

<b>Application Reference Number:</b>	2026/0154.		
<b>Application Type:</b>	Change of Use.		
<b>Proposal Description:</b>	Change of use of part of office building and 2x associated car parking spaces for chauffeur business (Use Class Sui Generis).		
<b>Location:</b>	1 Beevor Court, Barnsley, S71 1HG.		
<b>Applicant:</b>	Rocky Asset Management Pension Scheme Ltd.		
<b>Third-party representations:</b>	None.	<b>Parish:</b>	
		<b>Ward:</b>	Central.

**Summary:**

The applicant is seeking planning permission for a change of use of part of the existing office building and two associated car parking spaces for chauffeur business (Use Class Sui Generis).

Having balanced all material planning considerations, the applicant seeks planning permission for a change of use of part of existing office building and two associated car parking spaces for a chauffeur business (Use Class Sui Generis). The development site is located in an established business courts that benefits from allocated parking spaces associated with each unit and therefore, the proposal is considered acceptable in principle.

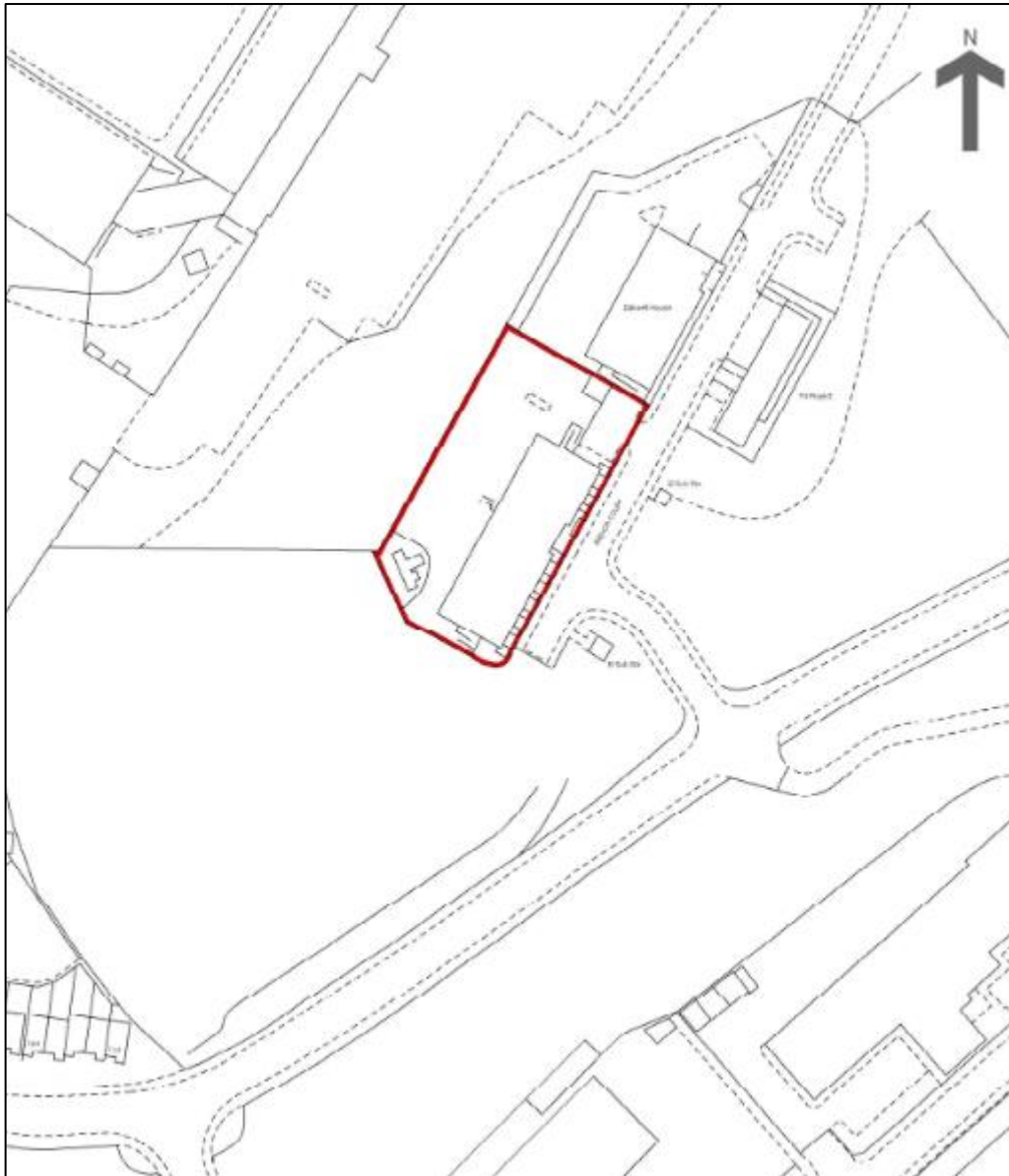
It is understood the proposed use would function as an office with administration, planning, booking and accounts undertaken from the premises. No customers would be attending the office or meeting any vehicles or drivers on-site with all services being door-to-door for the customers. This proposal is therefore considered acceptable regarding its potential impact on residential amenity, health and pollution control, highway safety, visual amenity, flood risk, and biodiversity and geodiversity and is in accordance with national and local planning policies and guidance, including Local Plan Policies GD1, POLL1, T3, T4, D1, CC3 and BIO1 which is attributed moderate and modest weight in favour of the proposal accordingly.

