

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

20 May 2024

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 29 MAY 2024 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

|                  |   |
|------------------|---|
| CHAIRPERSON      | Councillor J Driver   |
| VICE-CHAIRPERSON | Councillor J C Stilts   |
| COUNCILLORS      | S J Burwood<br>K Jennings<br>K M H Lagan<br>A M Lay<br>N R Miller<br>N G F Shaughnessy<br>N D Spenceley<br>P L Spenceley<br>N J Swindle |





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

---

**WEDNESDAY 29 MAY 2024**

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 22 November 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **24/00191/FUL - Galleon Play Site, The Promenade Park, Park Drive, Maldon**  
(Pages 15 - 22)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)\*.

6. **Any other items of business that the Chairperson of the Committee decides are urgent**

---

**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

### **Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

### **Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

This page is intentionally left blank



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

---

**PRESENT**

Chairperson                      Councillor J Driver

Vice-Chairperson              Councillor N G F Shaughnessy

Councillors                      S J Burwood, K Jennings, K M H Lagan, A M Lay, N R Miller,  
N D Spenceley, P L Spenceley, J C Stilts and N J Swindle

**323. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**324. APOLOGIES FOR ABSENCE**

There were none.

**325. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 30 August 2023 be approved and confirmed.

**326. DISCLOSURE OF INTEREST**

Councillors K Jennings, A Lay, N R Miller, N G F Shaughnessy and J C Stilts declared a non-pecuniary interest as they knew the applicant in Agenda items 5 -23/00603/FUL - Kings Head Centre, 38 High Street, Maldon, Essex and 6 - 23/00604/LBC - The Kings Head Centre, 38 High Street, Maldon, Essex.

Councillor P L Spenceley also declared a non-pecuniary interest as she knew the applicant in Agenda items 5 -23/00603/FUL - Kings Head Centre, 38 High Street, Maldon, Essex and 6 - 23/00604/LBC - The Kings Head Centre, 38 High Street, Maldon, Essex as a fellow trustee of the Maldon Festival

Councillors K M H Lagan, N R Miller, J C Stilts and P L Spenceley declared a non-pecuniary interest as he had acknowledged correspondence with residents in regard to Agenda items 7 - 23/00943/FUL & 23/00944/LBC - 43-45 High Street, Maldon, CM9 5PF, 8 - 23/00947/LBC - 43-45 High Street, Maldon, CM9 5PF and 9 - 23/00946/ADV - 43-45 High Street, Maldon, CM9 5PF.

327. **23/00603/FUL - KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>23/00603/FUL</b>   |
| <b>Location</b>                                       | The Kings Head Centre, 38 High Street, Maldon, Essex  |
| <b>Proposal</b>                                       | Change of use from office use (Class E(g)(i)) and former treatment rooms (Class E (e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.  |
| <b>Applicant</b>                                      | Mr James Mann   |
| <b>Agent</b>  | Tim Farley – Copesticks Ltd.  |
| <b>Target Decision Date</b>                           | 05.09.2023  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.<br>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy. |

Following the Officer's presentation, the Agent, Mr Farley addressed the Committee. The Chairperson then opened the floor for debate.

Councillor N R Miller proposed to approve the application in line with the Officer's recommendation and this was duly seconded.

There being no further discussion the Chairperson put the proposal to the Committee and upon a vote being taken this was agreed.

**RESOLVED** that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Premises as Existing drawing 61E  
Premises as Proposed drawing 69A  
Window detail drawing no. 63  
Window detail drawing no. 66A  
Noise survey and assessment (September 2023) PC-21-0245-RP1 rev.E
3. The use hereby permitted shall not commence until all of the noise mitigation measures included in the Noise Survey and Assessment (September 2023) PC-21-0245-RP1 rev.E for the accommodation the subject of this application have been installed and it has been demonstrated to the local planning authority that



- the predicted noise levels have been achieved. The mitigation measures shall be retained, as approved, thereafter.
4. The size, appearance and locations of any air-conditioning units associated with the approved development shall be submitted to and agreed in writing with the local planning authority prior to their installation.
  5. The development hereby approved shall be used as holiday accommodation and at no time shall the unit be occupied continuously for a period exceeding 28 days by the same person(s) or reoccupied within 3 months of vacating the accommodation by the same person(s).
  6. The owners / operators shall maintain an up to date register of the names of all persons who stay within the approved holiday accommodation on the site, the duration of their stay, and an indication of their main home addresses by way of road name and town and shall make this information available at all reasonable times to the Local Planning Authority.
  7. The use hereby permitted shall not commence until provision has been made for the storage of bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the local planning authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage facility shall be retained as approved in perpetuity.

