

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0160-25 **Applicant:** Moulton Parish Council
Proposal: Installation of play equipment in picnic area & extension of public footpath
Location: Moulton Park High Road Moulton
Terminal Date: 8th August 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a Full Planning Application that seeks permission for the installation of play equipment in a picnic area within Moulton Park, alongside the formation of an extended public footpath to the south westernmost access to the wider site of Moulton Park.

The proposed play equipment comprises a 'non-standard Sherwood Slide' apparatus, a 'Timber (Double Bay) Team Swing' with associated equipment and a 'Timber Combo 11' trail, which is to be sited on new 'GrassLok' - consisting of children's play equipment as illustrated within the submitted supporting information.

The proposed footpath alterations, consists of the formation of an extended public footpath along Bell Lane, into the land occupied by Moulton Park. This proposal, as illustrated on drawing no. SW25-263-100, would form an additional footpath that extends beyond the northernmost footpath that currently terminates prior to the commencement of Moulton Park, to the frontage of no. 19 Bell Lane, and would extend easternly into Moulton Park, to provide pedestrian access through a newly installed personnel five bar gate.

Site Description

The application site comprises existing park land, or part thereof, that is, inclusive with the land subject to planning approval under reference H13-0954-23 and H13-1066-23, known as Moulton Park.

Moulton Park lies to the south of High Road, to the east of Bell Lane, north of Harrox Road and to the west of rear gardens that front onto Church Lane, within the settlement of Moulton.

Moulton is a Minor Service Centre as defined by Policy 1 of the South East Lincolnshire Local Plan (2019) and the application site, Moulton Park, lies outside of the settlement boundaries as outlined within Inset Map 19.

The application site specific to this application, forms a modest parcel of this wider park land, and lies adjacent to Burnstone Gardens. The site subject to this application also includes the immediate access point, located to the south westernmost point of the park land.

The site lies within Moulton Conservation Area and lies within relatively close proximity to a number of listed buildings (Grade I and Grade II). The site, Moulton Park, is a Local Wildlife Site and also comprises a number of trees that are subject to Tree Preservation Orders.

At the time of the initial site visit by officers, the application site did not appear to be functioning as a recreational park; and it was not evident that the previous permissions on site, as detailed below, had been implemented.

History

H13-0954-23 - Full - Change of use of area of park land to public open space/recreational ground - Approved on 11th January 2024

H13-1066-23 - Full - Change of use from agricultural parkland to parkland for recreational use by

the community - Approved on 15th April 2024

H13-0174-24 - Discharge of Conditions - Details of proposed boundary treatments, access gate, external lighting, bat/bird boxes and Biodiversity Management Plan (Conditions 3, 4, 5, 8 and 10 of H13-0954-23) - Approved on 29 April 2024

H13-0691-24 - Discharge of Conditions -Details of boundary treatments, parking areas, proposed hours of opening & closing & securing access gates/arrangements during periods of closure, location of bat & bird boxes (Conditions 3, 4, 6 & 8 of H13-1066-23) - Approved on 23 October 2024

It is noted that more historical planning applications have been proposed on site; however, these do not have a material impact on this application.

Consultation Responses

This application has been advertised in the local press and a site notice was displayed immediately adjacent the site. In addition, internal and external consultees have been consulted by individual letter or email. As a result, the following responses have been received:

Lincolnshire Police

Lincolnshire police do not have any objections to this application.

I would recommend that play areas are enclosed within metal 'rolled top' fencing (approx. 4ft in height) with at least two sprung loaded gated entrances. This will provide security and safety, reduce the likelihood of 'dog fouling' and reduce the risk of younger children escaping'.

Natural England

No Objection: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Environmental Protection

No comments regarding land contamination.

Conservation Assistant (Tree Preservation)

The installation of wooden gate posts (depending on what they are preserved with) are likely to cause less disturbance to any tree roots which may be nearby, than the stone piers as illustrated.

Lincolnshire County Council Highway/SUDs - Initial Comments

Recommendation: Approve with conditions.

Highway Condition 20: The development hereby permitted shall not be occupied before a footway with uncontrolled pedestrian crossing points with tactile paving, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Lincolnshire County Council Highway/SUDs - Discussions

Following the initial comments gained by the Local Highway Authority, the applicant requested that the application be extended, to allow for the submission of details sought by condition through the Local Highway Authority's comments.

