



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

| | |
|---|--|
| Application Number | FUL/MAL/18/00502 |
| Location | Park Drive Fitness And Squash Club, Park Drive, Maldon |
| Proposal | Proposed 3No. padel courts with new glass & fencing panels built over existing tennis court. |
| Applicant | Mr Peter Alexander - Park Drive Health Club |
| Agent | Mr P R Harris |
| Target Decision Date | 5 July 2018 |
| Case Officer | Kathryn Mathews, TEL: 01621 875805 |
| Parish | MALDON EAST |
| Reason for Referral to the Committee / Council | Council Owned Land |

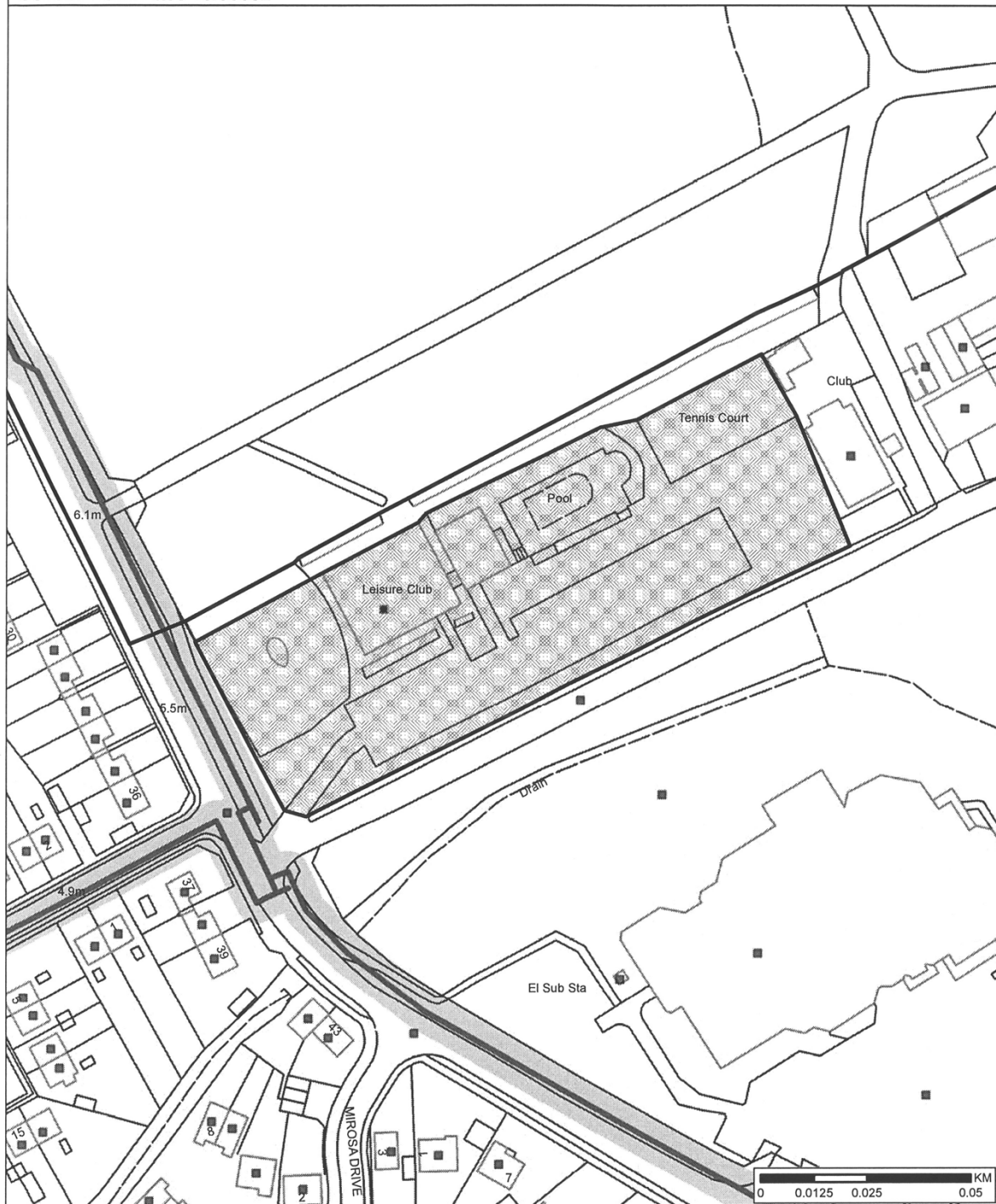
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Park Drive Fitness & Squash Club, Park Drive, Maldon
Central Committee 18/00502



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: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: FUL/MAL/18/00502

Date: 15/06/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 It is proposed to create 3No. padel tennis courts with new glass and fencing panels built over an existing tennis court located in the northern corner of the site. The existing wire mesh around the tennis court would be replaced with a mixture of wire mesh, green coloured, and galvanized fencing with glass panels 3-4m high. Each court would measure 10m x 20m and be surfaced using artificial turf. The courts would continue to be floodlit; each court would be provided with four LED lights on 6m high poles. The floor area of the existing tennis court is stated as being 551sq.m.. The total area covered by the padel courts would be 673sq.m. It is proposed that the courts are available for use 8am to 10pm Monday to Friday and 8am to 8pm on Saturdays, Sundays and Bank Holidays. The application has been accompanied by a Design and Access Statement and a lighting report.

