



**REPORT of
DIRECTOR of PLACE, PLANNING AND GROWTH**

**to
CENTRAL AREA PLANNING COMMITTEE
22 OCTOBER 2025**

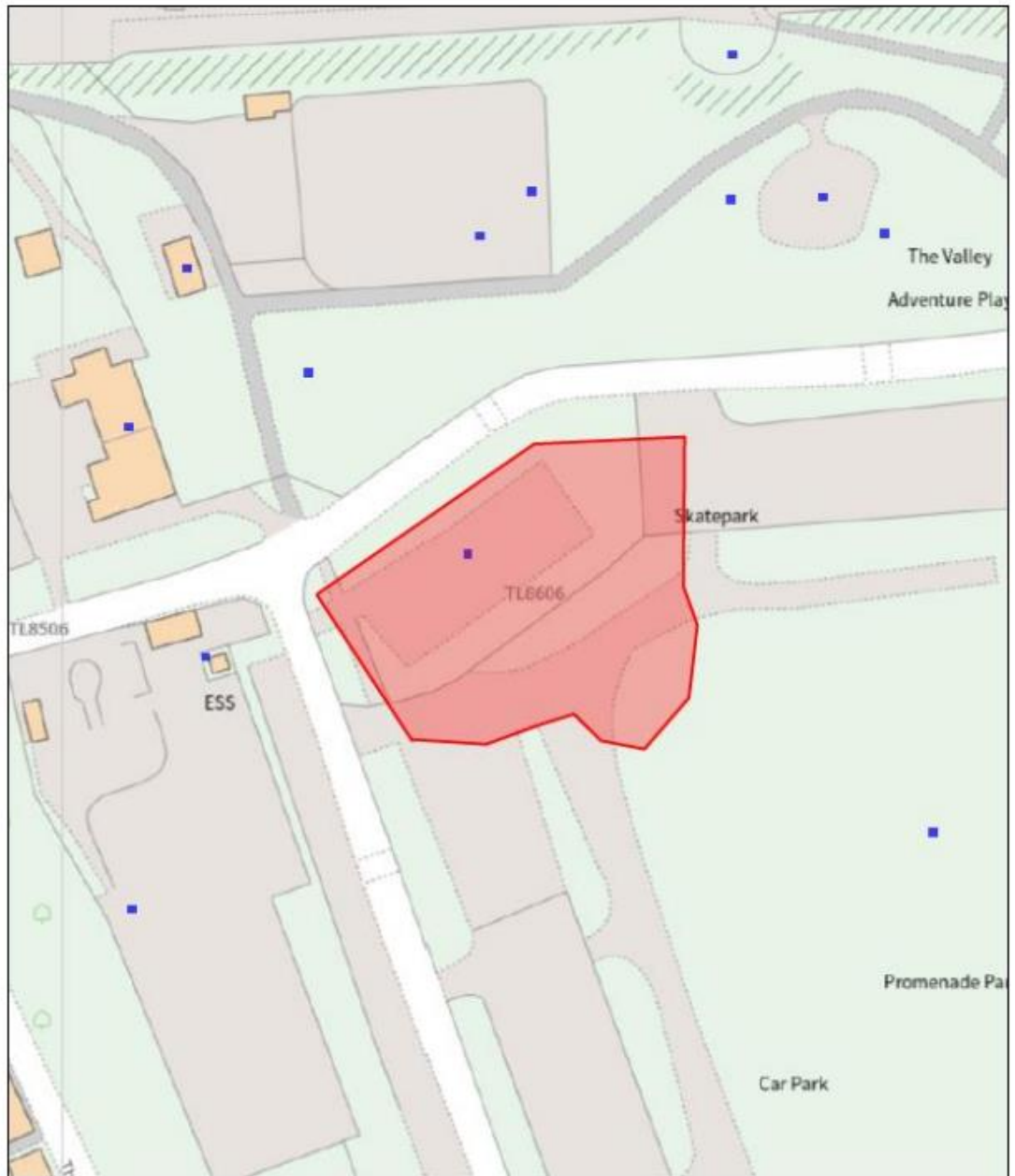
Application Number	25/00254/FUL
Location	Skate Park, The Promenade Park, Park Drive, Maldon
Proposal	Installation of a concrete skateboard park, lighting, benches and shelter following removal of the existing steel skatepark.
Applicant	Maldon District Council
Agent	Ms Wendy Davies – Bendcrete Leisure Ltd
Target Decision Date	28 October 2025 (extension of time)
Case Officer	Fiona Bradley
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.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated within Promenade Park, access via Park Drive. Promenade Park itself lies within the 'leisure quarter' as identified in the Maldon and Heybridge Central Area Masterplan Supplementary Planning Document ('Masterplan SPD') 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 0.22 hectares and is located to the south of the Splash Park and The Valley Play Area and to the east of the Pirates Bay Adventure Golf.
- 3.1.3 Planning permission is sought for the removal of the existing steel skatepark and the installation of a concrete skateboard park, lighting, benches and shelter.
- 3.1.4 The base of the facility would be concrete whilst the materiality of the equipment and jumps would be of steel. Other features include circular and semi-circular seating to the east of the facility, a wooden arbour for sheltered seating, fencing and gates on the boundary.
- 3.1.5 Given the site's Flood Zone 3 categorisation and the small increase in hardstanding, the proposals include two small swales to the east and southeast to store surface water run-off. Floodlighting is proposed on the boundary to allow for use in hours of darkness.