The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

## Site Description

This application relates to a first-floor unit within a two-storey office building located on Beevor Court and adjacent to two other office buildings accessed off Pontefract Road to the south. The application building benefits from an existing car park to the side and rear. The area to the front has no waiting and no loading restrictions in place.



## Planning History

The most recent and relevant applications associated with the development site are:

B/93/0935/BA	Change of use of dwelling to form offices (Class B1) and formation of car park.	Approved.
B/97/0740/BA	Erection of two-storey office block and associated parking and access road.	Approved.

## **Proposed Development**

The applicant is seeking planning permission for a change of use of part of the existing office building and two associated car parking spaces for chauffeur business (Use Class Sui Generis).

It is understood the proposed use would function as an office with administration, planning, booking and accounts undertaken from the premises. No customers would be attending the office or meeting any vehicles or drivers on-site with all services being door-to-door for the customers.

No external extensions or alterations are proposed.

## **Relevant Policies**

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The development site also falls partially within Barnsley Town Centre boundaries.

The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*
- *Policy CC3: Flood Risk.*
- *Policy BIO1: Biodiversity and Geodiversity.*

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*

- *Section 7: Ensuring the vitality of town centres.*
- *Section 9: Promoting sustainable transport.*
- *Section 12: Achieving well designed places.*
- *Section 14: Meeting the challenge of climate change, flooding and coastal change.*
- *Section 15: Conserving and enhancing the natural environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Biodiversity and Geodiversity (Adopted March 2024).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

**Representations**

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations have been received.

**Consultations**

Local Ward Councillors	<i>No comment(s) received.</i>
Environment Agency	<i>No comment(s) received.</i>
Highways Development Control	<i>No objection(s).</i>

**Planning Assessment**

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The applicant is seeking planning permission for a change of use of part of the existing office building and two associated car parking spaces for chauffeur business (Use Class Sui Generis).

The development site is located within an established business courts which benefits from allocated parking spaces associated with each unit.

Considering the above, the principle of development is considered acceptable subject to assessment of the following matters.

#### Impact on Residential Amenity, Health and Pollution Control

The development site is located within an established business courts which benefits from allocated parking spaces associated with each unit.

The proposed change of use would be facilitated by internal alterations only and would utilise existing allocated on-site parking spaces.

It is understood the proposed use would function as an office with administration, planning, booking and accounts undertaken from the premises. No customers would be attending the office or meeting any vehicles or drivers on-site with all services being door-to-door for the customers.

