

## **Planning, Design and Access Statement**

To support an outline application (with access, layout and scale committed) for the demolition of the existing public house and the erection of 3 apartment blocks with 32 apartments and associated infrastructure including a new vehicle access from Lister Way, car parking and amenity space at 36 Fydell Street and adjoining land on Lister Way, Boston, PE21 8LF

**June 2022**

**This Planning, Heritage, Design and Access Statement has been prepared on behalf the Alrahmin Trust by Simon Machen MRTPI of Barmach Ltd**

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## 1.0 Introduction

This statement supports an outline planning application for the demolition of the existing, long vacant public house and the erection of 3 apartments blocks with 32 apartments and associated infrastructure including a new vehicle access from Lister Way, car parking and amenity space at 36 Fydeall Street and adjoining land on Lister Way, Boston.

Access, scale and layout are being committed, with appearance and landscaping reserved for future consideration. The application is a resubmission following the refusal of a previous scheme (application reference B/18/0370) for the erection of 55 apartments.

This statement describes the site, its planning history, and the proposed scheme before setting out the key planning issues, assessing these against both local and national planning policy in the context of the previously refused scheme.

This statement is supported by and should be read in conjunction with the following technical report

- Transport Statement prepared by JDS Consulting Ltd
- Viability Appraisal prepared by S106 Management
- Flood Risk Assessment prepared by RM Associates
- Noise Assessment prepared by Independent Environmental Consultancy (IEC)

## 2.0 Site Description

The application site comprises the former Castle Inn public house and adjoining land adjacent to Lister Way as show in Figure 1 below.

*Figure 1 – Site location plan*



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The existing building, which is two storeys in height, is located on the northern part of the site and fronts Fydeall Street, opposite its junction with Castle Street. It is currently vacant and not in active use.

To the north of the site on the other side of Fydeall Street are a number of two storey terraced properties, which front directly onto the footpath. To the east lies an area of land which is used for storage purposes. To the west is Lister Way on the other side of which is another vacant area of land and the Boston Tyres and Auto Centre, with more residential development beyond.

To the south lies the Gas Works Footpath and beyond this an Asda superstore, access into which is from a roundabout on Lister Way. Planning permission has been granted for two commercial units on land to the southwest.

The site and the surrounds are shown in Figure 2 below.

The site is not located within a conservation area nor is it close to any listed buildings.

*Figure 2 – Site photographs*



*Existing vacant building- source Google street view*

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*Looking toward the site from Fyddell Street- source Google street view*



*Looking toward the site from the junction of Fyddell Street with Lister Way- source Google street view*



