

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0691-24 **Applicant:** John & Maureen Biggadike Foundation

Proposal: 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)

Location: Moulton Park Bell Lane Moulton

Terminal Date: 10th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SHDC INTERNAL	0	0	1	0
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 3, 4, 6, and 8 attached to planning approval H13-1066-23, comprising details in relation to proposed boundary treatments, parking areas, hours of opening and closing and securing access gates/arrangements during periods of closure, and bat/bird boxes.

Planning approval H13-1066-23 granted full planning permission for the change of use from an agricultural parkland to parkland for recreational use by the community.

Site Description

The application site comprises approximately 20 acres of existing park land that is, inclusive with the land subject to planning approval under reference H13-0954-23, 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 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.

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

Lincolnshire County Council - Local Highway Authority

No Objections: The 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 are acceptable in accordance with approved drawings and details submitted with this application.

Environmental protection SHDC

No Comments.

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, 6, and 8 of planning approval reference H13-1066-23, comprising details in relation to proposed boundary treatments, parking areas, hours of opening and closing and securing access gates/arrangements during periods of closure, and bat/bird boxes.

Condition Details

Condition 3

Notwithstanding the details hereby submitted or stated, prior to its installation, details of any 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.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The submitted information, in the form of a covering letter and two drawings, comprising a site layout plan (A1732-10 Rev: CD1) and a car park layout plan (A1732-11 Rev: CD1), details that all existing hedgerow is to be retained and maintained. This is consistent with the conditions attached to the permission, and ensures that the hedging, which runs along the majority of the site boundaries, is to be retained in its current form.

The submitted details also detail the installation of 'Wooden two-rail fencing' to be sited around the permitted car park.

The extent of these boundary treatments largely reflects those typically expected in such a development and overall, these boundary treatments are considered to be acceptable.

Condition 4

Notwithstanding the details stated within this submission, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. The details shall include:

- the specific dimensions for the area of parking*
- the materials to be used*
- the access arrangements to and from the site (including the arrangement between vehicle and pedestrian access); and*
- any 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.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The details required by condition 4, as expressed above, have been provided through a covering letter and two drawings, comprising a site layout plan (A1732-10 Rev: CD1) and a car park layout plan (A1732-11 Rev: CD1).

The submission comprises a detailed layout of the car park, including 20 spaces (inclusive of 2x disabled and 4x parent & child spaces). Two cycle racks of a wooden design, are also to be located within the area, enclosed by the aforementioned wooden style rail fencing.

The surface of the car park shall be a 'no-dig' anchored ground reinforcement paving tiles vibro-rolled, placed into the existing grass surface. The area shall be accessed via a solar powered 5 bar wooden gate (4.27m in width) and a 5 bar wooden pedestrian access gate (1.2m width). The gates shall be accessed 'dawn until dusk'.

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 6

Prior to the first use of the application site hereby permitted, details of the proposed hours of opening and closing, in addition to details of securing the access gates/arrangements during periods of closure, shall be submitted to, and approved in writing, by the Local Planning Authority. The site shall not operate or be open to the public outside of the hours so approved and shall be retained thereafter.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The means of enclosure and hours of opening have been provided within the submission, in addition to this, the details illustrate that the area of car park shall be accessed via a solar powered 5 bar wooden gate (4.27m in width) and a 5 bar wooden pedestrian access gate (1.2m width). The gates shall be accessed 'dawn until dusk'.

The details provided are considered suitable. These details are therefore considered acceptable.

Condition 8

Prior to the first use of the application site 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.

Reason: In the interests of the protection of local wildlife.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

The submitted layout plan shows the location of bat and bird boxes to be installed within the site. It is viewed that, should it be deemed appropriate at a later date, a number of bird and bat boxes could easily be installed in the surrounding trees.

It is considered that details in this regard are acceptable and can be discharged.

Conclusion

The details in relation to these conditions, comprising conditions 3, 4, 6, and 8, 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.