3.2 Conclusion

- 3.2.1 The proposed development would be acceptable in principle given the nature, scale and position of the proposal. The development would not cause material harm to the character and appearance of the area and, subject to the imposition of conditions, would not cause material harm to the amenity of the occupiers of local residences. The proposal is also considered to be acceptable in terms of highways and parking.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- Core Planning Principles
- Section 3 Supporting a Prosperous Rural Economy
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

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

- Policy S1 – Sustainable Development
- Policy S5 – The Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy E3 – Community Services and Facilities

- Policy N1 – Green Infrastructure Network
- Policy N3 – Open Space, Sport and Leisure
- Policy T1 – Sustainable transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards
- Maldon District Design Guide Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

- 5.1 The main considerations in the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the occupiers of local residential properties and highways/parking.

5.2 Principle of Development

- 5.2.1 The application site is located within the development boundary for Maldon and forms part of the existing sporting facility at Park Drive Fitness and Squash Club.
- 5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritizing development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimizing need to travel.
- 5.2.3 Policy E3 aims to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. 'Community services and facilities' include sporting facilities. The Policy goes on to state that encouragement will be given to proposals which will help to improve the provision of, and accessibility to, community services and facilities in a local area, including the relocation, co-location, modernization and expansion of existing services.
- 5.2.4 Policy N3 states that development must contribute towards improving the provision quality and/or accessibility of local and strategic open space, sports and associated community and leisure facilities.
- 5.2.5 The site is located within the Leisure Quarter identified in the Maldon and Heybridge Central Area Masterplan. Policy S5 of the Maldon District Development Plan (LDP) states that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities.

- 5.2.6 It is considered that the proposal would be acceptable in principle and complies with Policies S1, S5, E3 and N3 of the LDP.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognized principles of good design seek to create a high quality built environment for all types of development.

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).

- 5.3.5 The site is also located in an area annotated as being an historic park or garden (Promenade Park) in the LDP but is not nationally designated as a heritage asset and, therefore it has not been necessary to consult with Heritage England. Policy D3 requires that development proposals that affect heritage assets (whether designated or non-designated such as Promenade Park) and/or its setting will be required 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.

- 5.3.6 As part of Policy N1, it is stated that there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.3.7 The proposed means of enclosure for the new courts, at up to 4m in height, would be higher in places than the enclosure of the existing tennis court which varies between 2.76m and 3.3m in height. However, the 4m high elements of the proposed enclosure would be limited in extent and, given the position of the proposed courts in a rear corner of the site which benefits from existing tree screening, the visual impact of the development within the street scene would be minimal.
- 5.3.8 Whilst the proposal would be located within an area designated as a historic park or garden in the LDP (Promenade Park), given the nature of the use proposed, the discreet position of the proposed courts (which would replace an existing tennis court) and the materials proposed, it is considered that the proposal would not cause harm to the character or appearance of the area, in compliance with Policies D1, N1 and D3 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 There are no existing residential properties within the immediate vicinity of the proposed courts but there are residential properties on the opposite side of Park Drive which face the entrance to the sports club. However, given the nature, scale and position of the proposal and as it would form part of an existing sporting facility, it is not considered that the development proposed would materially harm the amenity of any existing residents, subject to the imposition of conditions. It is recommended that conditions are imposed requiring full details of the external illumination proposed (including the exact position of the lighting columns which is not shown on the submitted drawings) and the hours of use, as recommended by the EHT.
- 5.4.3 On the basis of the above, the proposal complies with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.5.3 The adopted parking standard for sporting facilities is a maximum of 1 space per 22sq.m. of floorspace. The proposal would not result in the loss of any of the existing parking area and would not add any floorspace. Therefore, the proposal does not conflict with the adopted parking standards. As a result of the nature and scale of the development, the proposal would not result in a material change to the use of the existing vehicular access to the site from Park Drive and, therefore, would not raise any highway safety concerns.
- 5.5.4 On the basis of the above, the proposal complies with Policy T2 of the LDP.

5.6 Other Material Considerations

- 5.6.1 The site is part of a former landfill site and, therefore, it is recommended that an informative is added to any planning permission granted relating to contaminated land as recommended by the EHT (Policy D2)

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/10/01014** - Proposed new link passageway and new side window – Approved 09.03.2011
- **FUL/MAL/06/00062** - Proposed Retractable Telescopic Swimming Pool Enclosure. – Approved 06.03.2006
- **FUL/MAL/98/00594** - Proposed tarmac tennis court with floodlights to match existing - Approved 08.10.1998

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|-------------------------|
| Cadent Gas | Notes that apparatus exists in the vicinity of the site (High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment; Low or Medium pressure (below 2 bar) gas pipes and associated equipment) and so recommends that an informative is added. | Noted |

- 7.2.1 The Development Management Procedure Order 2015 states that Sport England must be consulted where the proposal would affect playing fields in ways that are described within the Order. A playing field is a site that includes a playing pitch and a playing pitch is described as being a delineated area that is used for one of a list of 15 sports, which does not include tennis. Therefore, there is no requirement to consult Sport England in relation to the proposed development.

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|--------------------------------|
| Environmental Health | No objections subject to conditions and informatives | Refer to section 5.4 of report |
| Emergency Planner | No comments | Noted |
| Conservation Officer | No response received at the time of writing report | |

7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation 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 & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 9B 2018; 9C 2018; 9A 2018
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No form of external illumination of the courts hereby permitted shall be provided other than in accordance with details (including the luminance and spread of light; and the design, position and specification of the light fittings) which shall have first been submitted to and approved in writing by the local planning authority. The external illumination shall be retained in accordance with the approved details.
REASON: In order to protect the amenity of the local residents and the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
- 4 The courts hereby permitted shall only be used between 08:00 hours and 10:00 hours on Mondays to Fridays and between 08:00 hours and 20:00 hours on Saturdays, Sundays and Public Holidays.
REASON: In order to protect the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.

INFORMATIVES

1. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
2. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
3. Considerations in relation to gas pipeline/s identified on site: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 58.