



## Committee Report

Planning Committee South 27 June 2023

**Application no** DC/22/0103/FUL

**Location**

The Promenade  
Sea Road  
Felixstowe  
Suffolk  
IP11 2QN

**Expiry date** 4 April 2022

**Application type** Full Application

**Applicant** Paul Hedges

**Parish** Felixstowe

**Proposal** Siting of a temporary observation wheel for a maximum of six months

**Case Officer** Rachel Smith  
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## **1. Summary**

- 1.1 The application seeks permission to use the land to site an observation wheel attraction for a temporary period of six months.
- 1.2 The application is being presented to Planning Committee for determination solely because the Council is the landowner. The Town Council do not object to the proposal and there is no objection from any Statutory Consultees. The application would not normally have triggered the Referral Panel process.
- 1.3 The application is recommended for approval. The proposal is considered to add to the offer of tourism facilities in the resort and the temporary nature of the application will enable the operator and landowner to assess the suitability and success of the attraction with agreement that the sea front garden area to be returned to its current state on expiration of the planning permission and/or license. There would therefore be no long-term impact as a result of the proposal.

## **2. Site Description**

- 2.1 The application site currently forms part of the grassed area immediately behind the promenade and adjacent to Sea Road. While these garden areas have not been maintained to a high standard in recent years, they provide an attractive and useable space away from the sea front and away from the vehicle dominated Sea Road.
- 2.2 The site is located opposite the commercial offer of the south sea front resort facilities where the amusement arcades and refreshment outlets dominate. Immediately to the south of the site is one of the seaside shelters with the land immediately to the north of the site being similar in character and appearance to the application site, currently providing paths through the grassed areas, parallel with the promenade to the east and Sea Road to the West.
- 2.3 The site lies within Flood Zone 2 and is sea ward of the existing flood defences.

## **3. Proposal**

- 3.1 The application seeks to use the land to site an observation wheel for tourist/leisure use. The proposed wheel would be sited on a raised metal base off the ground and be supported by four columns on loading pads. The wheel would be a maximum height of 34.5 metres and be 32.6 metres long and 13.7 metres wide. It would take up the entire width of the existing garden area behind the promenade. It would have 24 'pods' for passengers to ride in, each with a maximum capacity of six persons.
- 3.2 The proposal would involve the partial removal of areas of the wall and hedge along the back of the promenade to enable access to, and around the wheel. Two three metre sections of this wall/hedge would be removed. It would also involve the removal of part of the raised grassed area in the centre of the site.
- 3.3 The application is made to site the observation wheel for a maximum period of six months following the grant of permission, in line with a license being agreed between the applicant and the Council's estates department. This will enable the Council as landowner,

the local planning authority and the applicant to assess the success and impact of the development prior to potentially applying for the attraction to return, however, this application should be determined on its own merits without consideration or speculation of what subsequent applications may follow.

- 3.4 The application originally included a refreshment kiosk however this has been removed from the application.

#### **4. Consultees**

##### **Third Party Representations**

- 4.1 A total of 15 letters of representation have been received. Three of these object to the application while 12 support the proposal. The comments received are summarised below:

##### **Objections**

- Site is too small for the size of the wheel
- Wheel would be overbearing and visually very dominant given height and colour
- It would be overused - 12 hours a day, 7 days a week with lights and noise
- Would increase anti-social behaviour
- Loss of public land
- Would set a precedent for other similar uses/attractions along the grassed area
- Other examples given aren't comparable in terms of hours of operation and location
- Would result in the loss of a quieter walking and picnic area
- There are already enough food kiosks
- Parking is already a problem with a lack of spaces and on-street parking blocking residents driveways
- Would result in noise and light pollution
- No benefit for residents
- Overlooking

##### **Support**

- Good addition to the town as a whole
- Provide a new, interesting attraction
- Would bring in more visitors and therefore more money
- Would support other businesses in the town
- Would increase visitor footfall
- It would provide a seafront focal feature
- Great attraction for a day out
- Bring in investment and provide diversity

#### **Parish/Town Council**

| Consultee  | Date consulted   | Date reply received |
|--|------------------|---------------------|
| Felixstowe Town Council  | 11 February 2022 | 24 February 2022    |
| Summary of comments:<br>While we welcome this addition to Felixstowe's tourist offer, we could only recommend APPROVAL |                  |                     |

subject to the following matters being satisfactorily addressed:

- a. The proposed removal of the wave wall at the rear of the promenade, would render the site, and hence adjoining grass areas to the north and south vulnerable to shingle and salt water incursion from wave action during the period of operation of the wheel, from mid-February until mid-October. High tides and storms can occur at any time, and are certainly not limited to the depth of winter. Therefore it will be essential that a suitable structure of similar height is in place at all times along the wheel frontage, other than at any access point to the wheel. In that area, wave boards should be available for insertion on receipt of storm or flood warnings.
- b. We note that the application site currently has raised grass areas and retaining walls, which will need to be removed in order to site the wheel and its supports. There is no recognition of these in the drawings supplied. We would request that appropriate properly designed transitions to the unchanged adjacent areas form part of this application, and that the central path would be suitably reinstated during the winter period.
- c. Sunday and Bank Holiday operating hours should finish at 9pm, as already proposed for Monday ' Friday.

