

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00672/FUL	Item	04
Date Valid	20.05.2020	Ward	SUTTON AND MOUNT GOULD
Site Address	Victoria House Cattedown Road Plymouth PL4 0RF		
Proposal	Change of use from private helipad to commercial heliport, including demolition of existing private hangarage building and erection of new commercial hangarage building and associated works		
Applicant	Halo Aviation Ltd		
Application Type	Full Application		
Target Date	15.07.2020	Committee Date	17.09.2020
Extended Target Date	18.09.2020		
Decision Category	Service Director of SPI		
Case Officer	Mr Chris King		
Recommendation	Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.		



This application has been referred to the Planning Committee by the Service Director for Strategic Planning and Infrastructure as it is considered that there are public interest reasons for the matter to be determined by the Committee.

1. Description of Site

The application site, known as 'Victoria House' is located in Cattedown, and is currently in residential use (Class C3). The site is located in the southern part of Cattedown, an area characterised by heavy industrial uses and operations. The site measures 0.8ha in area and is in an elevated plateau meaning it is widely prominent when viewed from southerly directions across the Cattewater, such as Oreston, Turnchapel and Mt Batten. The site is located along the South West Coast Path providing its only means of pedestrian and vehicular access.

2. Glossary

CAA – Civil Aviation Authority

CEMP – Construction Environment Management Plan
CHC - Cattewater Harbour Commissioners
COMAH - Control of Major Accident Hazards
EA – Environment Agency
EIA – Environmental Impact Assessment
EMES – Ecological Mitigation Enhancement Strategy
eVTOL – Electric Vertical Take Off and Landing
HSE – Health and Safety Executive
LEMP – Landscape Environment Management Plan
NPSE - Noise Policy Statement for England
PPS – Public Protection Service
SAC - Plymouth Sound and Estuaries Special Area of Conservation
SPA - Tamar Estuaries Complex Special Protection Area
SWCP - South West Coast Path
SWW – South West Water

3. Proposal Description

Change of use from private helipad to commercial heliport, including demolition of existing private hanger building and erection of new commercial hanger building and associated works. The development proposes the following main elements:

- Change of use from private helipad to commercial heliport;
- Demolition of existing hangar and construction of a new hangar to accommodate 3 helicopters and ancillary operations (including operatives office, 2 x operatives accommodation, changing facilities, store and washroom facilities);
- Retention of existing dwelling in a C3 capacity for short term lets and ancillary accommodation (as required).
- Associated alterations to the site to facilitate the change of use (hardstanding, landscaping, drainage etc.)
- Evolution of Plymouth City Heliport after 5-10 years from helicopters to Electric Vertical Take-off and Landing (eVTOL) aircraft.

4. Pre-application Enquiry

This application was subject to a pre-application enquiry (ref: 19/00856/CONF) to establish the principle of the development and for the applicant to understand the planning requirements should a formal planning application be submitted. The Local Planning Authority concluded that subject to providing sufficient evidence to demonstrate that the proposal does not undermine or prejudice the reopening of Plymouth Airport, and that the impact towards the environment are not demonstrably harmful, it is likely that this proposal will gain support for the proposed change of use.

During the pre-application, officers advised that the applicant submit a formal EIA Screening Opinion request. The conclusion of this, having taken into account the criteria in Schedule 3 of the Regulations, was that the development is unlikely to result in significant effects on the environment by virtue of factors such as its nature, and location. Accordingly, it is the LPAs opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations as it relates to the natural environment.

5. Relevant Planning History

19/02019/ERS103 - EIA Screening Opinion to ascertain whether or not the proposed development of a private helicopter hangar works to establish a commercial heliport – Not EIA Development

12/00815/FUL - Installation of ground based photovoltaic solar panels, 1 no pole mounted set of 3 wind generators and 3 no separate roof-mounted wind generators – Permitted

09/01353/FUL - Change of use, renovation and extension of former stables building to form residential accommodation for staff - Withdrawn

01/00866/FUL - Addition of first-floor balcony to house - Permitted

01/00343/FUL - Extension to "building 2" for use as private helicopter hangar - Permitted

01/00269/EXUSE - Single residential property (Building 1) ancillary garaging and storage (Building 2) and associated residential curtilage – Certificate of Lawful Development Issued

95/00431/OUT - Outline application to develop land by erection of a dwellinghouse – Refused

84/02759/FUL - Erection of factory extension with offices and canteen over – Permitted

6. Consultation Responses

Cattewater Harbour Commissioner

No Objections following the submission of a suitable 'Deconfliction' agreement.

Civil Aviation Authority

No comments received however officers note correspondence between the CAA and the applicant within the supporting documents stating that they have no concerns with the proposal.

Civil Protection Unit

The Civil Protection Service is responsible for the maintenance and currency of the Cattedown External Emergency Plan. This relates to the emergency management of incidents involving the major accident hazard sites in the vicinity of the proposed development. The development location is within the specified public information zone for the Cattedown area. In considering any implications for the external emergency planning arrangements we are guided by the Health and Safety Executive who take account of the potential consequences for any onsite emergency at the hazardous sites, which may require off-site intervention. Detail of the application and the consultation has been shared, for information, with members of the Cattedown Emergency Planning Forum.

Economic Development Department

No objections.

Environment Agency

No objections subject to further information relating to pollution control.

Health and Safety Executive

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Additionally, the HSE has advised that its role in the planning process is to provide advice to planning authorities on proposed developments within the consultation distance of major hazard sites and major accident hazard pipelines. The HSE's advice in this case is limited to a consideration of the risks to people at the proposed heliport facility from the major hazard sites in the area. HSE's advice will not involve any consideration of the potential risks which the activities at the heliport may present to the major hazard sites. The HSE advises that this is a matter for the Council, the operators of the heliport and the major hazard sites to consider, concluding that if planning

permission for the heliport is granted, it may be necessary for the operators of the major hazard sites to review their safety reports under the Control of Major Accident Hazard (COMAH) Regulations 2015.

Historic Environment Officer

No objections subject to conditions.

Lead Local Flood Authority

No Objections subject to further details to be submitted by way of a condition.

Local Highway Authority

No Objections subject to further details to be submitted by way of conditions.

Low Carbon Team

Low Carbon objected to the proposal however has worked with officers and the applicant to assess the carbon impacts and offsetting options.

Natural England

No Objection subject to conditions

Natural Infrastructure Team

No objection subject to appropriate mitigation/conditions.

Police Architectural Liaison Officer

No objections following the submission of updated information

Public Protection Service

Contaminated land

A Phase 1 report has been provided which identifies a potential risk from contamination and has recommended a Phase 2 investigation. There are no objections subject to conditions.

Noise

No objections subject to conditions.

Public Rights of Way Officer

No comments received and no corresponding issues highlighted by the Local Highway Authority.

South West Coast Path Trail Partnership

Should the planning authority be minded to approve this application, it should be subject to submission, approval and continued implementation of a traffic management plan to safeguard the interests of walkers and cyclists using this currently traffic free section of Path. Of particular concern are issues regarding public safety arising from an increase in vehicular traffic, and noise from helicopters taking off and landing. If the application is approved, please can this condition (and / or a related informative) identify the need to consult with stakeholders, including the South West Coast Path Association.

Water Front Partnership

No comments received.

7. Representations

Given the nature of the proposal and the potential for wide reaching impacts officers undertook a significant consultation process within the Sutton and Mount Gould and Plymstock Radford Wards,

displaying a large number of site notices in strategic locations and directly notifying ward Cllrs, members of the Cabinet and the Leader of the Council.

The Local Planning has received a total of 53 letters, of which 52 object to the proposal and 1 neutral to the proposal. The letters are summarised as followed:

Noise

- Proximity to Coxside residents not properly considered in noise assessment.
- Noise from industrial uses is already significant for residents.
- The effect of the extra noise on residents in the area and also its impact on tourists visiting the Hoe and Barbican.
- Noise impact assessment is considered insufficient.
- The noise pollution associated to helicopter activities will undoubtedly impact on local schools, businesses and the waterfront developments.
- The noise will impact those working from home.
- In bad weather, especially winter the Helicopters would need to hover for extended periods for safe landing.
- Local geology will increase noise reverberation.
- The flights are not just the issues, it's the ancillary activity and noise that will compound the issues, such as traffic, testing etc.

Strategic Transport and Local Highways

- We have a perfectly serviceable airport at Roborough with a company ready to run it as soon as the lease is removed from Sutton Harbour Holdings. If this firm is only envisaging 2-3 commercial flights a week why not use the airport?
- The Plymouth Airport site would be a more appropriate location for the proposed operations.
- Adverse impact on the South West Coastal Path (SWCP) and national cycle route.
- Transport information is based on assumptions.
- Construction traffic will cause conflict along the SWCP creating a dangerous situation.
- Helicopter travel is not sustainable when compared to mini bus.
- Alternative travel options are more sustainable especially as more people are now working from home.
- The Heliports close proximity to the SW Coastal path and the walkers and cyclists using it is of concern.
- Access to the site is severely restricted and provides access to the residential dwelling only. The introduction of vehicular traffic, including large vehicles transporting aviation fuel, will put pedestrians and cyclists at risk.
- Contrary to policies PLY42 and SPT8 with respect to the existing airport.

