

**REPORT OF CHIEF PLANNER**

**The Picture Works, 42 Queens Road**

**1 SUMMARY**

Application No: 16/02044/PVAR3

Application by: Mr Anton Lang on behalf of Mr Ian Pole

Proposal: Removal of condition 1 of planning permission reference 15/00925/PVAR3 to enable permanent use as a taxi office

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

To meet the Council's Performance Targets this application should have been determined by 1st November 2016.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** following the expiry of the consultation period and subject to no material objections being received, for the reasons set out in this report, subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

The power to determine the final details of the conditions to be delegated to the Chief Planner.

**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withdrawn.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.

- 3.5 A further application was made in 2015 (ref 15/00925/PVAR3) for the continued use as a taxi office. Planning permission was granted for a further temporary period which expires on 30<sup>th</sup> December 2016.

#### **4 DETAILS OF THE PROPOSAL**

Planning permission is now sought to remove condition 1 of application ref. 15/00925/PVAR3 to enable the continuation of the use as a taxi office on a permanent basis.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

The application has been advertised on site and in the press. Nearby occupiers and the Nottingham Licensed Taxi Owners and Drivers Association have also been notified. Expiry date 23.11.2016

##### **Additional consultation letters sent to:**

**Highways:** No objections. The survey information provided by the applicant, including vehicle and pedestrian movements does not identify any concerns with regard to the operation of the unit. There have been no accidents recorded at the junction since the taxi office has been in operation, and not aware of any current issues associated with its operation.

#### **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.

##### **National Planning Practice Guidance**

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.

##### **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 in 2013 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. The purpose of this was to allow time for the taxi office to become established and for the overall impact of the redeveloped station and the new NET lines to have been felt, to then enable an informed decision to be made as to whether this use would be acceptable on a permanent basis. Subsequently a further temporary permission was granted in June 2015. At that time the re-developed station had been open for 12 months but NET Lines 2 and 3 were not operational and it was therefore considered that the full impact of the use as a taxi office could not be properly assessed.
- 7.2 NET Lines 2 and 3 have now been operational for 14 months and there has therefore been a meaningful period of time to allow for the overall impact of the redeveloped Station and NET Lines 2 and 3 to be assessed. In response to a suggestion made by Highways at the time of the planning application in 2015, traffic survey data has been submitted in support of the planning application now under consideration. This has been reviewed by Highways who are satisfied that the taxi office use is not creating any issues of concern. The advice contained in the National Planning Practice Guidance regarding the granting of ongoing temporary permissions is also relevant as this use has already had two temporary planning permissions. The taxi use has been operating for more than three years and it is now considered appropriate to agree to the removal of the planning condition which would enable the use to continue on a permanent basis.

## **8. SUSTAINABILITY / BIODIVERSITY**

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

## **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 has brought a vacant unit 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: 16/02044/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OD1938LYGTC00>

2. Highway observations dated 17.10.2016

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Greater Nottingham Aligned Core Strategy (2014)

