

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Unit 2, The Picture Works

1 SUMMARY

Application No: 15/00925/PVAR3

Application by: Mr Kevin Rowland on behalf of DG Private Hire Ltd

Proposal: Variation of condition 1 of planning permission reference 13/01945/PFUL3 for continued use as taxi office until December 2016.

The application is brought to Committee as it is considered to be sensitive given the level of public interest

To meet the Council's Performance Targets this application should have been determined by 26th May 2015.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The site comprises a unit on the ground floor of a mixed use development on the south side of Queens Road, known as the Picture Works. Permission was granted in 2006 (06/00581/PFUL3) for a part seven, part ten storey building containing 128 apartments and commercial and leisure uses on the ground floor.
- 3.2 To the south of the site is Tinker's Leen and to the west is the new NET Line 2/3. The station and station car park are to the north and the site is within the Station Conservation Area and the Southside Regeneration Area.
- 3.3 Planning permission (ref 13/01945/PFUL3) was granted in December 2013 for the change of use of the unit in question to a taxi office for a temporary period expiring on 20th June 2015. Conditions attached to this permission requiring the submission of details of the waiting bay for taxis and a management plan concerning vehicle waiting and customer collection, were subsequently discharged.
- 3.4 An application (ref 14/02563/PVAR3) to allow the use of the premises as a taxi office on a permanent basis was submitted in October 2014. This was subsequently

withdrawn. There was considerable opposition to both applications from the hackney taxi drivers.

4 DETAILS OF THE PROPOSAL

Planning permission is now sought to continue the use as a taxi office until for a further temporary period.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised on site. Nearby occupiers and all those who responded to application ref. 14/02563/PVAR3 were also consulted. No comments have been received from immediately adjoining residents but 169 letters (comprising two standard letters) have been received from individual Hackney taxi drivers objecting to the application on the following grounds:

- Frequently travel along Queens Road and notice DG Cars vehicles parked on Queens Road, outside their office, obstructing traffic and reducing highway safety;
- On occasion have noted DG Cars vehicles turning right out of their premises cutting across traffic, endangering pedestrians and other drivers;
- Danger of vehicles undertaking illegal U turns;
- Inadequate parking on site means vehicles park on the street;
- Serious accident occurred outside DG Cars premises in January 2015;
- Unable to take photographs as Queens Road is a 4 lane road and unable to stop safely;
- Refer to DG Cars premises on George Street where it is contended that they operate outside the law by parking on the street.

Additional consultation letters sent to:

Highways: Highways: Support the application for a temporary extension to the taxi booking office to enable proper assessment of the proposal on the free flow of traffic on Queens Road and highway safety. The reason the original permission was granted for a temporary period was to allow for review of how the taxi office operates, once it had become established and in particular following the opening of NET Lines 2 and 3.

The opening of NET Lines 2 and 3 has been delayed and proposals to make alterations to the hackney taxi rank arrangements have not yet come to fruition. Therefore a true reflection of pedestrian movements associated with taxis/private hire vehicles, particularly across Queens Road, cannot yet be measured.

Refer to an example of the operation of this taxi booking office causing problems in November 2014 when a DG vehicle was waiting to turn right into the premises from Queens Road; several vehicles, having exited the Sherriff's Way traffic signals, were forced to brake sharply and a subsequent queue formed back towards the traffic lights. It is not considered appropriate to object to the application on the basis of this one incident but it is relevant that it involved a DG vehicle and notable that this one incident occurred when bookings that week were only at 19% of the number cited as anticipated in the original application. As the numbers increase, the chances of conflict will increase along with the associated chance of collision. Would support an extension of the temporary permission to enable this to be more meaningfully monitored.

Also recommend that in the event of the applicant making an application for

permanent planning permission subsequently, an independent survey of vehicular and pedestrian movements to and from the taxi booking office, be submitted, with observations made on any conflicts occurring. Recommend use of the City Council Highway Matrix team.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong and responsive economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment. Paragraph 14 states that development should be approved, without delay, where it accords with the development plan.