In light of this, additional information was received by the local Planning Authority on 01st July 2025. This comprised an 'Existing and Proposed Footpath Arrangement' and 'Proposed Footpath Sections & Details'.

Following receipt, the Local Planning Authority re-consulted the Local Highway Authority for comments, with particular attention to the additional information provided.

No formal comment have been obtained from the Local Highway Authority to date; however, informal correspondence has detailed that the Local Highway Authority are "aware that an on-site meeting was held with our highway officer who deals with S278 Minor Works and Shields Wilson to discuss the proposed footway works".

It was stated that details "were to provide our officers, with those details that have been submitted with this application, for our approval, and for them to enter in the S278 Agreement". This was described as "standard process that Lincolnshire County Council undertake and therefore, I am unable to approve these details at this stage and request that the conditions remain to grant consent for this application".

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flood Risk Considerations
- Historic Environment
- Biodiversity and Protected Species

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering

sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site in this instance lies within a postal area of Moulton, a settlement that is identified as a Minor Service Centre within Policy 1 of the South East Lincolnshire Local Plan. Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

However, in this instance the site itself lies outside of the main built-up area and lies beyond the clearly identified settlement boundary for this settlement, as identified within Policy 1 and Inset Map 19. Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". The site is located outside the Moulton Settlement Limits, as defined within the South East Lincolnshire Local Plan. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Development within the countryside is limited to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

The proposal in this instance comprises the installation of play equipment within the established land of Moulton Park; a site which itself has recently obtained planning permission to be utilised as publicly open recreational parkland for the community, from its previous use as solely agricultural parkland.

Beyond the installation of specified play equipment, flooring to serve the said equipment and the footpath expansion (which in part, was subject to the aforementioned permission), the proposal does not seek permission to erect additional built form or structures.

Section 8 of the National Planning Policy Framework (December 2024), relating to 'Promoting healthy and safe communities', details that planning decisions should "aim to achieve healthy, inclusive and safe places which" amongst other matters "promote social interaction". Paragraph 103 of the National Planning Policy Framework goes on to state that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities".

Furthermore, Policy 32 of the South East Lincolnshire Local Plan, which relates to 'Community, Health, and Well-being', expresses that "Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being". This policy goes on to detail that:

"The redevelopment or change of use of an existing community facility will be permitted only if:

1. an assessment has been undertaken which has clearly shown that the facility is:

a. surplus to requirements; or

b. not economically viable; or

c. unfit for purpose; and

d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or

2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or

3. (in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss".

The proposal hereby proposed would not result in the loss of existing facilities or provision of Open/Recreational Space. The proposal would include the provision of dedicated play equipment, to be utilised within a recently permitted recreational parkland.

As such, the proposal would, fundamentally, provide additional play and purposeful recreational provision, within a lawful recreational space, for the settlement and community that it serves. The formation of an extended footpath, as also proposed, would provide a more active and easily accessible route within the wider site, for the community that it serves.

In light of this, Policy 32 continues by detailing that:

"The development of new community facilities will be supported, provided that they are located so as to be:

1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities".

Whilst the site, prior to the previous permission on site, comprised a park land that was unused by the public, the aforementioned permission allows for its wider use by the public, creating a recreational space. Providing availability for dedicated play equipment within this space, which is within close proximity to the settlement boundary of Moulton, is considered to be acceptable, promotes social inclusion and supports social sustainability.

Assessing the points of 1-4 listed above, the following can be viewed:

1. While the site lies outside of the defined settlement boundaries, the application site lies immediately adjoining this boundary and lies adjacent to existing residential properties; being within close proximity to the community it would seek to serve. The proposal also seeks to provide an enhancement to the pedestrian access to the site, via the extension of an existing footpath into the wider site.
2. The site, whilst not comprising a footpath immediately along Bell Lane to the side of the application site, would be accessible by foot from within the community itself, with a footpath existing to the western side of Bell Lane. Furthermore, a bus stop is located within close proximity to the site entrance, to the north. The site is considered to be easily and comfortably accessible. This matter would be better addressed given the extended footpath that would be formed through this proposal.
3. The existing site, following the recent grant of permission on site, comprises a publicly accessible park land for recreational purposes. The site is also of importance, both historically and as a Local Wildlife site. The installation of play equipment within this parcel of land, serving the wider parkland, would not give rise to a conflict of uses and would provide a publicly beneficial use.
4. The site itself seeks to function as a recreational space, through the previous grants of planning permission. The proposal, through seeking the installation of play equipment, does not seek any further features or built form that would not otherwise be easily reversible, within the site. Therefore, given the nature of the proposed use, the proposal is not considered unacceptable as a result in this regard.

