 26 re-emphasises that Local Planning Authorities should support other forms of self-catering accommodation development in rural areas where this accords with sustainable development objectives. This relates to the re-use and conversion of existing non-residential buildings for this purpose.

Fixing the Foundations: Creating a More Prosperous Nation July 2015 (HM Treasury)

- 3.98 In July 2015 the Chancellor of the Exchequer published the Fixing the Foundations: Creating a More Prosperous Nation document and set out the UK Government's focus on boosting productivity and to drive economic growth by encouraging long term investment and promoting a dynamic economy. In terms of a dynamic economy the document identified the planning system as one of the major constraints facing the economy, bringing delay and inflexibility, and identified changes to the system to change this.

Towards a One Nation Economy: A 10 Point Plan for Boosting Productivity in Rural Areas (August 2015) (Defra)

- 3.99 In August 2015 the Government published the Towards a One Nation Economy : A 10 Point Plan for Boosting Productivity in Rural Areas, which is aimed at harnessing the economic potential of England's rural areas for both the prosperity of those living in rural areas and for the benefit of the UK economy overall. The document highlights the importance of England's rural areas to the UK economy, to which they contribute £210 billion of Gross Value Added (GVA), around 16% of England's total GVA. At a lower geographic level, rural areas in England support 15% of jobs and include half a million businesses, over 25% of the businesses in England.
- 3.100 The document sets out a 10 point plan for rural productivity based on the two key objectives set out in the Fixing the Foundations : Creating a Prosperous Nation encouraging long term investment and promoting a dynamic economy. One of the 10 points focusses on the strong conditions for rural business growth and recognises the role of tourism in the rural economy. A further point of the 10 point productivity plan identifies the Government's objective for

better regulation and improved planning for rural businesses. The measure includes a review of the planning and regulatory constraints facing rural businesses together with measures to ensure planning decisions are taken on time.

Backing the Tourism Sector: A Five Point Plan (July 2015)

3.101 In the foreword to the current Government's Tourism Policy, the Prime Minister stated "*Millions of overseas tourists visit the UK every year and most take in the sights of London. But Britain has so much more to offer, from the Cornish Riviera to the Scottish highlands and everything in between. For many areas tourism is a key industry, bringing jobs, growth and security for working people. Tourism supports almost 1 in 10 jobs in the UK and we want to rebalance the economy to make sure this boost is felt right across the country.*"

3.102 The Five Point Plan seeks to drive tourists beyond London by focusing on five areas to enable the UK to seize the opportunities offered by international tourism, which has grown "spectacularly" over recent decades owing to more choice, more leisure and better connections. Tourism is the country's third largest service export, worth £26.2bn in 2013. The five key areas are:

Tourism landscape – encouraging collaboration among local destination organisations to help business and visitors, and looking to strengthen the digital presence of the UK tourism sector.

Skills and jobs – recognising that tourism directly contributed nearly £60bn to the UK economy in 2014 – nearly 4% of the entire economy and that many of the businesses that support this growth are SMEs – there will be a focus on raising awareness and improving perceptions of the tourism industry as a fulfilling and long-term career prospect.

Common sense regulation – keeping the regulatory framework under review to ensure opportunities to protect and grow are not lost in this dynamic sector, in which new business models are emerging all the time.

Transport – to promote connectivity, help more visitors travel outside London and get out and about in the UK.

A GREAT Welcome – working to ensure that visitors to the UK feel welcome, especially in terms of the UK visa service.

3.103 It should be noted that the front page of the Five Point Plan is of visitors at the Barbara Hepworth Museum in Cornwall.

3.104 In March 2015 the Government provided a £5million fund to help position the South-West as must-see destination, generating an additional £60m in additional visitor spending, creating up to 1000 jobs and incentivizing local partners to work together on improving the experience of visitors to the region. It will also be used to promote the South West in the USA and encourage greater connectivity to the region from the United States.

Government Tourism Policy 2011

- 3.105 This paper outlined the Government's approach to the visitor economy as a whole. It outlines the importance of the visitor economy to the UK as a whole and how the Government plans to help tourism achieve its potential as a central part of Britain's growth strategy.
- 3.106 The paper also identifies the need to drive up productivity in the visitor economy so the UK remains an internationally competitive and attractive destination for both foreign and domestic travellers to visit.

Tourism Sector Deal June 2019

- 3.107 The Tourism Sector Deal sets out how the Government and tourism industry and work in partnership to boost productivity, develop the skills of the UK workforce and support destinations to enhance their visitor offer. The Government's Industrial Strategy sets out a long term plan to boost productivity and ensuring power of people throughout the UK and the tourism sector has the scale and geographical reach to deliver on this ambition.
- 3.108 In the Tourism Sector Deal the Government and the tourism sector have committed to achieve under the five foundations to help increase visitor numbers to the UK and enhance their experience as well as future proofing of the industry.

Tourism: Statistics and Policy Briefing Paper

- 3.109 The paper provides statistics in respect of inbound and outbound visitors to and from the UK, domestic tourism in the UK, the contribution of tourism to the UK economy and the Government's tourism policy.

Regional and Local Guidance

Towards 2015 – Regional Tourism Strategy (2006)

- 3.110 Towards 2015 is the Regional Tourism Strategy produced by South West Tourism, the Regional Tourism Board in 2006. The Strategy aims were to develop a high quality tourism industry that maximises the benefits it provides to residents, businesses and the environment as well as visitors. The principal elements of the Strategy are still current and are therefore priorities for action.
- 3.111 The Strategy has been widely adopted across the region, including within Cornwall, and it is widely held up as an exemplar strategy for the development of sustainable tourism offering what will provide the economic and employment benefits the region needs. At the heart of the Strategy is the need to drive up quality, to reduce the impact of seasonality and to create a more sustainable tourism industry.

Economy and Culture Strategy 2013 – 2020 (September 2013) Cornwall

Council

3.112 The Economy and Culture Strategy 2013 – 2020 published by Cornwall Council sets out the economic ambition for the Council until 2030 with a focus on priorities over the next four years. The document identifies the Council's strategic intent and key impacts for the Cornish economy which includes an economy that is resilient and draws upon the County's strength and a vibrant business base where business can innovate and flourish. Building on the 2020 Economic Ambition White Paper the strategy identifies 6 strategic issues to be delivered: -

- Business transformation
- Cornwall connectivity
- Creativity and cultural heritage
- Employment and skills
- Leadership
- Low carbon economy

Cornwall and Isles of Scilly Local Enterprise Partnership Economic Plan 2017-2020

3.113 The Strategic Economic Plan (Vision 2030) sets out strategic economic objectives together with targets to measure success. The Plan identifies specific challenges and constraints facing the local economy and sets out key themes including helping businesses to flourish.

4.0 PLANNING POLICY CONSIDERATIONS

4.1 This section provides an assessment of the proposed development in light of the relevant national and local planning guidance.

4.2 For each of the key topic areas set out in the Environmental Statement (ES) which accompanies this planning application this Planning Statement takes the following approach: -

- Identify the relevant ES Chapter and the relevant policy framework by reference to advice in the NPPF, PPG and the Development Plan i.e. Cornwall Local Plan and Roseland Neighbourhood Plan.
- Identify any provisions in the development plan which are relevant to the proposed development with an assessment of the policies material considerations.
- Describe the findings of the assessments presented in the ES and consider where the proposed development accords with the development plan and if not assess whether these considerations justify a departure from the development plan.

Need for the Proposed Development

- 4.3 The need for the proposed development is set out in Chapter 2 of the ES together with an evaluation of alternatives that was undertaken prior to the conclusion being reached on the preferred development strategy representing the most sustainable scheme in terms of environmental, social and economic objectives aimed at facilitating a viable and deliverable development on the application site.
- 4.4 Given the history of the Pendower Beach Hotel site and the prominent location on Pendower Beach together with its current condition and the adverse impact on the character of the local area and the AONB there is also the need to facilitate the cliff stabilization and reinstatement of Rocky Lane, which provides the access to the hotel site and Pendower Beach. There is fundamentally a compelling and demonstrable need to facilitate a viable and sustainable regeneration of the Pendower Beach Hotel site.
- 4.5 The proposed development provides for the conversion of the existing hotel to a 14 bedroom hotel and restaurant/shop and the demolition of existing buildings/structures to provide 25 residential apartments/houses. The mixed use development on this previously developed brownfield site is wholly reliant on the profit generated from the 25 residential apartments/houses to cross subsidise the financial shortfall arising from the cost/value gap with the hotel and restaurant refurbishment together with the abnormal costs associated with the proposed development including the cliff stabilization/access improvements, landscaping and environmental improvements together with the removal and placing underground of existing unsightly overhead electricity cables.
- 4.6 In this context the proposed 25 residential apartments/houses are critical to the viability and deliverability of the proposed development and are considered to be enabling development. In addition to the viability of the overall development the 25 residential apartments/houses are critical in providing the complimentary mix of accommodation to ensure the viability of the hotel operation. There are numerous examples of successful boutique hotels in Cornwall in providing self-catering accommodation including as examples the Cornwall Hotel and Spa, St Austell, Luggar Hotel, Portloe, Watergate Bay Hotel, Newquay and the Headland Hotel, Newquay. It should be noted that the Nare Hotel has planning consent for self-catering accommodation.
- 4.7 In this context the business model being adopted for the Pendower Beach Hotel is entirely consistent with the demonstrable successful model for other hotels. While the 25 residential apartments/houses are proposed as open market dwellings this is due to market failure in the holiday restricted sector where a combination of VAT, valuation and funding issues have contrived a situation where holiday restricted apartments by planning condition is not viable.
- 4.8 Notwithstanding the fact that the proposed 25 residential apartments/houses are open market the main target market for their use and occupation is the holiday and visitor accommodation market. The main objective is for the 25 residential apartments/houses to be occupied as holiday accommodation to

generate additional footfall and spend in the hotel and restaurant facilities. The 25 residential apartments/houses will be sold on a long leasehold basis. The freehold of the whole Pendower Beach Hotel site including all external areas being subject to a management company to ensure the long term estate management of the site. It is also proposed that any apartment sold would be subject to a letting and marketing agreement with the hotel in terms of the marketing of the residential accommodation for holiday purposes and not permanent residential occupation.

