



No Drama Property Management
Mr Alec Macleod
11 Sussex Place
Plymouth
PL1 2HT

Planning Services
Department for Development
and Regeneration

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

T 01752 304366

E planningconsents@plymouth.gov.uk
www.plymouth.gov.uk

Date 12 December 2011

Dear Sir/Madam,

Town and Country Planning Act 1990

APPLICATION NO: 11/00766/FUL

SITE: 12 - 13 SUSSEX STREET, PLYMOUTH, PL1 2HT

DEVELOPMENT: Change of use from offices to 22 bedroom student house in multiple occupation and housing lettings office.

Please find enclosed the Planning Decision Notice for the above site. This permission relates to the submitted plans which are listed and the development should be carried out in accordance with the details shown unless prior consent has been obtained in writing from the Local Planning Authority. Failure to comply with the approved drawings could result in enforcement action being taken.

It is important to note that applications for approval under the Building Regulations are dealt with separately from applications for Planning Permission. You should not commence works until all necessary consents have been obtained.

APPEAL

If you are aggrieved by the decision of the Local Planning Authority to grant permission, subject to conditions, you may appeal under Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice, to:

**Customer Support Unit,
The Planning Inspectorate,
Room 3/15b, Eagle Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol
BS1 6PN**

www.planningportal.gov.uk/appeal

The Planning Inspectorate need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a Direction given by him.

PURCHASE NOTICE

If either the Local Planning Authority or the Planning Inspectorate grants permission to develop land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. If confirmed, this notice will require the Council to purchase interest in the land in accordance with provisions of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Planning Inspectorate on appeal or on reference to the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

CONTACT DETAILS

If you have any enquiries please do not hesitate to contact **Karen Gallacher** on **01752 304930**.

Yours faithfully,

Paul Barnard

Assistant Director of Development and Regeneration
Planning Services

PLANNING DECISION NOTICE

GRANT OF CONDITIONAL PLANNING PERMISSION SUBJECT TO SECTION 106 OBLIGATION



Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2010

In correspondence please quote application number: **11/00766/FUL**

Applicant: Mr Alec Macleod

Site: 12 - 13 SUSSEX STREET, PLYMOUTH, PL1 2HT

Proposal: Change of use from offices to 22 bedroom student house in multiple occupation and housing lettings office.

Under the provision of the above act, Plymouth City Council hereby grants consent for the proposal described in your application dated **13/09/2011**, together with the following plans/drawings: Amended description

site plan, block plan, 31157/SD01 rev A, 31157/ SD02 rev A subject to the following conditions:

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1)The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans site plan, block plan, 31157-SD01, 31157/SD02

Reason: To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy

CYCLE PROVISION

(3) Within 3 months of the date of this notice, space shall be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 11 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT USE RESTRICTION

(4) The units of residential accommodation within the building shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(5) Within 2 months of the date of this notice, details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIN STORE DETAILS

(6) Within 1 month of the date of this notice, details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- Bin storage. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION

(7) Within 4 months of the date of this notice, unless otherwise agreed by the Local Planning Authority, points 1 to 3 below shall have been complied with.

1. Site Characterisation

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

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

adjoining land,
groundwaters and surface waters,
ecological systems,
archeological sites and ancient monuments;
(iv) 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'.

2. Submission of Remediation Scheme

If the investigation and risk assessment identify its need, then a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be 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.

3. Implementation of Approved Remediation Scheme

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

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

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 point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under the above management condition should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations.

2 - To employ a warden who is resident at the property,

3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties

and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the on site car parking spaces must only be used for drop off purposes and not be used by tenants or visitors for car parking.

4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

6 - Details of the proposed arrivals/departures procedures.

7 - Details of the proposed Management of the bin stores.

8 - Details of the operation of the office accommodation

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: affect on the character and amenity of the area, loss of office, impact on the highway network, contamination considerations and standard of accommodation the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS03 - Historic Environment
CS05 - Development of Existing Sites
CS02 - Design
CS15 - Housing Provision
PPS5 - Planning for the Historic Environment

Signed of behalf of Paul Barnard

Assistant Director of Development and Regeneration (Planning Services)
Planning Services

Dated: 12 December 2011



Planning Services

Department for Development
and Regeneration

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