**328. 23/00604/LBC - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>23/00604/LBC</b>   |
| <b>Location</b>                                       | The Kings Head Centre, 38 High Street, Maldon, Essex  |
| <b>Proposal</b>                                       | Works associated with proposed change of use from office use (Class E(g)(i)) and former treatment rooms (Class E ( e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.  |
| <b>Applicant</b>                                      | Mr James Mann   |
| <b>Agent</b>  | Tim Farley – Copesticks Ltd.  |
| <b>Target Decision Date</b>                           | 05.09.2023  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.<br>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy. |

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor N R Miller proposed that listed building consent be granted in line with the Officer's recommendation and this was duly seconded.

There being no further discussion the Chairperson put the proposal to the Committee and upon a vote being taken this was agreed.

**RESOLVED to GRANT** Listed Building Consent subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
Premises as Existing drawing 61e  
Premises as Proposed drawing 69A  
Window detail drawing no. 63  
Window detail drawing no. 66A
3. The size, appearance and locations of any air-conditioning units associated with the approved development shall be submitted to and agreed in writing with the local planning authority prior to their installation.

**329. 23/00943/FUL & 23/00944/LBC - 43-45 HIGH STREET, MALDON, CM9 5PF**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>23/00943/FUL &amp; 23/00944/LBC</b>   |
| <b>Location</b>                                       | 43-45 High Street, Maldon, CM9 5PF   |
| <b>Proposal</b>                                       | Installation of condenser units and full internal alterations/refurbishment.   |
| <b>Applicant</b>                                      | Mr Jon Birtles - Loungers UK Limited   |
| <b>Agent</b>  | Elizabeth Lawrence - Turley  |
| <b>Target Decision Date</b>                           | 27 November 2023   |
| <b>Case Officer</b>                                   | Hayley Sadler  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor N R Miller for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D3 (Conservation and Heritage Assets) |

Following the Officer's presentation, an objector, Ms Wright, a supporter, Mr Panton and the Agent, Mrs Russell addressed the Committee. The Chairperson then opened the floor for discussion.

Councillor K M H Lagan opened the debate seeking confirmation that the application in front of Members met all legal requirements under current planning legislation and that the application being retrospective shouldn't bare any weight when deciding the application outcome, the Officer confirmed this as being correct.

Members debated the application further seeking clarity around possible delivery time restrictions and whether the application being retrospective had been taken into consideration when producing the report and the recommendation. The Officer provided the following responses:

- Under this application Officers were encouraged that Loungers as a company operate their own noise management plan and neighborhood liaison officer to mitigate issues raised around the operating of the business that may affect the residents of that area.
- Carrying out works prior to planning permission being sought or granted isn't against the law, however, it may become unlawful and subject to enforcement if the works are deemed to be non-compliant with planning policy

Members felt that the liaison between Loungers and residents of the area was poor prior to the work being carried out.

Councillor K H M Lagan proposed to approve the application and grant listed building consent in line with the Officer's recommendation as this was duly seconded.

There being no further discussion the Chairperson put the proposal to the Committee and upon a vote being taken this was agreed.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, LNG4165.BP, LNG4165.01, LNG4165.02, LNG4165.03A, LNG4165.04B, LNG4165.10A, L241-01, OC Innovations Odour Control Spec Sheet, Loungers Maldon – Operations and Noise Management Plan
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

**RESOLVED** to **GRANT** Listed Building Consent subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan, LNG4165.BP, LNG4165.01, LNG4165.02, LNG4165.03A, LNG4165.04B, LNG4165.10A

**330. 23/00947/LBC - 43-45 HIGH STREET, MALDON, CM9 5PF**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>23/00947/LBC</b>  |
| <b>Location</b>                                       | 43-45 High Street, Maldon, CM9 5PF   |
| <b>Proposal</b>                                       | Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations.  |
| <b>Applicant</b>                                      | Mr Jon Birtles - Loungers UK Limited   |
| <b>Agent</b>  | Ms Ali Maskell - Richard Pedlar Architects   |
| <b>Target Decision Date</b>                           | 27 November 2023   |
| <b>Case Officer</b>                                   | Hayley Sadler  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In<br>Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and D3 (Conservation and Heritage Assets) |

Following the Officer's presentation, the Chairperson opened the floor for debate.