- 4.9 The overriding objective is to ensure the refurbished Pendower Beach Hotel regains its market position as a destination hotel together with the right mix of accommodation and facilities to ensure its long term sustainability.
- 4.10 The proposed development has been subject to a comprehensive Financial Viability Assessment which accompanies this planning application in accordance with paragraphs 57 and 122 of the NPPF and the Planning Practice Guidance (PPG) and Policy 10 of the Cornwall Local Plan (CLP).
- 4.11 Section 6 of the NPPF: Building a Strong, Competitive Economy states in paragraph 80 that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 places significant weight on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development.
- 4.12 Section 11 of the NPPF Making Effective Use of Land in paragraph 117 promotes the effective use of land in meeting the need for houses and other uses. Paragraph 118 gives substantial weight to the value of using suitable brownfield land and support the development of under utilised land and buildings. Paragraph 122 supports development that makes efficient use of land subject to local market conditions and viability.
- 4.13 The Government's Good Practice Guide for Tourism highlights the value of tourism to the national and regional economy and that tourism is of crucial importance to the country. Annex A of the Guide relates to tourist accommodation and in respect of hotel accommodation in rural areas particularly AONB's recognizes that it is important that sufficient accommodation of suitable range and types should be provided for visitors. The Guide does however acknowledge that particular care needs to be taken over the number, scale and location of accommodation facilities in these designated areas.
- 4.14 Paragraph 12 of Annex A of the Guide relates to modernisation and extensions to existing hotels and acknowledges that moderate sized extensions to an existing hotel including the addition of bedroom accommodation can help to ensure the viability of such business as is the case with the Pendower Beach Hotel.
- 4.15 Paragraph 26 of Annex A of the Guide re-emphasises that Local Planning Authority's should support other forms of self-catering accommodation development in rural areas where this accords with sustainable development

objectives.

- 4.16 Policy 5: Business and Tourism of the Cornwall Local Plan seeks to ensure a continued supply of business space and in the countryside and smaller rural settlements proposals should be of a scale appropriate to its location or demonstrate an overriding need to be in that location where it is an extension to an existing business where relocation would be impractical or not viable. Policy 5(3) provides policy support for the development of new or upgrading of existing tourism facilities through the enhancement of existing and provision of new high quality sustainable tourism facilities, attractions and accommodation. The scale of development should be appropriate to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits.
- 4.17 Policy 21 Best Use of Land and Existing Buildings of the Cornwall Local Plan seeks to ensure the best use of land through the use of previously developed land and buildings provided that these are not of high environmental or historic value.
- 4.18 Policy CD1 of the Roseland Neighbourhood Plan provides support for proposals for economic development and other development including the reuse of existing buildings and previously developed land (including buildings and land already in commercial use).
- 4.19 Policy MD6 of the Cornwall AONB Management Plan supports new tourism, leisure and recreation development that conserves and enhances the diverse local landscape characteristics within the AONB.
- 4.20 It is therefore considered that the principle of the need for the proposed development is supported by national planning policy guidance and policy guidance at the local level.

Description of the Proposed Development

- 4.21 ES Chapter 3 and the Design and Access Statement which accompanies this application provides a detailed description of the proposed development and the extensive iterative design process that has been the subject of extensive consultation and community engagement. The Statement of Community Involvement (SCI) which accompanies this planning application provides a comprehensive summary of the stakeholder consultation and community engagement that has significantly influenced the preferred layout and design. ES Chapter 3 also provides a description of the layout and design alternatives that have been considered through the design process.
- 4.22 The overriding aim throughout the iterative design process has sought to provide a viable layout and design that conserves and enhances the natural environment in full recognition of the sensitivity of the Pendower Beach Hotel site. The proposed development meets the need of creating a viable and deliverable development for Pendower Beach Hotel site and offers multiple economic, social and environmental benefits in terms of bringing the site back

into use to the benefit of all stakeholders.

- 4.23 The care taken in the iterative design process to minimise the environmental effects of the proposed development is fully discussed in Chapter 3. The design process has given full regard to relevant policy guidance at the national and local level and where appropriate planning policy issues have been identified and fully addressed. Achieving sustainable development in terms of economic, social and environmental objectives has underpinned the design of the proposed development at all stages.
- 4.24 Chapter 5 of the ES evaluates the nature of the tourism sector in Cornwall and in particular the Roseland Peninsula with an assessment of the socio-economic impact of the proposed development at the Pendower Beach Hotel site. It notes that particularly with the Roseland Peninsula tourism is the most significant sector within the local economy. The need to develop the tourism sector and facilitate the regeneration of the Pendower Beach Hotel site as a high quality destination hotel capable of competing in the current and future tourism and visitor accommodation market is set out in Chapter 2.
- 4.25 The proposed development for the Pendower Beach Hotel site represents a significant investment in developing sustainable tourism and economic development in the local economy. The “do nothing” scenario in maintaining the Pendower Beach Hotel site is not a credible or viable alternative. It is considered that a refurbished Pendower Beach Hotel would have an overall minor to moderate positive economic impact on the Roseland Peninsula which is a significant effect.
- 4.26 The proposed development will have positive economic impacts during both the construction and operational stages and will attract new visitors to the area with positive direct and indirect impacts on the local economy. The economic impact of the proposed development for the construction stage has been assessed to have an overall minor to moderate positive impact.
- 4.27 While Policy 5 of the Cornwall Local Plan provides policy support for the development of new or upgrading of existing facilities through the enhancement of existing and provision of new high quality sustainable tourism facilities and accommodation, it does not provide site specific guidance. It is acknowledged that the Pendower Beach Hotel site lies in a highly sensitive coastal AONB location and while this represents a major constraint it also provides a major opportunity to provide a well balanced mix of economic, social and environmental benefits.
- 4.28 The Pendower Beach Hotel site is located where it is and therefore the overriding aim is to create a successful and highly sustainable business hotel operation for the long term. ES Chapters 2 and 5 provide a demonstrable assessment of the contribution that the proposed development will make to the local economy. The proposed development will contribute to the sustainability of other local businesses in terms of direct and indirect economic impacts together with wider economic, social and environmental sustainability of the Roseland Peninsula and Cornwall. In this context the principle of the development is considered to be in accordance with the

development plan and all other material considerations.

Geology and Soils

- 4.29 Chapter 6 of the ES presents information on the potential effects on geology and soils arising from the proposed development at the Pendower Beach Hotel site. This Chapter draws on the Desk Study and Ground Investigation Reports together with the Coastal Study Change report which accompanies this planning application. The Chapter provides information on ground conditions, contamination, cliff stability and coastal processes and provides an assessment of the potential effects from the construction and operation of the proposed development.
- 4.30 The relevant legislation, planning policy and technical guidance to geology and soils is set out in ES Chapter 6 at paragraphs 6.6 – 6.37 surrounding relevant national and local policy and guidance. The relevant policy advice can be summarised as follows: -
- Planning decisions should ensure a site is suitable for its proposed use taking into account of ground conditions and any risks from land instability and contamination and any proposals for mitigation as well as potential impacts on the natural environment. (NPPF paragraph 178, CLP Policy 16, Roseland NP Policy CD1).
 - Planning decisions should also ensure that new development is appropriate to its location taking into account the likely effects (including cumulative effects) of pollution, living conditions and the natural environment as well as potential sensitivity of the site or the wider area to impacts that could arise from the development. (NPPF paragraph 180, CLP Policies 13 and 16).
 - Encourage effective use of land by reusing land and buildings provided they are not of high environmental or historic value. (NPPF paragraph 118 and 122, CLP Policy 21).
 - In coastal areas planning decisions should reduce risk from coastal change by avoiding development in vulnerable areas and to ensure development will be safe over its planned lifetime and not have an unacceptable impact on coastal change. (NPPF paragraphs 166, 167 and 168, CLP Policy 26).
 - Development on land within or outside of Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. (NPPF paragraphs 175, CLP Policy 23, Roseland NP Policy LA5).

