



Chris Hartley
Lambert Smith Hampton
6th Floor, 3 Hardman Street
Spinningfields
Manchester
M3 3HF

**Strategic Planning and
Infrastructure**

Plymouth City Council
Floor 2
Ballard House
West Hoe Road
Plymouth
PL1 3BJ

T 01752 304366

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

16 November 2023

Dear Sir/Madam

Town and Country Planning Act 1990

APPLICATION NO: 23/01184/FUL
SITE: Unit 4, Block B, Crescent Point Notte Street Plymouth
PL1 2BP
PROPOSAL: Change of use from retail unit (Class E) to a gym for use
of residents of the student accommodation (Sui Generis)

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 or to comply with the conditions contravenes the Town and Country Planning Act 1990 and could result in enforcement action being taken.

CONDITIONS

Your planning permission may carry conditions. Conditions are included to enable your development proposals to be acceptable. Your Decision Notice will identify whether these conditions will need to be discharged and at what stage in the development stage this is appropriate. Please speak to the case officer if you are unsure. By not discharging your conditions in a timely manner you may come across problems later, for example if you want to sell your property. You may also face an Enforcement investigation from the Council which could result in formal Enforcement action being taken against you. All discharge of planning conditions are by application and do carry a fee.

BUILDING REGULATIONS

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. To ascertain if your proposed works require Building Regulations approval or to discuss any Building Regulations issues please call 01752 304343 or go to <http://www.plymouth.gov.uk/planningandbuildingcontrol/buildingcontrolandregulations>

OFFICIAL

APPEAL

If you are aggrieved by a decision to refuse permission or to grant subject to conditions, you can appeal in writing to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BSI 6PN

Or, online at:

Householder Planning Application - <https://www.gov.uk/appeal-householder-planning-decision>

Full Planning Application - <https://www.gov.uk/appeal-planning-decision>

For further guidance on making an appeal, to search for an appeal or general information on the appeal process, please use the below link:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate at least 10 days before submitting the appeal.

Householder Planning Application

<https://www.gov.uk/appeal-householder-planning-decision>

Full Planning Application

<https://www.gov.uk/appeal-planning-decision>

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be submitted within 12 weeks of the date of this notice
- Appeals related to shop fronts must be submitted within 12 weeks of the date of this notice
- Advertisement consent appeals must be submitted within 8 weeks of the date of this notice
- All other planning appeals must be made within 6 months of the date of this notice

Certificate of Lawfulness Appeals (Section 195 of the Town and Country Planning Act 1990)

- There is no time limit for submission of an appeal.

Listed Building Consent Appeals (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990).

- Appeals must be made within six months of the date of this notice.

If the local planning authority has failed to determine an application for express consent to display an advertisement or an appeal is being made against the grant of consent subject to conditions to which the applicant objects.

- within 6 months from the date on the decision notice, or within 6 months from the expiry of the period which the local planning authority had to determine the application.

For more information on the permitted timeframes for submitting an appeal, guidance is available online on the below link:

<https://www.gov.uk/guidance/appeals>

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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 **Mr Sam Lewis** on **01752 307718**.

Yours faithfully



;

Strategic Planning and Infrastructure

Dated: 16 November 2023

PLANNING DECISION NOTICE

GRANT OF PLANNING PERMISSION



Town and Country Planning Act 1990 Planning (Listed Building & Conservation Areas) Act 1990

In correspondence please quote application number: **23/01184/FUL**

APPLICANT: Concierge 12 Limited

SITE: Unit 4, Block B, Crescent Point Notte Street
Plymouth PL1 2BP

PROPOSAL: Change of use from retail unit (Class E) to a gym for use of residents of the student accommodation (Sui Generis)

Under the provision of the above act, Plymouth City Council hereby grants permission to carry out the development described in your application dated **6 October 2023**,

The development hereby permitted shall be carried out in accordance with the following conditions;

1 **CONDITION: APPROVED PLANS**

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

Location Plan 17082023 - received 17/08/23

Block B - Studio Block General Arrangement Ground Floor Plan A_2511 Rev K received 17/08/23

Block B - Studio Block General Arrangement Ground Floor Plan A_2511 Rev K received 17/08/23

Block B - Studio Block General Arrangement Lower Ground Floor Plan A_2510 Rev N received 09/10/23

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.

PLANNING DECISION NOTICE

GRANT OF PLANNING PERMISSION



Reason:

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

3 **CONDITION: MANAGEMENT PLAN**

PRE-OCCUPATION

The gym hereby approved shall not be occupied/used until an updated Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should cover how the gym will be used and managed to limit noise impacts. The gym shall be managed in accordance with the approved details.

Reason:

To ensure that the potential amenity impacts of the gym are suitably acknowledged and managed in-house in line with DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

4 **CONDITION: STUDENT USE ONLY**

The gym hereby approved shall only be used by the student occupiers of Crescent Point, and shall not be open to the general public.

Reason:

To limit wider amenity and highways impacts of those travelling to and from the site in line with policies DEV 1 and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

5 **CONDITION: ACTIVE FRONTAGE**

Notwithstanding Section 55(2)(a) of the Town and Country Planning Act 1990 (as amended), the ground floor windows and doors on the elevations fronting Notte Street and Princess Way shall remain visually active with no more than 25% being obscured by vinyl advertisements or treated to restrict visibility.

Reason:

To maintain the character and appearance of the existing shopping frontage in accordance with policies DEV18 and DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

PLANNING DECISION NOTICE

GRANT OF PLANNING PERMISSION



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 (NO 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, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 **INFORMATIVE: HEALTH AND SAFETY EXECUTIVE**

The applicant should be mindful of the contents of the Health and Safety Executive's response to this application, as they have highlighted some potential issues which need addressing - although these issues fall outside of the current planning process.

PLANNING DECISION NOTICE

GRANT OF PLANNING PERMISSION



Yours faithfully

A handwritten signature in black ink that reads "H Sanders". The signature is written in a cursive style with a long horizontal stroke at the end.

;

Strategic Planning and Infrastructure

Dated: 16 November 2023

Your experience of the planning process is important, Plymouth City Council are always looking for ways to improve customer service. We may get in touch with you to find out about your experience once you have a decision on your application.