Returning to Policy 1, the proposal provides additional provision for play, through introducing play equipment within the recreational land. This provision would provide an enhanced sense of use, introducing equipment that could be better utilised by the local community. The proposal would, in this regard, provide a social benefit for the area.

In any event, notwithstanding the requirements of Policy 1 of the South East Lincolnshire Local Plan, the development proposed is considered to be acceptable for the nature of area and site in which it would lie, when viewed in principle, and the proposal would be in accordance with Policy 32 of the South East Lincolnshire Local Plan. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway

safety, impact upon the historic environment and impact upon biodiversity, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

In addition to this, when viewing the site in its wider context, it lies within the designated Moulton Conservation Area and lies within relatively close proximity, given the extent of the site area, to a number of listed buildings. These nearby listed buildings are identified within the submitted supporting statement as comprising:

- Church of All Saints (Grade I);
- The Old Vicarage, Church Lane (Grade II);
- The Goddards, Church Lane (Grade II);
- 2 Bell Lane (Grade II); and
- Manor House, Bell Lane (Grade II).

In light of this, comments obtained from South Holland's Conservation Officer during previous proposals on this site, has detailed that "Moulton Park is an exceptionally important piece of historic parkland, originally associated with Park House to the North and included in the Lincolnshire HER, under entry no. MLI92280. As such, and as the entirety of the park is situated within a conservation area, it is of paramount importance that the open character of the parkland is retained and preserved".

Policy 29 (The Historic Environment) of the South East Lincolnshire Local Plan states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including

archaeology, historic buildings, Conservation Areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

This goes on to detail that "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting". With proposals needing to retain street patterns buildings, historic building lines and architectural features that contribute to the area; retain and reinforce local distinctiveness; assess and mitigate against any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; and should aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against. Further, "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building".

In respect of any buildings or other land in a Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 214, relating to substantial harm, details that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss".

Paragraph 215 of the National Planning Policy Framework (December 2024) in respect of less than substantial harm identifies that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The proposed play equipment is of a modest scale, located within a fairly centralised area along Bell Lane. The equipment is typical of a park play area, comprising different children's play equipment spread amongst a modest area. The proposed play equipment would not give rise to an unacceptable impact upon the character of the area, nor would the proposal cause harm to nearby heritage assets.

The proposed footpath extension would provide a continued footpath provision along the main highway, providing direct access into the wider Moulton Park site. The extended footpath would have a visual appearance that is of a standard nature, and would be in keeping with that of the surrounding footpaths.

The proposed footpath extension would not give rise to an unacceptable impact upon the character of the area, nor would the proposal cause harm to nearby heritage assets.

Taking account of the nature of the development, coupled with the scale and extent of physical built development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and the proposal is not considered to cause harm, neither substantial or less than substantial harm, to the Conservation Area or nearby listed buildings. As such, the proposal would therefore be in accordance with

Policies 2, 3 and 29 of the South East Lincolnshire Local Plan and Section 12 and 16 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application site, in the context of the area designated for the installation of play equipment, forms a modest parcel of this wider park land, and lies adjacent to Burnstone Gardens. The site subject to this application also includes the immediate access point, located to the south westernmost point of the park land.

As a result, the site is neighboured and lies adjacent to, residential properties that reside along Bell Lane and Burnstone Gardens, with further properties residing within close proximity of the wider parkland.

These properties that lie along Bell Lane and Burnstone Gardens vary in design and scale, and lie to the western side of the Highway and beyond, and as such, are afforded an adequate degree of separation from the site. Therefore, as a result of their siting, the proposed development is not considered to result in an unacceptable or adverse impact upon the residential amenities of these properties occupiers.