- 4.31 The Pendower Beach Hotel site does not lie within or adjacent to any area designated for geological interest.
- 4.32 In respect of ground conditions during construction the residual effects of the proposed development have been assessed to be moderate beneficial. With regard to cliff stability and coastal processes the potential for coastal regression has been identified in the south east corner of the application site with risk of erosion by 2105 which is some 25 years after the design life of the proposed development.
- 4.33 Mitigation in the form of a retaining structure in the south east corner of the application is therefore proposed resulting in a moderate beneficial residual effect. In addition the cliff stabilisation works and reinstatement of the public highway in Rocky Lane has been assessed to result in a moderate beneficial residual effect.
- 4.34 In respect of geology and soils the potential for impacts during the construction and operation stages have been minimised. The Construction Environmental Management Plan (CEMP) which accompanies this planning application provides further mitigation for impacts during the construction stage to ensure compliance with best practice guidance in construction techniques. No cumulative impacts during construction and operation have been identified.
- 4.35 In summary therefore it is considered that the proposed development in terms of geology and soils is fully policy compliant with the relevant planning policy guidance at the national and local level.

Hydrology

- 4.36 Chapter 7 of the ES presents information and an assessment on the potential for effects on water quality and hydrology arising from the construction and operation of the proposed development. The hydrological assessment considers the potential for effects on hydrological features on and within the vicinity of the application site including the groundwater and the freshwater watercourse that flows to the east discharging onto Pendower Beach. The tidal waters of Gerrans Bay are also considered within the assessment.
- 4.37 The ES Chapter 7 and planning application is accompanied by a Flood Risk Assessment and Surface Water and Foul Drainage Assessment.
- 4.38 The relevant legislation, technical guidance and planning policy is summarised in the ES Chapter 7 paragraphs 7.5 – 7.28 including policy guidance in the NPPF, PPG, Cornwall Local Plan and Roseland Neighbourhood Plan.
- 4.39 The relevant planning policy guidance can be summarised as follows: -
- The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. (NPPF Paragraph 148, CLP Policy 26, Roseland NP Policy GP1).

- New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. (NPPF Paragraph 163, CLP Policy 13 and 26 and Roseland NP Policy GP2).
 - Enables or replicates natural ground and surface water flows and decreases surface water run off through sustainable drainage systems. (CLP Policy 2 and 26, Roseland NP Policy GP2 and CD1).
- 4.40 The flood risk assessment identifies that the application site is partially located in Flood Zone 3 which is at high risk of flooding. The risk of flooding to the application site is addressed in FRA (Appendix 7.1) which includes measures to minimize the risk of flooding to the proposed development.
- 4.41 Although the impacts of future climate change in the “do nothing” scenario could give risks to effects of minor to moderate negative significance the proposed drainage systems have been designed to manage surface water run-off from impermeable areas generated during 1 in 100 year return period events. An allowance of 40% increase in rainfall intensities has been included during the design process to account for the potential impact of climate change over the lifetime of the development.
- 4.42 A sustainable urban drainage layout has been undertaken and demonstrates how surface water drainage will be managed within the proposed development. These proposals would act to effectively neutralise any potential negative impacts and may result in an overall reduction in surface water run-off from the application site. The assessment also concludes that there is no increase in flood risk to the application site or adjoining land arising from the proposed development.
- 4.43 The overall residual effect of the proposed development on flood risk and surface water management is predicted to be of negligible to minor positive significance. No likely significant environmental effects in terms of the hydrological environment are predicted as a result of the construction and operational stages of the proposed development. Accordingly the proposed development in terms of hydrology is fully in accordance with national and local planning policy guidance.

Landscape and Visual

- 4.44 Chapter 8 of the ES presents information on the predicted landscape and visual impacts arising from the construction and operation of the proposed development at the Pendower Beach Hotel site (the LVIA).
- 4.45 The legislative framework relevant to the proposed development is described in paragraphs 8.16-8.44 of ES Chapter 8. The screening opinion issued by Cornwall Council on the 5th February 2015 noted that the Pendower Beach Hotel site land within the AONB and other sensitive designations and it appeared that the proposed development would likely to have a significant impact upon the area in terms of visual impact. In addition the proposed development with its increase in scale and massing would have landscape

and visual impacts that would be experienced by those using the area including those using the public footpaths including the South West Coast Path, the National Trust car park and Pendower Beach.

4.46 Owing to the high degree of the sensitivity of the location of the Pendower Beach Hotel considerable care was taken in the scoping of the LVIA in the consultations that were undertaken with the relevant consultees and the detailed evaluation of the Landscape Character Assessments. This ensures that the LVIA presents information on the realistic maximum impacts that could arise in respect of the proposed development. These are set out in ES Chapter 8 at Table 8.11. The LVIA takes into account the Cornwall Council Landscape Character Assessment 2007 and the Roseland Peninsula Local Landscape Character Assessment.

4.47 The relevant planning policy guidance can be summarised as follows: -

- Planning decisions should contribute to and enhance the natural and local landscape environment by protecting and enhancing valued landscapes. (NPPF paragraph 170).
- Proposals should maintain and respect the special character of Cornwall by protecting, conserving and enhancing the natural and historic landscape. (CLP Policy 2(i)).
- Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. (NPPF Paragraph 172).
- Great weight will be given to conserving the landscape and scenic beauty within or affecting the scenic beauty of the AONB. Proposals must observe and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONBs sensitivity and capacity. (CLP Policy 23 2a).
- Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. (NPPF paragraph 172, CLP Policy 2a).
- Development within the Heritage Coast should maintain the character and distinctive landscape qualities of such areas. (CLP Policy 23 2b).
- Support new tourism, leisure and recreation development that conserves and enhances the diverse local landscape characteristics of the various sections of the AONB. Ensure that the scale, design and use of materials have appropriate regard to the character, sensitivity and capacity of the protected landscape and seek better integration of existing holiday sites, visitor infrastructure and car parks in order to reduce landscape and visual impact. (Cornwall AONB Management Plan Policy MD6).

- Proposals for development including tourism users will be supported where they have demonstrated that they meet the objectives of the Cornwall AONB Management Plan. (Roseland NP Policy LA1).
- Proposals for development will be supported where they have demonstrated that they respond to local character and reflect the identity of the local surroundings based on the assessment of the Roseland Local Landscape Character. (Roseland NP Policy LA2).
- In the Roseland Plan Area proposals for new development must be sited so as to provide, support and develop the distinctive character of the area. (Roseland NP Policy GP2).
- To support economic growth proposals for economic development and premises for business and other development will be supported provided it meets certain criteria including deliverable opportunities to re-use existing buildings or previously developed land. (Roseland NP Policy CD1).

Relevance of Advice Set out in Paragraphs 172 and 173 of the NPPF and Policy 23 2(a) of the CLP.

- 4.48 In order to determine the correct approach to the application of policy advice regarding the proposed development on the Pendower Beach Hotel site within the Cornwall AONB it is necessary to consider whether the development falls within the definition of “major development” for the purposes of NPPF paragraphs 172 and 173. While the NPPF provides a definition of major development the footnote to paragraph 172 (55) advises for the purposes of paragraphs 172 and 173 whether a proposals is “major development” is a matter for the decision taker taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 4.49 In the case of the proposed development the decision taker is Cornwall Council who in the pre-application advice letter dated 22nd December 2017 considered at the time given the nature and scale of the proposed development and the site’s sensitivity considered the proposal to be “major development”. It should be emphasised that the proposed development at the time of this advice was significantly different to the development now proposed. The previous proposal upon which Cornwall Council has given its advice was essentially a residential development whereas the current proposal involves the refurbishment of the existing hotel with enabling sensitively designed residential development of a reduced scale.
- 4.50 As a matter of planning law in approaching the definition of “major development” for the purposes of NPPF paragraphs 172 and 173 Cornwall Council will need to exercise its planning judgement and take into account factors that include location, setting, quantum of development and longevity of effects. To assist in understanding the nature and scale of developments that have not been found to be major development the following examples are provided: -

- In Planning Appeal APP/F1610/12/2173305 regarding the development the Secretary of State stated that “sufficient information has been provided to demonstrate that 39 dwellings could be accommodated on the site, with the necessary planting, landscaping and open space”... and that the proposal for up to 39 dwellings in the AONB did not constitute “major development” for the purposes of paragraph 116 (now paragraph 172).
- An application for development of 30 dwellings in the Howardian Hills AONB at Ampleforth, Hemsley was determined by the local planning authority under reference 12/00618/MFUL. The members were advised by the Council’s solicitor that “the proposed development was not major development for the purposes of paragraph 116 (now paragraph 172) of the NPPF and that this professional opinion was supported by the opinion of the Queen’s Council which members had seen” (April 2013).
- In planning appeal APP/F1230/W/3002790 the Inspector concluded that a scheme comprising 20 houses would be clearly visible from the wider area and would cause some harm to the beauty of the countryside but was unlikely to be significantly more prominent or visually intrusive than existing development immediately adjacent to the site. The degree of harm would be limited taking account of the setting and existing development nearby and, at only 20 dwellings, the development was not large in scale or major development for the purposes of paragraph 116 (now paragraph 172).
- An application for 26 houses on land off Vicarage Hill, Mevagissey PA18/0965 was determined by Cornwall Council in which it was concluded by officers that the scheme within the AONB did not constitute major development under paragraph 172 of the NPPF.

