



Committee Report

Planning Committee South – 22 November 2022

Application no DC/22/3266/VOC

Location

Kiosk Site Near Bent Hill
The Promenade
Undercliff Road West
Felixstowe
Suffolk
IP11 2AB

Expiry date 11 October 2022

Application type Variation of Conditions

Applicant Mr J Newman

Parish Felixstowe

Proposal Variation of Condition No. 3 of DC/22/1996/FUL - Replacement beach side kiosk adjacent to promenade - Operational hours.

Case Officer Mark Brands
07881 234242
mark.brands@eastsuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought to vary Condition 3 of DC/22/1996/FUL (the hours of operation) for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe.
- 1.2. As the applicant and landowner is East Suffolk Council, the proposal is to be determined at Planning Committee in accordance with the scheme of delegation.
- 1.3. The application is recommended for approval.

2. Site Description

- 2.1. The site is located on the beachside of the promenade between the Spa Pavilion and Pier. The present site is the concrete plinth and base, with Peters Ice Cream kiosk having been

removed from the site. The conservation area does not extend to the beachside part of the promenade. The site is in a relatively prominent location, as the road and roadside greens are at a higher level, with the site in close proximity to Bent Hill. As such this is one of the main routes from the town centre to the seafront, with bars and cultural spaces by this junction and sea frontages.

3. Proposal

- 3.1. The proposal is for the variation of Condition No. 3 of DC/22/1996/FUL, approved on 29 July 2022, in order to extend the operational hours of the kiosk from 8am-6pm daily to 7am-10pm daily.
- 3.2. The former 'Peters Ice Cream kiosk' has already been removed from the site, with only the concrete base remaining.

4. Third Party Representations

- 4.1. No third-party representations have been received; consultation period has expired.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	19 August 2022	8 September 2022
Summary of comments: Committee recommended APPROVAL.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	19 August 2022	8 September 2022
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Felixstowe Society	19 August 2022	4 September 2022
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	19 August 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	19 August 2022	No response
Summary of comments: No response received; consultation period has expired.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	19 August 2022	24 August 2022
Summary of comments: No objections. If not already applied then I recommend if appropriate a condition to ensure adequate waste facilities at the kiosk. I further recommend that the LPA apply some specific operational hours and not the rather imprecise 'dawn until dusk' referred to in the application. The kiosk is reasonably separated from any residential receptors, however a reasonable start and finish time ought to be applied, perhaps 07:00 hours and 22:00 hours respectively in order to avoid the more sensitive night-time period.		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	25 August 2022	16 September 2022	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 2 September 2022 Expiry date: 23 September 2022
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6. Planning policy

National Planning Policy Framework 2021

SCLP9.3 - Coastal Change Management Area (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.14 - Spa Pavilion to Manor End (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

- 7.1. The proposal seeks to extend the operational hours of the kiosk from those proposed and conditioned under permission DC/22/1996/FUL, these being 8am to 6pm daily.
- 7.2. This VOC application initially proposed the operational hours to be “between dawn and dusk” however this was not considered suitable given the absence of a fixed time to enforce. Following the consultation process and the suggestion from the Environmental Protection team for the hours to be from 7am to 10pm as an appropriate range, the agent has confirmed agreement to this as it will provide greater flexibility, particularly in the summer months and associated increased tourist trade. These hours are considered acceptable given that the kiosk is reasonably separated from residential receptors by the promenade and road, with local businesses opposite open until later in any case. The extended operational hours of 7am to 10pm are not considered to give rise to harm to neighbouring amenity and the proposal therefore accords with Local Plan considerations and the relevant provisions within the NPPF.
- 7.3. The scheme and considerations are otherwise as per the original approval, for which there have been no material changes to local or national policy considerations and the merits of the original approval remain the same as before as per the below.
- 7.4. The resort of Felixstowe, located on the coast and adjacent to the Area of Outstanding Natural Beauty (AONB), is a priority for new tourist activity, where improving the tourism potential is seen as an important element in achieving the regeneration of the town and where providing continued support in principle to the tourist industry remains a priority within the local plan. However, it is recognised that such support needs to be tailored to ensure that any expansion does not materially harm, in particular, the natural, historic and built environment assets that are the main attractions for visitors to the area and which are so important to the quality of life of local residents.
- 7.5. The land in question is covered by local policy SCLP12.14 (Spa Pavilion to Manor End), which sets out that development that encourages and promotes high intensity uses in the area will be supported provided they are of high quality and respects the town’s heritage.

