



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
CENTRAL AREA PLANNING COMMITTEE
21 APRIL 2021

Application Number	20/01328/FUL
Location	South West Adventure Golf Limited, Adventure Golf Course, The Promenade Park, Park Drive, Maldon
Proposal	Timber clad kiosk with two opening shutters, serving light refreshments.
Applicant	Mr Martin Devine - South West Adventure Golf Ltd
Agent	Mr Simon Plater - Plater Claiborne Architecture + Design
Target Decision Date	13.04.2021
Case Officer	Louise Staplehurst
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.

This map shows the coastal area around the Marine Lake and Recreation Ground. Key features include:

- Marine Lake** and **Recreation Ground and Marine Parade** (shaded in light blue).
- Promenade Park** (shaded in light blue).
- Leisure Club** (shaded in light blue).
- Tennis Court** (shaded in light blue).
- Shooting Range** (shaded in light blue).
- Club** (shaded in light blue).
- Public Cycle** (shaded in light blue).
- Public Toilet** (shaded in light blue).
- Public Phone** (shaded in light blue).
- Public Bench** (shaded in light blue).
- Public Lighting** (shaded in light blue).
- Public Art** (shaded in light blue).
- Public Space** (shaded in light blue).
- Public Building** (shaded in light blue).
- Public Land** (shaded in light blue).
- Public Water** (shaded in light blue).
- Public Road** (shaded in light blue).
- Public Path** (shaded in light blue).
- Public Area** (shaded in light blue).
- Public Facility** (shaded in light blue).
- Public Service** (shaded in light blue).
- Public Use** (shaded in light blue).
- Public Interest** (shaded in light blue).
- Public Benefit** (shaded in light blue).
- Public Good** (shaded in light blue).
- Public Order** (shaded in light blue).
- Public Safety** (shaded in light blue).
- Public Health** (shaded in light blue).
- Public Welfare** (shaded in light blue).
- Public Convenience** (shaded in light blue).
- Public Necessity** (shaded in light blue).
- Public Requirement** (shaded in light blue).
- Public Demand** (shaded in light blue).
- Public Expectation** (shaded in light blue).
- Public Interest** (shaded in light blue).
- Public Benefit** (shaded in light blue).
- Public Good** (shaded in light blue).
- Public Order** (shaded in light blue).
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- Public Demand** (shaded in light blue).
- Public Expectation** (shaded in light blue).



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Malden District Council 100018588 2014

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	CAC
Date:	08/04/2021
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies within Promenade Park to the east of Park Drive, within the parish boundary of Maldon. Promenade Park 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 (MDLDP). Although Promenade Park is not a formally Registered Park and Garden as identified by Historic England, it has been identified within the Local Development Plan (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 measures 0.5 hectares and is located to the east of the recreation ground and west of Marine Parade beyond which is the main parking area for Promenade Park. Planning permission was granted in 2014, under application 14/00819/FUL, for the construction of an 18 hole adventure golf course with an additional 19th 'free game' hole. The approved works included pirate themed paraphernalia and a cafeteria, although it is noted the cafeteria has not been built.
- 3.1.3 It is noted that there was a previous application at this site for the stationing of two mobile catering units. This granted a temporary permission for the two units for two years, under application 16/00629/FUL. This permission expired in July 2018. A second application 19/00201/FUL also granted a 3-year temporary permission for a mobile catering unit. Under that application, it was not considered appropriate to grant a 10 year or permanent consent due to design concerns regarding the temporary appearance of the unit.
- 3.1.4 This application proposes a timber clad food and drink kiosk which will measure 6.1 metres wide, 2.5 metres deep and 2.6 metres high overall. It will serve takeaway drinks and snacks. The materials will consist of mahogany stained log lap tongue and groove cladding and a steel roof and doors.
- 3.1.5 The proposed hours of opening are 10:00 to 18:00 every day including bank holidays and there will be two full time equivalent members of staff. The Design and Access Statement states that the water supply runs through the site and a new connection will be made, and foul drainage runs parallel to the golf course site along the car park access and a new connection will be made to that, as shown on the submitted block plan. The development provides a takeaway service, however there is a hardstanding within the wider site where seating can be provided. There is a door on the side elevation where the staff would enter the building and there are two serving hatches to serve customers.

3.2 Conclusion

- 3.2.1 The proposal is considered to be acceptable in terms of design and the impact on the character of the area. The proposal would also not detract from the amenity of neighbouring occupiers or parking provision and highway safety. There is also no objection to the proposal in relation to flood risk. The proposal is therefore in accordance with policies D1, D3, E2 and H4 of the MDLDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-design places
- 170-183 Conserving and enhancing the natural environment
- 184-202 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
- D3 Conservation and Heritage Assets
- E1 Employment
- E2 Retail Provision
- E5 Tourism
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards (VPS)
- 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 Policy E2 aims to support the provision of retail, office, tourism, cultural and community uses. Although the site is not located within a town centre area, or a primary or secondary area, there are surrounding kiosks being used for similar uses,

such as cafes and takeaways. It is not considered that the development is at a scale that would require a retail impact assessment.