4.51 Consideration has been given to the status of the proposed development on the Pendower Beach Hotel site in terms of the NPPF paragraph 172. Regard has been given to the local planning policy framework including the Cornwall Local Plan, Roseland Neighbourhood Plan and the Cornwall AONB Management Plan in accordance with the policies set out in this Planning Statement.

4.52 Given the planning considerations outlined above the following factors are considered relevant in context of the fact whether the proposed development is “major development” as per the test set out in paragraph 172 of the NPPF and Policy 23 (2a) of the Cornwall Local Plan. The exceptional circumstances test set out in paragraph 172 requires an assessment of:-

- The need for the developing, including in terms of national considerations and the impact of permitting it, or refusing it, on the local economy;
- The cost of, and scope for, developing outside the designated area or meeting the need in some other way; and

- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.
- 4.53 Taking the above exceptional circumstances in turn in respect of the proposals for the Pendower Beach Hotel site there is an indisputable, overriding need to bring about the regeneration of the Pendower Beach Hotel site and the reinstatement of Rocky Lane. The deteriorating condition of the application site detracts from the landscape character and setting of the AONB and Heritage Coast in this location. There is also a significant economic need to bring about the reuse of the former hotel as a high quality hotel facility to the benefit of the local economy. The ES Chapter 5 which accompanies this planning application sets out the significant economic benefits that the proposed development will generate. In addition national and local planning policy places substantial weight and value of using existing brownfield sites and promote the effective use of land and the proposed development meets this need.
- 4.54 In respect of the cost and scope of developing outside the designated area, fundamentally the Pendower Beach Hotel site is an existing previously developed site in need of regeneration within the designated AONB. The 'do nothing' scenario in not facilitating the regeneration of the site and the resulting harm to the character of the AONB is not considered to be an option. It would be both illogical and nonsensical to suggest the existing previously developed site within the AONB could be developed in some way outside of the designated area.
- 4.55 In terms of any detrimental effect on the environment the proposed development for the Pendower Beach Hotel site has been subject to a full Environmental Impact Assessment whereby all possible environmental effects have been assessed with mitigation measures aimed at minimizing any adverse effects during the construction and operational stages. The Environmental Impact Assessment has demonstrated that the proposed development represents a highly sympathetic and viable and deliverable mix of development to ensure the reuse of the application site as a hotel, restaurant, shop/café together with a significant range of environmental improvements. In this context the proposed development will contribute to conserving and enhancing the character of the AONB while meeting an identified local need.
- 4.56 In conclusion therefore, while it is a matter of debate whether the proposed development to refurbish the Pendower Beach Hotel site constitutes major development the assessment set out above has been undertaken on the basis the proposed development does constitute major development and the exceptional circumstances test set out in paragraph 172 applies. On the basis of the above it is considered that the economic, social and environmental benefits of the proposed development satisfies in every way the exceptional circumstances test for major development in the designated AONB.

Landscape and Visual Effects

- 4.57 The landscape and visual impact assessment has examined the landscape character and visual impacts within a 5km radius around the Pendower Beach Hotel site. The application site lies within the Cornwall AONB Area 9 South Coast Central and the Roseland Heritage Coast. The key baseline characteristics for the application site and the study area for the assessment were Landscape Character Areas including National Character Areas 152, Cornish Killas, Local Character Area 40, Gerrans, Veryan and Mevagissey Bays and the Roseland Local Landscape Character Types.
- 4.58 During the construction stage, the changes to the visual amenity are anticipated due to the site clearance activities (including removal of vegetation), topographic changes and emergence of built form. A series of mitigation measures are proposed to reduce the change in the landscape character, including the use of a CEMP and early establishment of planting. Direct residual effects of the construction activities are anticipated at several locations and viewpoints; these vary from *negligible to major negative*, as a result of increased development and intensification of use on the site, with some *minor positive effects* as a result of re-naturalising the site landscapes and in particular the improvements to landscape structure to the sites boundaries and in relation to some of the key characteristics of the Valley Bottom landscape character type, in particular the wet woodland.
- 4.59 Once operational, the development will change the landscape character and setting of the application site from one of a previously developed, but now underused site, into a hotel, restaurant, shop, residential units and associated access and car parking.
- 4.60 Residual effects remaining following mitigation during the construction phase include: Minor to Moderate negative effects on the AONB, although these are temporary and short term.
- 4.61 There is also residual impact to the South West Coast Path and Sustrans trail on Bridleway (Gold) 315/8/10; increasing to major negative effects (although temporary) if Rocky lane is closed at any point to pedestrians, cyclists and horse-riders. All other designations will not experience more than negligible to minor residual effects at the construction stage.
- 4.62 The works to Rocky Lane involves the local widening at the western section of the lane and opposite the Pendower Court Hotel along with extensive stabilisation work to the cliff and lane around the easternmost end of the lane up to the access into the application site. This work will involve significant vegetation removal and engineering works, including the construction of large retaining structures as such will constitute a significant visual change to the currently coastal characteristic the road. This work is however, although visually intrusive, of great value in terms of the safeguarding of the access and coastal landscape in mitigation of the coastal erosion.
- 4.63 It is also important to state these effects will be limited to the very immediate surroundings with the screening provided by site hoarding and the sensitive management and recreation of natural habitats and ecosystems of the valley landscape.

- 4.64 The greater and longer distance prominence of the proposed development to the southern end of the application site, around the existing buildings is considered to be comparable to that of the existing with potentially beneficial change due to the management of the boundaries and a more visually recessive architectural treatment. In addition, the removal of the existing power lines will significantly reduce the visual clutter on the skyline and represents a significant enhancement to the character of the AONB in this location.
- 4.65 Within the local landscape and setting of the beach and valley, the additional residential units will be visually prominent in comparison to the existing vegetation on the steep hillside with an associated loss of tranquility through an increase in contemporary development and activity/vehicular movement. This will diminish over the longer term as the vegetation matures and screening becomes more dense however there will be an inevitable and permanent change to the character of the valley within this localised area.
- 4.66 With regard to the operation stage, a series of mitigation measures are proposed, including additional screening planting, and naturalising of the site's boundaries, removal of weed species and management, maintenance and enhancement/strengthening of the internal and peripheral landscapes such as the wet woodland. With this mitigation in place, the residual effects on changes to landscape character resulting from the completed and operational development is considered to range from *minor to major negative effect of change*, resulting from the increase in development on the site, *with positive effects* as a result of improved landscape treatments, screening and refurbishment of the unused buildings.
- 4.67 Residual effect on the AONB is considered to be Minor Positive effects arising from improvements to the site and existing buildings and greatly improved landscape structure within the site. Negative residual effects decreasing to Minor Negative in the long term when site vegetation matures to provide significant screening of the new development from the wider AONB landscapes.
- 4.68 Residual effects of change must be considered in the context of the current site situation, which is a previously developed, brownfield underused site. This results in a locally weak (within the site boundaries) landscape structure and value. The proposed development has the potential to improve and strengthen the internal quality by providing a high-quality landscape setting for the proposed buildings, and through a sensitive design of the architectural form to minimise the perceived effect of change.
- 4.69 Given the already developed and degraded character and location of the application site within the existing scene, along with the retention and enhancement of landscape features and proposed landscaping across the site, the proposed development would not cause unacceptable levels of harm to the immediate character of the application site or its boundaries. Nor would the proposed development form prominent features in key longer distance views from the AONB, associated character areas or the wider landscape

which would unacceptably alter the character or quality of the receptors or their setting.

- 4.70 It would however alter the character of the valley itself upon the approach to the application site from the east along the South West Coast Path and along the unnamed access road from the east through the perception of greater extent of development to that of the existing condition.
- 4.71 The proposed residential units which extend northwards within the application site from the existing hotel building may present some major negative changes within a very localised area, however, the effects are contained almost wholly within the immediate valley, facing hillsides and with some limited influence to the south at Pendower Beach and Gerrans Bay. The effects of change in views to the south, will diminish over time, with the establishment and growth of boundary and internal vegetation, however, there will remain visibility and activity associated with this extension to the existing built envelope, which will alter the character of the local area.
- 4.72 The changes to the existing hotel building and the replacement of the existing degraded buildings along with an enhanced use will also present an improvement to the existing condition both architecturally and through the protection, management and enhancement of the existing site and natural landscape setting. The scale of development within this part of the application site is comparable to that of the existing condition and presents a zone of visual influence which is not dissimilar to the existing condition. In conclusion, the proposed development will not cause an unacceptable level of landscape impacts, and will not cause unacceptable visual impacts.

Ecology

- 4.73 Chapter 9 of the ES presents information on the potential for effects on species and habitats of nature conservation together with the biodiversity of the application site. The ES Chapter 9 and planning application is accompanied by the following: -
- Baseline Report – Appendix 9.1.
 - Shadow Habitats Regulations Assessment (SHRA) and Appropriate Assessment (AA) - Appendix 9.2.
 - Ecological Design Strategy - Appendix 9.3.
- 4.74 The relevant legislative, technical and planning policy guidance applicable to nature conservation is set out in ES Chapter 9 at paragraphs 9.5 – 9.36 including relevant planning policy guidance in the NPPF, CLP, Biodiversity SPD and Roseland NP.
- 4.75 In terms of key statutory designations and nature conservation sites the following are considered relevant: -
- Fal and Helford Special Area of Conservation (SAC). The Fal and Helford SAC lies adjacent to the southern boundary of the application site.

- Falmouth Bay to St Austell Bay Special Area of Protection (SPA). The Falmouth Bay to St Austell Bay SPA covers the beach adjacent to the southern boundary of the application site.
 - Gerrans Bay to Camels Cove Site of Special Scientific Interest (SSSI). The Gerrans Bay to Camels Cove SSSI runs along the coast immediately south of the application site.
 - Pennarin Point to Portscatho Country Wildlife Sites (CWS) and Trebarthes CWS. Part of Pennarin Point to Portscatho CWS occurs in the northern portion of the application site while the Trebarthen CWS lies 650m to the north of the application site.
- 4.76 A habitats and species assessment of the application site is provided in paragraphs 9.70 – 9.94 of Chapter 9 of the ES and in the Baseline Report (Appendix 9.1).
- 4.77 Arising from European Directives the SACs and SPAs identified above are designated for their ecological status and are known as “European Sites”. In the UK, the requirements of European Council Directives are transposed into domestic legislation via the “Habitats Regulations” and under Regulation 63(i) an appropriate assessment needs to be undertaken by the competent authority in respect of any proposal which: -
- Is likely to have a significant effect on a European site or a European off shore marine site.
 - Is not directly connected with or necessary to the management of that site.
- 4.78 As the proposed development is not necessary to the management of the application site, Cornwall Council, as the competent authority, is required to carry out an HRA to ensure that any planning decision does not adversely affect the integrity of the Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA. A Shadow HRA and Appropriate Assessment has been undertaken by the applicant at Appendix 9.2 to Chapter 9 of the ES.
- 4.79 ES Chapter 9 concludes that during construction and operation the effects of the proposed development on the European designated sites are assessed to have negligible not significant significance. In terms of the nationally designated SSSI the proposed development has been assessed to have a neutral not significant effect. With regard to the County designated sites the proposed development has been assessed to have a moderate positive effect.
- 4.80 Accordingly it is not considered that the residual effects of the proposed development are such that Cornwall Council should take a different approach in respect of its obligations under the 2017 Habitats Regulations.
- 4.81 In terms of national and local planning policy guidance the relevant planning

policy advice considered relevant to the proposed development is summarised as follows: -

- Planning decisions should contribute to and enhance the national and local environment by minimising impacts on and providing net gain for biodiversity (NPPF paragraph 170, CLP Policy 2 and 23, Roseland NP Policy LA5).
- Preventing new and existing development from contributing to being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating derelict and contaminated land. (NPPF paragraph 170, CLP Policy 2, 13, 21, 22 and 23 and Roseland NP CD1).
- Ensure a distinction between the hierarchy of international, national and locally designated sites giving appropriate weight to their importance and the contribution they make to wider ecological networks (NPPF paragraph 171, CLP Policy 2, 22 and 23).
- Planning permission should be refused where significant harm resulting from development cannot be avoided, adequately mitigated or as a last result compensated (NPPF paragraph 175, CLP Policy 2 and 23, Biodiversity SPD and Roseland NP Policy CD1).
- Where an adverse effect on a Site of Special Scientific Interest's notified special interest feature is likely, planning permission should be refused. An exception should be made only where the benefits of the development, clearly outweigh both the impacts on the features of the site that make it of SSI and any broader impacts on the national network of SSSIs (NPPF paragraph 175 and CLP Policy 23).
- Proposals for development will be permitted where they have demonstrated that they do not have an adverse impact on the Roseland Neighbourhood Plan area's natural resources (Roseland Policy LA3) and do not have significant harmful impacts on the natural environment of the area (Roseland NP Policy CD1).
- Proposals for development will be permitted where they have demonstrated that the development will have no adverse impact upon the Plan area's biodiversity and, either directly or indirectly, on international, national or locally designated sites including SSSIs, Regionally Important Geological/Geomorphological sites and on the ecological value of locally designated sites. Locally important habitats should be retained within any development proposals and the integrity of wildlife corridors not compromised (Biodiversity SPD and Roseland NP Policy LA5).
- Retention, restoration, recreation or enhancement of semi-natural habitat or habitat linkages (such as hedges) are encouraged through appropriate management (Biodiversity SPD and Roseland NP Policy LA5).

- Appropriate provision should be made for the protection of any significant wildlife interest which would be displaced by the development; special care should be taken to ensure that bats, barn owls and other birds or their nesting areas or roosts are not disturbed (Roseland NP Policy CD1).
 - The highest level of protection will be given to potential and existing Special Protection Areas, candidate and existing Special Areas of Conservation and listed or proposed Ramsar sites. Proposals having an adverse impact on the integrity of such areas that cannot be avoided or adequately mitigated to remove any adverse effect will not be permitted other than in exceptional circumstances (CLP Policy 23).
 - Development likely to adversely affect local designated sites, their features or their function as part of the ecological network will only be permitted where the need for any benefits clearly outweighs the coherence of the local ecological network is maintained (CLP Policy 23).
 - Avoidance, mitigation and compensation for landscape, biodiversity and geodiversity impacts – where adverse impacts are unavoidable they must be adequately and proportionately mitigated (CLP Policy 23 and Biodiversity SPD).
 - The existing green infrastructure network in Cornwall, which is important to recreation, leisure, community use, townscape and landscape quality and visual amenity will be protected and enhanced, including retention and enhancement of the most important environmental infrastructure assets in connection but contribute to the functionality of networks and ecosystems and connections in their existing location (CLP Policy 25 and Biodiversity SPD).
- 4.82 ES Chapter 9 has identified several significant effects to ecologically important statutory designations and nature conservation sites/features both on and in close proximity to the application site. This includes effects during construction and operation on the Fal and Helford SAC, the Falmouth Bay to St Austell Bay SPA, Gerran Bay to Camel Cove SSSI, Pannarin Point to Portscatho and Treburthens CWS, broadleaved woodland, scrub/bracken, hedgerows, scattered trees, stream, badger, bats, breeding birds, invertebrates, reptiles and otter.
- 4.83 Mitigation proposals to important ecological features during construction will be implemented via the Ecological Design Strategy and the Construction Environmental Management Plan (CEMP) which accompanies this planning application. Mitigation measures include the sensitive timing and phasing of the construction works, minimising impacts on important habitats and implementing protective measures to these features being retained and to include measures to control invasive species.
- 4.84 Mitigation proposals for effects during the operational phase includes the implementation of the SUDS strategy, creation of well-connected areas of open space including planting to provide habitat corridors for protected

species, provision of protective screening along the watercourse, buffers along key wildlife corridors and sensitive lighting. Additional mitigation includes the planting of trees throughout the proposed development, creation and management of habitats from wetland, scrub, open and coastal grassland and provision of nesting/roosting habitats for bats and birds.

- 4.85 Overall the assessment of residual environmental effects set out in ES Chapter 9 in respect of the statutory designations, nature conservation sites and habitats ranges from neutral/negligible to moderate/major positive. The assessment therefore demonstrates that with the mitigation measures in place for the proposed development will not adversely affect biodiversity, designated sites, locally important habitats or ecological networks and is in accordance with planning policy guidance in terms of ecology at the national and local level. In context of the Biodiversity SPD the biodiversity net gain assessment demonstrates a 14.08% net gain in biodiversity across the application site arising from the proposed development.

Archaeology and Historic Environment

- 4.86 ES Chapter 10 provides a heritage statement and historic building assessment for the Pendower Beach Hotel site. The assessment considers the effects of the proposed development in respect of the potential disturbance or destruction or archaeological features within the application site and potential impacts on the wider historic environment.

- 4.87 The relevant legislative and policy guidance applicable to archaeology and the historic environment is set out in ES Chapter 10 at paragraphs 10.5 – 10.20 and includes policy guidance in the NPPF, PPG, CLP and Roseland NP. The following planning policy guidance is considered relevant to the proposed development: -

- The significance of any heritage assets affected including any contribution to their setting should be described in any planning application. (NPPF paragraph 189, CLP Policy 24, Roseland NP Policy CV4).
- The particular significance of any heritage asset that may be affected by a proposal should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal (NPPF paragraph 190).
- Commercial development should not have significant harmful impacts on the historic environment of the area (Roseland NP Policy CD1).
- Development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings (CLP Policy 24).

