



Appeal Decision

Site visit made on 7 September 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/D0840/W/22/3291910

3 Foundry Lane, Hayle, Cornwall TR27 4HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Philp against the decision of Cornwall Council.
 - The application Ref PA20/01707, dated 14 February 2020, was refused by notice dated 27 October 2021.
 - The proposed development is demolition of existing store and reconstruction on larger footprint.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing store and reconstruction on larger footprint at 3 Foundry Lane, Hayle, Cornwall TR27 4HD in accordance with the terms of application Ref PA20/01707 dated 14 February 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with reference to the Hayle Conservation Area (the CA), the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS) and the setting of the Small multivallate hillfort, early Christian memorial stone and C19 landscaped paths at Carnsew Scheduled Monument (the SM).

Reasons

3. 3 Foundry Lane is a disused commercial building with associated open yard space within the CA and the WHS, directly to the east of the SM. The WHS is a designated heritage asset of the highest significance, the SM is of national importance, and I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The significance of this part of the CA derives from its industrial heritage, most notably the built form encompassing the once largest fully integrated mining port and steam-engine manufacturing centre in Britain. This also conveys the Outstanding Universal Value (OUV) of the Port of Hayle section of the WHS. The SM, as a commanding, strategically placed, iron age hillfort, contributes to the significance of the CA by highlighting Hayle's heritage as an ancient port.
5. Mapping indicates that the building on site is of 19th Century origin. Its typical utilitarian profile suggests it would have had commercial or perhaps industrial uses in its initial guises. It is just across Foundry Lane from a former gas works, now being redeveloped for housing. In the vicinity, and mostly on the opposite side of the mainline railway to the south, are several buildings which

were part of the former Harvey's Foundry, an historic industrial site of considerable significance to both the CA and the WHS.

6. However, despite the design of the building and its proximity to the foundry, no evidential link between them has been identified, despite a thorough examination of the historic records within the Heritage Impact Assessment. Spatially, No 3 stands alone relative to the mainstay of the foundry, and outside the gas works wall. There is some logic in linking the site to the construction of the railway or Foundry Lane, but there is nothing concrete to confirm this. To seek to draw a link between No 3 and Harvey's Foundry, or indeed other infrastructure nearby, is therefore to drift too far into speculation.
7. No 3's more recent uses have unsympathetically altered it to the extent that, despite retention of its roof profile and masonry core, the building is largely denuded of its identity and charm. The scantle slate roof has been replaced in part with sheeting. The most visible older wall fabric, the brick to the upper floor, appears likely to be a later alteration and is not a finish material of high significance to the CA nor this part of the WHS. In reality, the building has a rather distressed presence on Foundry Lane. The site also clearly appears to have been levelled by excavating the foot of the ancient hillfort, and so cannot be held to aid the setting of the SM.
8. For these reasons, the site does not contribute positively to the OUV of the WHS nor the character or appearance of the CA. I would also go so far as to say that the building falls short of meriting status as a non-designated heritage asset.
9. The replacement would be larger but orientated so as to address Foundry Lane with a genuine frontage, more reflective of the grain of industrial development nearby. It would more aptly fill the scruffy lost space across the open yard. In doing so, it would better conceal the wound to the base of the hillfort, whilst maintaining a clear subservience in scale to the SM, particularly when viewed from the path that traverses the SM aside and above the site. Suitable finishes would ensure that the building would be muted in appearance. Overall, the proposal would have neutral impacts upon the setting of the SM and the OUV of the WHS. The character and appearance of the CA would be preserved.
10. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area, with reference to the CA, the WHS and the setting of the SM. It would accord with Policies 2 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016), Policy HB1 of the Hayle Neighbourhood Plan 2014-2030 (made 2018), the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (2019), the Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017), and the National Planning Policy Framework insofar as they seek to protect the historic environment.

Conditions

11. In addition to the standard time condition, it is necessary for a condition to list the approved plan in the interest of certainty. To ascertain that archaeology is appropriately treated and recorded, work must not commence until the Council has agreed in writing a Written Scheme of Investigation. To ensure that the building assimilates into this sensitive environment, details of its finish materials are required prior to their installation. Given the industrial heritage of the area, an assessment of the risks posed by any land contamination must be

submitted to and agreed in writing by the Council. Self-evidently, this must be done before the commencement of development on site.

Conclusion

12. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of the decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 717/1.
- 3) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and: The programme and methodology of site investigation and recording; The programme for post investigation assessment; The provision to be made for analysis of the site investigation and recording; The provision to be made for publication and dissemination of the analysis and records of the site investigation; The provision to be made for archive deposition of the analysis and records of the site investigation; The nomination of a competent person(s) or organisation(s) to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the Written Scheme of Investigation approved.
- 4) Prior to installation, samples of the external timber cladding, roof slates and their method of fixing, and ridge tiles shall have first been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice, and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days (or other time period agreed in writing) of the report being completed and approved in writing by the Local Planning Authority.