Environment

- Increase in noise and reduction in air quality to local residents on both side of the Cattewater, including the Barbican, Hoe and Mt Batten.
- Contrary to Climate Emergency and Plymouth's aim to be Carbon Neutral by 2030.
- Would have an adverse impact on wildlife.
- Security lighting could result in light pollution for residents.
- Exclusion around Drakes Island should be imposed to protect wildlife.

Tourism and recreational impacts

- Adverse impact on the Barbican and Sutton Harbour and visitors.
- Flying noisy helicopters adjacent to the Hoe, aquarium and historic Barbican is hardly going to enhance the visitor experience thus reducing tourism.
- The hover area on approach is over the Cattedown water and Clovelly Bay. This area is extensively used by sailing boats and in particular by youngsters undergoing sail training from the Mountbatten

Centre. The downdraft from large commercial helicopters is significant and would be dangerous to sailing boats and very hazardous to youngsters experiencing their initial sail training.

Economic Impacts

- Adversely impacts the existing and established businesses in the area that move and store flammable materials resulting in conflict.
- The Heliport would not be of advantage to the majority of residents and firms due to their high cost of charter flights.
- Possible long term employment benefits are insignificant compared to the disruption and inconvenience which locals would have to endure.

Flight Numbers and Operational Issues

- The number of flights would possibly become more and more if the development went ahead initially.
- No evidence provided with respect to existing use and the suggested number of existing flights appears inaccurate
- This heliport upgrade is in no way a necessity to communities in the East End of Plymouth
- Comparisons of other heliports in supporting statement are not reasonable
- Three flights a week is too many.
- Conflict with military flight paths.
- What assurance is there that subsequently more and larger helicopters will not use the site?

Other Matters

- Permission should not be granted however if it is then strict conditions should be imposed
- Many people are not aware of the upcoming plan because notifications haven't been seen in the community due to the Covid-19 lockdown.
- A commercial helicopter port would be entirely incongruous with the purpose and current use of the area and the benefits it offers to visitors.
- The site cannot accommodate all the necessary facilities to make a heliport viable and is poorly located to emergency services.
- The planning history and fall-back position is irrelevant in this case and as such the existing use is not helipad but residential with ancillary use. Permitted Development is also discounted.
- Is the proposal contrary to HSE advice as per the EIA screening?
- Loss of housing

Health and Safety

- This is not a suitable site for such an operation - on safety grounds in relation to the close proximity of the fuel storage tanks. Such a development would increase risk and worry for residents.
- Aircraft operations could prejudice safety and instigate a major disaster at adjoining sites – conflict with moored vessels discharging fuels.
- The cranes at Victoria Wharf, and the masts of large tankers/vessels moored at Cattedown Jetty are higher than the proposed landing site and constitute a significant risk on approach. Reference is drawn to the 2014 Battersea Helicopter Crash.
- Noise impacts could cause a distraction which could result in an accident.

Non-Material Planning Considerations

- Will impact house prices in the area.

8. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of

decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

As a result of Government policies and guidance regarding lockdown due to Covid 19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from Covid 19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the Joint Local Plan Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document (2020)
- Plymouths Plan for Trees
- Plymouth Climate Emergency Action Plan 2019
- Noise Policy Statement for England (NPSE) March 2010

9. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

2. This application turns upon the following strategic policies of the Joint local Plan 2019:

SO1 (Delivering the spatial strategy)

SO2 (Strengthening Plymouth's role in the region)

SO3 (Delivering growth in Plymouth's City Centre and Waterfront Growth Area)
SO6 (Delivering a prosperous and sustainable South West Devon)
SO11 (Delivering high quality development)
SPT1 (Delivering sustainable development)
SPT2 (Sustainable linked neighbourhoods and sustainable rural communities)
SPT8 (Strategic connectivity)
SPT9 (Strategic principles for transport planning and strategy)
SPT10 (Balanced transport strategy for growth and healthy and sustainable communities)
SPT11 (Strategic approach to the historic environment)
SPT12 (Strategic approach to the natural environment)
SPT13 (Strategic infrastructure measures to deliver the spatial strategy)
SPT14 (European Sites – mitigation of recreational impacts from development)
PLY1 (Enhancing Plymouth's strategic role)
PLY2 (Unlocking Plymouth's regional growth potential)
PLY3 (Utilising Plymouth's regional economic assets)
PLY20 (Managing and enhancing Plymouth's waterfront)
PLY21 (Supporting the visitor economy)
PLY42 (Plymouth Airport)

3. The application also turns upon the following development policies set out in the Joint Local Plan 2019:

DEV1 (Protecting health and amenity)
DEV2 (Air, water, soil, noise, land and light)
DEV7 (Meeting local housing need in the Plymouth Policy Area)
DEV9 (Meeting local housing need in the Plan Area)
DEV10 (Delivering high quality housing)
DEV20 (Place shaping and the quality of the built environment)
DEV21 (Development affecting the historic environment)
DEV23 (Landscape character)
DEV26 (Protecting and enhancing biodiversity and geological conservation)
DEV27 (Green and play spaces)
DEV28 (Trees, woodlands and hedgerows)
DEV29 (Specific provisions relating to transport)
DEV32 (Delivering low carbon development)
DEV35 (Managing flood risk and water quality impacts)
DELI (Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy)

4. The principle issues relating to this proposed application are considered to be as follows:

- Existing Use, Appropriateness of location, and relationship and impact towards COMAH sites
- Noise Assessment
- Environmental Impact Assessment

5. Other matters requiring consideration are as follows:

- Strategic Transport and Local Highways
- Economy
- Drainage
- Low Carbon and Sustainability
- Design and Layout
- Trees, Biodiversity and Landscaping
- Secure by Design
- Residential use

Existing Use and 'Fall-Back position'

6. The site was granted a lawful development certificate (LDC) in 2001 establishing the use of the site for residential purposes (Class C3) with permitted ancillary private helicopter use. As it was established through an LDC no restrictions have been imposed, meaning helicopters in a private capacity can use the site without control in terms of frequency, time of day or flight path. Permission was later granted for a dedicated helicopter hanger.

7. The existing dwelling is a large two storey dwelling, best described as 'executive' accommodation. The dwelling is advertised on a number of 'short term let' websites, and this use is expected to continue. It has a generous curtilage.

8. In addition to helicopter use associated with the site, officers note that the Cattewater is readily used by Military aircraft to/from the Citadel, and/or Devonport Naval Base. Officers have also observed a range of other aircraft frequently using this airspace and the surrounding area including the police, coastguard and air ambulance, of which all activity is unrestricted in terms of flight path, duration, time etc.

9. This highlights that the area is synonymous with helicopter use, and although many concerns have been raised about the impacts on the current function of this water, it is important to acknowledge there is an established level of use in the area by a range of operators which poses similar risks to the environment and amenity as the application site. The Local Planning Authority has not been provided with any specific evidence to suggest that harm or significant risk is being caused to surrounding uses by current aviation related activities.

10. A number of representations have alluded to the fact that helicopters do not regularly frequent the site, contrary to the Planning Statement. Whilst the intensification of use may have fluctuated over the years the relevant consideration is the lawful land use.

11. The applicant has highlighted that the 'fall-back position' is a significant material planning consideration. The applicant points to the case between Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009], which states "in order for a prospect to be a real prospect, it does not have to be a probable or likely: a possibility will suffice."

12. More recently the fall-back position has been dealt with through Zurich Assurance v North Lincolnshire Council [2012] which states "the prospect of the fall-back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall-back position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration".

13. The Councils Legal Department have been asked to comment on this specific matter and have advised officers accordingly. The legal principals governing a fall-back position are that decision makers are required to judge a proposed development in the context of what might happen if permission for a proposed use was refused and the applicant put the land to its already permitted and lawful use.

14. A number of legal cases have been reviewed which sets out that the decision maker should take the prospect of a fall-back into account when making a decision, as it is a material consideration; however the weight to give the fall-back prospect needs to be considered using planning judgment and the individual circumstances of the case.

15. Taking all of the relevant matters in to account the fall-back position should be considered in the decision making for this application, as it is a material consideration; however the weight to give this

is limited because a refusal of planning permission would not result in the actual use applied for being continued for the reasons described above.

16. In the event that planning permission is not be granted then the fall-back position is that the site could revert to its current status which is a residential dwelling with ancillary helicopter use (unrestricted and unregulated).

17. Whilst it is possible that the site could become occupied solely as a dwelling with no aviation activity, it is also reasonable to presume that this is a unique opportunity for an individual to occupy and utilise the site in a private capacity, perhaps in a more intense way than what is being proposed by Halo Aviation.

18. Therefore, and in the context of the 'fall-back' position debate, it is the officer's view that a reasonable amount of weight should be given to comparing the intensity of the current private use vs. the proposed commercial use in coming to a decision.