- In determining planning applications the desirability of sustaining and enhancing the significance of heritage assets together with the desirability of new development making a positive contribution to local character and distinctive needs (NPPF paragraph 192).
- 4.88 The application site is not subject to any listed building designations and does not lie within a conservation area. In terms of archaeological mitigation the level of archaeological recording will need to be subject to agreement with the Local Planning Authority. Based on the history of the Pendower Beach Hotel site and the extensive modifications to the original 16th Century farmhouse undertaken in the 1930s and the second half of the 20th Century it is proposed that an historic building survey be undertaken prior to any refurbishment works taking place. Archaeological recording may be appropriate for those areas of the application site not subject to the 20th Century modifications.
- 4.89 While the application sites does not comprise any listed buildings there are two non-designated heritage assets in the immediate vicinity of the application site which comprise the lime kiln and a Type 24 Second World War pillbox. The residual effects of the assessment on these non-designated heritage assets are assessed to be negligible.
- 4.90 In terms of indirect impact of the proposed development on designated heritage assets in the wider area these are considered to be at such a distance that they would be insulated from any effects by the topography. The application site lies in the base of a steep sided valley and is isolated from views in the wider landscape. The only feature where there is likely to be an impact is the undesignated lime kiln. However in this context there will be a positive impact to the setting of this non-designated heritage asset arising from the proposed development.
- 4.91 The assessment in context of archaeology and historic environment demonstrates that with the mitigation measures in terms of any archaeological recording and historic building survey of the former farmhouse building prior to construction that there are no adverse impacts and the proposed development is in accordance with policy guidance in terms of the historic environment at the national and local level.

Traffic and Transport

- 4.92 Chapter 11 of the ES presents information on the predicted traffic and transport effects arising from the construction and operation of the proposed development at the Pendower Beach Hotel site. The ES Chapter 11 is accompanied by a Transport Statement (Appendix 11.1) and a Travel Plan (Appendix 11.2).
- 4.93 The relevant legal and planning policy framework is set out in Chapter 11 at paragraphs 11.6 – 11.15. The relevant policy guidance to the proposed development advises that: -
- All developments that will generate significant amounts of movement

should be required to provide a travel plan and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (NPPF paragraph 111, CLP Policy 27).

- Development should only be prevented or refused on highway grounds if there will be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe (NPPF paragraph 108).
- Development should give priority first to pedestrian and cycle movements and have access to public transport, minimise conflicts between traffic, cyclists and pedestrians, allow for the efficient delivery of goods and to enable electric vehicle charging points in convenient locations (NPPF paragraph 110, CLP Policy 27, Roseland NP Policy SF2).
- Development should provide sustainable transport modes given the type of development and its location; provide a safe and suitable access and mitigation of significant impacts on the transport network (NPPF paragraph 108, CLP Policy 27, Roseland NP Policy GP2).
- Major developments should ensure a resilient and reliable transport system for people, goods and services (CLP Policy 27).
- The approach roads to development proposals should be capable of accommodating the volume of traffic generated on development and a safe access and that adequate parking is provided (CLP Policy 27, Roseland NP Policy CD1).

4.94 The traffic assessment provides an assessment of the traffic impacts associated with the construction and operation stages. In respect of the construction stage all construction traffic will utilize the A3078 which forms the sole highway approach to the application site. The number of construction HGVs anticipated is considered to be of negligible impact as the construction is time limited. To facilitate the reinstatement and cliff stabilization of Rocky Lane the South West Coast Path will be temporarily diverted in the interests of public safety during the construction stage.

4.95 During the construction stage the proposed development will follow best practice through the Construction Environmental Management Plan (CEMP) which will mitigate construction impacts through the control of HGV movements in terms of routing, parking, storage and hours of working. The significance of construction traffic related impacts on the immediate local highway network is considered to be moderate adverse during the construction stage. Given the short term temporary effect construction traffic will be mitigated through the CEMP and best construction practice.

4.96 Given the historic use of the application site as a functioning hotel operational traffic impacts have been assessed. The environmental impact of the operational stage will alter as a function of the time of year. In the peak season when Pendower Beach is a significant tourist attraction the

operational impact will reduce as a proportion of the background traffic taking into account the historic use generated by the hotel. During the off peak, the operational impact will represent a significant proportional increase over the neutral period background traffic. Nevertheless the actual number of vehicle movements which will be predominantly private cars will be modest.

- 4.97 The A3078 is designed to carry the recorded and anticipated traffic volumes and vehicle types at the locations where they occur. The IEA guidelines suggest that only changes in traffic flow in excess of 30% or more are likely to result in increased severance. The proposed increase in traffic during the operational phase, at its greatest is clearly less and therefore fall below IEMA thresholds for Environmental Impact Assessment.
- 4.98 Rocky Lane will experience an environmental impact that falls within the Moderate/Minor Adverse to Moderate Positive category. The rationale for this range of significance of impact is that despite the large proportional increases in traffic volumes on Rocky Lane, the absolute vehicular traffic volumes remain low. This is confirmed by the junction modelling presented in the TA, which demonstrates the A3078/Rocky Lane junction operating with a high level of spare capacity.
- 4.99 On the basis of the above assessment it is suggested that the A3078 will not suffer impacts that fall within either the IEMA Rule 1 and 2 thresholds and as such, no adverse impact is anticipated on this road; the impact upon Rocky Lane does fall within the IEMA Rule 1 and Rule 2 criteria and the anticipated environmental impact falls to consider the low volume of base traffic.
- 4.100 Whilst accepting the very rural nature of the application site and the single track approach along much of Rocky Lane, it is considered the operation phase of the proposed development would actually represent a Moderate/Minor Adverse to Moderate Positive environmental impact due to the low traffic volumes involved.
- 4.101 The current baseline situation with the cliff instability and threat to both traffic access along Rocky Lane, the South West Coast Path and access to Pendower Beach which is assessed to be Moderate Adverse impact. Arising from the cliff stabilisation and reinstatement of Rocky Lane including the long term safeguarding of the South West Coast Path and access to Pendower Beach the operational impact has been assessed to have a Moderate Positive impact.
- 4.102 The traffic assessment demonstrates that the construction and operational impacts are limited to Rocky Lane and the effects with mitigation range from Moderate Adverse to Moderate Positive. It is important to recall that this is a result of the very low base traffic flows, consequently when considering the entirety of the Pendower Beach Hotel project, the environmental impacts associated with transport with mitigation are considered to be Minor Adverse to Moderate Positive during the construction stage due to it being temporary short term, and during operation of the development, ranging from Moderate Adverse to Moderate Positive in the long term.

4.103 The local and national policy guidance of the proposed development has been examined and it is considered that the proposal is compliant with the relevant local and national policies as contained in the NPPF.

Noise

4.104 Chapter 12 of the ES considers the potential noise impacts arising from the proposed development at the Pendower Beach Hotel site. The noise assessment considers the likely effects of sound/noise associated with the demolition, construction and operation of the proposed development on noise sensitive receptors within the study area.

4.105 The relevant legislation and planning policy guidance is summarised in the ES Chapter 12 paragraphs 12.8 – 12.27 including policy guidance in the NPPF, Cornwall Local Plan and Roseland Neighbourhood Plan. The relevant planning policy guidance can be summarised as follows: -

- Preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected levels of soil, air, water or noise pollution or land instability (NPPF Paragraph 170, CLP Policy 13).
- Ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment of the site or wider area impacts and to mitigate and reduce to a minimum potential adverse impacts resulting from noise and to identify and protect tranquil areas from noise (NPPF Paragraph 180, CLP Policy 16).
- Commitment to achieving high quality safe, sustainable and inclusive design in all developments including unreasonable noise and disturbance (CLP Policy 12).
- All new development should achieve the avoidance of adverse impacts, either individually or cumulatively, resulting from noise, dust, odour, vibration, vermin, waste, pollution and visual effects (CLP Policy 13).
- Protect and alleviate risk to people and the environment from unsafe, unhealthy and polluted environments by avoiding or mitigating against harmful impacts from health risks such as air and noise pollution (CLP Policy 16).
- Development should not cause a new or exacerbate an existing pollution problem where pollution is defined widely and includes chemical, light, noise and smell pollution (Roseland NP Policy CD1).

4.106 The noise assessment includes noise predictions undertaken to provide an estimate of the likely noise emissions arising from the proposed development during the construction stage at the nearest sensitive receptors. With the proposed mitigation measures including the use of the CEMP, best

practicable means and best practice incorporated into the demolition and construction works noise levels are predicted to remain comfortably within the 65dB(A) target criteria for all works and receptor locations resulting in no worse than a temporary minor adverse residual effect. The adoption of these measures would also ensure that noise levels to the closest ecological receptor from the application site would remain within recommended guidelines.