### Statutory consultees

| Consultee  | Date consulted | Date reply received |
|--|----------------|---------------------|
| Environment Agency - Drainage  | 11 May 2022    | 24 June 2022        |
| Summary of comments:<br>No objection subject to consideration of Flood Risk.<br>Note to applicant: These works may require a Flood Risk Activity Permit. |                |                     |

### Non statutory consultees

| Consultee   | Date consulted   | Date reply received |
|---|------------------|---------------------|
| East Suffolk Environmental Protection   | 11 February 2022 | 14 February 2022    |
| Summary of comments:<br>No objection however recommend a condition requiring a noise assessment and limited construction hours. |                  |                     |

| Consultee   | Date consulted   | Date reply received |
|---|------------------|---------------------|
| Felixstowe Society  | 11 February 2022 | 7 March 2022        |
| Summary of comments:<br>Proposal is in a far better location than the previous application. |                  |                     |

### Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 28 February 2022

Expiry date: 21 March 2022

## 5. Planning policy

National Planning Policy Framework 2021

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.1 – Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.2 - Tourism Destinations (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP8.2 – Open Space (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (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)

SCLP12.2 - Strategy for Felixstowe (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)

## **6. Planning Considerations**

### Principle

- 6.1 The Strategy for Felixstowe (as set out in Local Plan policy SCLP12.2) is to retain its role as a thriving coastal resort and major centre with a comprehensive range of services and facilities which supports the community of Felixstowe and the neighbouring settlements on the Peninsula. The strategy seeks to ensure that, among other things:
- Services and facilities support the needs of local residents, visitors and those in surrounding communities;
  - The resort continues to flourish and opportunities for regeneration and additional tourist attractions are brought forward;
  - Open spaces are preserved, enhanced or otherwise re-provided to ensure that all residents have easy access to informal recreational green space.
- 6.2 SCLP6.1 and SCLP6.2 relate to Tourism and Tourism Destinations respectively. These policies generally seek to support tourism development, recognising the importance of this industry to the economy, whilst also ensuring such development does not detract from the qualities of the natural environment that attract visitors to the area. SCLP6.2 sets out that the Council will support proposals for tourism development that contribute to the broad appeal, accessibility and year-round nature of destinations across the plan area. It goes on to add that tourism proposals should be of the highest standard of design and seek to protect and enhance the special character and interest of the destinations and the distinctiveness of the area, with particular regard to sensitive landscapes and heritage assets.
- 6.3 SCLP12.14 refers to the area of Felixstowe Sea Front from the Spa Pavilion to Manor End, within which this site is located. This policy sets out that the Council will support and promote high intensity tourist uses in this area, with a high proportion of these to be located along the Sea Road frontage. It seeks to welcome proposals that actively encourage new resort experiences.
- 6.4 The siting of the proposed wheel central to other existing commercial offers along the southern part of the sea front is therefore in accordance with the wider strategy for Felixstowe and is supported, in principle, in this location as part of the wider tourism offer.

### Design and Visual Impact

- 6.5 The height of the proposed wheel would result in a significant visual impact, not just in the locality but also in many wider views from within the wider area. The design of the wheel

is unobjectionable insofar as it is clear what it is and while it would be a new and prominent addition to Felixstowe, the concept of a seaside observation wheel is not uncommon in other coastal resorts. The proposed wheel would be situated in front of a number of existing commercial units including amusement arcades and refreshment outlets. While these are traditional of many similar seaside resorts, the design of these facilities in closest proximity to the application site are more functional than innovative or interesting in their design.

