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2024/0830

Mr Alex Elbourne

**Building 1, Unit 20 and Unit 21, Barnsley Business and Innovation Centre, Innovation Way, Wilthorpe, Barnsley, S75 1JL**

**Flexible use to allow Unit 20 and Unit 21 to be used for either a private hire taxi company office (Sui Generis) or offices (Use Class E(g)(i)).**

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### Site Description

The application relates to commercial units located within the southernmost building (Building 1) of the Barnsley Business and Innovation Centre (BBIC). The BBIC is located off Wilthorpe Road (A635) with access taken from Innovation Way. The BBIC comprises several detached buildings of one and two-storeys which accommodate various commercial and industrial uses served by various parking and service areas. The BBIC is elevated from the street level of Wilthorpe Road and is also set back with a larger grass verge buffer between the site and the highway. Mature trees provide screening to the north and east. Building 1 is a two-storey office building constructed of brickwork and located near the junction of Innovation Way with Redbrook Walk.



## Planning History

There is an extensive planning history associated with the wider BBIC site dating to 1982. However, the most recent and relevant applications are as follows:

1. 2021/0163 – Change of use of unit 1B to taxi booking office. – Approved.
2. 2023/0934 – Flexible use to allow Unit 10 to be used for either a taxi booking office (sui generis) or offices (Use Class E(g)(i)). – Approved.

## Proposed Development

The applicant is seeking permission for the change of existing office (Class E) units within Building 1 of the Barnsley Business and Innovation Centre to allow a flexible use for either a private hire taxi company office (Sui Generis) or offices (Use Class E(g)(i)).

The proposal would see the relocation of existing operations currently undertaken from Building 3 into a larger space. Bookings would continue to be made from the premises using a phone dispatch system and there would be no public access to the building. There would also be no external works to the building.

During the application process, the development description was amended to propose a flexible use following comments from Enterprising Barnsley.

## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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.

### Local Plan Allocation – Urban Fabric

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy E3: Uses on Employment Land.***
- ***Policy E4: Protecting Existing Employment Land.***
- ***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 Placemaking.***

## National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- ***Section 12: Achieving well designed and beautiful places.***

## Supplementary Planning Documents

- ***Parking.***

## **Consultations**

Highways DC – No objections.  
Enterprising Barnsley – No objections.

## **Representations**

A site notice was placed nearby, expiring 22<sup>nd</sup> October 2024. No representations were received.

## **Assessment**

### Principle of Development

The existing vacant office units would fall within the new (2020) Use Classes Order as Class E which is characterised as “Commercial, Business and Service”. Class E(g)(i) specifically relates to offices. A taxi business or business for the private hire of motor vehicles would normally fall within the Sui Generis use class. This use class is for uses that do not fall within any specified use classes and include those specifically identified by Article 3(6) of the Town and Country Planning (Use Classes) Order 1987.

The application site is allocated as urban fabric in the adopted Local Plan and forms an existing employment location. Changes of use are acceptable in principle if satisfactory standards of design, maintained levels of amenity for neighbouring uses, and the provision of adequate car parking and manoeuvring space would be achieved. Consideration against the provisions of Local Plan Policies E3 and E4 is also necessary.

### Employment

Local Plan Policy E3: Uses on Employment Land, allows research and development, light industrial, general industrial, and storage or distribution uses on allocated employment sites, or land currently or last used for employment purposes. Ancillary uses will be allowed where appropriate in scale, and proposals for other employment generating uses may be considered on their merits, particularly in terms of providing jobs, skills and their contribution to the borough's GVA.

Local Plan Policy E4: Protecting Existing Employment Land, indicates that support will be given to the development of employment land and premises for non-employment uses if development would not result in a significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land or premises in the locality; and the land or premises cannot satisfactorily support continued employment use.

The application site is part of a wider area of longstanding employment use and the proposed use of Unit 20 and Unit 21 as a private hire taxi company office 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 would still be an adequate supply of employment land and premises in the locality. However, there is no evidence to indicate that the units cannot satisfactorily support continued employment use. The proposed flexible use would retain the existing E(g) use class, that is the current office use, in the event that the private hire taxi company office use was to cease.

It is concluded that the degree of conflict with Local Plan Policies E3: Uses on Employment Land and E4: Protecting Existing Employment Land should be given limited weight with the support of Enterprising Barnsley to the proposal weighed against that conflict.

### Residential Amenity

The applicant has indicated that the business would operate for 24 hours a day for 365 days a year. The application site is located within a commercial area that includes various uses including offices, professional services and workshops. It is therefore considered that the proposed use is compatible with the existing uses and 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.

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

### Visual Amenity

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

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

### Highway Safety

The application site is accessed off Innovation Way and parking is provided within the BBIC estate. The applicant has indicated that some vehicles would be parked within the BBIC estate at times and accommodated by existing off-street parking arrangements and given that the premises are to be a booking office only and not a depot for vehicles, the proposal is likely to generate fewer parked vehicles than other potential uses. In addition, Highways DC were consulted on the proposal and no objections were raised.

The conditions that were imposed on 2021/0163 and 2023/0934, restricting any private hire vehicles from parking anywhere on the highway or the internal roads of the BBIC estate; 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.

*The proposal is therefore considered to comply with Local Plan Policies T3: New Development and Sustainable Travel and T4: New Development and Transport Safety and would be acceptable regarding highway safety.*

### Conclusion

The proposal has demonstrated that there are no sequentially preferable locations for the proposed use. The proposal would also allow a small business to relocate and secure its economic role in the borough. It is acknowledged that there is a limited degree of conflict with Local Plan Policies E3: Uses on Employment Land and E4: Protecting Existing Employment Land. However, it is concluded that the proposal complies with the development plan as a whole.

**Recommendation -  
Approve with Conditions**