Following a brief discussion around the proposed signage and colour schemes used by the applicant, Councillor K M H Lagan proposed that listed building consent be granted in line with the Officer's recommendation and this was duly seconded.

There being no further discussion the Chairperson put the proposal to the Committee and upon a vote being taken this was agreed.

**RESOLVED** to **GRANT** Listed Building Consent subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, LNG4165.BP, LNG4165.02, LNG4165.06D.
- 3 The materials used in the construction of the advertisements hereby approved shall be as set out within the plans hereby approved.

**331. 23/00946/ADV - 43-45 HIGH STREET, MALDON, CM9 5PF**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>23/00946/ADV</b>  |
| <b>Location</b>                                       | 43-45 High Street, Maldon, CM9 5PF   |
| <b>Proposal</b>                                       | Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting                                     |
| <b>Applicant</b>                                      | Mr Jon Birtles - Loungers UK Limited   |
| <b>Agent</b>  | Ms Ali Maskell - Richard Pedlar Architects   |
| <b>Target Decision Date</b>                           | 27 November 2023   |
| <b>Case Officer</b>                                   | Hayley Sadler  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In<br>Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D3 (Conservation and Heritage Assets) |

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor K M H Lagan proposed to approve the application in line with the Officers recommendation and this was duly seconded.

There being no further discussion the Chairperson put the proposal to the Committee and upon a vote being taken this was agreed.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:
  - Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
  - Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
  - Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

There being no other items of business the Chairperson closed the meeting at 8.21 pm.

J DRIVER  
CHAIRPERSON

This page is intentionally left blank



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
29 MAY 2024**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>24/00191/FUL</b>   |
| <b>Location</b>                                       | Galleon Play Site, The Promenade Park, Park Drive, Maldon       |
| <b>Proposal</b>                                       | Installation of play equipment to replace existing Galleon ship |
| <b>Applicant</b>                                      | Maldon District Council   |
| <b>Agent</b>  | Mr Paul Calder – Real8 Group                                    |
| <b>Target Decision Date</b>                           | 31 May 2024   |
| <b>Case Officer</b>                                   | Hayley Sadler   |
| <b>Parish</b>   | <b>MALDON EAST</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Council Owned Land  |