Aligned Core Strategy (2014)

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

7. APPRAISAL OF PROPOSED DEVELOPMENT

- 7.1 Planning permission was originally granted for an 18 month temporary period to allow assessment of the impact of the taxi office upon the free flow of traffic on Queens Road and highway safety. This was to allow time for the office to become established and for the overall impact of the redeveloped station and the new NET lines to have been felt to enable an informed decision to be made as to whether this use would be acceptable on a permanent basis. The re-developed station opened in June 2014 but NET Lines 2 and 3 are not yet operational, therefore the full impact of the use of the premises as a taxi office cannot, as yet, be properly assessed.
- 7.2 It is now anticipated that NET Lines 2 and 3 will open in summer 2015. This will include the new tram stop on the bridge over the station and the opening of the pedestrian route from the tram stop to the Station's southern concourse. The application originally sought to continue the use until June 2016 but there is still doubt as to exactly when NET lines 2 and 3 will be operational. It is therefore considered that in this specific circumstance a further temporary permission for 18 months is appropriate and justifiable to allow for a period of meaningful monitoring before. The suggestion made by Highways that a survey of pedestrian and vehicular movements be submitted with the next application has been included as an informative.
- 7.3 There has been considerable representation from the Hackney taxi drivers, primarily on the grounds of the impact of the use on highway safety. Granting planning permission for a further temporary period will enable the issues they have raised to be further considered with the benefit of a more complete understanding of the impact of the redeveloped station and new NET lines. A substantial number of the objectors refer to a serious accident on Queens Road, involving a DG

vehicle. Further information has been sought on this and will be reported to Committee if it is available.

7.4 With regard to the concerns over taxis picking up and dropping off on Queens Road, Highways advised at the time of the first planning application that there are no restrictions in this regard and that their concerns would be if taxis were left waiting for longer periods of time. Enforcement of traffic regulations on this section of Queens Road is practical given the position of existing traffic cameras and as required by the previous planning permission, the off street picking up/dropping off point is available for use.

7.5 Finally, the points raised by objectors with regard to illegal parking at the George Street office are not matters which should be considered as part of the determination of this application.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would continue the use of a commercial unit of a long term vacant use.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham – The proposal would bring a vacant building back into use.

Safer Nottingham - The proposal would assist community safety by increasing natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

The continued occupation of this vacant building provides activity on the street which would contribute to community safety.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/00925/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM4COALY0HZ00>