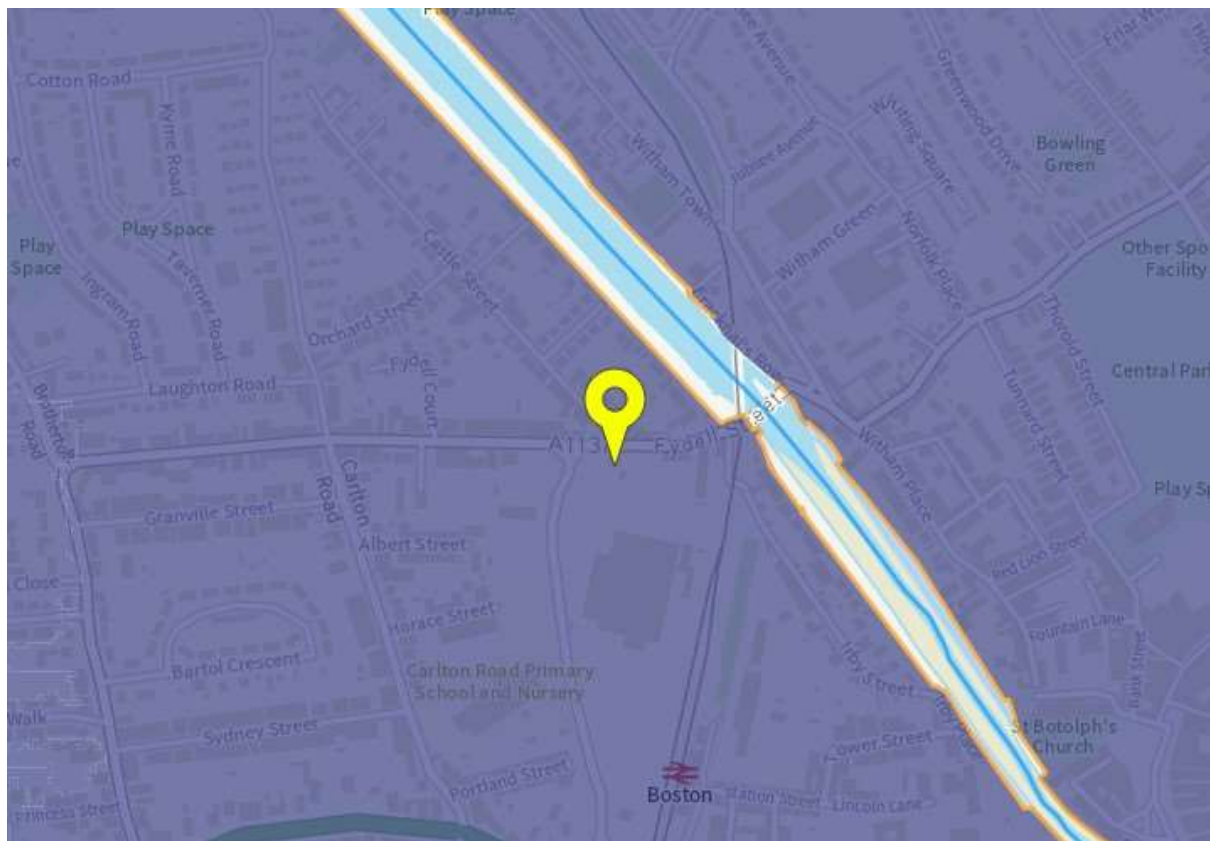
## FYDELL STREET, BOSTON



*View of the site from the south – source Google street view*

The site and the surrounding area are located in Flood Zone 3 as shown in Figure 3 below.

Figure 3- Environment Agency flood zone map extract



## 3.0 Relevant Planning History

Full planning permission was granted under application **B/16/0424** on 17 June 2018 for the conversion of the public house to 4 apartments and the erection of 5 three storey residential units.

Full planning was refused under application **B/18/0370** for the erection of 3 three storey apartment blocks consisting of 55 new flats including some amenity facilities, following demolition of the existing public house. The plans are shown in Figure 4 below.

The application was refused by Planning Committee contrary to professional officer recommendation on the following grounds:

- 1. The proposal by virtue of its lack of parking provision would provide insufficient facilities for future residents and would be likely to exacerbate existing parking pressure within the area to an unacceptable degree. It was therefore contrary to policies 2,3 and 36 of the South East Lincolnshire Local Plan.*
- 2. The proposal by virtue of its amount, scale, size and density would result in a visually intrusive and dominant forms of development having an adverse impact upon the character of the area, and the amenities of existing properties in the area (in particular those in Fydell Street) by way of overshadowing). It was therefore contrary to policies 2 and 3 of the South East Lincolnshire Local Plan.*

The application was the subject to an appeal (reference **APP/Z2505/W/19/3242853**) which was dismissed by the Inspector.

Whilst the Inspector concluded that the site was a suitable location for new development and that the proposal would help meet housing need, he agreed with the Council's concerns regarding the lack of car parking, deciding that the proposal would not amount to sustainable development.

The Inspector also considered that the proposal would result in an adverse effect upon the character of the area with the scheme amounting to over development of the site with the potential to adversely affect the living conditions of neighbouring residents.

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*Figure 4- Proposed layout plan and street scenes for the refused scheme*





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## 4.0 The Proposal

This application is a revised submission following the refusal of the previous scheme. It seeks outline planning permission for the demolition of the existing building and the erection of 32 new apartments. Approval of access, scale and layout is sought as part of this application. Appearance and landscaping are reserved for later consideration.

The scheme would comprise 21 two-bedroom apartments and 11 one-bedroom apartments located within three apartment blocks fronting Fydeall Street, Lister Way and the Gas Works Path respectively as shown in Figure 5 below.

A new vehicle access would be created from Lister Way, with the existing vehicular access on Fydeall Street being stopped up and converted to a pedestrian only access. There would also be pedestrian access from Lister Way and Gas Works Path.

39 car parking spaces would be provided, 32 for residents and 7 for visitors, along with associated amenity space and a designated bin store.