- 5.1.2 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 and the proposal sits comfortably with the project of managing the Promenade Park. Project sixteen is expected to contribute 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.
- 5.1.3 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 site is located within Maldon Promenade Park which provides a number of tourist based facilities. It is therefore considered that the development proposal of a catering unit would support the existing leisure and recreation facilities within the park.
- 5.1.4 It is noted that the original application which granted permission for the adventure golf site, 14/00819/FUL also granted permission for a café to the north of the site, in a similar location to the proposed catering unit. However, the previously approved cafeteria has not been built. It has not been stated under this application why this cannot be built, however the documents submitted with application 19/00201/FUL stated it was not economically viable to build the approved café.
- 5.1.5 It is noted that there was a previous application at this site for the stationing of two mobile catering units. This granted a temporary permission for the two units for two years, under application 16/00629/FUL. This permission expired in July 2018.
- 5.1.6 Application 19/00201/FUL granted a further 3-year temporary permission for a mobile catering unit at the site. Under that application, it was not considered appropriate to grant a 10 year or permanent consent due to design concerns regarding the temporary appearance of the unit.
- 5.1.7 It is considered that the development will encourage business and tourism to Promenade Park, in relation to the existing lawful use of the site and will contribute to the objectives within the CAMp and therefore the principle of development can be found acceptable.
- 5.1.8 It should also be noted that the principle of the development was accepted at the time of the original application and that the cafe, as approved at that time, is still extant and could be delivered at this time.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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. Recognised principles of good design should be sought to create a high quality built environment for all types of development.

- 5.2.2 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 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:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).

- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 Policy D3 is also applicable to as Promenade Park is a locally designated Historic Park and Garden. 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.

- 5.2.7 Policy N3 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.

- 5.2.8 The proposal seeks permission for a timber clad food and drink kiosk. It will have a footprint of 15.3 sqm and would therefore not be unduly prominent within the surrounding area. It would be a similar scale and design to the food and drink kiosks within Promenade Park and would be in keeping with the area. The materials consist of timber cladding which would be sympathetic to the rural character of the area and therefore there are no objections to the proposed development.
- 5.2.9 It is noted that a 3-year temporary permission was granted under the terms of 19/00201/FUL for a mobile catering unit to be stationed on the site. This temporary permission was granted as there were concerns regarding the temporary and low-quality appearance of the unit and it was noted that permission should be sought for a food and drink unit with a more permanent and sympathetic appearance.
- 5.2.10 It is noted that the original application which granted permission for the adventure golf site, 14/00819/FUL also granted permission for a café to the north of the site, in a similar location to the proposed catering unit. However, the previously approved cafeteria has not been built. Whilst the current proposal is of a different design the extant permission is a material consideration in the determination of this application.
- 5.2.11 Overall, the proposed development is considered to accord with the policies set out within the LDP and the guidance contained within the NPPF.

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 over 10 metres to the north of the site. There are other kiosks, used for the sale of food, a minimum distance of 20 metres north of the site. The immediate surrounding area is grassland, with playing fields to the west of the site and a car park to the east.
- 5.3.3 The development is located a considerable distance away from the closest residential properties which are located over 230 metres to the west of the site.
- 5.3.4 It is consequently considered that the proposed kiosk would not result in an unneighbourly form of development, in accordance with this aspect of policies D1 and H4 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.
- 5.4.2 It is noted that the site is located within Maldon Promenade Park, with the promenade car park located east of the site. This existing car park is considered to provide

sufficient parking to manage any increase in demand in parking provision as a result of the proposed catering unit. Furthermore, no concerns were raised in 2014 regarding a larger purpose-built facility and it is noted that this could still be implemented.

- 5.4.3 The siting of a catering kiosk is not considered to 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.
- 5.4.4 Therefore, the proposed development is considered to be in accordance with this aspect of policies D1 and T2 of the LDP.