1. **RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

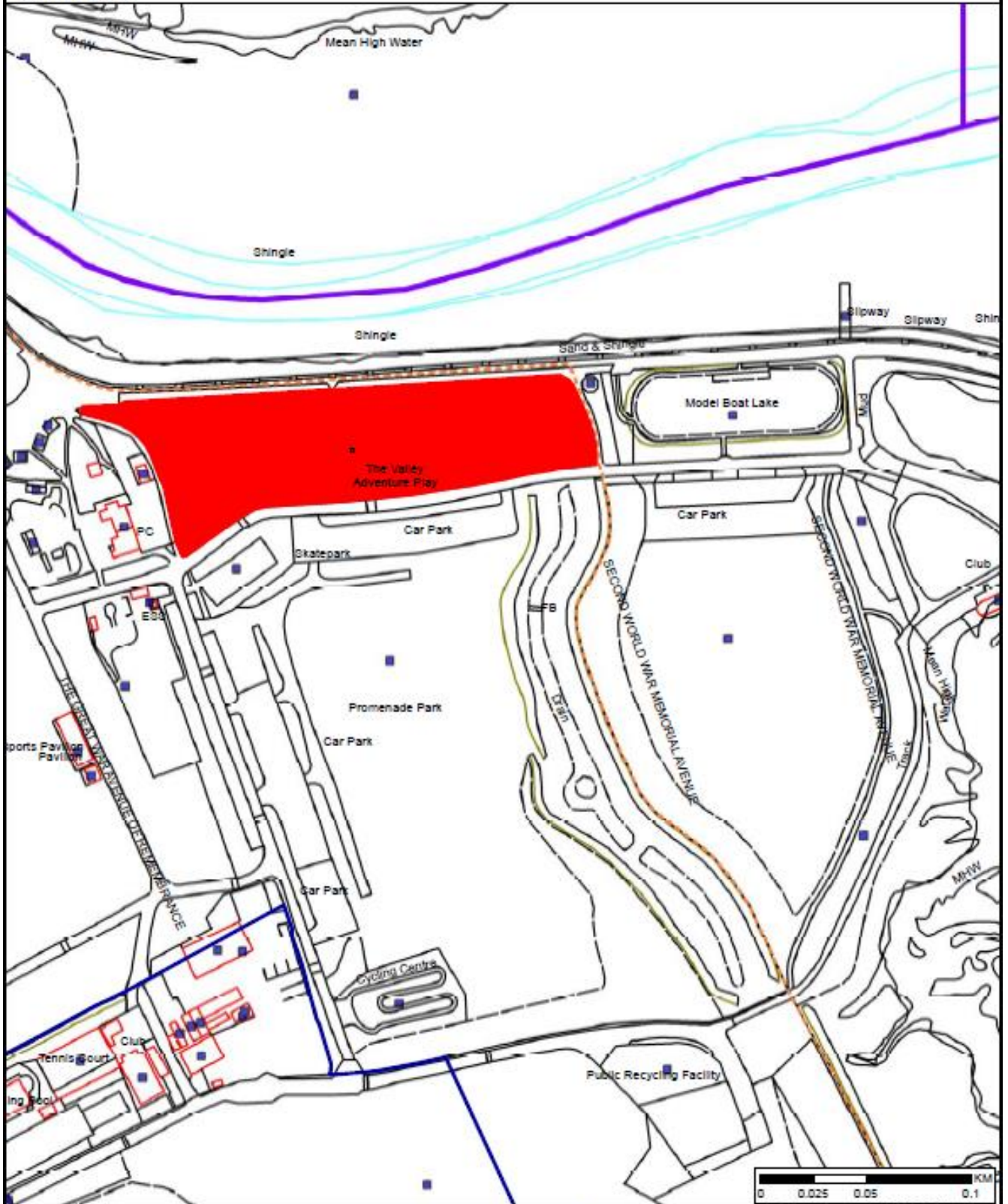
2. **SITE MAP**

Please see below.



# Galleon Pay Site - The Promenade Park - Park Drive - Maldon

24/00191/FUL



**Copyright**

For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014



www.maldon.gov.uk

|               |                         |
|---------------|-------------------------|
| Scale:        | 1:2,500                 |
| Organisation: | Maldon District Council |
| Department:   | Department              |
| Comments:     | Central Area Committee  |
| Date:         | 18/04/2024              |
| MSA Number:   | 100018588               |



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is situated within The Valley Adventure Park Area of Promenade Park. Promenade park lies to the east of Park Drive, within the settlement boundary of Maldon. Promenade Park itself lies within the 'leisure quarter' as identified in the Maldon and Heybridge Central Area Masterplan (CAMP) and shown on the map (page 38) within the clarification section of policy S5 of the Maldon District Local Development Plan (LDP). Although Promenade Park is not a formally Registered Park and Garden, as identified by Historic England, it has been identified within the LDP as a local Historic Park and Garden and is therefore considered to be a non-designated local heritage asset.
- 3.1.2 The application site area (within the park) measures 0.04 hectares and is located to the east of the Splash Park, west of the Beach Huts and to the south of the River Blackwater.
- 3.1.3 Planning permission is sought for the installation of play equipment to replace the existing Galleon ship.
- 3.1.4 The 'play equipment' comprises of a new bespoke pirate ship and lighthouse to be located in the same area as the existing pirate ship. The structure will measure a maximum of 19.5 metres in width, 17.6 metres in depth and have a maximum height to the top of the mast of 6.6 metres. It will be set on a new safety surface. The pirate ship and lighthouse will include slides, climbing ladders / ropes, zip line, fireman's pole, climbing wall as well as common features found on both a pirate ship and lighthouse, such as masts / sails, canons, look out points, windows and crashing waves. Features including clouds, the sun and seagulls have also been added to create the illusion of being by the sea all year round.