The new apartment blocks would be two to three storeys in height, with the massing stepping up incrementally as distance from Fydeall Street increases. Block A located to the north adjacent to Fydeall

## FYDELL STREET, BOSTON

Street would have 4 apartments and be 2 storeys in height. Block B fronting Lister Way would be between 2 and 2.5 storeys with 10 apartments. Block C at the south fronting the Gas Works Path would be 3 storeys and have 18 apartments.

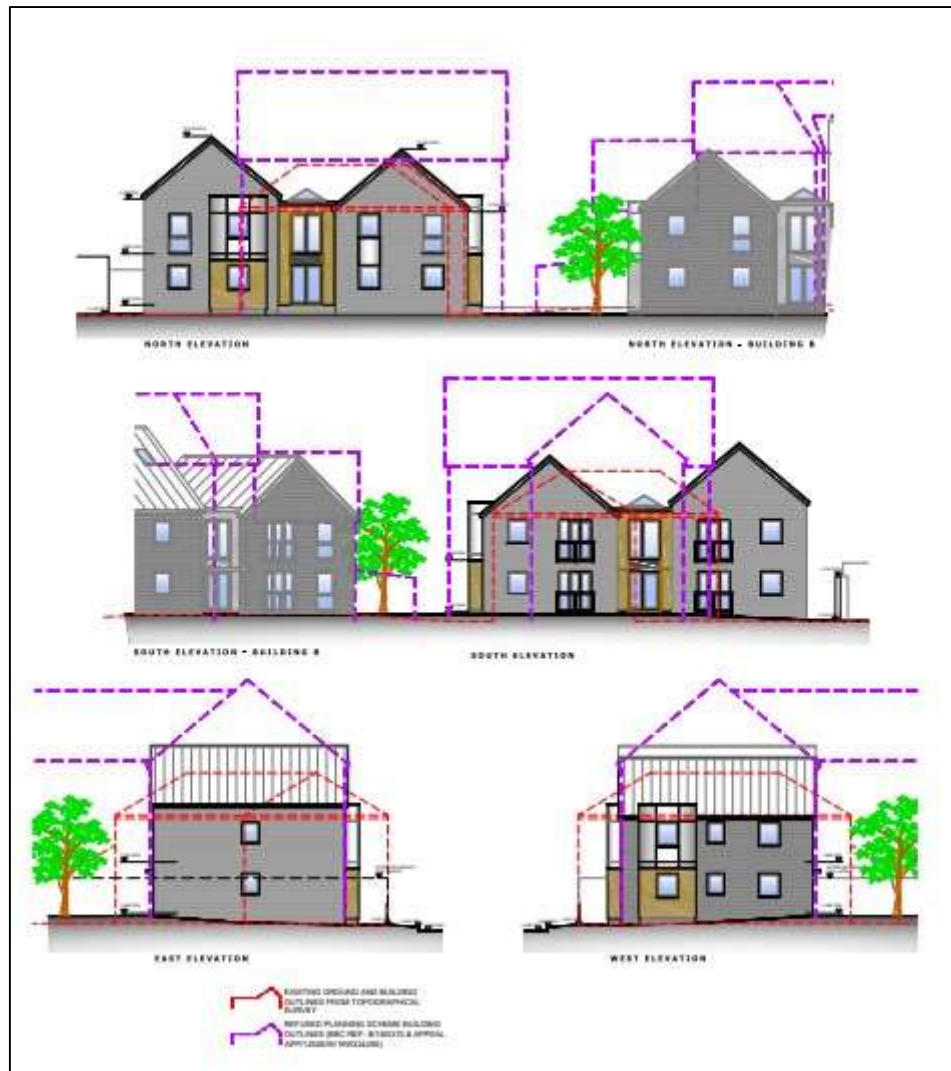
The drawings shown under figure 6 provide a comparison in terms of scale between the existing public house, the refused scheme and the current proposal.

*Figure 5-Proposed site layout plan*



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*Figure 6- Proposed elevations (scale only)*



*The existing public house is shown in red, the refused scheme in purple*



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## 5.0 Planning policy and key planning issues

As a resubmission the key planning consideration is whether this revised proposal addresses the reasons for refusal. The amended scheme is also assessed against the other key considerations, as previously identified by the planning case officer, namely: -

- Principle of development
- Transport, access and parking
- Design and layout including residential amenity
- Flood risk

### Planning Policy Context

National planning policy is established primarily through the **National Planning Policy Framework (NPPF)**. This sets out Government's clear presumption in favour of sustainable development.

