



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
16 NOVEMBER 2022**

Application Number	22/00820/FUL
Location	The Promenade Park, Park Drive, Maldon, Essex
Proposal	Use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm
Applicant	Maldon District Council
Agent	Mr Paul Calder – Real8 Group
Target Decision Date	11.10.2022
Case Officer	Kathryn Mathews
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council application relating to Council owned land Call-in by Councillor C Swain for the following reason(s): so that its implications can be considered in detail by Committee. Policies N1 and N3 are both affected.

1. BACKGROUND

1.1 This application was deferred at the meeting of the Central Area Planning Committee held on 16 October 2022, to provide an opportunity for the applicant to provide further information regarding the proposal. The original Officer report and associated Members' Update are attached as **APPENDIX 1** to this report. As verbally updated at the Committee, a consultation response from Essex County Council (ECC) Ecology had been received who had raised no objection (see below). The assessment and recommendation made remain unchanged except for additional conditions in response to ECC Ecology's advice, which are set out below, and to limit the use proposed to no more than four of the seven areas at any one time, in the interests of the character and appearance of the area.

1.2 Additional Response from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
ECC Ecology	No objection subject to securing biodiversity mitigation measures as included within the Ecological Letter Statement (Hybrid Ecology, July 2022) submitted as well as enhancement measures within a Biodiversity Enhancement	Noted – these conditions could be imposed if planning permission were to be granted and, subject to the imposition of these conditions, it is considered that a likely significant effect can be ruled out for the adjacent Blackwater

Name of Internal Consultee	Comment	Officer Response
	Strategy. They are satisfied that there is sufficient ecological information available for determination of this application and support Natural England's advice that the LPA records its decision that a likely significant effect can be ruled out for the adjacent Blackwater Estuary SPA and Ramsar either alone or in combination with other plans and projects.	Estuary Special Protection Area (SPA) and Ramsar either alone or in combination with other plans and projects. This will be formally recorded as part of a Habitats Regulation Assessment, if necessary.

1.3 Further information in support of the proposal which has been received since the previous Central Area Planning Committee from Maldon District Council, as applicant, as follows:

- The publication of a Management Plan for Promenade Park (the Park), as referred to in the Maldon and Heybridge Central Area Masterplan, is some way off, 2023 at the earliest.
- It has been explained that, prior to the Covid-19 Pandemic, the demand for concessions to operate within the Park was limited and accommodated within 'permitted development rights' for temporary uses i.e. planning permission was not required. When the Covid-19 restrictions were eased to allow people to congregate outdoors, the demand for complementary concessions, such as a bar, increased and temporary accommodating structures were allowed to operate from the Park on the understanding that they fell within the 'permitted development rights' which had been extended, temporarily, as part of the Government's response to the pandemic. This temporary extension to 'permitted development rights' has now come to an end but the demand for such concessions continues. Therefore, the Council is seeking planning permission to continue allowing similar concessions to operate from the Park beyond the 'permitted development rights' which exist (a maximum of 28 days per year). This is to provide the Council with the flexibility to accommodate a wide variety of concessions within a choice of locations within the Park to ensure that no opportunities to enhance the provision of facilities within the Park, for the 500,000+ visitors per annum, are missed.
- The sites which are the subject of the current application are all sites which have accommodated concessions in the past and it is not anticipated that all of the sites would be occupied at the same time (a maximum of three or four is anticipated) or that they would be occupied for the whole six month period applied for. The Council, as landowner, would control the number and type of concessions allowed within the Park and it would be in the Council's interests to ensure that the Park remains an attractive visitor destination. Operators wishing to operate from the Park, since the beginning of 2021, are required to complete an 'Expression of Interest' form before being considered.
- Promenade Park is one of the largest and renowned attractions in the Maldon District, with at least 500,000 visitors each year. The popularity of the park is in part due to its long history and nostalgic memories shared by many. However this has been enhanced by the suitability and range of features, activities and events for all ages. The Park is also a much loved amenity for

residents providing open space to enjoy that is affordable and accessible, should you wish to walk to the park and picnic, or alternatively choose to purchase from one of the businesses on site.