Proximity to COMAH sites and Operational Matters

19. The application site is located in Cattedown, approximately 1.5km south east of the city centre and is characterised as being one of Plymouth's principal industrial areas. The site is surrounded by a number of COMAH sites and these are identified on drawing 'I 10 PI - Helicopter Landing Site Approach Flight Paths'.

20. A COMAH site is one that stores a sufficient quantity of dangerous substances to fall into the definition of an 'Upper Tier' or 'Lower Tier' site. Upper Tier establishments will hold greater quantities of dangerous substances meaning that additional requirements are placed on them by the Regulations. There are 48 named dangerous substances which include, but are not limited to, flammable liquids, gasses and aerosols, explosives, oxidising liquids and solids.

21. The duties relevant to all sites are as follows:

- Notification Hazardous Substances Consent (HSC)
- Major Accident Prevention Policy (MAPP)
- All measures necessary

22. Duties relevant to 'Upper Tier' sites include:

- Prepare a COMAH safety report
- Prepare and test an on-site emergency plan
- Supply information to local authorities for off-site emergency planning purposes
- Provide certain information to the public

23. There are a number of 'Upper Tier' or 'Lower Tier' sites in close proximity to the application site as follows with approximate distances and orientation:

- Transco – 380m to the north
- Greenergy – 100m to the southwest, 100m to the west and 200m to the north
- Valero – 400m to the east
- Origin fertilisers – 400m to the east
- Above ground fuel lines – 100m to the west; 100m to the south; and between 200 and 380m to the east
- Below ground fuel – 150m to the south east

24. In addition to these sites, plan I 10 PI also identifies a 'Fuel Bundle and Filling Point', referred to by the Cattewater Harbour Commissioners as the 'Cattedown West tanker box'. This is located at Cattedown Wharves and is used by tankers/vessels to unload fuels to the various storage facilities identified above.

25. The flight paths have been modified from the pre-application submission, reducing from three paths to two. Comparatively these significantly reduce the proximity to flying between the COMAH sites with the approach/take-of routes almost exclusively over water to minimise impact. However, and given the location of the application site it would be virtually impossible to avoid flying over one of the identified sites.

26. The Westerly Path initially heads west from the site immediately flying over the South West Coast Path and part of the Greenery site before entering the Cattewater. The path then turns southwest over Mt Batten Breakwater and into the sound then turning south to avoid Drakes Island.

27. The Easterly Path initially heads south flying over an underground pipeline and adjacent to the Cattedown West tanker box. Once over the Cattewater the path heads in an easterly direction over Laira Bridge and across the Plym Estuary.

28. Paragraph 45 of the NPPF states that “local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. As already noted, the Health and Safety Executive (HSE) have been consulted and the advice to the Local Planning authority is that the HSE does not advise against the development in this location.

29. Officers note that had the HSE’s advice been ‘advise against’ then the principle of the development would have been unacceptable. However, and based on the advice above it is therefore necessary to consider the existing use of the site and the proposed used to determine if the risks of the proposed development are substantial when considered against the Development Plan and the NPPF.

Deconfliction Agreement

30. The Cattewater Harbour Commissioners (CHC) are the Statutory Harbour Authority for the Cattewater Plymouth and were consulted as the flight path will be over their water. Whilst the CHC note that military aircraft also use the river as an approach to the Citadel on an infrequent basis the proposed flight path transits in front of ‘Cattedown West tanker box’, highlighting that the tanker box extends to the west from the edge of the west wall. This would mean that with a vessel sat on the berth the proposed flight path would flying over the bow/deck of a discharging tanker (80m overhang).

31. Officers understand that there is an average of 6-12 ships discharging at the jetty per month, with the duration of a discharge being approximately 24 hours (Greenery LOR). This means that there will be times where there is no conflict when the berth is vacant, unlike some of the other surrounding COMAH sites which have been avoided which are static and pose a hazard continually.

32. Notwithstanding, the CHC highlighted that there could be instances where the arrival of a Helicopter coincided with the Pilotage of a vessel which could cause safety concerns. The reason for this is that as a helicopter conducts its final descents and approaches, this is also the most critical point of a pilotage, where the vessel is manoeuvring to/from its berth.

33. The CHC advise that large vessels are tidally constrained so flexibility from the vessels schedule isn’t often available therefore a form of communication prior should be established so no conflict exists between the two safety critical evolutions, a matter raised by representations from adjacent site operators. In response to the comments made that applicant has produced a ‘Deconfliction’ agreement which the CHC has confirmed is acceptable. This sets up a line of communication between the applicant and the CHC to prevent unnecessary conflict between incoming helicopter flights and vessels.

Plymouth Airport

34. Officers have considered alternative sites and the impact that the development may or may not have on the future of Plymouth Airport. This was highlighted to the applicant at pre-application stage and the point has been raised in many of the representations.

35. Sequentially it can be argued that Plymouth Airport is preferable. It is an existing aerodrome which has previously facilitated commercial aviation. PLY42 seeks to safeguard the airport for General Aviation, which accommodates most aviation uses except schedule commercial air travel. The proposed use is for commercial charter helicopter operations which would therefore fit within the GA model.

36. However, and when compared to the scale of the previous operations at Plymouth Airport and other heliports in the country the proposed quantum of development, in terms of flights/passenger numbers, is significantly lower. The applicant is operating charter flights, not scheduled flights therefore from a viability perspective the applicant has advised that their proposal in its current form would not be considered sufficient to support the opening of the Airport on its own, given the likely significant investment required to secure that site.

37. Equally, the development would not be of a scale to prejudice the reopening of the airport by another operator/competitor in the future and this has been confirmed in writing by Fly Plymouth, a well-known organisation seeking to re-establish the opening of the Airport. The letter from Fly Plymouth states:

38. *“As advocates of the return of aviation to Plymouth to help better connect the City, we can see the role for a commercial heliport and the potential for this to work alongside our plans to reopen the Roborough airport site. There are synergies to be had in the short and long term, including use of Plymouth airport for additional hangarage and deep maintenance, weather diversion and refuel facilities; the heliport would be complementary to our proposed operations. Indeed, several other cities currently enjoy both airports and city heliports operating in partnership including Leeds, Newcastle and Cardiff.*

39. *Halo’s appetite to transition towards eVTOL (electric Vertical Take-off/Landing) aircraft in the near future is also very much aligned with our own plans to embrace developing electric propulsion technology. We therefore fully support Halo Aviation’s proposals and look forward to an enduring, productive business and operational relationship with your company.”*

40. Given the viability concerns the applicant has requested a delay to the construction of the hanger/ancillary facilities, seeking to ensure the business is viable before investing significantly in site infrastructure. This is discussed further in paragraphs 143-145 of this report.

41. Notwithstanding the above, it is important to note that Plymouth Airport is not in the control of the applicant thus making it unavailable. Paragraph 104 of the NPPF states that “planning policies should... recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy”.

42. Officers therefore take the view that proposed operations at this site would not adversely impact the aspirations of the Joint Local Plan and does not conflict with policy PLY42, adding choice and opportunity to the city and sub-region.

Proposed Use

43. The applicant is an established commercial helicopter operator, providing charter flights throughout the UK. They already fly regularly to Plymouth and the South Devon area but currently have no dedicated facility to operate out of posing logistical challenges. This site offers an easily

accessible location with an established aviation use. The applicant is seeking to change the aviation use from private ancillary use to commercial use, with the development of modern hanger facilities. The residential unit will be retained.

44. The applicant seeks to offer commercial flights between Exeter, Newquay and London, linking the city to wider regional and international networks. The application seeks consent for 160 commercial landings, equating 2-3 a week which the applicant suggests is a comparable amount to the previous residential use of the site.

45. For the avoidance of doubt a 'landing' is defined as an inbound flight, followed by an outbound flight, meaning 160 'landings' would equate to a maximum of 320 commercial movements. The inbound and outbound may not necessarily happen on the same day for operational reasons.

46. This definition is the same as that of the MOD Kintbury Point Helipad, which for comparison purposes has been granted 1000 landings a year (up to 2000 flights) (ref: 15/01271/FUL).

47. In addition to the commercial flights, the applicant proposes to work with Devon Air Ambulance, Coastguard, Military and Police to increase landing capacity and for refuelling purposes. Support has been received from the Flight Operations Director of Devon Air Ambulance, stating:

"While DAA aircraft are not based in the area, Derriford hospital as part of the UK Trauma Network is the destination for many of our flights and as a result, we are very aware of the limited facilities currently available in Plymouth. We currently support our own limited fuel facility at Derriford but it would be very helpful to have access to an additional and capable helipad with fuel. In the event of a major incident involving multiple aircraft landings at Derriford I certainly consider that a 'diversion' helipad in the vicinity would be of benefit to DAA crews."

48. Officers support the role this site will have in enhancing operational capacity of emergency service and public service helicopters, in turn making them more resilient and beneficial to the wider community.