#### **3.2 Conclusion**

- 3.2.1 The proposal is effectively an updated replacement of the existing play equipment (Pirate Ship and Lighthouse), with the addition of a lighthouse within the existing location of the current pirate ship. The play equipment is of a similar character and appearance as the existing equipment and as such would not materially greatly impact on the site, surrounding area, amenity of neighbouring occupiers or parking provision and highway safety than what currently exists. There is also no objection to the proposal in relation to flood risk. The proposal is therefore in accordance with policies D1, D3 and E3 of the Maldon District LDP.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework including paragraphs:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 131-141 Achieving well-designed places
- 157-179 Meeting the challenge of climate change, flooding and coastal change
- 180-194 Conserving and enhancing the natural environment

- 195-214 Conserving and enhancing the historic environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E3 Community Services and Facilities
- E5 Tourism
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Maldon Central Area Masterplan (CAMp)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies within the Leisure Quarter of the CAMp. The CAMp includes six objectives and eighteen projects. The application site is part of the area affected by project sixteen, which itself contributes to four objectives of the CAMp. The application is contributing towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.

5.1.2 Policy E5 of the LDP states that the Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attracts visitors to the District. The proposal, being effectively a replacement and upgraded facility maintains and would enhance visitor attraction to the park. The proposal is therefore fully policy compliant, subject to other material considerations which will be discussed below.

#### **5.2 Design and Impact on the Character of the Area**

5.2.1 Promenade Park is part of a locally designated Historic Park and Gardens and as such consideration is given to policy D3 (Conservation and Heritage Assets). This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other

aspects, to preserve or enhance its special character, appearance, setting, including its streetscape and landscape value and any features and fabric of architectural or historic interest.

- 5.2.2 Policy N3 (Open Space, Sport and Leisure) of the LDP states that the Council is committed to protecting and maintaining existing formal and informal open spaces, sports pitches, children's play areas, leisure and recreation facilities, while ensuring all new development contributes towards any identified local needs. The Council's policy is to enable, support and empower communities to be safe, active and healthy, as a corporate priority as well as part of the sustainable community's objectives.
- 5.2.3 The details of the proposal and its context is set out above. However, it is noted the structure would be taller than the existing Galleon Ship. However, most of the additional height would be taken up with the mast and therefore not unduly or uncharacteristically prominent. Masts are part and parcel of a Galleon Ship and one of its most endearing features, and in this respect, it would be most appropriate and would maintain the character of the existing area as well as enhancing the visitor experience without detriment to the area. The materials will consist of various coloured HDPE (High-density polyethylene), steel posts, rope, transparent items which are commonly associated with outdoor play equipment and therefore not harmful to the visual amenity of the surrounding area. The proposal is in accord with the relevant aspect of policies S1, S8, D1, D3 and E5 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 There are public toilets and kiosks used for the sale of food within close proximity of the application site. The pirate ship and lighthouse would be located a considerable distance away from the closest residential properties which are located over 200 metres to the west of the site.
- 5.3.3 Therefore, the proposed development would not result in an unneighbourly form of development, in accordance with this aspect of policy D1 of the LDP.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards Supplementary Planning Document (SPD) contains the parking standards having regard to government guidance promoting sustainable means of travel, reducing the use of the motor car. Notwithstanding, the development is a replacement of a similar facility with a similar impact. In this respect, its impact would be relatively neutral in terms of impacts from any increase usage of a new and enhanced facility.

- 5.4.3 Furthermore, the Parks car parks are located east and south of the site. The existing car parks are considered to provide sufficient parking to manage any increase in demand in parking provision as a result of the proposal.
- 5.4.4 The siting of the pirate ship and lighthouse would not, therefore have an adverse impact on the existing parking spaces within Promenade Park or obstruct the free flow of pedestrians using the site. Furthermore, due to its siting, no parking spaces would be lost. Therefore, the proposed development would be in accordance with this aspect of policy T2 of the LDP.

