2024/0316

Mr Ali Ihsan

Room 4B, First Floor, Mclintocks Building, Summer Lane, Barnsley, S70 2NZ

Change of use of current office to private hire taxi company office.

Site Description

The application relates to a plot located on the west side of Summer Lane, to the north of Townsend Roundabout and to the west of Barnsley Town Centre. The surrounding area is a mix of commercial and residential uses.

The property in question is a large 'H' shaped business centre comprising three blocks of 5, 4 and 3 storeys with multiple units accommodating various businesses and charities, including a nursery, educational support services, physiotherapy clinic and others with office-based functions.



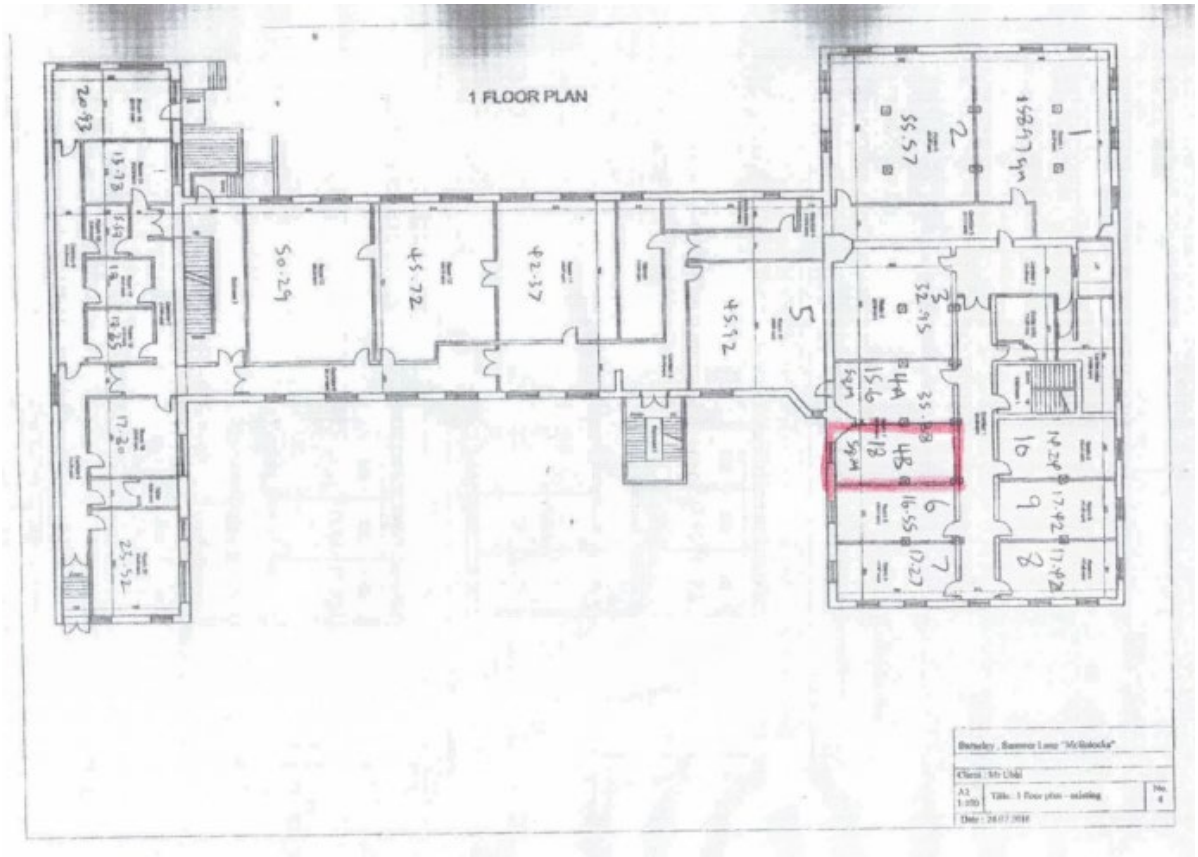
Planning History

There is an extensive planning history associated with this site. However, all applications are historic.

Proposed Development

The applicant is seeking permission for the change of use of an existing office within the McClintock's Business Centre for use as a private hire taxi company office (Sui Generis Use Class).

The office would be used as a registered address to obtain a private hire license. Bookings would be made from the premises using a phone dispatch system and there would be no vehicles parked at or customers visiting the site. There would be no external works to the building.



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 – Town Centre: District 5

The site is allocated as urban fabric in the adopted Local Plan and is in the setting of the grade II-listed registered park and garden, Locke Park, and Green Belt land. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy TC1 Town Centres.***
- ***Policy BTC18 Westgate/Churchfields.***
- ***Policy T4: New Development and Transport Safety.***

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 policies include:

- ***Section 7: Ensuring the vitality of town centres.***
- ***Section 12: Achieving well-designed and beautiful places.***

Consultations

No consultees were consulted on this application.

Representations

The application was advertised by a site notice, expiring 02nd August 2024. No representations were received.

Assessment

Principle of Development

The application site is in a town centre location where national and local policy indicates that main town centre uses will be directed in order to maintain the vitality and viability of centres. The site falls within the Westgate/Churchfields Town Centre District. As such, Local Plan Policies TC1: Town Centres and BTC18: Westgate/Churchfields are relevant which generally expect development to support and maintain the Town Centre's sub-regional role as the Borough's dominant Centre. Support will be given to retail, but other suitable town Centre uses will be supported with the primary use expected in the Westgate/Churchfields District to be offices.

Other Matters

The existing vacant office unit 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 hire of motor vehicles would normally fall within Sui Generis use class which is for uses which do not fall within any specified use classes, including those specifically identified in Article 3(6) of The Town and Country Planning (Use Classes) Order 1987.

Whilst the proposal would result in the minor material change of use of the existing office, the proposal would involve largely office-based functions with the primary function being the use of a telephone dispatch system to take bookings. There would be no vehicles parked at the site nor any visiting customers. Nonetheless, conditions will be attached to any forthcoming decision to ensure that the proposed business would operate as a telephone booking office only with no customers waiting at the premises or ordering taxis from the property, and no vehicles can wait at the premises; or collect/drop-off customers outside the property in the interests of highway safety. In addition, whilst hours of operation have not been specified, it is not considered reasonable to condition these as the largely office-based functions of the proposed business operations would likely have a negligible impact on the amenity of surrounding properties.

Recommendation -
Approve with Conditions