Overall, whilst the installation of the play equipment and increased footpath provision is most probably likely to bring forward an increase in the use of the site, when considering the nature of use as currently permitted, coupled with the minimal extent of development hereby proposed, the proposal is not considered to cause an unacceptable adverse impact upon the residential amenities of nearby occupiers.

As mentioned, the proposal, given that it would provide increased provision within a permitted community and public parkland, would result in a marked increase in use of the site, along with increased movements to and from the site. This being said, the resultant development would provide a dedicated play area for an existing recreational space, for the benefit of the local community, with minimal physical alterations. The separation distances between the site subject to this application and the adjacent residential dwellings in some instances, coupled with the overall scale and extent of development that is proposed, is such that it is not considered that the proposed development would result in an unacceptable adverse impact to the residential amenities of these neighbouring occupiers.

The development would not result in an unacceptable loss of privacy, overlooking or comprise development that would be dominant or oppressive in nature. As such, it is considered that the proposed development is acceptable in this regard.

The use of the site for children or end-users, is likely to generate some increased noise; however, the extent arising from the development hereby proposed is considered to be modest. Environmental protection have been consulted as part of the proposal, and have raised no objections. It is considered that, given the extent and overall use of the site, the proposal would not give rise to an unacceptable increase in noise nuisance.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal does not seek to provide or alter any vehicular access arrangements to or from the site. The grant of permission under application H13-1066-23, sought to create a new car parking area to serve the site. Within this aforementioned application, it was noted that the proposal related to a much increased extent of land, comprising the entirety of Moulton Park, and it was therefore identified that this had the potential for its use and extent of usage to be reasonably increased.

Within this previous application, the applicant submitted a statement relating to the transport to and from the site following a request for additional information from Lincolnshire County Council. Following receipt of this, Lincolnshire County Council, as Local Highway Authority, stated that they "have reviewed the additional information submitted and find, the Transport Statement and Supporting Photographs have not provided a reasonable and justifiable response to the comments the Highway Authority have requested and therefore, this application is currently unacceptable in highway and transport terms".

The comments raised by Lincolnshire County Council within the previous proposal were noted. In this regard, the local Planning Authority detailed that "it is also reasonable to assume that, even should it only be on a less frequent occasion, the site could be utilised by residents of the wider community, outside of Moulton, with there being no realistic opportunity being put before the Planning Authority that would prevent this suitably. As such, this has been taken into consideration".

However, the Local Planning Authority concluded that "Notwithstanding this, nor the comments raised which specifically raise concerns with regard to *'sufficient assurance to both the Local Planning Authority and the Highway Authority that there is to be sufficient on-site parking so that the safety and free passage of other road users and neighbouring businesses are not compromised'*, along with visibility splays and safe provision of pedestrian crossing of Bell Lane, it is considered that the site is to provide parking and the majority of users would be local to Moulton given the minimal works being proposed. As such, this is a matter that the committee can consider, in line with the conditions as recommended within this report, that can be included", given that the previous proposal was determined via Planning Committee.

It was concluded that the site could be 'suitably controlled by conditions', which required the submission of details should further development be required or planned, including play equipment/areas of play, or additional works that are considered to be 'development'.

In this regard, the aforementioned permission requires the submission of details to the Local Planning Authority at three specific intervals; these being, 5yrs, 10yrs and 15yrs. These were attached to ensure that the extent of use, and the potential increase in use going forward, is further assessed, with the need for clear detail to be provided in respect of its extent of use, provision of parking and the current access arrangements. Within this process, should any of these matters appear unsatisfactory in the opinion of the Local Planning Authority, further mitigation or provision would be required to be submitted, approved by the Local Planning Authority and developed.

It is noted that the proposal hereby submitted largely comprises the installation of play equipment, forming development that was specifically addressed within the officers assessment for the need of this aforementioned condition. It is therefore known that further details, within the three intervals

identified, are required in line with this previous permission.

The installation of the play equipment, in light of this, is not considered to give rise to increased harm, or unacceptable impact upon the highway.