## **5.5 Flood Risk**

- 5.5.1 The application site lies fully within Flood Zone 3, defined by the 'Planning Practice: Flood Risk and Coastal Change' as having a high probability of flooding.
- 5.5.2 The proposal is to use the land to site a replacement pirate ship and lighthouse. This is a recreational activity and falls under 'Water Compatible Development', as defined in the NPPF. To comply with the NPPF, the application would need to pass the Sequential Test, but not the Exception Test, as the proposal is deemed appropriate development.
- 5.5.3 A Flood Risk Assessment was submitted as part of the application. The assessment states that, although the proposal is located within a flood risk area, the proposed pirate ship and lighthouse will effectively be a like for like replacement and it is not envisaged that it will have any impact on flood risk. The proposal does not include residential facilities and any risks to day visitors can be managed to avoid significant risk from flooding. It is noted that the assessment includes details of the source of the flooding, the flood evacuation plan and flood alert notices. In this instance, it is considered that the Sequential Test has been passed as there is no other land available within Promenade Park for the proposal, especially as the proposed development would replace existing play equipment.
- 5.5.4 The Environment Agency has been consulted on the application and have advised that they have no objection to the proposed development as whilst the application falls within a Flood Zone 3, due to its size (less than 250m<sup>2</sup>), the application falls under National Flood Risk Standing Advice. An informative has been recommended in relation to an environmental permit, which can be included on the decision notice. Therefore, the proposal is considered to be acceptable in terms of flood risk, in accordance with policy D5 of the LDP.

## **5.6 Ecology**

- 5.6.1 Paragraph 180 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.6.2 The application has been accompanied by a Low Impact Ecological Impact Assessment (EclA) and Enhancement Layout. Both documents make recommendations for the mitigation methods and enhancements for the site.
- 5.6.3 The Council's Ecology Consultant (Place Services) has assessed the information provided and confirms that there are no objections to the proposed works as they are satisfied that sufficient information has been provided. A condition has been recommended in relation to biodiversity mitigation and enhancement measures. Should permission be granted, the suggested conditions would be imposed. Furthermore Natural England was also consulted on the application and has advised

that no objection is raised based on the plans submitted and that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

## 6. **ANY RELEVANT SITE HISTORY**

6.1 Relevant planning history within the red outline and within The Promenade Park in close proximity.

- **18/00481/FUL** - Use of land for the provision of mobile play equipment (e.g. 4-person bungee trampoline) - Temporary Planning Permission. Refused – 09.07.2018.
- **18/00480/FUL** - Use of land for the temporary siting of a mobile food and drink kiosk. Refused – 09.07.2018.
- **19/00348/FUL** - Temporary use of land for the siting of a mobile food and drink kiosk. Refused – 28.06.2019.
- **14/00240/FUL** - Installation of 8 no. beach huts for leisure and recreational use. Approved – 29.05.2014.
- **14/00819/FUL** - 18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers. Approved – 31.10.2014.
- **16/00629/FUL** - Temporary planning permission for two catering units. Approved – 28.07.2016.
- **19/00092/FUL** - Proposed gemstone mining attraction. Approved – 31.05.2019.
- **19/00201/FUL** - Mobile catering unit within adventure golf site - permission for 10 years. Approved – 31.05.2019.
- **20/01328/FUL** - Timber clad kiosk with two opening shutters, serving light refreshments. Approved – 04.05.2021.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 Representations received from Parish / Town Councils

| <b>Name of Parish / Town Council</b> | <b>Comment</b>      | <b>Officer Response</b> |
|--------------------------------------|---------------------|-------------------------|
| Maldon Town Council                  | Recommends approval | Noted                   |

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                  | <b>Officer Response</b>                |
|---|---|--|
| Environment Agency                                      | No objection subject to recommended informative | Noted – refer to section 5.5 of report |
| Place Services - Ecology                                | No objection subject to recommended condition   | Noted – refer to section 5.6 of report |
| Natural England   | No objection                                    | Noted – refer to section 5.6 of report |

### 7.3 Internal Consultees (summarised)

| Name of Internal Consultee                  | Comment                                    | Officer Response |
|---|--|------------------|
| Principal Conservation and Heritage Officer | No objection and no recommended conditions | Noted            |
| Principal Place Officer                     | No objection                               | Noted            |

### 7.4 Representations received from Interested Parties (summarised)

7.4.1 No letters of representation have been received.

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents:  
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 The materials used in the development hereby approved shall be as set out within the supporting document submitted with the application, on 01.03.2024.  
REASON: To ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 No means of external illumination of the development hereby approved shall be installed unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 All mitigation and biodiversity enhancements measures and/or works shall be carried out in accordance with the details contained in the Low impact EclA (Hybrid Ecology, February 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
REASON: To conserve protected and Priority species under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S1, D1 and N2 of the Local Development Plan and the guidance contained with the NPPF.

### **INFORMATIVE**

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.