Local Plan policy is set out in the **South East Lincolnshire Local Plan 2011-2026 (adopted March 2019)**. The plan was prepared jointly by Boston Borough Council, South Holland District Council and Lincolnshire County Council. The application site lies within the administrative area of Boston Borough Council.

Minerals and Waste policy is determined by Lincolnshire County Council and set out in the **Minerals and Waste Core Strategy and Development Management Policies Plan** adopted in June 2016. Alongside policies for assessing the suitability of new minerals and waste development the plan also designates mineral safeguarding areas to protect future mineral use.

Boston does not fall within any safeguarding areas.

### The principle of development

The development raises the following matters relating to the principle of development which are considered in turn:

- principle of residential development
- loss of a public house

### Residential development

**NPPF Paragraph 69** sets out that small and medium sites can make an important contribution to meeting housing requirements in an area. It also supports the development of windfall sites through local plan policies and decisions whilst **Paragraph 119** requires that decisions should promote an effective use of land in meeting the need for homes.

**Policy 1 Spatial Strategy** sets out the overall spatial strategy for the Local Plan area and seeks to direct new development to the sub regional centres of Spalding and Boston in the first instance. **Policy 10: Meeting Assessed Housing Requirements** sets out that provision will be made for a net increase of at least 19,425 dwellings in South East Lincolnshire. This equates to a requirement for 7,744 new dwellings within Boston Borough or 310 per annum. **Policy 11: Distribution of New Housing** reinforces the spatial strategy setting out that provision will be made (through site allocations) for 6111 new dwellings within Boston.



Whilst the application site is not allocated within the Local Plan, policy clearly seeks to direct new housing development to Boston as one of the sub regional centres within the plan area. It also sets out a requirement for 310 new homes per annum.

As a small-scale site its redevelopment will clearly help meet local housing, as recognised within the NPPF. When considering the previous scheme, the Inspector had no objection to the principle of residential development recognising that it would add to local housing stock and increase the choice of new homes in the area, whether or not a suitable supply of housing land could be demonstrated.

The principle of residential development is therefore considered to be acceptable in the context of the NPPF and Local Plan Policies 1, 10 and 11.

### Loss of a public house

The application will result in the loss of the existing public house, the New Castle Inn. It has been vacant since 2013 and was marketed for a number of years without success. It was finally de-licensed in 2017.

The principle of redevelopment has been established via the granting of the 2018 permission and no concerns in relation to this were raised either by the Council in its reasons for refusal of the subsequent scheme for 55 unit or by the Inspector when considering the appeal. It is not therefore considered that this principle could be revisited as part of this application.

Furthermore, it is well reported that the current Covid-19 pandemic has hit the hospitality industry particularly hard resulting in the closure of a number of public houses.

### Affordable housing provision

**Policy 18: Affordable Housing** sets out the affordable housing requirements for South East Lincolnshire. In Boston there is a requirement for some 263 new affordable dwellings per annum, equating to about 80% of the overall annual housing need. The affordable housing need will be sought on market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sqm or more with a requirement. In Boston there will be a requirement for 20% of new dwellings to be affordable. It goes on to set out that the proportion of affordable housing which can be provided on market housing sites may vary according to site specific considerations such as viability, other infrastructure requirements and the type of affordable housing need to be met.

The application proposes 32 new flats and is therefore over the affordable housing threshold set out in Policy 18. The application is accompanied by a viability appraisal prepared by **S106 Management**. This concludes that the scheme cannot afford to provide any affordable housing contributions.

### Design and layout including residential amenity

**Paragraph 130 of the NPPF** sets out that development should be visually attractive incorporating good architecture and layout, including appropriate and effective use of landscaping that is sympathetic to local character and history. **Paragraph 185** seeks to ensure that development is appropriate for its location and that health and living conditions are protected where necessary by mitigation.

**Policy 2: Development Management** is an overarching policy which sets out the development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density, impact upon amenity, trees, character and appearance of the area, relationship to existing development and lands uses, quality of design, use of sustainable resources,

access and vehicle generational levels, capacity of existing services and infrastructure, sustainable drainage and flood risk, impact upon the natural and historic environment and loss of sand and gravel resources.