3.2 Conclusion

- 3.2.1 The proposal is to provide an updated replacement for the existing skateboard park with a modest expansion in land take. Whilst there is a relatively small loss of parking spaces as a result of the expansion, these spaces for the most part are not delineated and act as spillover spaces during busy periods in the summer. It is considered there is ample spillover parking in the surrounding area.
- 3.2.2 The skateboard park would have a similar character and appearance as the existing facility and as such, would not have a material impact on the non-designated heritage asset of The Promenade Park. No impact is envisaged on surrounding amenity or public safety and there is no objection to the proposal in relation to flood risk. Regarding ecology, the proposals are considered acceptable.
- 3.2.3 The proposal is therefore in accordance with policies D1, D3, N3 and E3 of the Maldon District Local Development Plan.

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:

- S5 The Maldon and Heybridge Central Area
- 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
- 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 SPD (Masterplan SPD)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Strategic Policy S5 objectives and the purpose of the Masterplan SPD is to *'promote investments within the Maldon and Heybridge Central Area to ensure it continues to be a key focus for the local and sub-regional retail, employment and visitor economies'*.
- 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.
- 5.1.3 The application site lies within the Leisure Quarter of the Masterplan SPD. The Masterplan SPD includes six objectives and eighteen projects, one of which includes improvements and enhancements to The Promenade Park. The application is contributing towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.
- 5.1.4 As the proposal is effectively a replacement and upgraded facility on what is existing and would enhance visitor attraction to the park. The proposal is therefore policy compliant with policies S5, E5 and the Masterplan SPD, subject to other material considerations which is discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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.
- 5.2.2 Promenade Park falls outside of the Maldon Conservation Area but it is part of the local list of historic designed landscapes, qualifying it as a non-designated heritage asset for the purposes of paragraph 209 of the NPPF 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.
- 5.2.3 By way of background, the park opened in 1895 and has evolved over the years but still preserves some of its Victorian character. The skatepark lies within an area that retains less of this historic integrity. Given the extent of the proposals and the general uplift in quality, the new skateboard park will cause no harm to the significance of the park as a non-designated heritage asset.
- 5.2.4 Regarding general design principles, no concerns are raised with the regards to the features of the facility, which are designed to be both entertaining and durable. However, it is noted the expanse of the skateboard park would be wider than its existing rectangular contour, formulating an irregular shape. Nevertheless, this creates visual interest and character to the development, reflective of its leisure function and there are no concerns in this respect.
- 5.2.5 Other features that are incorporated into this application are seating blocks located to the east of the site, in a circular semi-circular arrangement. Further south of the aforementioned seating is a wooden arbour to provide sheltered seating. Bench seating would be positioned to the northern boundary of the site.
- 5.2.6 The peripheries of the site would be bounded by fencing and two gates, located to the east and west. No details have been provided but this can be conditioned should consent be granted.
- 5.2.7 The proposal is in accord with the relevant aspects 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. This is supported by section C07 of the MDDG (2017). Policy H4 (density (7) requires consideration of the impacts of development on neighbouring amenity.
- 5.3.2 The surrounding area comprises of leisure facilities relating to Promenade Park and those that serve it, including the car park, public toilets and kiosks used for the sale of food within close proximity of the application site.