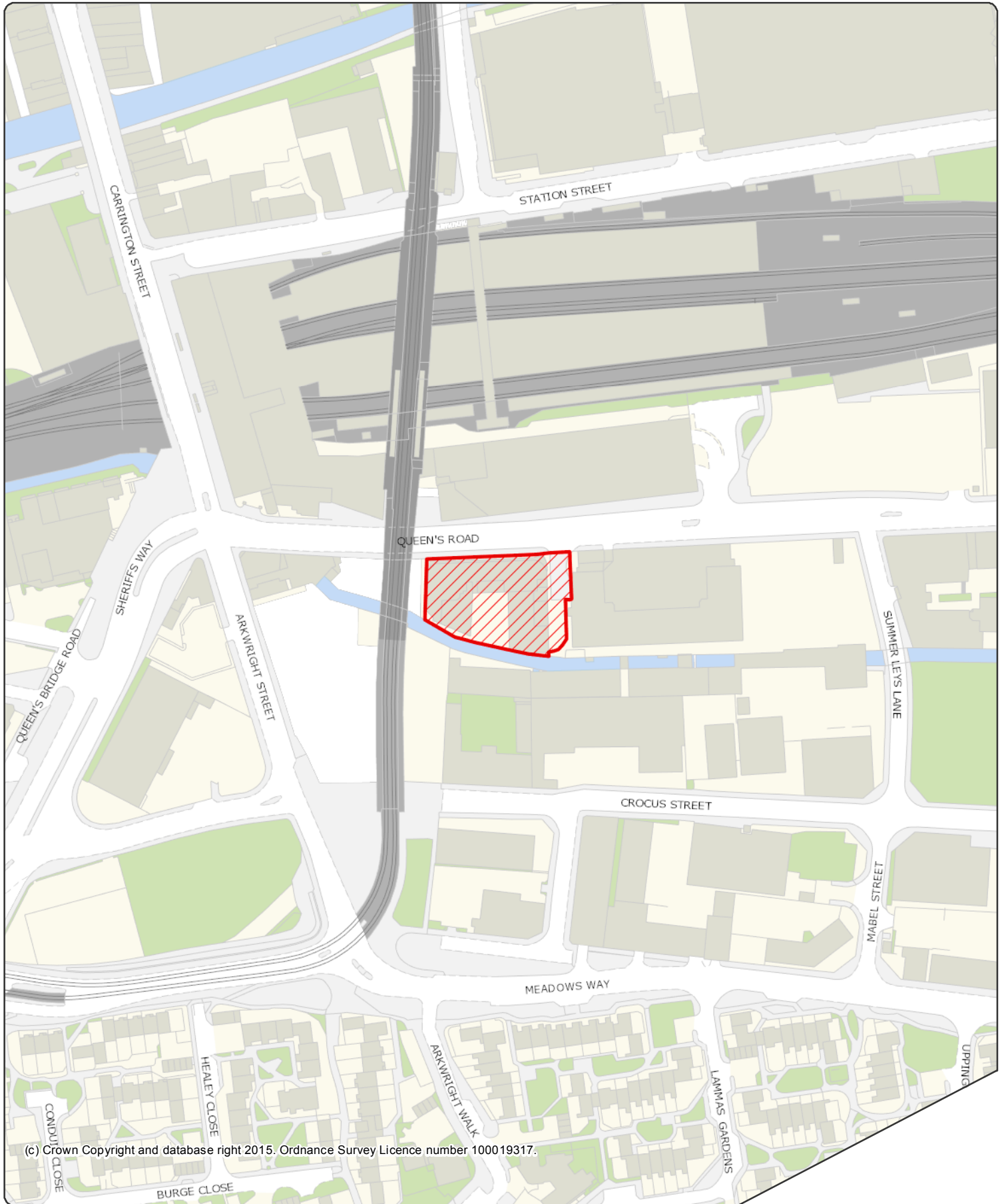
National Planning Policy Framework

**Contact Officer:**



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# NOMAD printed map



## Key

-  City Boundary
-  Planning Application Polygons

Nomad web map printed by a Nomad user at 09:18, 15/11/2016



## Description

No map description

**My Ref:** 16/02044/PVAR3 (PP-05454562)  
**Your Ref:**  
**Contact:** Mrs Janet Keble (Tues,Wed,Thurs)  
**Email:** development.management@nottinghamcity.gov.uk



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Date of decision:

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

Application No: 16/02044/PVAR3 (PP-05454562)  
Application by: Mr Ian Pole  
Location: The Picture Works, 42 Queens Road, Nottingham  
Proposal: Removal of condition 1 of planning permission reference 15/00925/PVAR3 to enable permanent use as a taxi office

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

<b>Time limit</b>
. There are no conditions in this section.
<b>Pre-commencement conditions</b> (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.
<b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
<b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)
1. The use shall be carried out at all times in accordance with the Management Plan, approved under ref. 14/00359/PDS4.  <i>Reason: In the interests of the freeflow 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>



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**Not for issue**

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2. The use hereby permitted shall not be open to customers outside the hours of 07.00 hours to midnight on any day.

*Reason: In the interests of residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy.*

3. 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.

*Reason: In the interests of highway safety and in accordance with the aims of Policies 5, 10 and 14 of the Aligned Core Strategy.*

4. 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.

*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.*

**Standard condition- scope of permission**

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 6 September 2016.

*Reason: To determine the scope of this permission.*

**Informatives**

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: 16/02044/PVAR3 (PP-05454562)

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](http://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.



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