**Policy 3 Design of New Development** seeks to ensure that new development creates distinctive places through the use of high quality and inclusive designs/layouts and appropriate building materials, maximising opportunities to improve the character and quality of an area. It then sets out a number of specific considerations.

**Policy 17: Providing a Mix of Housing** sets out that new housing should seek to meet the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities. Family homes of two or three bedrooms are in highest demand for both the market and affordable housing sectors and one-bedroom homes are also required to meet affordable needs.

**Policy 31: Climate Change and Renewable and Low Carbon Energy** sets out that all development proposals will be required to demonstrate that the consequences of current climate change have been addressed, minimised and mitigated.

In considering the previous proposal for 55 units the Inspector agreed with the Council that the development would have an adverse impact upon the character and appearance of the area as the blocks at 11-12 metres high would have been significantly higher than the surrounding buildings and also of a higher density (around 141 dwelling per hectare, compared to 100 on nearby residential streets). Whilst the Inspector had no concerns with the design concept per se he did conclude that the proposal would result in an over dominant, overbearing and visually oppressive scheme with little opportunity for landscaping albeit he did acknowledge that the previously approved scheme has established that some three storey is acceptable on the site.

As set out this application proposes 32 new units, a reduction of 23 units from the previous scheme thereby considerably reducing the overall density of development.

Figure 7 below shows an overlay of the current layout with the previous. As can be seen, block A fronting Fydeall Street has been reduced substantially, retaining just frontage development. This results in the eastern part of the site being left open, thereby also addressing concerns about the outlook in this direction. Blocks B and C continue to address Lister Way and the Gas Works Path respectively but both blocks have been reduced in length thereby breaking up the overall building footprint.

As well as reducing the footprint of the blocks, and as demonstrated by the plans in Figure 6, the revised scheme substantially reduces the overall height of each block, and they are no longer significantly taller than the surrounding buildings, including the existing public house on the site.

Concerns were raised by the Council in its reason for refusal regarding the potential for overshadowing of the houses on the north site of Fydeall Street. The Inspector considered this matter on the basis of the evidence presented and was ultimately unable to conclude the scheme would comply with policies 2 and 3 in this regard. The amended scheme relocates block A further to the east better aligning it with the junction of Castle Street to the north whilst block B has been reduced in length and realigned thereby also reducing the massing to Fydeall Street.

It is considered that these design alterations, in conjunction with the overall reduction in height of the blocks, result in this amended scheme fully addressing the concerns about potential overbearing impact.

Appearance is reserved in this application, but it is noted that the Inspector raised no concerns in this regard.

The application proposes a mix of 1 and 2 bedroomed units. No concerns were raised in respect of the previous scheme regarding housing mix.

Policy 31 seeks to encourage renewable and low energy demand. No concerns in this respect were raised in relation to the previous scheme and so this should not be an issue in relation to this revised application. This matter can in any event be subject to planning condition.

In summary, it is considered that this revised scheme fully addresses the concerns which the Inspector raised in relation to the impact upon the character and appearance of the area whilst continuing to make efficient use of the land.