- 6.6 The boundary of the Felixstowe South Conservation Area is located approximately 250 metres to the north of the site. While the wheel would be visible in views to and from the Conservation Area, it would not detract from its significance or importance due to its physical separation, and that the special interest of the Conservation Area is based around the Victorian and Edwardian built form that the wheel is clearly not trying to compete with or replicate in its design or appearance.
- 6.7 The nearest Listed Building is Martello Tower located over 500 metres to the south of the site in Martello Park. While the proposed wheel would be visible from the tower, the distance between the structures and intervening land uses means that the proposed development would not adversely affect the setting of the Listed Building. The proposal would therefore not result in any harm to the heritage asset.
- 6.8 The proposal also involves minor works to the existing layout of the garden area. This includes regrading some of the raised grass bed areas (to enable a flat surface for the base of the wheel) and the removal of two sections of wall and hedge at the rear of the prom to enable access and egress for visitors. This would result in a change of appearance of an otherwise uniform appearance of the garden areas in the vicinity of the site. It is understood that the terms of the license granted by the Council as landowner require full reinstatement on its cessation. A condition is therefore suggested for inclusion requiring the appearance of the site to be returned to its current appearance on expiration of the planning permission. This would ensure that the continuity of the gardens areas remains when the wheel is not in situ.
- 6.9 The Town Council has raised a concern regarding the removal of the prom wall and hedgerow in relation to its current function protecting the grass areas from shingle and saltwater incursion from wave action. Further plans have been submitted indicating smaller sections of the wall to be removed (only allowing for access and egress) compared to that previously indicated. The condition requiring re-instatement works on expiration of the planning permission would ensure this feature is not lost in the longer term.
- 6.10 Some lighting is proposed on the wheel and wider site, however, a condition is proposed to limit this to low level security lighting only outside of the operating times of the wheel to ensure that any light spillage is minimised and not excessive. It is however noted that the wheel is situated in an area where there are other illuminated signs and businesses operating, as well as street lights along Sea Road and the prom, either side of the proposed wheel, such that additional low level lighting would not be out of keeping with the wider area.
- 6.11 Concern has been raised that the development would result in the loss of public open space. The site is owned by the Council and provides an open area that members of the public can access for informal recreation. This space is linked to the areas of similar

appearance and function to the north and south of the site, and also to the east, along the prom. Policy SCLP8.2 of the Local Plan relates to Open Space and states that "The Council supports the provision of open space and recreational facilities and their continued management across the plan area. Primarily to encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community, and also to support the biodiversity, promote effective water management and to enhance the public realm." It goes on to state that "There will be a presumption against any development that involves the loss of open space or community sport and recreation facilities. Proposals for development that results in the loss of open spaces will only be permitted in exceptional circumstances where:

a) The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;"

- 6.12 The siting of the wheel will result in a small loss of open space and require slightly different movement patterns for pedestrians while the wheel is operational. This, however, is within an area with good levels of public open space along the sea front gardens, promenade and more recent development at Martello Park. The quantitative loss of space is therefore only a small proportion of the open space available in the vicinity, and the open space would not be completely lost insofar as the new attraction would be open for the public's use/benefit and it would be temporary in nature. There is also the added benefit to the wider economy of this additional investment/attraction to the resort. The proposal is therefore considered to be in accordance with SCLP8.2.

#### Residential Amenity

- 6.13 The nearest residential property to the proposed wheel is approximately 90 metres to the north, on St. Edmunds Road, and there are intervening commercial premises between the site and the nearest residential properties in all directions. The Council's Environmental Protection Team have recommended a noise survey be carried out prior to the installation of the wheel however these comments were made prior to the application being amended to only cover a 'trial' time period of six months. It is therefore considered that re-wording this condition to require a noise survey to be undertaken with the wheel in situ and operational would give better results and that these could be used to inform any potential future application, if applicable. It is not however considered that the wheel would cause significant noise and disturbance beyond that currently audible from the nearby highway and other commercial premises. The application states that the operation of the wheel is silent and electric powered. The operator would still be required to deal with any statutory noise complaints arising in the shorter term.

#### Highways/Parking

- 6.14 Concern has been raised regarding the difficulties with high demand for parking in the area. The application site does not include any parking areas. It is recognised that in peak periods there is high demand for parking in this area and that inconsiderate parking can cause local residents problems in accessing their private driveways. Having said this, there are public car parks nearby, on-street parking is available, and Felixstowe is served by public transport. While it is anticipated that the attraction would bring in some visitors to the town, many of these trips are likely to be linked with visits to other attractions in the town. While it cannot be quantified, it is not considered that the development would



cause significant impacts on the local highway network such that permission should be refused on this basis.

#### Hours of operation

- 6.15 The application form states that the wheel is proposed to be open from 10am until 9pm Monday to Friday, 10am until 10pm Saturdays and 10am until 10.30pm Sundays and Bank Holidays. The Town Council have indicated that they would support the proposal on the basis that Sunday and Bank Holiday operating hours should finish at 9pm, in line with Monday to Friday hours and this seems reasonable so not to attract further visitors later into the evening in what are usually expected to be times when local residents may be able to expect quieter periods.