49. On weekdays, the commercial aspect of the heliport will primarily operate between 0800 hours – 1930 hours. A maximum of 10 landings annually can occur between 1930 hours and 2200 hours.

50. At weekends, the commercial aspect of the heliport will primarily operate between 0930 hours – 1830 hours. A maximum of 10 landings annually can occur between 1830 hours and 2100 hours.

51. A greater degree of flexibility is afforded to emergency services and public service helicopters, responding to the specific nature of their operations and to assist in genuine emergency situations.

52. Initially the heliport will accommodate high performance, twin-engine helicopters. However, the applicant aspires to move towards 'electric vertical take-off and landing' (eVTOL) aircraft. This would clearly have environmental benefits in terms of noise and emissions; however the technology is not readily available to make it a substantial part of the immediate development model. As such, the assessment is based primarily on traditional aircraft but the eVTOL scenario is discussed further in the report (paragraphs 113-116).

53. The application proposed the construction of a new hangar to accommodate 3 helicopters and ancillary operations (including operative's office, 2 x operative's accommodation, changing facilities, store and washroom facilities). This will replace the existing hanger and is considered of a scale and design suitable for the industrial setting.

54. The proposed hanger has a larger footprint compared to the existing building and greater overall height which is comparable to the existing dwelling. The control tower element of the scheme is taller than both the hanger and the dwelling but will not appear unduly prominent or dominating. The material palette is contemporary and suitable for the proposed use. The colour scheme will ensure the building does not appear overly prominent, blending with the local quarry face characteristics. The scale and appearance is considered appropriate for the industrial setting surrounding the site, adding a high quality, modern building to the skyline when compared to the existing situation. The building therefore accords with policy DEV20 of the Joint Local Plan.

55. Whilst operating as commercial heliport, the existing dwelling will remain and operate within class C3, which can include short term lets along with more traditional long term rental agreements. There is significant case law with respect to short term lets. Planning permission is required for the carrying out on land of any development which includes "the making of any material change in the use of any buildings or other land". Different types of residential use can fall within different use classes, for example, use by single household of single residential unit (class C3) is in different use class to use of same property by 3-6 persons not living as single household (class C4) which is different again to short term lets which is sui generis.

56. To change between use classes can result in a material change of use which therefore needs planning permission (unless permitted development rights apply). Whilst a change between use classes is usually material there will be some cases where the facts have been held to not result in a material change. In the absence of specific legislation it is therefore a question of 'fact and degree' whether short term lets amount to a material change of use from C3 use class.

57. Matters to consider are frequency, duration, occupancy levels, parking impact, which all surmount to 'impact towards residential amenity.'

58. The dwelling is considered 'isolated' from comparable uses, located in amongst one of the city's most industrial areas. The closest residential neighbours are between 350m and 450m away. Given the surrounding noisy industrial uses within Cattedown the impact towards these dwellings as a result of short term lets (or long term lets) is unlikely to be noticeable. Additionally, the site has sufficient capacity to accommodate off street parking without causing displacement. The levels of traffic movements along Breakwater Hill and Cattedown Rd will be low and similar to that of permanent C3 occupation. Officers therefore take the view that in this instance there would be no material change of use that would result in adverse impacts.

59. Equally, the short term let scenario would work well with the heliport, offering convenient accommodation for those using the heliport for business purposes in an 'ancillary/complimentary' capacity with minimal impacts to surrounding residents.

Heliport Regulations, Betterment and Economic Opportunities

60. Officers are acutely aware that in the first instance this is an unusual site for a residential dwelling and to have unregulated helicopter use does raise health and safety concerns. Many of the letters of representation highlight concerns over placing such a use adjacent to so many hazard sites; however it is important to remember that with or without a consent, helicopters will still be able to land at this site. The HSE has already provided its position on the proposed development, and whilst Health and Safety is a very important matter this is covered by separate legislation. Notwithstanding, officers are of the view that the proposed use does would in fact provide significant benefit to the local area from a Health and Safety perspective.

61. As set out in the supporting documents, the applicant highlights the Air Navigation Order 2016 (also known as CAP 393), and draws attention to Article 208 (Part 8, Chapter 1) which legislates for

when flights “must use a licensed or Government aerodrome”. As evidenced in Annexe A, for helicopters, this is only a requirement for a flight:

“which is a scheduled journey for the purpose of the public transport of passengers”; or

“for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot’s licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence;” or

“for the purpose of a flying test for the grant of a pilots’ licence or the inclusion of an aircraft rating, a night rating, or a night qualification in a licence”.

62. Since the application does not seek to use the site to operate scheduled services, or conduct flight training, or examination for initial ratings and qualifications, there is no requirement for the site to be a licensed heliport.

63. However, the applicant has highlighted that although the heliport will be unlicensed, it must be “CAA approved and regulated site” similar to numerous other heliports around the county. Furthermore, Halo Aviation operates under a CAA Air Operator’s Certificate which has held the appropriate authorisation to land at congested sites for some 10 years or more. Additionally, commercial helicopter operators require the granting of an Air Operator’s Certificate (AOC) to be legally authorised to conduct their specific operations. These operators must adhere to stringent organisational and operational requirements and come under the direct oversight of the CAA as the competent authority for the UK. The applicant has provided written evidence from the CAA which does not throw into doubt the proposed use of the site as a commercial heliport.

64. The applicant proposes to operate twin engine modern aircraft, a condition of the above CAA Air Operators Certificate which will need to be maintained to be considered ‘airworthy’ in accordance with relevant legislation. All aircraft will be flown by professional pilots.

65. Appendix 13 of the Planning Statement provides a risk assessment of the proposal which further sets the stringent requirements of operating a commercial heliport. The summary of this report states that:

“in the event of a single-engine failure, the pilot will always have the option to either conduct a safe landing at the heliport or fly away to a diversion site. In the event of a catastrophic failure (the chance of this occurring has to be proved by the manufacturer to be at most one in a billion) happening precisely at the moment the aircraft was in close proximity to the heliport, the pilot would still have the far more preferable option of a forced landing at the heliport or ditching the helicopter in the Sound.”

The risk assessment adds that:

“given single-engine helicopters will not be permitted to operate commercially to the heliport, the proposed procedures will therefore be even more restrictive than those in the very heart of Central London.”

66. All flights will need to follow the strict flight paths set out in the approved plans. Furthermore, flights will need to be carried out in accordance with the ‘Deconfliction’ agreement to avoid conflict with fuel vessels adjacent to the site.

67. In comparison, any helicopter usage associated with the dwelling would have no such requirement. It would not need to gain CAA approval or meet other legislative requirements that a

commercial operation would. Private aircraft are not held to the same safety/maintenance standards and pilots are unlikely to have the same level of experience and training. The lack of current restrictions imposed on the site means private helicopters can land or take-off at any time of the day and as many times as they like, and do not have specific landing procedures. They could also fly at any altitude on any flight path they choose without recourse posing potential social and environmental issues. It is perhaps these previous activities that have resulted in concern amongst residents about future use.

68. In acknowledging that this is an unusual location there are clear benefits in changing the use of the site that should actually provide comfort to residents and adjacent COMAH operators. Officers consider this is accurately set out in Appendix I3. Whilst the Councils Civil Protection department are only required to comment on health and safety matters, they have indicated informally to officers that the proposal would provide benefit in terms of on and off site risk management. The operation of the site as a commercial heliport would be more tangible and accountable for its operations compared to the current private/recreational use permitted. In officers view this proposal safeguards the area from ad-hoc unregulated use.

69. In considering the impact of the development on adjacent uses, officers have considered policy PLY20.6 which states that that Joint Local Plan will “safeguard the port functions and the area’s key role in providing key infrastructure and land to support the priority marine employment sector, particularly for those sites with deep water berths. This will include defence, port, fishing, marine industries and research, and marine recreation”.

70. Representations have been received from adjacent site operators stating that this proposal does not accord with this policy and would undermine their operations, although no specific evidence has been provided other than health and safety concerns. However, officers refer back to the current land use (and its potential) and consider that a change to a heavily regulated and restricted commercial operation would actually reduce risk and safeguard port operations.

71. The Councils Economic Development Department (ED) support the proposal highlighting the benefits that this would bring to the city. ED sees the potential for improving local and regional connectivity and therefore wider national and international connectivity for the City. There will be benefits therefore to a wide range of key sectors of the City’s economy. Due to the low number of flights ED is of the view that there will be very limited negative impact on the visitor economy. Furthermore, and following conversations with the applicant, ED are comfortable that joint working between the applicant and parties involved with events and associated activities (fireworks, flypasts, drones etc.), can be achieved to the satisfaction of the Council.

72. The Cattewater Harbour Commissioner also has not objected to proposal suggesting that it would not undermine the function of the marine industries they serve. The application is also supported by a letter from the Devon and Plymouth Chamber of Commerce which adds:

“The Chamber is always keen to support new approaches to promote business growth in Devon and clearly connectivity within the region and beyond is a key part of this, perhaps nowhere more so than Plymouth with its unique rail and road infrastructure challenges. The ability to bring business, military and academic leaders in to the City in a swift and efficient manner will certainly increase Plymouth’s appeal as a regionally significant growth hub, which is especially important as we capitalise on Mayflower 400 this year and look to the international legacy that will leave.