The proposal also seeks to extend an existing footpath, consisting of the formation of an extended public footpath along Bell Lane, into the land occupied by Moulton Park. As illustrated on drawing no. SW25-263-100, this would form an additional footpath that extends beyond the northernmost footpath that currently terminates prior to the commencement of Moulton Park, to the frontage of no. 19 Bell Lane, and would extend easternly into Moulton Park, to provide pedestrian access through a newly installed personnel five bar gate.

The Local Highway Authority, through consultation, requested a condition to seek further details, of this footpath arrangement, which would be required 'pre-commencement'. Following the initial comments gained by the Local Highway Authority, the applicant requested that the application be extended, to allow for the submission of details sought by condition through the Local Highway Authority's comments.

Additional information was received in this regard on 01st July 2025. This comprised an 'Existing and Proposed Footpath Arrangement' and 'Proposed Footpath Sections & Details'. Following receipt, the Local Planning Authority re-consulted the Local Highway Authority for comments, with particular attention to the additional information provided.

No formal comments have been obtained from the Local Highway Authority to date; however, informal correspondence has detailed that the Local Highway Authority are "aware that an on-site meeting was held with our highway officer who deals with S278 Minor Works and Shields Wilson to discuss the proposed footway works".

It was stated that details "were to provide our officers, with those details that have been submitted with this application, for our approval, and for them to enter in the S278 Agreement". This was described as "standard process that Lincolnshire County Council undertake and therefore, I am unable to approve these details at this stage and request that the conditions remain to grant consent for this application".

It is noted that a S278 Agreement would be required between the applicant and the Local Highway Authority; however, this regime sits outside of the planning application process to which this proposal relates. The proposed formation of the extended footpath is considered to be acceptable, in respect of the Local Planning Authority, providing an enhanced pedestrian access route into the wider site. As such, this aspect of the proposal is also considered to be acceptable, in the opinion of the Local Planning Authority.

The above matter, specific to the need to obtain a S278 Agreement with Lincolnshire County Council was addressed and discussed with the applicants. In this case, it was advised that should the Local Highway Authority seek amendments, which differ to those approved within this application, a Section 73 application to vary this permission would be required. This was acknowledged; however, it was confirmed that the applicant wished for the application to be determined in its current form.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The proposal in this instance seeks to provide play equipment within a previously permitted recreational park land. The installation of such equipment is best placed within existing parkland, which lies within close proximity to the main community and settlement that it would serve. It is considered that the proposal is acceptable in this regard.

The proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Biodiversity Net Gain & Ecology

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements, as set out within the submitted exemption statement.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including

establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The application site comprises a Local Wildlife Site and is therefore of local importance. During previous applications on site, appraisals have been undertaken. These highlighted "the presence of some protected species within the wider or surrounding area, whilst also providing detail in respect of the potential for protected species to be encountered within the application site, along with the potential habitat value of the site for different species". These reports concluded that "the submitted appraisal appropriately identifies the potential and value of the application site, whilst offering recommendations and mitigation for the development. Amongst these, whilst not limited to this, is the recommendation that further surveys or mitigation measures would be required should the wider site be further developed or should the application site be developed to a further extent".

This application has not been supported by either an Ecological Appraisal, or supporting statement that discusses these matters. It is also noted that consultation responses have not been received from Lincolnshire Wildlife Trust.

Notwithstanding this, the proposal seeks to solely install play equipment within a modest area of the wider Moulton Park site, alongside creating an extended footpath along Bell Lane into the wider site. The proposal would not impact upon existing trees within the site, nor would the installation of play equipment, given that areas of the parkland are segregated by fencing, which is further controlled by the wider permission on site, impact existing wildlife on site. It is considered that the proposal would not give rise to harm in respect of the ecological value of the site, that would be viewed as being unacceptable.

Overall, the proposal is considered to accord with the Local Plan and National Planning Policy Framework in this regard, given the minimal extent to which the proposal would comprise physical alterations.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal, although outside of the settlement boundary, represents appropriate development for the site in which it is located, comprising a proposal that would increase social inclusion and activity, whilst providing an increase in provision within existing recreational land. The development hereby proposed does not materially harm the character or appearance of the locality, harm the historic environment to an extent that is not outweighed by public benefit, or impact upon the amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan in the majority of instance and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29, and 32 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised, as expressed within the planning balance section above, the planning balance is in favour of the proposal and it is recommended that the application is approved under delegated authority.