5.5 Flood Risk

- 5.5.1 The application site lies within Flood Zone 3, defined by the 'Planning Practice: Flood Risk and Coastal Change' as having a high probability of flooding. The NPPG identifies that the Sequential Test aims to guide new development to areas with the lowest probability of flooding, particularly Flood Zone 1. Local Planning Authorities are required to take into account the vulnerabilities of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that site can be considered in Flood Zone 3.
- 5.5.2 The proposal is to use the land to site a food and drink kiosk. The Environment Agency (EA) has been consulted and considers this to be 'less vulnerable development' as a café however the previous application considered a food and drink kiosk to fall under recreation as 'water compatible development' as it would be used as part of the existing golf course site. Notwithstanding this, it is noted that only the eastern half of the site lies within a flood zone and the area where the proposed kiosk would be located is not within a flood zone.
- 5.5.3 A flood plan has been submitted as part of the application, which includes details of the flood risk at the site and how occupants will be made aware of the flood evacuation plan, actions to be taken on receiving flood warnings including closing the kiosk when a warning is received. In this instance, it is considered that there is no other land available within Promenade Park for the proposal, especially as it is in relation to the lawful use of the site as an adventure golf course, within the area earmarked for the café approved in 2014 and therefore should be located within the grounds of that use.
- 5.5.4 Therefore, the proposal is considered to be acceptable in terms of flood risk, in accordance with policy D5 of the LDP.

5.6 Other Matters

- 5.6.1 The EA has been consulted and has recommended a condition relating to contamination as the site is located on a former landfill site which operated between 1949 and 1962.

- 5.6.2 Condition 8 has been included to ensure no cooking occurs at the site unless ventilation details have been submitted. Condition 10 ensures that waste details are submitted prior to the first use of the development. Condition 11 has been included to ensure details of illumination are provided to protect the amenity of the area.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history for the site is set out below.

- **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
- **15/05029/DET** - Compliance of conditions notification for application FUL/MAL/14/00819 (18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers) Conditions 3,4,5,7,8,9,10,11,12,13 – Cleared
- **16/00629/FUL** - Temporary planning permission for two catering units – Approved
- **16/05115/DET** - Compliance with conditions notification of approved application FUL/MAL/14/00819 (18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers). Condition 9 - Foundation details – Cleared
- **19/00092/FUL** - Proposed gemstone mining attraction. – Approved
- **19/00201/FUL** - Mobile catering unit within adventure golf site - permission for 10 years. – 3 year permission Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p>Recommends refusal</p> <ul style="list-style-type: none">• The scale, bulk and design of the proposed kiosk would result in overdevelopment of the site, out of keeping with the character of the surrounding area and contrary to policies D1 and H4 of the Maldon District Local Development Plan.	<p>Comments noted.</p> <p>See section 5.2.</p>

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions regarding surface water and foul drainage	Comments noted. The soakaway and foul drainage connections are shown on plan 2025/02
Conservation Officer	No response at the time of writing the report.	Any response received will be included on the Members' Update.

7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Environment Agency	No objections subject to a contamination condition	Comments noted.

7.4 Representations received from Interested Parties

7.5 Representations received supporting the application

One Letter of **support** has been received.

Comment	Officer Response
Support the application (on behalf of The Maldon Society)	Comments noted.

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 complete accordance with the following documents: 2025/loc01 Rev A, 2025/02, Q033570-CU, 5035-SERV
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 plans/application form hereby approved.

- REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 The development hereby permitted shall only be open to the public between 10:00 hours and 18:00 hours Monday-Sunday inclusive, including Public Holidays.
- REASON: To ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 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: In the interests of pollution, in accordance with policy D2 of the Maldon District Local Development Plan.
- 6 The surface water and foul drainage connections shall be undertaken as shown on plan 2025/02 and shall remain as such in perpetuity.
- REASON: To ensure the appropriate drainage of the site in accordance with policy D2 of the Maldon District Local Development Plan.
- 7 The development shall be carried out in accordance with the flood evacuation measures contained within the Flood Risk Assessment February 2021.
- REASON: To ensure the safety of the users of the site in the event of a flood, in accordance with policy D5 of the Maldon District Local Development Plan.
- 8 The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless a scheme for ventilation has been installed in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The ventilation scheme shall be retained as approved in perpetuity.
- Reason: In the interests of the amenity of the occupiers of neighbouring properties in accord with Policy D2 of the Maldon District Approved Local Development Plan and the NPPF.
- REASON: To protect the amenity of the area, in accordance with policy D1 and H4 of the Maldon District Local Development Plan.
- 9 Deliveries to the site shall only be undertaken between 08:00 hours and 18:00 hours Monday to Friday and at no time at weekends or Bank Holidays.
- REASON: To ensure the appropriate use of the site and to protect the amenity of the area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 10 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.
- REASON: To protect the amenity of the area and to mitigate pollution, in accordance with policy D1 and D2 of the Maldon District Local Development Plan.
- 11 Prior to the first use of the development hereby approved, details of all proposed external illumination of the site shall have been submitted to and approved in writing by the local planning authority. All illumination within the site shall be installed, maintained and retained in accordance with the

approved details. There shall be no other lighting of the external areas of the site.

REASON: To protect the amenity of the area, in accordance with policy D1 of the Maldon District Local Development Plan.