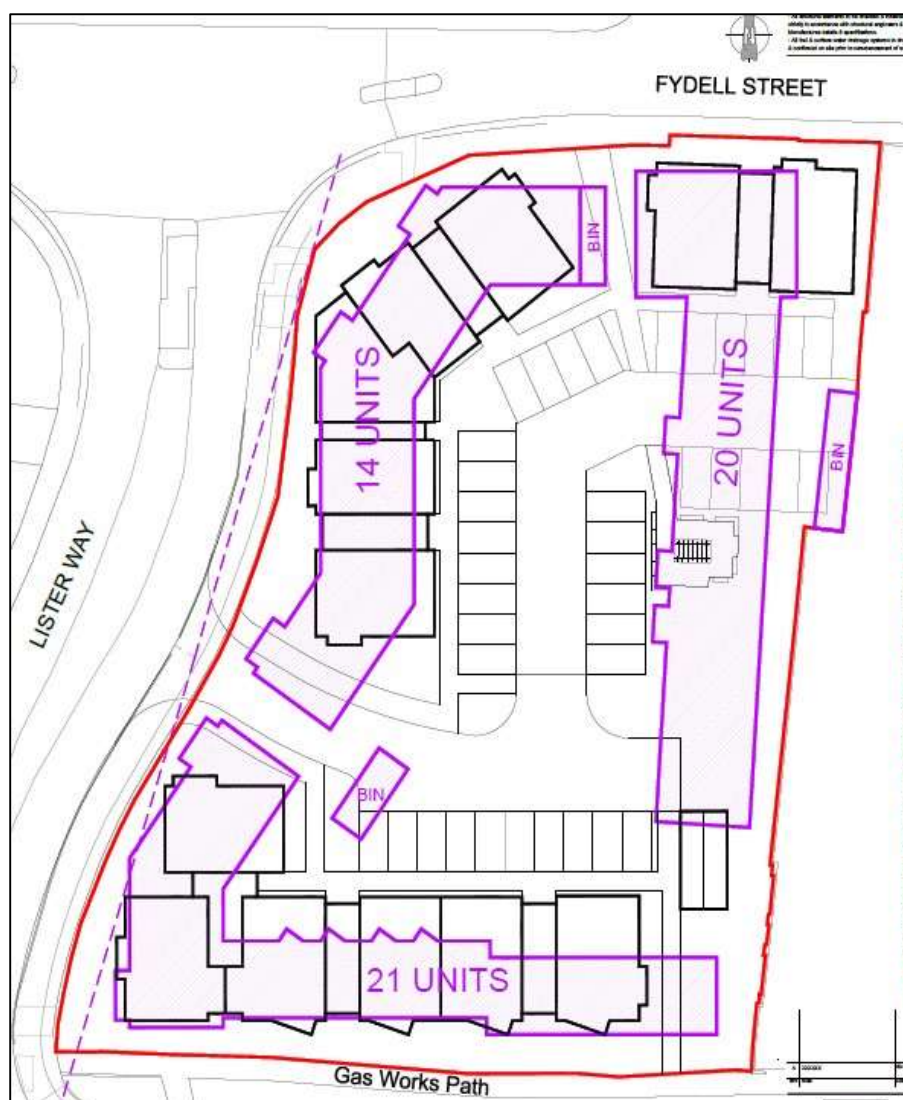
Officer assessment of the previous application gave consideration to the relation of the development to the neighbouring Asda delivery yard. A new **Noise Assessment** has been undertaken in respect of this amended scheme by IEC. This makes recommendations in respect of glazing specifications and ventilation of rooms to ensure an acceptable level of amenity for the future occupiers. This mitigation can reasonably be secured by condition.

The submitted plans show a contemporary design with a range of materials and illustratively how the proposed blocks could be finished. There is also sufficient room within the development to accommodate new landscaping.

This revised proposal is therefore considered to comply with the provisions of the NPPF and Local Plan Policies 2,3, 17 and 31.

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*Figure 7- Site overlay- previous and current schemes*



## **Flood risk**

**Paragraph 159** of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in an area it should be made safe for its lifetime without increasing flood risk elsewhere.

**Paragraph 167** sets out the requirements for the sequential and exceptions test.

**Policy 4 Approach to Flood Risk** sets out that development proposals within an area at risk of flooding (flood zones 2 and 3 or at risk at risk during a breach or overtopping scenario as shown on the flood hazard and depth maps in the Strategic Flood Risk Assessment) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (ie the sequential test is passed). This is not required for changes of use (except for a caravan, camping or chalet site or to a mobile homes or park home site) and the application is supported by a Site-Specific Flood Risk Assessment which should assess the risks to the site, demonstrate flood risk elsewhere will not be

increased and set out any necessary mitigation measures. The policy goes on to state that change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported.

As shown in Figure 3 above the application site is located within Flood Zone 3. A large part of Boston Borough lies within flood zones 2 and 3. As such the **South East Lincolnshire Strategic Flood Risk Assessment** (2017) provides further detailed analysis of the flood risk across the region in respect of both fluvial and tidal impacts.

In considering the previous application the planning case officer was of the view that whilst the application site failed the Sequential Test as other allocated sites at lower risk of flooding were available, this would be the situation for any non-allocated site coming forward in the town. He went on to conclude that the benefits of the scheme outweighed the potential flood risk, and the application was not refused on this basis. Further, no objection was raised by the Environment Agency subject to a condition requiring that the finished floor level be 0.5m above the existing ground level.

This revised application is supported by a **Flood Risk Assessment** prepared by RM Consulting.

There has been no change in planning policy or approach since the previous scheme was assessed and as such there is no basis upon which to reach a different conclusion in relation to this revised application. Further, no concerns in this regard have been raised as part of the pre-application process.