There are no residential properties in the immediate vicinity of the development site with the nearest being located approximately 115 metres to the south-west and separated by an area of woodland.

Considering the above, it is not considered that the proposal would significantly detrimentally affect the amenity of residents and/or people who work nearby by way of vehicular movements and noise.

It is not considered that the proposal would contribute to significant overshadowing, overlooking and loss of privacy, or reduced outlook impacts which may otherwise adversely affect the amenity of the occupants of the application and neighbouring properties as no extensions or external alterations to the property are proposed.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction works. However, any impact is anticipated to only be temporary and construction hours could be controlled by condition.

Considering the above, this is considered to weigh moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

#### Impact on Highways

The applicant is seeking planning permission for a change of use of part of the existing office building and two associated car parking spaces for chauffeur business (Use Class Sui Generis).

The development site is located within an established business courts which benefits from allocated parking spaces associated with each unit.

It is understood the proposed use would function as an office with administration, planning, booking and accounts undertaken from the premises. No customers would be attending the office or meeting any vehicles or drivers on-site with all services being door-to-door for the customers.

Highways Development Control were consulted; and no objection was received given the nature of the proposal and the availability of on-site parking.

Considering the above, this is considered to weigh moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.*

#### Impact on Visual Amenity

It is not considered that the proposal would markedly alter or detract from the character of the street scene or application property because no external extensions or alterations are proposed.

Considering the above, this is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.*

#### Impact on Flood Risk

Paragraph 176 of the NPPF establishes that applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63. Footnote 63 establishes that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in the future; or land that may be subject to other sources of flooding, where development would introduce a more vulnerable use.

In this instance, the development site is located in Flood Zone 1 but when taking into account climate change data it is shown as being at increased risk from flooding between 2070 to 2125. However, it is not considered that the development proposal introduces a more vulnerable use, nor does it meet the other criteria that would otherwise require the application to be supported by a site-specific flood risk assessment.

*Considering the above, this is considered to weigh modestly in favour of the proposal.*

*The proposal is therefore considered to comply with Paragraph 176 and footnote 63 of the NPPF and Local Plan Policy CC3: Flood Risk and is considered acceptable regarding impact on flood risk.*

#### Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal is exempt from BNG in this Instance.

Considering the above, this is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable regarding impact on biodiversity and geodiversity.*

#### Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, the applicant seeks planning permission for a change of use of part of existing office building and two associated car parking spaces for a chauffeur

business (Use Class Sui Generis). The development site is located in an established business courts that benefits from allocated parking spaces associated with each unit and therefore, the proposal is considered acceptable in principle.

It is understood the proposed use would function as an office with administration, planning, booking and accounts undertaken from the premises. No customers would be attending the office or meeting any vehicles or drivers on-site with all services being door-to-door for the customers. This proposal is therefore considered acceptable regarding its potential impact on residential amenity, health and pollution control, highway safety, visual amenity, flood risk, and biodiversity and geodiversity and is in accordance with national and local planning policies and guidance, including Local Plan Policies GD1, POLL1, T3, T4, D1, CC3 and BIO1 which is attributed moderate and modest weight in favour of the proposal accordingly.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

**RECOMMENDATION: Approve subject to conditions.**

### **Justification**

#### **Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Additional information regarding proposed business operations sought.*

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

### Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2. The development hereby approved shall be carried out strictly in accordance with the plans:

Location Plan.

Proposed Floor Plan.

Car Park Plan.

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**

3. The premises must operate as a management and telephone booking office only.

**Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New Development and Highway Safety.**

4. No vehicles can wait at the premises other than within the designated parking bays within the development site; or collect/drop-off customers (other than employees of the premises) outside the property. No walk-in appointments shall be taken and no customers (other than employees of the premises) can wait at or order taxis from the premises.

**Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New Development and Highway Safety.**

### Informative(s):

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.
3. Should the applicant pursue the installation of signage to identify the premises, they are advised that an application for advertisement consent may need to be submitted to the LPA for consideration.