73. Looking further ahead, Halo’s vision of positioning Plymouth as a potential launch city for eVTOL (electric Vertical Take-off/Landing) aircraft in the near future is a very exciting prospect for the City. This technology provides a great opportunity to help achieve Plymouth and the region’s Strategic Objectives of clean growth while improving sustainable transport facilities and connections throughout the area.”

74. Policy SPT8 looks at the quality and resilience of Plymouth and South West Devon's transport and digital connectivity to the rest of the country and to global markets and how this will be protected and enhanced. Paragraph 2 identifies that to achieve this, the Joint Local Plan will “support the expansion of port activities in Plymouth with modernised and accessible port infrastructure, and safeguarding the existing port infrastructure, including the mineral wharves and fishing industry facilities”. Furthermore, the proposal is considered to accord with the aims of policies SO2 (Strengthening Plymouth's role in the region) and SO6 (Delivering a prosperous and sustainable South West Devon).

75. Paragraph 80 of the NPPF state that “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

76. Therefore, it is officer's view that a highly regulated commercial heliport in this location would enhance business growth and increase commercial opportunities in a sustainable location and the benefits outweigh the perceived harm.

Noise Impacts

77. A noise impact assessment has been provided following early consultation with the Public protection Service, where the parameters were agreed. The assessment criteria refers to Local and National Planning guidance, British Standard BS8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings and Building Bulletin 93 (BB93): 'The Acoustic Design of Schools – A Design Guide'.

78. The National Planning Practice Guidance (PPG) states that “Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- a. Whether or not a significant adverse effect is occurring or likely to occur;
- b. Whether or not an adverse effect is occurring or likely to occur; and
- c. Whether or not a good standard of amenity can be achieved.”

79. The scope of British Standard BS8233: 2014 is the provision of recommendations for the control of noise in and around buildings. It suggests appropriate criteria and limits for different situations, which are primarily intended to guide the design of new buildings or refurbished buildings undergoing a change of use, rather than to assess the effect of changes in the external noise climate.

80. The Noise surveys have been completed in order to determine the noise levels due to Helicopters of the type intended for use at the development, in typical use at existing airfields. These surveys have been used to develop a 3D computer model of noise propagation across the wider area using detailed measurements of different elements of the flight path, and to assess any potential impacts against existing noise sensitive receptors.

81. It is important to acknowledge in the first instance that the helicopters will be heard. However, the report concludes that no exceedances of any internal noise criteria are found (as set out on BS8233:2014). However, the report has found small exceedances of the BB93 criterion for school playground noise under worst-case assumptions for receptors at Mountbatten, Turnchapel and Oreston. The report notes that this could be mitigated by ensuring flyovers do not occur during times when the playgrounds are in use or the use of alternative flight paths at these times.

82. Subject to the above considerations therefore, it is considered that in principle, the proposed development should not give rise to any adverse impacts.

83. As noted above, small exceedances were found for the BB93 playground noise criterion at Mountbatten, Turnchapel and Oreston, by +0.1, +2.8 and +2.3 dBA respectively under worst-case assumptions. All occur only when the north-east flight path is in use and the noise exceedance period is approximately 9 seconds, or 18 seconds based on a worst case scenario of 2 flights per day (i.e. a typical landing scenario). Based on the average number of landings per week, there could be approximately 54 seconds of noise exceeding 55dBA (upto 70BA max) a week in a location where an exceedance is noted on the model. In officers view this represents a low level of disturbance.

84. Notwithstanding this, Officers note that Noise Impact Assessment and Public Protection Service (PPS) have recommended that this can be mitigated by not allowing flyovers during times that playgrounds are being used, or by using an alternative flight path.

85. Comparisons have been drawn between this application and the approved MOD helipad at Kinterbury Point. Whilst the submitted data in this case suggested no likely harm or exceedance when referencing BB93, noise monitoring was added to protect the interests of the school. The impacts towards Riverside School were raised primarily due to the proximity (approx. 550m) and consented quantum of use (approx. 100 landings per month/1000 per annum).

86. In this instance the application site is much further away (horizontally) from schools when compared to the relationship between Kinterbury Point and Riverside School. The closest schools to Victoria House are Hooe Primary (approx. 1.2km), Prince Rock (approx. 1.02km) and Oreston Academy (1.06km).

87. In practice it will be very hard to manage as school playgrounds aren't necessarily always in use at the same time during the day/week and it would be onerous to establish likely use. Other factors such as localised weather issues may have an impact and the actual activities that children are doing outside may change the perception.

88. The helipad is proposed to be used on average 2-3 times a week, and as the flights are operated as charter flights (i.e. based on demand) the pattern of potential conflict is not easy to assess. Given the very low potential for conflict between flights and outside school use officers do not consider this condition to be necessary. Additionally, officers are concerned that diverting the flight paths to attempt to avoid this minor conflict could result in an increase to noise at dwellings due to an alternative flight path profile which has not been modelled.

89. Officers have therefore taken the view that the level of impact is unlikely to be the same given that requested level of use is much lower. Furthermore, and given that the site can already accommodate private helicopters and the Cattewater is already used for other aircraft and other noisy activities the potential impact is minimal and not considered harmful or disruptive. Officers note that representations have not been received from any local schools suggesting there would be an impact.

90. Representations have been received from Greenery who have suggested that the noise from the heliport will be harmful to staff and could lead to additional risks on site. In the first instance officers are not aware of any complaints or enforcement issues arising from noise disturbance from the historical use of the site that has led to an accident or increased operation risks. PPS have not identified any concerns in this regard.

91. Following on from this, and as set out in paragraph 81 there are no internal exceedances which is where the main disturbances may take place. From an external perspective the noise observed externally within the Greenery site will be at its worse when using the westerly flight path as it is

more sheltered topographically from the easterly flight path where some attenuation will likely occur, and the landing pad itself.

92. Officers have put these concerns into context, in that the site is in an industrial area where noisy activities are occurring regularly. Furthermore, noise from the application site could already occur on a far greater scale therefore the level of harm to staff is considered low. The successful implementation of the 'Deconfliction' agreement will also assist in reducing noise conflict with nearby industrial activity.

93. Officers have reviewed the Noise Policy Statement for England (NPSE) and its overarching aims. The first aim of the Noise Policy Statement for England (NPSE) is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

94. The second aim of the Noise Policy Statement for England (NPSE) is to mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

95. The third aim of the NPSE is where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

96. Policy DEV2 of the Joint Local Plan states that developments should "maintain and where appropriate improve the noise environment in accordance with the Noise Policy Statement for England (including any subsequent updates)."

97. Paragraph 180 of the NPPF requires "planning policies and decisions to 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development... In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life".

98. A number of conditions have been recommended to ensure that the proposal accords with policies DEV1 and DEV2 of the Joint Local Plan, thus ensuring that residential amenity is maintained to a satisfactory level and businesses will not be adversely impacted by the proposal. The likely conflict and resulting impact on schools is considered very low.

99. Officers are satisfied that the development accords with the PPG, the aims of the NPSE and the NPPF. The Public Protection Service has not objected to the proposal and officers agree with the Noise Impact Assessment when it states that NOAEL is achieved, described as 'noticeable and not intrusive' and is where:

"Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life."

Local Highways and Transport

100. The Local Highway Authority (LHA) has reviewed the proposals and has identified that the only area of potential concern in respect of this proposal was the likelihood of conflict between vehicles accessing the heliport (which includes service vehicles) and pedestrians/cyclists using Breakwater Hill (which forms part of the route of the South West Coast Path).

101. However the applicant has confirmed that there would only be 160 landings per annum which equates to 2-3 landings per week. Such low numbers of movements are unlikely to result in any severe impacts in respect of conflicts between vehicles and cyclists/pedestrians. Furthermore the applicant has included reference to a Traffic Management Plan which would be implemented to manage such situations. Such an approach is supported by the LHA and would recommend that this be made subject to a condition. This would also overcome the concerns raised by the South West Coast Path Trail Partnership.

102. A total of 12 car parking spaces have been proposed on-site of which 3 are allocated to the 3 staff working on-site and the remainder serving visitors/passengers. Such a level of car parking is considered to be acceptable whilst it is noted that 4 of the spaces will provide for the charging of electric vehicles (which is welcomed).

103. Reference has been made to a Travel Plan in the submitted Transport Statement. However, in view of the low number of staff and limited number of flights that will take place on an annual basis, the LHA questions how effective a Travel Plan would be in such circumstances. It is also acknowledged that some secure and covered cycle parking is provided. The LHA would suggest that a minimum of 3 spaces would suffice for the 3 members of staff (if such were minded to cycle to work instead of driving).

104. In view of the access to the site via Breakwater Hill the LHA recommend that a condition be attached relating to the submission of a Construction Traffic Management Plan along with a Highway Dilapidation Survey. With this condition attached officers are satisfied that the proposal would accord with policies DEV20 and DEV29 of the Joint Local Plan.