- The economic value of the park is that it attracts significant numbers of visitors from further afield, due to the variety of permanent features like the Splash Park and the more temporary concessions / events options, considered in this application.
- This application is part of a more strategically aligned approach for the year-round offering of concessions and events. This will allow for the Council to ensure the site maintains its popularity, can respond to emerging trends and ultimately stay competitive, so that businesses can benefit alongside visitors looking to enjoy their day out. This application is designed to enable the Council to appropriately manage the park, aligned with current corporate and commercial objectives, and provide capacity for future Management Plans.
- The visitor economy plays a huge part in the Maldon District, contributing £220 million value in 2019 prior to the pandemic (The Economic Impact of Tourism report for 2019). If we are to use the most recent figures from the Economic Impact for Tourism report for 2021, a day tripper will tend to spend approx. £37.67 in the local area during their trip. Therefore, if we consider car users visiting the Promenade Park as 'visitors', these alone would contribute over £7million pounds to local economy annually. The spend value includes everything from food and drink to entertainment during their trip, and secondary spend such as shopping.
- According to the latest 2022 High Street survey – 70.1% of High Street businesses saw benefit from Tourism including events taking part in the District. Rural business such as the local Vineyards and Breweries have benefited from exposure in the park and has enabled the offer to continue into the evening.
- The Prom. Park management plan will clearly define the approach for the park in the longer term, in particular to avoid often competing demands. It will look to safeguard vulnerabilities, such as protecting historic features of the park. This application should complement the approach to enable users to continue to enjoy what the park has to offer. The strategic approach should ensure that council priorities are delivered in a safe and sustainable manner, and will look to encourage visitors to stay longer by providing choice and variety.
- In our opinion the application is looking to formalise existing / previous established arrangements and to enable opportunities rather than jeopardise aspects that attract users of the park.

2. RECOMMENDATION

APPROVE subject to following conditions:

- 1 The use hereby permitted shall cease and the land restored to its existing condition within three years of the date of this planning permission.
REASON Due to the temporary nature of the structures proposed, in the interests of the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Location plan R8.MPP.LP01 rev.A

- Existing plan R8.MPP.EX01 rev.A
- Block Plan R8.MPP.BP01 rev.A

REASON To ensure that the development is carried out in accordance with the details as approved.

- 3 The development hereby permitted shall only be open to the public between the hours of 10:00 to 22:00 hours Monday -Sunday inclusive, including Public Holidays and not at any other times.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 4 The use hereby permitted shall only be carried-out during the months of April to October each year. Any temporary structures or paraphernalia brought on the sites in association with the use hereby permitted during these months shall be removed and not be on site or elsewhere within the Promenade Park between the months of November- March.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 5 No more than four of the seven locations for concessions proposed shall be used at any one time.

REASON To ensure the appropriate use of the site and in the interests of the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 6 The development hereby permitted shall not be open to the public until details of means of refuse storage and disposal have been submitted to and approved in writing by the local planning authority. The use shall be carried-out in accordance with the approved details.

REASON To protect the amenity of the area and to prevent pollution, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 7 The development hereby permitted shall not be open to the public until details of the means of protection of the existing trees within and along the boundaries of the sites have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 8 The development hereby permitted shall not be open to the public until details of a Flood Warning and Evacuation Plan have been submitted to and approved in writing by the local planning authority. The use of the site shall be carried-out in accordance with the approved Plan, thereafter.

REASON As the site is located within a high-risk flood zone, in the interests of minimising the impacts of flood risk, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Letter Statement (Hybrid Ecology, July 2022) submitted and include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

REASON To conserve and enhance protected and Priority species in accordance with Policies S1, S8, D1, N1 and N2 of the approved Local Development Plan and allow the LPA to discharge its duties 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).

- 10 The development hereby permitted shall not be open to the public until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON To enhance protected and Priority species & habitats in accordance with Policies S1, S8, D1, N1 and N2 of the approved Local Development Plan and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).