2. 169 letters from Hackney taxi drivers

3. Memo from Highways dated 05.05.2015

17 Published documents referred to in compiling this report

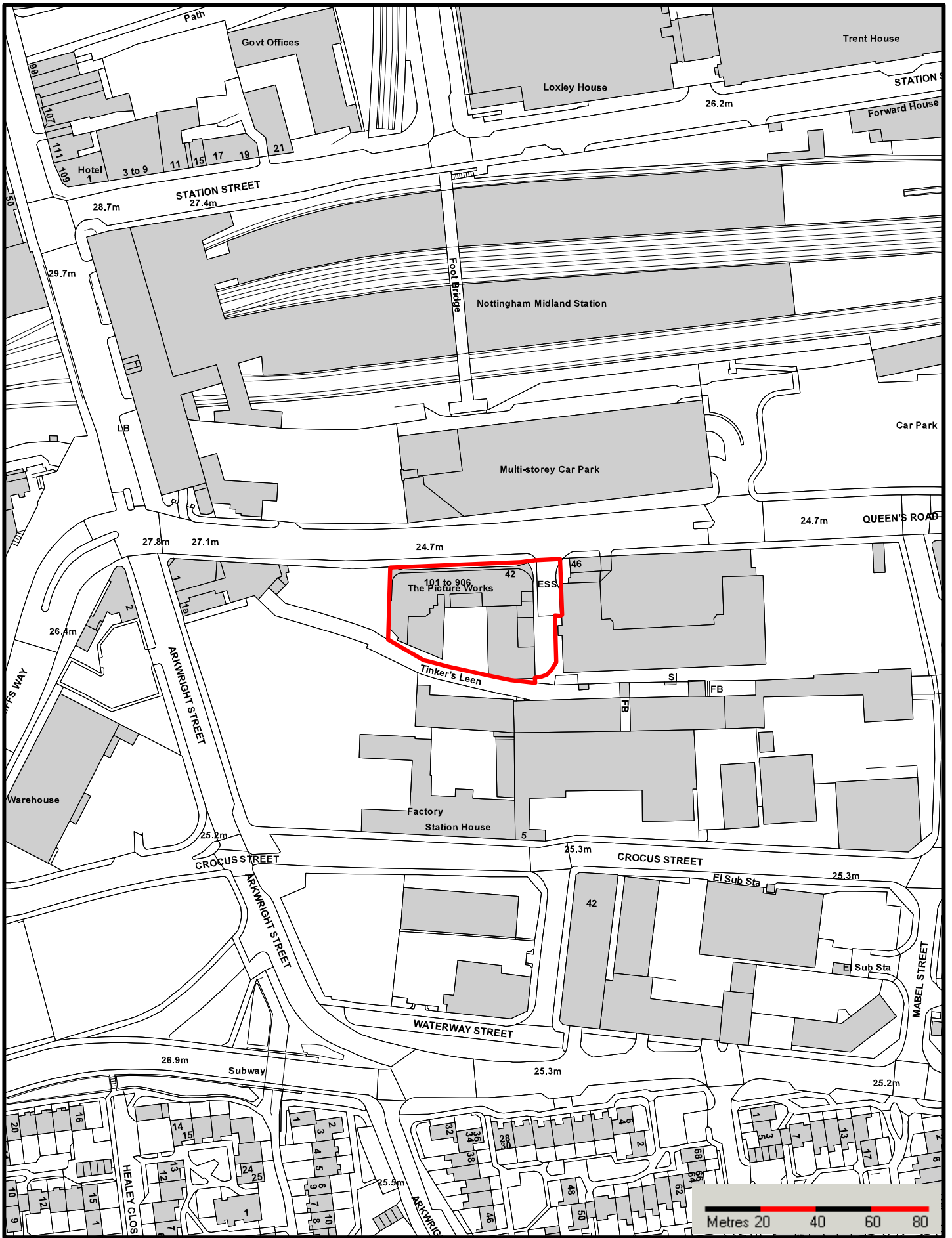
NPPF

Aligned Core Strategy (2014)

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Nottingham
City Council

My Ref: 15/00925/PVAR3

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/00925/PVAR3
Application by: DG Private Hire Ltd
Location: Unit 2, The Picture Works, 42 Queens Road
Proposal: Variation of condition 1 of planning permission reference 13/01945/PFUL3 for continued use as taxi office until 30 December 2016.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The use hereby permitted shall be discontinued on or before 30th December 2016 unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: To meet the requirements of s72(2) of the Town and Country Planning Act 1990 and to allow further assessment of the impact of the proposal on the free flow of traffic along Queens Road and highway safety in accordance with the aims of Aligned Core Strategy policy 14.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

There are no conditions in this section.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)



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Not for issue

Continued...

<p>2. The use shall be carried out in accordance with the Management Plan, approved under ref. 14/00359/PDS4.</p> <p><i>Reason: In the interests of the free flow of traffic on Queens Road and highway safety and in accordance with the aims of Policies 5 and 14 of the Aligned Core Strategy.</i></p>
<p>3. The use hereby permitted shall not be open to customers outside the hours of 0700 hrs to midnight on any day.</p> <p><i>Reason: In the interests of residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy.</i></p>
<p>4. The single waiting bay for taxis located to the east of the booking office and off the public highway shall be kept available for taxis collecting customers only.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policies 5, 10 and 14 of the Aligned Core Strategy.</i></p>
<p>5. Two car parking/waiting spaces in the rear ground floor car park shall be kept available for taxi drivers in association with the approved use between the hours of 07:00 and midnight on any day. Outside of the hours of midnight to 07.00 the rear ground floor car park shall not be used for parking/waiting taxis.</p> <p><i>Reason: In the interests of highway safety and residential amenity and in accordance with the aims of Policies 5, 10 and 14 of the Aligned Core Strategy.</i></p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 31 March 2015.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. It is recommended that if a further application is submitted at the end of the temporary period it should be accompanied by an independent survey of vehicular and pedestrian movements to and from the taxi booking office, with observations made on any conflicts occurring. The use of the City Council's Highway Matrix team for this survey work is recommended.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/00925/PVAR3

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.