- 7.6. The section between the Pier and Spa Pavilion is advocated in the policy to promote cultural attractions which make a positive contribution to the conservations areas, respect the registered gardens and provide a link between the resort and the town centre.
- 7.7. The principle of siting a kiosk on this site has already been established, and as noted this is a replacement kiosk following the removal of the former 'Peters Ice Cream kiosk'. The replacement will be of a similar footprint measuring 2.57m by 6.06m, with a height to the eaves of 2.54m. It would be sited on the existing concrete base and have a wider retail aspect with inclusion of other tourist related paraphernalia.
- 7.8. The new kiosk will utilise a converted shipping container, to be cladded and coloured in pastel colours. These are shown indicatively to be blue and white, though may be subject to change to other pastel colours. The form, scale and design are considered appropriate for the beachside location and are of a good visual appearance to positively contribute to the amenities of the promenade and support the tourism trade to the seafront.
- 7.9. The conservation area is not considered to cover the beachside, however the proposal will affect the setting of the conservation area. Given the scale of the development proposed and its form, the kiosk is not considered to negatively impact the setting of the conservation area, with the replacement being of a positive visual appearance appropriate to its function.
- 7.10. Given the context of the site with the former ice cream kiosk, another kiosk on the site is considered suitable and in accordance with the local policy covering this part of the seafront as the new kiosk will ensure a continued high footfall, with the kiosk of a high quality design at this important visual approach from the town centre down Bent Hill, maintaining the character and the link between the town centre activities and the seafront and its resort related activities and attractions
- 7.11. Minor development such as this is unlikely to raise significant flood risk issues. Although the site does not fall within the defined Coastal Change Management Area, it is located within a 30-metre risk zone landward of areas where the intent of management is to Hold the Line (HTL) as detailed in the Shoreline Management Plan 7. A Coastal Erosion Vulnerability Assessment was provided for the original application and a condition imposed requiring the development to be carried out in accordance with this. This condition is again included within the recommendation below. The proposal remains in accordance with SCLP9.3.

8. Conclusion

- 8.1. The proposed replacement kiosk is of a similar scale to that previously in situ, and the converted container is of an acceptable design that will not appear out of keeping given the location by the beachside. Replacing the kiosk will maintain the character of the area and its function and role in supporting the local tourist trade and providing a link between the resort activities further along the promenade and the town centre. The increased hours of operation are considered appropriate and will not adversely impact local residences given the degree of separation and context of the locality, with restaurant and drinking establishments open later into the evening. The increased hours of operation are therefore considered reasonable to enable greater flexibility particularly during the tourist seasons.

9. Recommendation

9.1. Approve subject to the conditions below.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of the original planning permission DC/22/1996/FUL (being 29 July 2022).

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted, or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Design and Access Statement
Flood Risk Assessment
Flood Response Plan
Drawings 202201-01 and 202201-02

All received on 16 May 2022, approved under Planning Permission DC/22/1996/FUL.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The kiosk shall only be open to the public between 7:00 and 22:00 Monday - Sunday (including bank holidays) and shall be closed to the public at all other times.

Reason: In the interests of amenity and protection of the local environment.

4. The development shall be carried out in accordance with the Level B Coastal Erosion Vulnerability Assessment received on 21 July 2022 approved under Planning Permission DC/22/1996/FUL.

Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement development.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background information

See application reference DC/22/3266/VOC on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support