- 5.3.3 The skatepark is existing and despite an increase in size of the facility, it would not encroach on existing buffers and will continue to be located a considerable distance away from the closest residential properties which are located over 300 metres to the west of the site.
- 5.3.4 The lighting proposed is on the peripheries of the skatepark to allow for use in hours of darkness. The Lighting Report submitted with the application illustrates that lux levels would vary within the facility between 90 and 130, depending on the position and gradient of the surface. This falls away dramatically offsite, down to single figures just a few metres from the edge of the skateboard park. As such, light spillage would be kept to a minimum and the general amenity of the park would be retained.
- 5.3.5 In terms of noise, there are no concerns raised in this instance given the location of the site and distance from the nearest residential property and its extant use as a skate park.
- 5.3.5 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 Vehicle Parking Standards (VPS) SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 Notwithstanding the above policy landscape, the development would be a replacement of a similar facility with a similar impact in terms of visitor attraction and trip generation. In this respect, its impact would be relatively marginal, save for the initial increase in usage given that it would be a new and enhanced facility sparking short-term initial local interest. In any case, care parking is located adjacent to the site and the number of spaces are considered ample to provide sufficient parking and manage any increase in demand in parking provision, albeit it initial and temporary. Essex County Council Highways Authority have been consulted and raise no concern in this regard.

- 5.4.4 It should be noted however that as the site area of the skatepark expands slightly with the inclusion of the swale, this will lead to the loss of approximately fifteen spillover spaces that are not demarcated and located on gravel and at least one an additional space to the northern concrete car park. Whilst the loss of these spaces may be regrettable, the core parking area is concreted area to the south. The majority of the non-demarcated spaces are only used during peak periods in the summer but in such instances there are still ample spillover spaces on the rest of the park to the east, which is also used during peak periods.
- 5.4.5 Turning back to Policy T2, its contents do not explicitly restrict the loss of parking spaces and simply states that developments should provide sufficient parking facilities, having regard to the Council's adopted parking standards. In this instance, the Council's parking standards set out in the SPD require one space per 22 sq.m under Use Class F2 (Local Community - previously D2) but given the above, such loss is not considered to impact greatly on the wider parking provision of the park, should the need arise.
- 5.4.6 The skateboard park would therefore not have an adverse impact on the existing parking spaces within Promenade Park, obstruct the free flow of pedestrians and given 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.
- 5.5.3 A 'Site Background and Drainage Strategy Report' (Flood Risk Assessment and Drainage Strategy) was submitted as part of the application. The assessment states that, although the proposal is located within a flood risk area, the proposed skate park will effectively be a like for like replacement, save for the change in materials and equipment. Although the extent of the skateboard park is increasing marginally, it is not envisaged that it will have any marked impact on flood risk.
- 5.5.4 In this instance, it is considered that the Sequential Test is not required as the proposed development would replace the existing facility, albeit with a modest increase in land take of some of the spillover parking. Notwithstanding the site's Flood Zone 3 categorisation, in light of the modest increase in area of the skateboard park, two small swales are proposed to the east and southeast of the facility that would store surface water during periods of heavy rainfall.
- 5.5.5 The Environment Agency (the EA) initially raised an objection due to concerns the proposal posed an unacceptable flood risk to the environment. During the life of the application, the applicant met with the EA and a revised scheme, which involves piping to the nearby Delph Ditch, was agreed. The EA also requested the Lead Local Flood Authority (LLFA) was re-consulted on the revised scheme. The LLFA was consulted and, as the proposal is for a minor development, advised that they did not want to provide formal comment.
- 5.5.6 The EA has recommended a condition be imposed to ensure that any contamination found, which was not previously identified, can be appropriately dealt with. In addition, an informative has been recommended in relation to an environmental

permit, which can be included on the decision notice. Therefore, the proposal is acceptable in terms of flood risk, in accordance with policy D5 of the LDP.

