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**2023 0934**

Mr Alexander Elbourne

Flexible use to allow Unit 10 to be used for either a taxi booking office (sui generis) or offices (Use Class E(g)(i))

Building 3 Unit 10, Barnsley Business and Innovation Centre, Innovation Way, Wilthorpe, Barnsley, S75 1JL

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### **Site Location and Description**

The application relates to a commercial unit located within the northernmost building of the Barnsley Business and Innovation Centre (BBIC) off Innovation Way, the A635 Wilthorpe Road, Barnsley. The BBIC consists of several commercial and industrial buildings and parking/service areas and is served by an access road off Innovation Way. The frontage to the Industrial Estate when viewed from the A635 is characterised by a wide grass verge rising gently from the highway and groups of semi-mature to early mature trees of both deciduous and evergreen types which act as a screen to the development.

### **Site history**

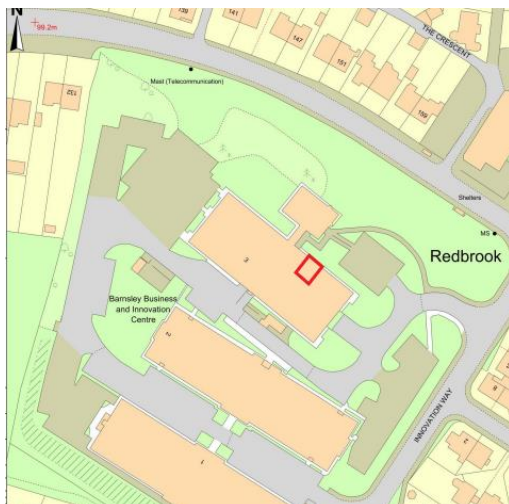
There is a complex planning history at the Barnsley Business and Innovation Centre dating back to the mid 1980s. The business is currently operated from a smaller office in Building 3 under planning permission 2021/0163.

### **Proposed Development**

The applicant is seeking a change of use of a unit within the BBIC to a taxi booking office. Reflecting the comments of Enterprising Barnsley, the applicant has agreed to change the proposal to a flexible use, which would allow the use to revert to a conventional office if the taxi booking office use ceased.

The proposed operation of the taxi office is to provide administration and taxi booking. The site is not proposed to be used by visiting members of the public or for parking of vehicles.

Location plan of building 3 and Unit 10 within it:



## **Policy Context**

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

## **Local Plan**

The Local Plan was adopted by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering 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. The next review is due to take place in 2027 or earlier if circumstances require it.

The site is in an area designated as Urban Fabric on the Local Plan Proposals Maps. The following policies are relevant:

**Policy SD1 Presumption in favour of Sustainable Development** – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

**Policy GD1 General Development** – sets a range of criteria to be applied to all proposals for development.

**Policy E3 Uses on employment land** – indicates we will allow research and development, light and general industry and storage or distribution on allocated Employment Sites or land currently/last used for employment uses; also, appropriate scale ancillary uses and other employment generating uses will be considered on their merits.

**Policy E4 Protecting Existing Employment Land** – land or premises currently or last used for employment purposes will be retained. Non-employment uses will only take place if they would not result in significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land/premises in the locality; and the land or premises can't support continue employment use.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking, provision of transport statements and of travel plan statements.

## **NPPF**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

### **Supplementary Planning Documents**

SPD Parking – gives guidance on parking standards and indicates that the Council encourages the provision of electric vehicle charging infrastructure.

### **Consultations**

Highways DC – No objections

Enterprising Barnsley – support a flexible change of use

Ward Councillors – No comments received

### **Representations**

The application has been advertised by means of letters to nearby properties and a site notice (24 October to 14 November 2023); no representations have been received.

### **Assessment**

#### Principle of development

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged.

As the proposal is in an employment location, consideration against the provisions of Local Plan policies E3 and E4 is necessary.

#### Employment Policy

Local Plan policy E3 indicates that proposals for other employment generating uses on sites such as the application site that were last used for employment may be considered on their merits. Local Plan policy E4 indicates that non-employment uses will only be allowed if the development would not result in a significant loss of jobs or employment potential; there will still be an adequate supply of employment land and premises in the locality; and the land/premises cannot satisfactorily support continued employment use.

The application site is part of a wider area in longstanding employment use and the proposed use is not a conventional B class employment use. The proposed use generates a limited amount of employment and is presented as a relocation of a business that currently operates from a smaller unit within the wider BBIC estate. The proposal does not result in a significant loss of jobs or employment potential and there will still be an adequate supply of employment land and premises in the locality. However, there is no evidence to indicate that the unit cannot satisfactorily support continued employment use. The proposed flexible permission would retain the E(g), use class, that is the current office use, in the event that the taxi office use were to cease.

It is concluded that the degree of conflict with Local Plan policies E3 and E4 should be given limited weight and the support of Enterprising Barnsley to the proposal should be weighed against that conflict.

#### Residential Amenity

The applicant has not indicated any operating times however it is assumed that the business will be run from the site 24 hours a day, 365 days a year.

The site lies within a commercial area where there are various uses including offices, professional services and workshops. As such, it is considered that the proposed use is compatible with the existing uses. Given that the premises are to be a booking office only and not a depot for vehicles, it is considered that the proposed change of use would not have a detrimental impact on the amenity of the surrounding residents.

#### Visual Amenity

There are no proposed external alterations to the premises and as such, the proposals impact on the visual character of the area is considered negligible.

#### Highway Safety

The site is accessed from Innovation Way and parking is provided within the estate. As the unit will be used for booking/admin and not for the storage of vehicles, it is considered unlikely that the proposal will have a significant effect on the highway network.

Reflecting Highways DC comments that they have no objection to relocation of business that is currently operational within the same building, it is concluded that the proposal is acceptable from a highway safety perspective, in accordance with Local Plan Policy T3. The conditions that were imposed on the previous permission, restricting any private hire vehicles from parking anywhere on the highway or internal roads at BBIC; and restricting the use to an administrative base with no walk-in appointments taken are recommended again in the interests of clarity, highway safety and residential amenity.

#### Conclusion

The proposal has demonstrated that there are no sequentially preferable locations for the proposed use and allows a small business to relocate and secure its economic role in the borough. Although there is a limited degree of conflict with Local Plan employment policy it is concluded that the proposal complies with the development plan as a whole.

#### **Recommendation**

**Approve** – subject to the following conditions: