

# **Officers Report**

## **Planning Application No: 136221**

**PROPOSAL:** Planning application to convert existing offices into two private dwellings.

**LOCATION:** 6 Market Place Caistor Market Rasen LN7 6TN

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O Bierley and Cllr A Lawrence

**APPLICANT NAME:** Vantage Prestige Homes Ltd

**TARGET DECISION DATE:** 10/07/2017

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Grant permission

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### **Description:**

The application site comprises a 3 storey mid terrace building just off the main Market Place within Caistor conservation area. The building is currently vacant but was previously used as a solicitor's office (use class A2).

The site is surrounded by other residential properties, with no. 5a Market Place being a Grade II listed building.

The site is also within an Area of Great Landscape Value (AGLV).

The application seeks permission to change the use of the ground and first floor to 2no. one-bed flats. No external alterations are proposed.

The application is presented to committee as the applicant is Vantage Prestige Homes Ltd, which is Cllr T Regis's business.

**Relevant history:** None

### **Representations:**

Caistor Town Council: No comments or objections.

Local residents: No objections received

LCC Highways: Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

LCC Archaeology: No objections.

Caistor Civic Society: The Civic Society has no objections to this application, in fact it is supported as the proposal to convert this former Solicitor's Office into residential use will remove a disused building from Caistor Market Place.

### **Relevant Planning Policies:**

Planning law requires<sup>1</sup>, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017) and Caistor Neighbourhood Plan (March 2016).

The first strand of the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development<sup>2</sup> is to *"approve development proposals that accord with the development plan without delay"*.

### **Central Lincolnshire Local Plan (CLLP)**

The CLLP was formally adopted on 24<sup>th</sup> April 2017, and forms part of the Development Plan.

The following policies are considered to be most relevant to the application:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP5: Delivering Prosperity and Jobs

Policy LP6: Retail and Town Centres in Lincolnshire

Policy LP10: Meeting Accommodation Needs

Policy LP13: Accessibility and Transport

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

### **Caistor Neighbourhood Plan (CNP)**

The CNP was formally made on 3<sup>rd</sup> March 2016, and forms part of the development plan.

The following policies are considered to be most relevant to the application:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

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<sup>1</sup> S70(2) of the Town & Country Planning Act 1990 and s38(6) of the Planning & Compulsory Purchase Act 2004

<sup>2</sup> Paragraph 14.

### National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practise Guidance (NPPG)

<https://www.gov.uk/government/collections/planning-practice-guidance>

### **Main issues:**

- Principle
- Impact on streetscene, conservation area, AGLV and listed buildings
- Other matters

### **Assessment:**

#### Principle

The site is located in Caistor town centre, just off the Market Place. Policy LP6: Retail and Town Centres in Central Lincolnshire promotes retail and other town centre uses to Caistor town centre. As the proposal is for a non-retail use the development plan is considered to be silent in this regard. However, para. 23 of the NPPF states LPA's should "recognise that residential development can play an important role in ensuring the vitality of centres ..."

Policy LP5: Delivering Prosperity and Jobs is relevant. Loss of Employment Sites and Buildings to Non Employment Uses Conversion and redevelopment of, or change of use from, existing non- allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown that any alternative employment use at the site would continue to generate similar issues;
- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context of local market conditions and the state of the wider national economy.

Within the supporting paragraphs for policy LP5 it states it is not the intention of the policy that such proposals shall meet all of the above bullet points, but

instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.

Supporting evidence from the local estate agent Sanderson Green states the property 'was marketed locally but not on the internet. We did this with details being on display in the office and a sign in the window of the property. Unfortunately we did not generate any interest from a potential commercial tenant but did generate interest from developers.' The estate agent has also confirmed in an email dated 9/8/17 that the property was marketed from July 2016 to July 2017. It is considered that the property has been appropriately marketed without a successful conclusion for over 6 months.

Sanderson Green also provided further information regarding the current market conditions in Caistor. They state:

*'The commercial market in Caistor is very limited with a number of businesses closing in the last two years with the properties still remaining vacant, for example the butchers and the bank. In addition there is obviously the former Co op building in the market place that has been on the market for the last three years. We have shown clients around this building with the idea of renovating it into three separate commercial units and refurbishing the residential parts at the back but unfortunately the commercial aspect of the site has been the stumbling block due to the lack of demand and rents payable in Caistor not making it viable to redevelop hence the reason it is still on the market.'*

At the time of the officer's site visit there were 3 vacant units within Market Place. Therefore as there are an additional 3 vacant units within the main Market Place it is considered that by allowing the conversion of this office unit would bring a vacant unit back into use and would not have an adverse affect on the economic growth and employment opportunities in the area.

The site is located just off the main Market Place. 3A High Street is a hairdressing Salon, but the rest of the site is surrounded by residential uses. However, maintaining the building as offices would not adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions.

No information has been provided to demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes.

Therefore the development is deemed to accord with policy LP5 of the Central Lincolnshire Local Plan, policies 1 and 2 of Caistor Neighbourhood Plan and the NPPF.

#### Impact on streetscene, conservation area, AGLV and listed buildings

There are no external alterations proposed to the building, but the proposal will bring a vacant unit back into use, enabling its ongoing maintenance and

preservation. It is considered that there will be no adverse impacts on the streetscene, conservation area or the AGLV. Nor will the proposal affect the setting of any of the nearby listed buildings in accordance with policies LP17 and LP25.

#### Other Matters

There is no off road parking at the site, however it is located within the town centre of Caistor which offers a variety of services and facilities. Caistor is also served by various bus routes. Also the proposed flats are 1 bed and it is considered that due to the location and size of the flats off road parking is not required. LCC Highways have no objections to the proposal.

It is worth noting Schedule 2 Part 3 Class M allows for changes of use from A2 to dwellinghouse (subject to conditions and the prior notification procedure). However, as the site is located within a Conservation Area it is not classed as permitted development.

#### Conclusion

The proposal has been considered against the policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP17: Landscape, Townscape and Views and LP25: The Historic Environment of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework 2012 and the National Planning Practice Guidance. In light of this assessment the proposal is considered acceptable as the change of use to two flats will not harm the vitality and viability of Caistor town centre nor affect the character and appearance of the street-scene, or the living conditions of neighbouring occupiers.

#### Recommended conditions:

#### **Conditions stating the time by which the development must be commenced:**

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

#### **Conditions which apply or require matters to be agreed before the development commenced:**

None

#### **Conditions which apply or are to be observed during the course of the development:**

None

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

None

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.