- 4.107 Given the distance between the construction activity and the nearest off-site ecological receptors it is considered that the level of construction vibration will be of negligible significance.
- 4.108 In respect of operational noise impact the application site will continue to be acoustically dominated by the sounds of the sea state. Consequently, it is not considered that noise will be a significant factor in the layout and design of the proposed development.
- 4.109 Noise impacts arising from the proposed traffic flows have been assessed and predicted noise levels as a result of the proposed development would have a negligible residual effect. Target noise criteria have been set for static plant and commercial activities and provided that noise rating levels do not exceed the stated noise criteria whether through the application of noise control measures no noise effects from such sources are predicted on existing and future sensitive receptors within the immediate vicinity of the application site.
- 4.110 Overall the assessment of residual environmental effects set out in ES Chapter 12 during construction and operation with the mitigation measures in place are considered to be negligible. In this context the proposed development relating to noise is in accordance with planning policy guidance at the national and local level.

Lighting

- 4.111 Chapter 13 of the ES presents information in respect of lighting related effects arising from the proposed development during construction and operation at the Pender Beach Hotel site. The lighting assessment considers the impact of the proposed development on the ambient light levels of the application site and surrounding area from a series of sensitive locations.
- 4.112 The relevant legislation and planning policy guidance is summarised in the ES Chapter 13 paragraphs 13.3 – 13.13 including policy guidance in the NPPF, PPG, Cornwall Local Plan, Roseland Neighbourhood Plan and the Cornwall AONB Management Plan. The relevant planning policy guidance can be summarised as follows: -
- New development should take into account the likely effects of pollution on health, living conditions and the natural environment and should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (NPPF paragraph 180, CLP Policy 13, Roseland Neighbourhood Plan Policy CD1).

- Artificial light has the potential to become what is termed light pollution and not all modern lighting is suitable in all locations. For maximum benefit the best use of artificial light is about getting the right light, in the right place and providing light at the right time (PPG).
- Commitment to achieving high quality safe, sustainable and inclusive design (CLP Policy 12).
- Development should not cause a new or exacerbate an existing pollution problem where pollution is defined widely and includes light pollution (Roseland Neighbourhood Plan CD1).

4.113 The lighting assessment includes a baseline assessment of the current position at the application site. With the existing hotel having been closed for a number of years and with its current limited use the application site is currently in complete darkness. When operational the hotel would have been classified as a low distract light environment.

4.114 During the construction stage the site lighting would be of a temporary nature and would be orientated away from the existing site boundary.

4.115 In these circumstances there may be short term effects from the use of temporary luminaries of a lower optical quality than the final installation. This would provide greater potential light spill when luminaries are in use will be temporary in nature due to the times and limitations of use.

4.116 With the mitigation measures through the CEMP and best practice the use of fully cut off lanterns and the use of curfew for night time periods will reduce any major adverse effects. While the use and control of lighting during the construction stage will be sensitive to the interests of local residents and wildlife there will be some obtrusive light generated from the site and has been assessed to create an occasional minor negative impact although of a temporary nature. For the majority of the construction stage the significance will be negligible negative and temporary.

4.117 During the operational stage there will be an overall increase in artificial lighting from the baseline position where the existing hotel has been in virtually complete darkness for some years. Mitigation measures and best practice will be incorporated into the proposed lighting scheme aimed at minimizing impacts of lighting on the character of the area. The lighting design mitigation detail is set out in Chapter 13 (paragraph 13.46) of the Environmental Statement.

4.118 Lighting impacts arising from the operational stage with mitigation have been assessed to result in a minor adverse effect and a moderate adverse effect in respect of indirect reflected light (sky glow). The external lighting for the proposed development has been designed to minimise light pollution within and outside the application site boundary provides a comprehensive mitigation strategy which will reduce the adverse effects of lighting. In this context the proposed development relating to lighting is considered to be in

accordance with planning policy guidance at the national and local level.

5.0 FINANCIAL VIABILITY/SECTION 106/AFFORDABLE HOUSING/CIL

- 5.1 A Financial Viability and CIL Assessment has been undertaken by Business Location Services Ltd and is submitted with the planning application. The Financial Viability and CIL Assessment has been undertaken in accordance with paragraphs 57 and 122 of the NPPF, the PPG Viability and Policy 10 of the CLP and provides for an holistic assessment of the overall scheme viability, the level of CIL charge liability and the policy requirements for off-site financial contributions to affordable housing, infrastructure and the Fal/Helford SAC.
- 5.2 Viability is therefore considered to be a key material planning consideration in the assessment and determination of this planning application. The proposed development involves the conversion of the existing hotel building to a 14 bedroom hotel and restaurant/shop and the demolition of existing buildings/structures to provide 25 residential apartments/houses. The viability of the mixed use regeneration proposal on this previously developed brownfield site is entirely reliant on the cross subsidy/profit generated from the 25 residential apartments/houses in light of the cost/value gap with the hotel, restaurant, café/shop refurbishment together with the abnormal costs associated with the proposed development including the access improvements to Rocky Lane, cliff stabilisation, landscaping and environmental improvements with the removal and placing underground of existing unsightly electricity cables.
- 5.3 The Financial Viability Assessment and CIL Assessment provides for a cost/value assessment in respect of the hotel, restaurant and café/shop which identifies a significant shortfall between the total costs and its completed value. Taking the total project costs associated with the hotel, restaurant and café/shop into account of some £7.03m and a completed value of £2.363m the hotel, restaurant and café/shop makes a loss of some £4.688m. The Financial Viability Assessment provides indisputable evidence that the refurbishment of the existing hotel would not be viable without enabling development.
- 5.4 The proposed development of the 25 residential apartments/houses is considered to be the minimum quantum of enabling development to ensure the delivery of the regeneration of the Pendower Beach Hotel site. The Financial Viability Assessment demonstrates that the 25 residential apartments/houses produces a gross development value of some £17.255m with a project cost of £10.967m. This produces a developer's profit of some £6.287m which equates to a 36.4% gross profit.
- 5.5 The level of developer's profit of 36.4% from the residential apartments/houses is therefore required to cross subsidise the shortfall in the hotel, restaurant, café/shop reducing the developer's profit to £1.618m which equates to a developer's profit of 8.25%. The Financial Viability Assessment shows that this level of developer's profit does not include any policy requirements in respect of off-site financial contributions to affordable

housing, S106 contributions and any CIL liability contribution. In this context the Financial Viability Assessment demonstrates that the proposed 25 residential apartments/houses represents the minimum number to create a viable development for the regeneration of the Pendower Beach Hotel.

- 5.6 The Financial Viability Assessment shows that the proposed development is only viable with 25 residential apartments/houses being open market residential with no holiday occupancy condition. Without the unencumbered open market residential use the development would not generate the level of developer's profit required to cross subsidise the funding shortfall in the hotel, restaurant, café/shop. In the scenario where the 25 residential apartments/houses were subject to a holiday occupancy condition this would have a significant impact on the end value of the properties partly due to the fact that they would be subject to VAT and restrictions in terms of commercial mortgages. Consequently this would have a significant impact on the end values that would be realized where market experience has shown that the end value would be as much as 25% lower than the open market residential value.
- 5.7 The market value in the development of new holiday occupancy restricted development is fully evident in similar hotel and leisure developments in Cornwall and elsewhere. In a number of cases planning permission has been granted on holiday restricted developments to remove such conditions to ensure the developments are viable including the Cornwall Hotel and Spa, St Austell, Carvynick Resort, Summercourt and Gwel-an-Mor, Portreath.
- 5.8 As with the hotel and leisure developments referred to above it has to be emphasised that while for viability reasons the residential apartments/houses need to be open market residential there is also the need for the hotel to provide the mix of the hotel accommodation and self-catering accommodation. In this context the target market for the residential apartments/houses remains geared to be self-catering holiday sector. In limiting the appeal for the residential units to be used for permanent residential use they will be sold on a 999 year lease basis with the provision for ground rents and service charge.
- 5.9 The freehold of the entire site will be vested into a management company which will manage the site in perpetuity. This provides the estate management vehicle to proactively manage the common areas of the site together with landscaping and site infrastructure. The hotel, restaurant, café/shop operator and the owners of the residential units will pay a service charge in respect of the ongoing estate management of the site.
- 5.10 It is also proposed that there would be provision for agreement with the owners of the residential units and the hotel in respect of the ongoing marketing and management of the residential apartments/houses for self-catering holiday use. The business model for the ongoing viability of the hotel as a trading entity is reliant to a considerable extent on the income generated from the visitors to the residential units in addition to the hotel accommodation. This position is entirely consistent with many other successful hotels in Cornwall.