105. From a strategic transport perspective the proposed developed provides Plymouth with a high-speed link to other major centres with even better, international transport links. From an economic perspective this is seen as a benefit to the city, breaking down barriers that could see investment in the city from high worth business. It could also appeal to high end tourism adding to the local economy, enhancing the accessibility to major events held in the city and region.

Low Carbon

106. The Low Carbon Team has objected to the proposal given that the suggested carbon footprint per passenger exceeds that of other more common modes of travel (car, bus, rail, bicycle) and in the context of the 'Climate Emergency'.

107. As set out in the applicant supporting statement the proposed use does produce more carbon per passenger than other modes of transport however ass that if all 160 flights were additional movements to and from Exeter airport, this would equate to a net increase of just 0.064% (annually) when compared with the current impact of car movements making the same journey.

108. The planning application is not classed as a major development and as such it not required by policy DEV32 to deliver 20% renewable energy on site. Furthermore, and in the absence of a specific policy that sets out carbon impact of aviation's uses and the direct/indirect consequences officers have worked with the applicant to secure offsetting mitigation.

109. As already set out the site has permission for unrestricted, unregulated helicopter use. The efficiency of the aircraft using the site is unknown and the number of trips is not currently mitigated for. In this case the applicant has been able to calculate approximately the level of emissions and proposed to offset carbon using a recognised offsetting company known as 'Terrapass'.

110. This company, would 'buy' CO₂ at a cost of £1 per 118Kgs and in terms of helicopter operations to and from Exeter Airport, this would amount to £2.69 per landing or, £431 based on

160 commercial landings. Following negotiations with the applicant and in the context of the Department for Business, Energy and Industrial Strategy (BEIS) this was raised to £10 per commercial landing (£1600 per/annum in perpetuity). This is based on the average flight carbon footprint taking into account other destinations. In addition the applicant will add a 3.5p/l fuel levy on all fuel sold at the site.

111. Instead of using 'Terrapass' (or an equivalent offsetting company), the money will be secured through a S106 agreement. The applicant will pay the Council directly at the end of each year of operation in accordance with an agreed payment schedule (refer to Section 12) and will go towards the delivery of the 'Plan for Trees'.

112. Officers therefore consider that the impacts of the development are adequately mitigated based on current technology and quantum of commercial flights.

113. Policy DEV32 states that "the need to deliver a low carbon future for Plymouth and South West Devon should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034." In light of this the applicant has the aspiration to move towards eVTOL (Electric Vertical Take Off and Landing). This technology is emerging and the applicant is confident that this can be brought to fruition at this site in the next 5-10 years, significantly reducing the carbon footprint whilst also making this mode of travel more cost effective and wide ranging. Not only would the carbon footprint be reduced in line with local policy, the noise impacts towards the community and the SPA/SAC would also be cut providing a more sustainable long term solution.

114. As set out in the Planning Statement, eVTOL aircraft are a central element of the business plan for Halo Aviation over the next 5-10 years of operation at Victoria House and have a number demonstrable environmental advantages. However, another eVTOL advantage is cost when compared to their gas turbine predecessor. Each unit therefore be more cost effective to purchase and operate, and deliver and more accessible to a far larger percentage of the population.

115. In time, this will play an important role in rural connectivity and be a key future enabler – eVTOL aircraft have the potential to provide rural-urban connectivity in a more efficient and cost-effective way. The move towards this technology in the next 5-10 years also clearly assists with the regional connectivity aspirations for the city of Plymouth. Finally, electric propulsion design will bring about yet further advances in safety, largely owing to the use of a battery compared with current gas turbine engines.

116. Officers are hopeful that eVTOL becomes a genuine part of the development further reducing the overall impact and aligning with the cities sustainability aspirations.

Natural Infrastructure

117. The initial proposals were reviewed by the Natural Infrastructure Team, which requested the submission of amended information. Following proactive conversations with applicant updated information was received in relation to biodiversity, landscape and trees. In addition, officers have worked with Natural England to be able to satisfactorily conclude the Habitats Regulation Assessment (HRA).

Biodiversity

118. The site is in close proximity to SSSI "Wallsend Industrial Estate" and part of the site forms part of a Joint Local Plan Biodiversity Network future core site, designated for the presence of the Horrid Ground Weaver spider (IUCN critically endangered and Species of Principal Importance).

I19. Approximately 850m to the west of the site the Plymouth Sound and Estuaries Special Area of Conservation (SAC) starts. The Tamar Estuaries Complex Special Protection Area (SPA) is located just under 5km from the site.

I20. The Applications is accompanied by the following ecological reports:

- Preliminary Ecological Appraisal (PEA) for New aircraft hangar and helipad at Victoria House, Plymouth, 23 August 2019
- Bat & Protected Species Survey, Victoria House, September 2019

I21. With recent updates of the following reports:

- Ecological Mitigation & Enhancement Strategy (EMES) inc. Construction Ecological Management Plan (CEMP) & Landscape Ecological Management Plan (LEMP) – The Proposed Plymouth City Heliport, June 2020.
- Winter Wetland Bird Survey & Bird Assessment - The Proposed Plymouth City Heliport, June 2020.

I22. Not all the recommendations for further surveys set out in the PEA have been followed up, with officers expecting an invertebrate survey ensuring no adverse impacts on the Horrid Ground Weaver and their habitat. However following further advice from a local ecologist with expert knowledge on this particular species, officers no longer deem this necessary based on the extent of the works.

I23. The Winter Wetland Bird Survey & Bird Assessment has now been updated to reflect current SNH advice and now includes a flight exclusion zone above Drake's island and the Tamar Estuaries Complex SPA of 500m. This is considered acceptable and has been accepted by Natural England.

I24. The EMES has now been updated to omit bird boxes to reduce the chances of bird strikes and replaced this measure with the provision of two additional trees. Officers consider the scheme delivers sufficient mitigation. Finally, a lighting plan will need to be submitted which once again can be dealt with through a condition.

Landscape and Visual Impact

I25. The site has a direct visual relationship with seascape character area CA27 (Cattewater and Sutton Harbour), The South West Coast Path and National Cycle Route. The proposed development is in a very prominent location as set out in the Plymouth and Plymouth Urban Fringe Landscape and Seascape Assessment.

I26. The proposed grey muted tones will be visually less intrusive than the current white hangar making it less visually prominent when viewed from the sea making it appear secondary to Victoria House within those views. The massing of the proposed hangar and office complex is simple, but is clear and legible and therefore acceptable when compared to the surrounding built form.

I27. The revised landscape design is simple but in keeping with the tops of local rugged cliff faces, will deliver a biodiversity net gain and will now sufficiently mitigate the proposed tree loss on-site. Whilst it is still unclear what the treatment of the yellow landing area will be, once clarified, officers consider the scheme to comply with DEV23 of the Joint Local Plan.

Trees

I28. The application provides additional tree planting on-site addressing the initial comments, therefore officers are satisfied that the scheme meets the requirements of policy DEV28 of the Joint Local Plan. In addition, money secured through the S106 agreement will be allocated to the Plan for Trees.

HRA

I29. Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites, this represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the NPPF 2019.

I30. Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority's assessment is that with the presence of the provided mitigation and avoidance measures, it can be concluded that there will be no adverse effect on the integrity of the European sites identified above and that it may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Flood Risk and Drainage

I31. The application site is located in Flood Zone I and is therefore at low risk of fluvial or tidal flooding. Surface water floor risk mapping provided by the Environment Agency (EA) indicates a low risk of flooding to the site from a 1% AEP (1 in 100 year return period) flood event.

I32. The site is however located in a Critical Drainage Area (CDA) where the EA considers the drainage network is at or close to capacity. Furthermore, the site is located in an area identified by the EA as having the potential for contaminated land due to the former use as a chemical works.

I33. Public sewer records indicate that there are no surface water sewers in the vicinity of the site however, there are South West Water (SWW) combined sewers to the south of the site in Esso Road.

I34. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy (DS) that assumes water either runs off the site naturally or is discharged to a SWW combined sewer. Existing surface water drainage has not been confirmed. The FRA and DS proposes to continue discharge the surface water as existing.

I35. Paragraph I63 of the NPPF states that "when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere".

I36. Policy DEV35 of the Joint Local Plan states that "development should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere, in compliance with the Local Flood Risk Management Plan and national standards for sustainable urban drainage systems. Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies".

I37. To ensure that the proposed development accords with both local and national policy a condition will be imposed requiring the applicant to demonstrate that surface water will be adequately managed on site, and that the any solution put forward factors in climate change. The further information will need to show that flood risk is not increased elsewhere and that the appropriate mitigation is put in place to ensure that potentially contaminated water does not enter the marine environment.