The Flood Risk Assessment concludes that the sequential test is passed given the location of the site within the settlement boundary for Boston, a Sub-Regional Centre as set out in the Policy 1 Spatial Strategy of the Local Plan which states that within the settlement boundaries of Boston and Spalding development will be permitted that supports their roles as Sub Regional Centres. The FRA also concludes that the Exceptions Test is passed given the benefits arising from the scheme. This is in line with previous officer assessment.

The FRA assesses the flood risk to the site in detail, outlining the reliance measures which will be put in place. In summary it concludes that the site is protected by adequate tidal/fluvial flood defences which are maintained by the Environment Agency. Flooding from other sources is unlikely to affect the site and therefore the risk is considered to be low. There are no significant increased offsite flooding risks as a result of the development.

The development is therefore considered to be acceptable and in accordance with the provisions the NPPF and Policy 4.

### **Access and parking**

**Paragraph 111** of the NPPF identifies transport related criteria which should be considered in deciding planning applications including the promotion of sustainable transport, safe and suitable access. **Paragraph 112** sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

**Policy 2: Development Management** sets out that the impact of development on access and traffic generation. **Policy 31: Climate Change and Renewable and Low Carbon Energy** seeks to reduce the need to travel through locational decisions and, where appropriate, providing a mix of uses.



**Policy 36: Vehicle and Cycle Parking** sets out that new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities unless a high quality-design can demonstrate that a lower standard of provision would be acceptable.

This application is supported by a **Transport Statement** prepared by JDS Consulting. Pre-application engagement has also been undertaken with Lincolnshire County Council as the Local Highway Authority.

This application proposes a new vehicular site access from Lister Road. It is proposed that the use of the existing access will cease. The new access is fully dimensioned with appropriate visibility splays (2.4m by 43m). No concerns regarding the location of the proposed new access have been raised by the County Council.

The previous proposal was refused and the appeal dismissed on the grounds of a lack of car parking and the potential for this to have an adverse impact upon the surrounding roads as residents were still likely to own cars.

This application proposes 39 car parking spaces which equates to one space per flat and 7 spaces for visitors.

The application site is clearly in a sustainable location with good levels of connectivity. As set out in the Transport Statement, there are four bus stops with regular services 2-3 minutes' walk from the site. There are good pedestrian and cycle connections to the town centre which is only a 10-minute walk away and the train station is located 5 minutes away to the south.

In light of this, it is considered that the parking provision proposed by this revised scheme is sufficient to address the previously stated reason for refusal particularly given the lack of concern about car parking provision from the professional planning officer and Local Highway Authority and in view of the level of parking provision approved as part of the 2018 approval. Under this scheme only 3 spaces were available for 9 three bedroomed dwellings.

1 cycle parking space per apartment is proposed in accordance with the Local Plan standard.

As such this amended scheme is considered to comply with Policies 2, 11 and 36 adopted Local Plan and the provisions of the NPPF.

## 6.0 Conclusion

Boston is one of the sub regional centres in the area and therefore a suitable place for new residential development. The proposal will help meet housing need and create additional choice of accommodation. Whilst not allocated, both the National Planning Policy Framework and the Local Plan recognise the importance of windfall sites in meeting housing need. The Viability Appraisal demonstrates that the scheme cannot provide onsite affordable housing provision.

The previous application for 55 units was refused on the grounds of lack of car parking and upon its impact upon the character and appearance of the area as a result of the overall size and massing of the proposed flat blocks.

This amended scheme proposes 32 flats. The overall amount of development has been significantly reduced. This has allowed the flat blocks to be significantly reduced in size and relocated. Further, the overall height and massing of the buildings has also been reduced. It is considered that these amendments fully address the previous concerns in this regard whilst still making efficient use of the land. It is also considered that an acceptable level of amenity would be provided to the new occupiers.

The previous application was also refused on the ground of lack of car parking. This proposal creates a new vehicle access with sufficient car parking provision for the new units along with spaces for visitors. It is therefore considered that this reason for refusal has also been fully addressed.

Whilst the site lies within Flood Zone 3, as does all of the surrounding area, no concerns in respect of flood risk were raised in relation to the previous application and it is considered that the benefits of the scheme outweigh the flood risk.

In accordance with the NPPF, outline planning permission should be granted for this proposal as there are no adverse impacts which would outweigh the benefits of the scheme.

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