Section 106/Affordable Housing/CIL

- 5.11 With regard to viability and planning policy guidance paragraph 56 of the NPPF requires obligations to be sought subject to a test where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 57 of the NPPF states that where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assessed to be viable. Paragraph 57 goes on to state that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage as is the case with the proposed development for the Pendower Beach Hotel site.
- 5.12 In terms of Affordable Housing the application site lies within Pilleigh Parish, which is a Value Zone 1 and in accordance with Policy 8 of the Cornwall Local Plan has a target level of affordable housing provision of 50%. As a mixed use scheme aimed at tourism and leisure it is not considered that any on site affordable housing in these circumstances would be appropriate or viable and therefore any contribution to affordable housing would be via an off-site contribution subject to viability.
- 5.13 For the purposes of financial viability the off-site tariff of £102,000 in accordance with the Housing SPD has been taken as the policy off-site level of financial contribution to affordable housing.
- 5.14 In policy terms and subject to this viability assessment any off-site financial contribution to affordable housing would be based on the following calculation:-
- 5.15 25 residential dwellings x 50% equates to on site affordable housing provision of 12.5 apartments or equivalent to an off-site financial contribution based on the tariff contribution of £102,000 per dwelling. Therefore the policy compliant contribution, subject to viability, for the off-site financial contribution to affordable housing would be £1,275,000.
- 5.16 Policy 28 of the Cornwall Local Plan requires developer contributions to infrastructure where Policy 22 of the Cornwall Local Plan requires developer financial contributions in respect of the mitigation of recreational impacts of development on European Protected Sites i.e. Fal/Helford SAC. In summary, the full policy off-site Section 106 infrastructure contributions are summarised as follows: -

- Education - £2,736 per dwelling of 2 bedrooms or more x 25 = £68,400
- Fal/Helford SAC - £160 per dwelling x 25 = £ 4,000

Therefore based on Policies 22 and 28 of the Cornwall Local Plan the total of financial contributions, subject to viability, are as follows

Education	£68,400
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Fal/Helford SAC

£ 4,000

TOTAL

£72,400

5.17 The application site lies within the Parish of Pilleigh which in accordance with the CIL charging schedule lies within a Value Zone 1 for which the CIL charge for sites of 10 dwellings or more in a designated rural area or AONB is £210.06 per sqm (based on indexed figure to March 2020) and based on the GIA. As a mixed use scheme with the need for a cross subsidy from the 25 residential apartments to finance the refurbishment of the hotel on a previously development brownfield site it is a necessary pre-requisite in assessing the scheme viability to establish the CIL liability for the development at this stage.

5.18 The CIL charge assessment has therefore been based on the following: -

- The total GIA for the proposed development with a breakdown for the refurbished hotel and the 25 residential apartments.
- The total existing GIA of the existing Pendower Beach Hotel.
- The net increase in GIA arising from the development.

	GEA sqm	GIA sqm
Pendower Hotel (Proposed)	1,381.1	1,157.5
25 Residential Units (Proposed)	3,606.5	2,871.3
Total Proposed Development Floor Areas	4,987.6	4,028.8
Pendower Hotel (As Existing)	1,563.9	1,290.1
Net Increased in Development Floor Area	3,423.7	2,738.7

5.19 The CIL is therefore assessed as follows: -

Net Increase in GIA from Development	2,738.7 sqm
CIL Charge – Value Zone 1	£210.06
Calculated CIL Charge liability	£575,291

5.20 Subject to planning permission being granted the CIL charge liability will be dependent on a claim for exceptional circumstances relief.

5.21 The Financial Viability Assessment sets the financial viability of the proposed development with the Policy 8 of the Cornwall Local Plan level of off-site financial contribution to affordable housing together with a Policy 22 and Policy 28 off-site financial contributions to the Fal/Helford SAC and education infrastructure. It also includes an allowance for the CIL liability which will be subject of a claim for exceptional circumstances relief following the granting of planning permission.

5.22 The viability scenario with fully policy compliant off-site contributions to affordable housing, infrastructure and CIL demonstrates the viability of the proposed development would result in net loss of some £304,076. Therefore in accordance with policy guidance in paragraph 57 of the NPPF and Policy

10 of the CLP due to the nature of the scheme and the level of cross subsidy acquired to facilitate the regeneration of the site and refurbishment of the hotel no off-site financial contribution to affordable housing and infrastructure is either appropriate or justified in this case. Therefore without the enabling residential development the hotel, restaurant and shop/café refurbishment together with the high abnormal costs including the cliff stabilisation would result in the proposed development being unviable and undeliverable.

- 5.23 Subject to agreement with Cornwall Council in respect of the Financial Viability Assessment and CIL assessment and in the event of planning permission being granted, the developer will apply to Cornwall Council for exceptional circumstances relief in respect of the CIL charge liability, as it has been demonstrated that the charge would have an unacceptable impact on the economic viability and deliverability of the chargeable element of the development. With the level of developer's profit at 8.6% being below the accepted market norm the developer accepts the development risks associated with the refurbishment/development of a challenging previously developed brownfield site with a reduced level of profit. Against this background the proposed development with the refurbishment of the hotel, restaurant and shop together with the various environmental enhancements will have significant economic and environmental benefits for the local area.

6.0 CONCLUSION

- 6.1 This Planning Statement considers the case for the proposed development having regard to the relevant legal and planning policy framework at the national and local level.
- 6.2 The ES sets out the detailed key topic assessments and evaluations that were undertaken through the iterative sustainable business strategy for the Pendower Beach Hotel site. The overriding objective is to reestablish the Pendower Beach Hotel as a high quality visitor destination facility through the sensitive and viable regeneration of the site. The proposed development has been sensitively designed commensurate with the AONB location to deliver a viable hotel accommodation and facilities with enabling residential development to meet the market demand and visitor expectations.
- 6.3 Chapters 2 and 3 of the ES set out the need and scale for the proposed development and describe the design elements and their social, economic and environmental aspects and the sustainability drivers. Chapter 5 of the ES places the proposed development in a socio economic context at the Roseland Peninsula and Cornwall sub regional level. The inter-relationship between the layout and design of the proposed development and the social, economic and environmental benefits is abundantly clear. It is considered that the proposed development will make an important and positive contribution to sustainable development.
- 6.4 The ES submitted with this planning application considers fully the potential environmental effects of the proposed development through its construction stage and operational lifetime in accordance with the scoping opinion and subsequent consultations with relevant consultees. Each assessment within

the ES explains fully by which impacts have been identified, their significance evaluated and the determination as to whether they are significant or not significant impacts before and following mitigation under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The conclusions from the ES assessments have been used in this Planning Statement when assessing conformity with the policies of the development plan and other material considerations.

- 6.5 For the construction stage where significant effects have been identified at the Pendower Beach Hotel site these are highly localized and are of a temporary, short term nature and are mitigated through the implementation of measures set out in the CEMP and best construction practices. Accordingly, given the magnitude of changes to high sensitivity receptors the assessments presented in the ES conclude that there will be no significant environmental effects as a result of the proposed development.
- 6.6 While based on previous development options for the Pendower Beach Hotel site for a larger scheme than that now proposed was considered by Cornwall Council as the decision maker to be major development for the purposes of paragraph 172 and 173 of the NPPF. This took into account the nature, scale and setting of the proposed development and the potential to have a significant adverse impact on the purposes for which the area has been designated and defined.
- 6.7 It has to be emphasised that the proposed development has changed fundamentally since the opinion was given by Cornwall Council which now provides for the refurbishment of the existing hotel, restaurant and shop/café with enabling residential development representing the minimum to ensure the development is viable and deliverable. Given the proposed development has been reduced in scale and is entirely contained within the existing previously developed brownfield site area it is now a matter of conjecture and judgement whether the proposed development now constitutes major development.
- 6.8 However the Planning Statement has assessed the proposed development even at the reduced scale development on the basis of being major development in light of the exceptional circumstances test set out in paragraph 172 of the NPPF and Policy 23(2a) of the CLP. In conclusion, given the demonstrable economic, social and environmental benefits it is considered that the proposed development satisfies and meets the exceptional circumstances test for major development in the AONB and Heritage Coast which the planning policy framework seeks to protect.
- 6.9 No likely significant effects on European site of nature conservation importance have been identified. With mitigation measures in place the proposed development will not adversely affect biodiversity, designated sites, local important habitats or ecological networks and accordance with planning policy guidance in terms of ecology and biodiversity at the national and local level. In context of biodiversity the biodiversity net gain assessment demonstrates a 14.08% net gain in biodiversity arising from the proposed development.

- 6.10 No likely significant geological, hydrological, historic environment, traffic and transport, noise and light effects following mitigation measures are predicted. Adequate safeguards through mitigation are incorporated with the proposed development to minimize and control impacts on identified receptors for the operational stage.
- 6.11 To the extent that effects of the proposed development are identified, the demonstrable benefits will outweigh the identified adverse impacts and that the proposed development should be considered to be sustainable development for which there is a presumption in favour. In this context the proposed development achieves sustainable development and meets the three overarching objectives (economic, social and environmental) set out in paragraph 8 of the NPPF.
- 6.12 The proposed development therefore is considered to be in accordance with the national planning policy guidance, the development plan and with all material considerations. For the reasons set out above Cornwall Council is requested to grant planning permission for the proposed development at the Pendower Beach Hotel site.