

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0174-24 **Applicant:** Moulton Parish Council

Proposal: 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)

Location: Moulton Park High Road Moulton

Terminal Date: 24th April 2024

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (NPPF), 2023

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

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 3, 4, 5, 8 and 10, attached to planning approval H13-0954-23, comprising details in relation to proposed boundary treatments, an access gate, external lighting, bat/bird boxes and a Biodiversity Management Plan.

Planning approval H13-0954-23 granted full planning permission for the change of use of area of park land to public open space/recreational ground.

Site Description

The application site comprises approximately 1/3 of an acre of existing park land, which forms part of the wider park land known as Moulton Park. The application site lies to the western boundary of this wider park land, adjacent Bell Lane and is predominantly undeveloped.

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.

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

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

No consultation responses have been received by the Local Planning Authority for this application.

Public Representation - Neighbours

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. No letters of representation have been received from neighbouring residents.

Planning Considerations

This application relates to conditions 3, 4, 5, 8 and 10 of planning approval H13-0954-23, relating to proposed boundary treatments, access gate, external lighting, bat/bird boxes and Biodiversity Management Plan.

Condition Details

Condition 3

Notwithstanding the details hereby submitted or stated, prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The submitted information, in the form of a supporting statement, details that the hedgerow is to be retained on the west boundary and maintained at its current height of approximately 1.5m.

The submitted details also state the installation of a 4ft high stock fence, with round timber posts at

3m centres. This would bound the north, east and south boundary perimeter of the 1/3rd of an acre site, along the red line boundary. A 4ft wooden, 5 bar gate within this fencing, with two 6 inch timber posts, is also proposed to allow for access outside of the fenced area for maintenance etc.

The extent of these boundary treatments largely reflect those expressed within the initial submission and overall, these boundary treatments are considered to be acceptable.

Condition 4

Notwithstanding the details stated within this submission, details of the access gate shall be submitted to and approved in writing by the Local Planning Authority, prior to its installation. The details shall include the heights, materials, and means of securing the closure of the access gates. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The submitted details show the proposed access gate along Bell Lane as comprising a 10ft wooden 5 bar gate, with a smaller 4ft wooden 5 bar gate; all with three 8 inch timber posts.

The 10ft gate is proposed to be locked at all times, with a gate bolt and this would be opened for access for maintenance vehicles only. The smaller 4ft gate is proposed for pedestrian access only, and would be for general public access and will be held closed with a gate catch.

These details are appropriate for the setting and are considered to be suitable for the character of the area, whilst ensuring adequate function. These details are therefore considered acceptable.

Condition 5

Prior to the development hereby permitted being brought into use, details of any external lighting shall be submitted to and approved in writing, by the Local Planning Authority. There shall be no external illumination other than that so approved.

The proposed development does not seek the installation of any external lighting. As such, details would not be required in this instance.

Should any external lighting be proposed in the future, permission would need to be obtained via a Full Planning Application; whereby the Local Planning Authority can assess the acceptability of these details.

Condition 8

Prior to the occupation of the development hereby permitted, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the location of bat and bird boxes to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

The submitted supporting statement expresses that "Given the park setting of the development there is already ample nesting opportunities for birds and bats, furthermore so as the setting is not due to be altered in any way other than the installation of the above mentioned fencing".

In light of this, no specific details for bird and bat boxes have been provided; however, it has been stated that should this be deemed necessary in the future "a number of bird and bat boxes could easily be installed in the surrounding trees".

It is considered that the addition of bird and bat boxes would be beneficial; however, given the small scale of the site, comprising just 1/3rd of an acre; coupled with the minor extent of development that is taking place, the need for such installation is limited. It is considered that details in this regard could be forthcoming at a later date if required and could be considered within the development of the wider site, should this take place.

Condition 10

Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall set out how the biodiversity enhancements and recommendations contained within the

Preliminary Ecological Appraisal prepared by CGC Ecology (dated November 2022) will be managed and monitored for the lifetime of the development.

The details provided do not comprise a specific 'Biodiversity Management Plan'. Instead, the details make reference to the previously submitted 'Preliminary Ecological Appraisal' and details that based on the recommendations in contained, the following measures will be put in place:

- "Minimal hedgerow/tree clearance will be required, however, to ensure there is no disturbance potential common reptiles on site, this will be carried out between the months of Aril and September.
- All materials, whilst stored on site, will be kept on pallets to deter reptiles from taking shelter underneath.
- If badger sets are found during the works advice will be sought before proceeding. No holes will be left open overnight to avoid small animals, badgers, hedgehogs etc, falling to them and becoming trapped.
- Generally, there will be no tree felling operations so there is no recommendation to carry out any further survey works. However, vigilance will be observed whilst operating within the site to ensure bat migration links are maintained, either via site wide connectivity through the maintaining of hedgerows or keeping site lighting down to a minimum. The guidance is to ensure that any gaps in hedgerows are kept to below 10m, the entrance to the site will be within this and maintained as such.
- The recommendation for the protection of common bird species is to ensure any hedgerow works are not carried out between early March and early September. However, as this clashes with the dates set out under the recommendations for common reptiles it is sensible to suggest that whilst any hedgerow works commence within this timeframe a search for nests shall be carried out prior to starting the works, not only for the duration of the works but for ongoing maintenance also.
- Whilst not strictly proposed due to the maintaining of all on site trees and hedgerows, to ensure ecological enhancement can be achieved in the future, it would be sensible to suggest that nay new trees or hedgerows planted will be of native species and that these newly planted trees and hedgerows make use of biodegradable guards and ties.
- The stock fencing to the north, east and south boundaries will have appropriately sized holes to ensure hedgehogs and other small animals can move freely within the park generally".

To clarify some detail provided, as per the conditions attached and details regarding Condition 3 above, the hedgerow will be retained and shall not be removed; with the 'minimal clearance' as detailed within the submission of details for this conditions solely relating to the maintenance of this hedgerow.

Furthermore, the submission also expresses details regarding trees and potential works. It must be noted that the trees within the wider site are subject to Tree Preservation Orders and the permission obtained via reference H13-0954-23, and the details considered within this application, do not permit any works to these trees. Any works to these trees must be submitted to the Local Planning Authority via a formal application, for appropriate a relevant assessment and approval, prior to the works been carried out. An informative is recommended to provide clarity in this regard.

The details, based on the abvoe, are otherwise considered acceptable.

Conclusion

The details in relation to these conditions, comprising conditions 3, 4, 5, 8 and 10, are acceptable and can be discharged.

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.