Historic Environment

I38. The site lies approximately 250m to the west of Worths Cattedown Bone Cave, a Scheduled Monument containing a nationally-important assemblage of Palaeolithic archaeology. Whilst development at the Victoria House site would not directly impact upon the monument the Councils Historic Environment Officers has identified that there is the potential for further prehistoric remains to exist elsewhere on the Karst limestone promontory upon which Cattedown is built, including within the application site. To ensure that the proposal accords with Policy DEV21 of the Joint Local Plan a suitable condition has been imposed.

Secure by Design

I39. The planning application is classed as minor development however the proposed could give rise to significant security issues.

I40. Paragraph 95 of the NPPF states that “planning policies and decisions should promote public safety and take into account wider security”, and that “the layout and design of developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security”.

I41. Policy DEV20.6 of the Joint Local Plan requires development to ensure “that the layout and details of new development adequately contribute towards high standards of community safety and reduce opportunities for crime and fear of crime”.

I42. Following initial consultation with the Police Architectural Liaison, the applicant has provided a robust plan to ensure the site and proposed use adequately deals with security and safety, employing reasonable methods to reduce crime and the threat of terrorist activity. Officers are therefore satisfied that the proposal accords with national and local policy. The submitted Secure by Design statement will be conditioned to ensure it is implemented.

Phasing and Implementation

I43. The applicant has requested that they be allowed to commence commercial flights as soon as possible, to ascertain the true demand and viability of the proposed business venture. They have highlighted that can safely and legitimately operate the facility without the construction the hanger and terminal facilities reducing pressure given the current circumstances around air travel and the full impacts of Covid 19.

I44. The applicant has requested an 18 month deferral of the construction phase, giving time to assess the business and if looking positive, commence discharge of pre-construction condition. They applicant wants to deliver the new facilities when they are confident the business is viable and has agreed to an implementation condition to ensure that facilities are secured long term.

I45. In the first instance the hanger isn't necessary but is proposed to upgrade facilities, therefore they can operate safely and without any further impacts in the meantime utilising existing infrastructure. The NPPF and the Joint Local Plan encourages flexible approaches to positive delivery and this potentially secures the long term investment in the city. Officers also note that the sooner the applicant starts operating commercial flights, the sooner economic benefits for the city will be seen, including the collection of S106 payments. Officers therefore consider this approach reasonable.

10. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives

further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

11. Local Finance Considerations

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule

12. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

To mitigate the impacts of the development a Carbon offsetting program has been agreed with applicant under the following heads of terms:

Flight Levy

Each Commercial Helicopter Passenger Flight shall be subject to a £10 landing fee, and the total accumulated shall be paid to the Council in accordance with the "Payment Schedule" to be spent on the delivery of the 'Plan for Trees'. The charge shall apply to all Commercial Helicopter Passenger Flights upon first operation of the site as a commercial heliport and shall remain applicable until the review stage of the site as set out below in "Review Mechanism".

Fuel Levy

A charge of 3.5p per litre on all fuel sold to Commercial Helicopter Passenger Flights from the application site shall be applied, and the total accumulated shall be paid to the Council in accordance with the "Payment Schedule" to be spent on the delivery of the 'Plan for Trees'. The charge will be increased annually in line with inflation. The charge shall apply to all Commercial Helicopter Passenger Flights upon first operation of the site as a commercial heliport and shall remain applicable until the review stage of the site as set out below in "Review Mechanism".

Review Mechanism

Every five years, following the date of approval, the Heliport would work with the Low Carbon Team to determine whether the methodology and rates are appropriate or need to be adjusted to represent industry best practices or to meet adopted Government or Council policies and/or supplementary guidance.

Payment Schedule

The money secured through the Flight Levy and the Fuel Levy shall to be paid to the Council as Follows:

- 1st Payment of monies collected 13 months from the date of the commencement of operations
- Payment of monies collected thereafter shall be every 12 months from the date the 1st payment is due.

The applicant shall maintain a record of flight data and fuel sales to demonstrate to the LPA that correct fee is being paid at the time of payment.

The Management fee is £677 and has been calculated using the Planning Fees Policy

13. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

14. Conclusion and Reasons for Decision

In officers view the proposal provides tangible betterment, ensuring flights are carried out in a structured and considerate way by an operator who is fully accountable to the Civil Aviation Authority. This should give adjacent site operators greater and perhaps reduce the risk to their operations and onsite emergency plans when compared against an unregulated and unrestricted domestic use which can operate in an ad-hoc way.

Whilst health and safety is covered by separate legislation, having a regulated facility rather than a domestic facility surely safeguards the surrounding operators, providing comfort that modern fleet and professional pilots are operating to the highest safety standards.

Mitigation has been secured to protect the environment and evidence has been submitted to demonstrate that the residential impact is very low. Where there is conflict, it is for very short periods and is therefore unlikely to be harmful. The localised impacts on traffic will be minimal given the low number of associated movements.

Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 officers have concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to conditions and a S106 Agreement.

15. Recommendation

In respect of the application dated 20.05.2020 it is recommended to Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.

16. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

I CONDITION: APPROVED PLANS

Plan -First Floor Control VHC-BPC-XX-01-DR-A-0302 Rev P05 received 11/05/20
Plan - Second Floor Control VHC-BPC-XX-02-DR-A-0303 Rev P05 received 11/05/20
Plan - Roof Plan VHC-BPC-XX-03-DR-A-0307 Rev P01 received 11/05/20
Plan - Ground Floor Control VHC-BPC-XX-GF-DR-A-0301 Rev P05 received 11/05/20
Plan - Ground Floor Hanger VHC-BPC-XX-GF-DR-A-0306 Rev P05 received 11/05/20
Location Plan VHC-BPC-XX-XX-DR-A-0101 Rev P01 received 11/05/20
Proposed South and North Elevations VHC-BPC-XX-XX-DR-A-0401 Rev P01 received 11/05/20
Proposed East and West Elevations VHC-BPC-XX-XX-DR-A-0402 Rev P01 received 11/05/20
Section - Hanger VHC-BPC-XX-XX-DR-A-0501 Rev P05 received 11/05/20
Site Plan as Proposed VHC BPC XXXXDR A 0201 Rev P08 received 19/05/20
Helicopter Landing Site Approach Flight Path 110 Rev P1 received 19/05/20
Landscape Plan 3420-CEC-ZZ-XX-DR-L-0001 SI Rev 03 received 26/06/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: CONSTRUCTION PHASE TIME SCALE - HANGER

Unless otherwise agreed in writing the construction of the hanger and the associated ancillary works hereby approved shall commence within 18 months from the date of the first commercial flight granted by this consent.

Reason:

Whilst allowances are made to ensure that the operations are viable, it will be necessary to ensure that suitable longer term hanger accommodation and facilities are provided for the successful operation of the heliport, and so as to accord with the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

4 CONDITION: TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The development hereby approved shall not commence until the applicant has submitted to the Local Planning Authority for approval a Traffic Management Plan (TMP) and adequate details to enable goods vehicles to be loaded and unloaded within the site. The said TMP will provide details relating to how the use of Breakwater Hill by vehicles accessing the site (including larger commercial vehicles) controlled/managed in order to avoid/prevent conflicts occurring with pedestrians and cyclists using the South West Coast Path. The approved details shall be implemented prior to the first flight.

Reason:

In order to reduce potential conflicts between vehicles accessing the site and pedestrians and cyclists using the South West Coastal Path in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

Justification:

So as not to prejudice the safe and convenient use of the South West Coast Path.

5 CONDITION: PROVISION OF DRAINAGE WORKS

PRE-CONSTRUCTION

No construction works pursuant to the hanger hereby approved shall commence until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) The Plymouth Local Flood Risk Management Strategy requires that a surface water drainage strategy be submitted for all new developments located in a Critical Drainage Area. Therefore surface water from the proposed development should be discharged in a separate surface water drainage system which should be discharged according to the following hierarchy:
- Discharge to a waterbody (if available and with sufficient capacity)
 - Infiltration

- Discharge to a surface water sewer, highway drain or culverted watercourse with attenuation as required

Evidence, including infiltration tests, should be provided that demonstrates that these options have been assessed and appraised.

b) The proposed drainage system, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change, and must be shown on a plan. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

c) The Plymouth Local Flood Risk Management Strategy requires that infiltration tests should be completed in accordance with BRE365, located where the proposed soakaway devices are to be situated and below and made ground. It's recommended that the test sites are shown clearly on a plan. It is recommended by BRE365 to not include infiltration through the base of any infiltration device in the design of a surface drainage system.

For infiltration drainage systems, a ground investigation study including an assessment of the underlying geology should be undertaken to assess and confirm the anticipated path the water will take having been discharged to the proposed soakaway. This is to confirm that water will not follow a pathway that ultimately impacts on third party land or property.

d) SWW should be consulted for any drainage that proposes to connect to the existing SWW sewerage system and written confirmation from SWW should be submitted, including agreed surface water discharge rates before the drainage proposals are accepted. These will be limited to 1 in 10 year greenfield run off rates with onsite attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection with a 40% allowance for climate change.

e) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified in a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding of properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as is reasonably practicable and safe to do so, ensuring the flows are directed away from public access areas.