5.6 Ecology and Biodiversity

- 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 Policy N2 of the LDP states that 'All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.'
- 5.6.3 The Council's Ecology Consultant (Place Services) conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. The desk study confirmed that the site is in close proximity to Blackwater Estuary Special Protection Area (SPA), Ramsar site and SSSI, as well as the Essex Estuaries Special Area of Conservation (SAC). The consultant is satisfied that there is sufficient ecological information available to support determination of this application.
- 5.6.4 The lighting assessment and noise assessment have been reviewed in regard to ecological impact and it is not considered that any impacts are likely to occur upon the qualifying features of the designated site during the operation phase of the development. Conditions securing biodiversity enhancements and a lighting strategy for biodiversity are recommended by the Ecology consultant and are included in the recommendation below. A Construction Environmental Management Plan has been recommended by the Ecology consultant however, given the site is currently a skate park and this proposal is for its replacement, such a condition would be onerous and unnecessary and therefore not meet the tests for conditions.
- 5.6.5 With regard to Biodiversity Net Gain, 10% BNG could not be delivered on-site. As a result, the applicant will need to approach an off-site provider to secure off-site habitat units. Alternatively, the Government's Statutory Biodiversity Credits could be used. The standard BNG condition is recommended.
- 5.6.6 Regarding trees and hedging, the proposals would not impact on existing trees but conditions would be attached concerning their protective fencing and their longer-term preservation, should consent be granted.

5.7 Trees

- 5.7.1 The application is supported by an Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP). The AIA has shown that no trees will require removal to facilitate this proposal as well as no entry within the Root Protection Areas (RPA) of any trees during the construction process. In addition, the MS and TPP have shown suitable methodology to ensure that all trees within influence of the area will be suitably protected throughout the proposal. The Council's Arboricultural consultant supports the application subject to conditions which are included in the recommendation below.

6. **ANY RELEVANT SITE HISTORY**

There is no relevant planning history for the site.

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	Initial objection removed following revised scheme. No objection subject to condition regarding potential contamination is recommended.	Noted – refer to section 5.5 of report
Place Services - Ecology	No objection subject to further information on BNG	Noted – refer to section 5.6 of report
Highways Authority	No objection	Noted. Other considerations addressed in 5.4.
Lead Local Flood Authority	No comment as the proposal is for a minor development.	Noted – refer to section 5.5 of report

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Principal Conservation & Heritage Officer	The application is supported by Policy S5 and the Masterplan SPD.	Noted – refer to section 5.1 of the report
Principal Place Officer	No objection	Noted
Tree Consultant	No objection subject to condition	Noted – refer to 5.6 of report

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

- 7.4.1 **2** letters of representation have been received **commenting** on the application and are summarised below:

Comment	Officer Response
The applicant should be looking at a solar lighting solution.	Noted, the application has been assessed as submitted.

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 accordance with the approved plans and documents as shown on the decision notice.
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 documentation submitted with the application, including the Design and Access Statement and Seating Plan.
REASON: To ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.
4. The trees and hedges identified for retention on the approved plan drawing number(s) TPP01 which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.
REASON: In the interest of amenity of the site and the locality, and in accordance with Policies S1, D1 and N2 of the Maldon District Local Development Plan.
5. Full details of any fences and gates, together with details of soft landscaping including the timing of planting, shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site.
REASON: In the interest of the character and appearance of the site and surrounding park in accordance with Policies S1, D1, and D4 of the MDLDP and guidance contained within the NPPF.
6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
REASON: To protect and prevent the pollution of controlled waters (particularly the River Blackwater) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2024; paragraphs 187, 196 and 197), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.
- 7 The development hereby permitted shall be carried out in accordance with the Site Background and Drainage Strategy Report Rev A, dated 16 September 2025, prepared by Bendcrete Skateparks.

REASON: The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. Development in accordance with the submitted document is to protect and prevent the pollution of controlled waters (particularly the River Blackwater) in accordance with Policies D2 and D5 of the Maldon District Approved Local Plan and guidance in the National Planning Policy Framework.

- 8 Prior to installation of any lighting, a “lighting design strategy for biodiversity” for external lighting in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

INFORMATIVE:

1. **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply

Application documents:

Location Plan Rev E

Site Plan Rev C

Seating Plan Rev A