



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

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

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

1. **RECOMMENDATION**

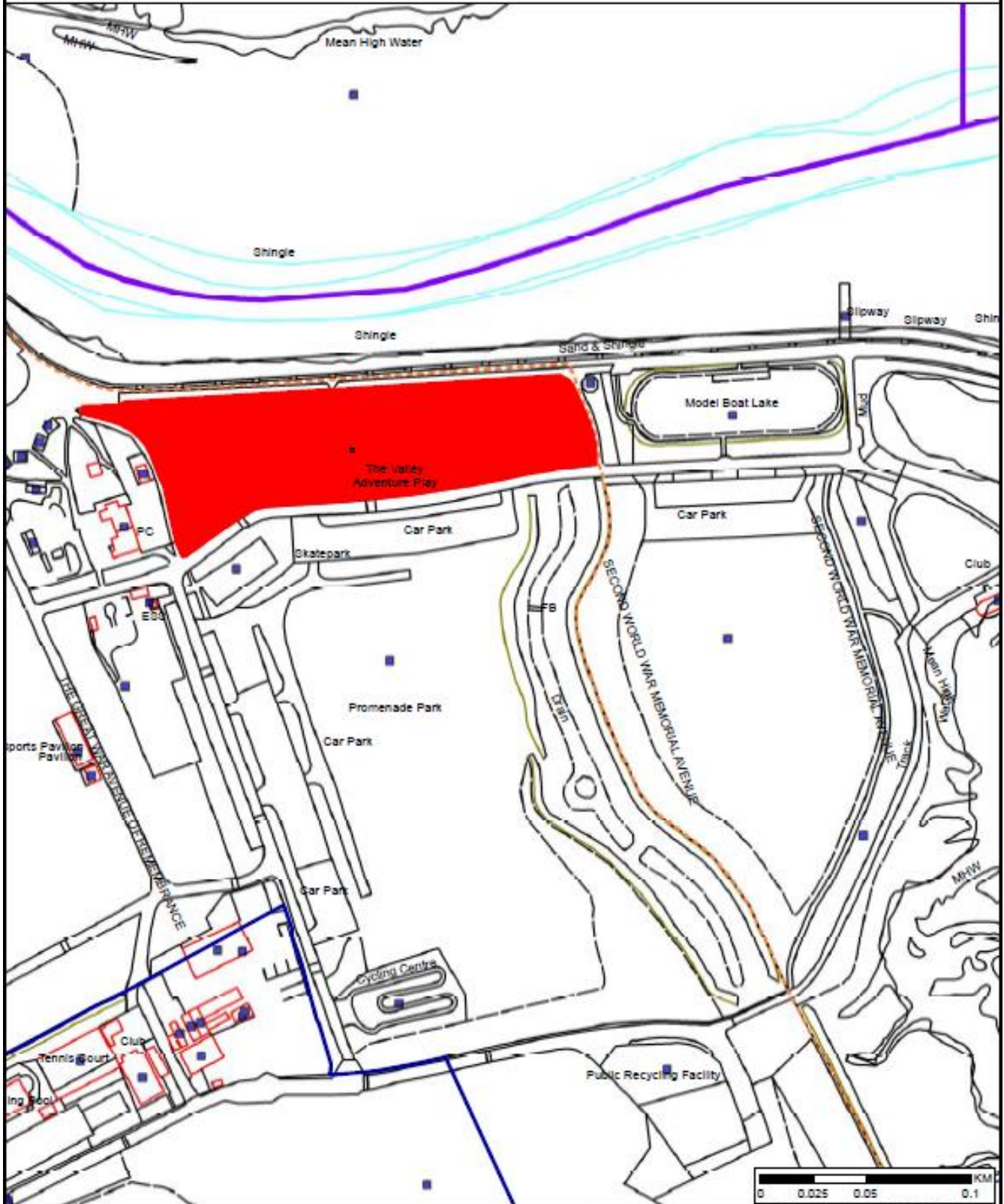
APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see below.

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

24/00191/FUL



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Maldon District Council 100018588 2014



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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 250m²), 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

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

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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.