Prior to first use of the hanger building it shall be demonstrated to the satisfaction of the Local Planning Authority that the relevant parts of the scheme have been completed in accordance with the details and the timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory drainage infrastructure works are provided in accordance with Policy DEV35 of the Plymouth and South West Devon and Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

6 CONDITION: HIGHWAY DILAPIDATION SURVEY

No construction works pursuant to the hanger shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

7 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

PRE-CONSTRUCTION

No construction works pursuant to the hanger shall take place (including demolition, ground works, vegetation clearance, measure to protect water quality and manage surface water run-off) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of 'biodiversity protection zones'.
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- v. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- vi. Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- vii. Set out how the water environment is to be protected during the demolition and construction of the proposed development.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Policies SPT11, DEV2, DEV26 and DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019

8 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN
PRE-CONSTRUCTION

No construction works pursuant to the hanger hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of construction works onsite and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The construction works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

9 CONDITION: CONTAMINATED LAND

PRE-CONSTRUCTION

Unless otherwise agreed by the Local Planning Authority, no construction works other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

o adjoining land

o groundwaters and surface waters

o ecological systems

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the

requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies DEV1 and DEV2 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

10 CONDITION: ARCHAEOLOGY

PRE-CONSTRUCTION

No construction works pursuant to the hanger hereby proposed shall commence until a desk-based statement that assesses the impact upon possible prehistoric remains within the application site has been submitted to the Local Planning Authority for consideration. This document should include a construction methodology should a fissure in the limestone be discovered. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

11 CONDITION: LIGHTING SCHEME

PRE-INSTALLATION

Prior to installation a sensitive lighting scheme shall be submitted to and approved in writing by the LPA. The scheme shall ensure that the boundary features around the site remain dark and unlit at night. Any external lighting required should be directed away from the boundaries with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux. or luminaires specified, which do not cause adverse effect on bats.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason:

To minimise disturbance to Bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and to prevent light spillage that could impact residential amenity in accordance with Policies DEV1, DEV2, DEV20 and DEV26 and of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

12 CONDITION: LANDING PAD

PRE-INSTALLATION

Prior to installation, full details of the treatment of the landing area shall be submitted to and approved in writing by the local planning authority. The works to the landing area shall be carried

out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development.

Reason: To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20 and DEV23 and of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Paragraph 127 of the National Planning Policy Framework 2019.

13 CONDITION: CAR PARKING PROVISION

PRE-FIRST USE

The use of the site as a commercial heliport shall not be brought into first use until the car parking area shown on the approved plans providing a maximum of 12 spaces (including 4 Electric Vehicle Charging Points) has been drained and surfaced in accordance with approved details, that area shall not thereafter be used for any purpose other than the parking of vehicles associated with the proposed use and the retained dwelling.

Reason:

To enable vehicles used by residents, staff or passengers to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

14 CONDITION: CYCLE PROVISION

PRE-FIRST USE

The proposed development shall not be brought into first use until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 3 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

15 CONDITION: LANDSCAPE WORKS

PRE-FIRST USE (HANGER)

All landscape works shall be carried out in accordance with the approved details, and shall be carried out prior to first use of the hanger hereby approved. Any dead or defective planting shall be replaced within a period of 5 years from planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20 and DEV23 and of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

16 CONDITION: SOLAR PANELS

PRE-FIRST USE (HANGER)

The proposed hanger shall not be brought into first use until the Solar Panels shown on plan ref: VHC-BPC-XX-03-DR-A-0307 REV P01 GA Plan - Roof Plan, have been installed and are fully operational. The Solar Panels shall be adequately maintained and operational in perpetuity.

Reason:

To provide onsite renewable energy in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

17 CONDITION: FLIGHT RESTRICTIONS

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be operated in accordance with the following flight restrictions and procedures:

1. The approach and take-off helicopter flight routes are to be restricted to those indicated upon Figures 4, 11 & 12, as provided within the 'Winter Wetland Bird Survey & Bird Assessment - The Proposed Plymouth City Heliport, June 2020', including:
 - Southwest approach via Mount Batten Breakwater & Plymouth Sound;
 - Northeast approach via The River Plym & The Laira.
2. Flight north of Laira Bridge to typically be in excess of 1,500 ft. (> 450 m) in height, and infrequently due to weather conditions, no lower than 500 ft. (150 m) in height.
3. A helicopter flight exclusion zone is to be maintained surrounding Drake's Island and the Tamar Estuaries Complex SPA - to omit helicopter flight from within 0.5 nautical miles (900 m) horizontally and 1,640 ft. (>500 m) vertically from Drake's Island and SPA compartments (see Figure 10).
4. Helicopters providing the commercial passenger services shall have a take-off, approach and overflight noise profile that does not cause noise levels at any residential property within the vicinity to exceed BS8233:2014 criteria.
5. There shall be a maximum of 160 commercial helicopter landings at the site per year, save in the following circumstances:
 - Landings performed by emergency or public services helicopters;
 - For reasons of public safety.
6. During weekdays, there shall be no helicopter landings/takeoffs at the site or engine testing outside of the hours 08:00hrs to 22:00hrs, save in the event of an emergency or for reasons of public safety.
7. During weekdays and between the hours of 19:30hrs and 22:00hrs, there shall be a maximum of 10 landings per year (20 landings per year in the case of public services helicopters), save in the event of an emergency or for reasons of public safety.
8. On Saturdays, Sundays and Bank Holidays, there shall be no helicopter landings/takeoffs at the site or engine testing outside of the hours 09:30hrs to 21:00hrs, save in the event of an emergency or for reasons of public safety.
9. On Saturdays, Sundays and Bank holidays and between the hours of 18:30hrs and 21:00hrs, there shall be a maximum of 10 landings per year (20 landings per year in the case of public services helicopters), save in the event of an emergency or for reasons of public safety.
10. All commercial helicopter landings shall be operated in accordance with Plymouth City Heliport & Cattewater Harbour - Deconfliction Agreement, dated 15 June 2020.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, and to protect the residential and general amenity of the area from noise, and to promote

safe flying conditions and avoid conflict with Policies DEV1, DEV2, DEV20, SPT12 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

18 CONDITION: CAR PARKING PROVISION

Unless otherwise agreed in writing the 4 Electric Vehicle Charging Points shall be installed within 3 months from the date of the first flight and shall remain in-situ and operational in perpetuity.

Reason:

To promote sustainable travel options in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

19 CONDITION: ECOLOGICAL MITIGATION ENHANCEMENT STRATEGY

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out and maintained in accordance with Ecological Mitigation & Enhancement Strategy (EMES) inc. Construction Ecological Management Plan (CEMP) & Landscape Ecological Management Plan (LEMP) - The Proposed Plymouth City Heliport, June 2020.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12 & DEV26 and of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

20 CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

a. No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

b. If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

c. The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans [Arboricultural Impact Assessment with Constraints Plan and Method Statement, dated 7 January 2020, Amended 24 March 2020 AIA-VIC-20a] and/or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that the trees on site are protected during construction work in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

21 CONDITION: SECURITY

The development shall be operated and managed in strict accordance with approved Plymouth City Heliport Secure by Design Response, dated 16 Jun 2020.

Reason:

To promote site security and reduce the risk of criminal activity and antisocial behaviour in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

INFORMATIVES

1 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

2 INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: NESTING SEASON

It is an offence under the Wildlife and Countryside Act 1981 to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting. The months to avoid are between March and August.

4 INFORMATIVE: ADVERTISING

Advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

5 INFORMATIVE: PUBLIC HIGHWAY APPROVAL

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Highways for the necessary approval.

Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

6 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- Arboricultural Impact Assessment with Constraints Plan and Method Statement - AIA-VIC-20a - January 2020 (Amended March 2020)
- Bat & Protected Species Survey - I90832 rev01 - September 2019
- Case Studies: Regional Cities Operating Airports and Heliports - April 2020
- Construction Environmental Management Plan Rev 1 - March 2020
- Deconfliction Agreement - June 2020
- Design and Access Statement - VHC-BPC-XX-XX-RPT-X-000-0001_DAS RevA - March 2020
- Ecological Mitigation & Enhancement Strategy (inc. Construction Ecological Management Plan (CEcMP) & Landscape Ecological Management Plan (LEMP) - I90832 EMES rev06 - June 2020
- Flood Risk and Drainage Strategy - 30483/FRA01 Rev02 - February 2020
- Noise Impact Assessment - ACI08398-IR1 - March 2020
- Phase I Desk Study Report - I9237-DTS-01 - January 2020
- Planning Statement - May 2020
- Preliminary Ecological Appraisal - CEC3372 - August 2019
- Secure by Design Response - June 2020
- Transport Statement - WI9237-TS01 - March 2020
- Winter Wetland Bird Survey & Bird Assessment - I90832 BS rev10 - June 2020

7 INFORMATIVE: LANDING DEFINITION

For the avoidance of doubt a landing is defined as an approach flight, landing, followed by a subsequent take-off/departure flight. Therefore, 160 landings equates to 320 flights.