#### Flood Risk

- 6.16 The application site lies within the Environment Agency's Flood Zone 2 and is seaward side of the existing sea defences. The Environment Agency does not object to the proposal however requires the local planning authority to consider the flood risk. The Environment Agency has also indicated that they would require a Flood Risk Activity Permit. It has been indicated to the applicant informally that this would be forthcoming following the grant of planning permission; this would need to be in place prior to operation of the site but this lies outside of the planning remit.
- 6.17 In relation to flood risk, the site lies within Flood Zone 3b as identified in the Strategic Flood Risk Assessment and given its location seaward of the defences and its proximity to the sea, is at risk from tidal flooding events. The proposed development is considered to be at low risk of flooding from pluvial, groundwater and sewer sources. A Flood Risk Sequential Test is not required in this case given the application proposes the change of use of land, not operational development. The proposed wheel would be situated on a low metal platform and not require any ground works. In the event of a flood, there would be very limited water displaced (limited to the volume of the sheets of metal decking).
- 6.18 Uses of land for outdoor sports and recreation are considered to be 'water compatible' as set out in Annex 3: Flood risk vulnerability classification of the National Planning Practice Guidance. A 'water compatible' use is considered to be potentially suitable within Flood Zone 2, and 3b as set out in Table 2 of the Planning Practice Guidance: Flood Zone Vulnerability and Flood Risk 'incompatibility'. The exception test is therefore not required. A note to the table indicates that within Flood Zone 3b, essential infrastructure that has passed the exception test and water-compatible uses, should be designed and constructed to:
- remain operational and safe for users in times of flood;
  - result in no net loss of floodplain storage;
  - not impede water flows and not increase flood risk elsewhere.
- Although the site would not remain operational in times of flood warning (similar to as would be expected with other outdoor recreational uses), the development would not result in any loss of floodplain storage or impact on water flows or flood risk elsewhere. The proposal is therefore considered to be in accordance with Table 2 within the National Planning Practice Guidance document.

- 6.19 The Flood Risk Assessment sets out that in the 1 in 200 year (plus climate change) flood event, the site could experience flood water depth of up to approximately 0.5 metres. However, as the proposed development is considered to be water compatible under the NPPF and does not propose any floor space, mitigation measures such as raising finished floor levels are not required/possible. Furthermore, as the site is at risk of tidal flooding and is considered to be water compatible, it is not expected to cause displacement of flood water. The site is located within a Flood Warning Service area. It is recommended that a condition is imposed requiring the site owner/ management to subscribe to this service. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.
- 6.20 Although the site is not within a Coastal Change Management Area (CCMA), Policy SCLP9.3 requires the submission of a Coastal Erosion Vulnerability Assessment (CEVA) where development is within 30 metres landward of areas where the intent of management is to Hold the Line. However, as the site is located on the seaward side of the defences, the proposed development is located within the indicative 100 year erosion zone and the proposed development could be lost to the sea within 100 years. Given the temporary nature of the development (currently proposed to be for one season), the risk to the site from coastal erosion/potential impact of coastal erosion is low. The structure is also capable of being taken down and moved away from the site such that it would only be the land at risk of erosion, no different to the current situation.

#### License

- 6.21 Although a separate consideration to the planning application, as landowner, the Council must grant a lease or license for the operator to use the site. The current position in relation to this is that Heads of Terms have been agreed. The license would require re-instatement of the land back to its original condition at the end of the license period.

### **7. Conclusion**

- 7.1 The proposed observation wheel would be a large and prominent addition to the sea front however its siting is not considered to be harmful to the character or appearance of the wider area. It would provide an additional attraction to the tourism offer at the resort helping to support the wider economy. The impact on open space would be minimal and following the expiry of the planning permission, the area would be returned to its current condition.

### **8. Recommendation**

- 8.1 Approve, subject to controlling conditions as set out below.

#### **Conditions:**

1. The development hereby permitted shall cease within six months of the date of this permission. Within one month of the expiry of this permission, the site shall have been returned to its current form and appearance with the raised grass beds, central walkway and prom boundary wall reinstated in accordance with drawing 5896/02.

Reason: For the avoidance of doubt as to what has been considered and approved - a temporary permission is considered necessary to properly assess the impacts of the development when operational.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. 01, 02, 04a, 04b rev. B, 04c rev. B, 05 rev. A, 06 rev. C and Landscape Statement, Flood Risk Assessment, Planning Statement rev. A, Technical Document, Risk Assessment and Method Statement all received 2 June 2023 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.

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

3. If the observation wheel hereby permitted is not operational for a period in excess of 24 hours, the gaps created within the promenade facing boundary wall for access and egress shall be infilled as indicated on drawing 04c rev. B.

Reason: To minimise the impact of sand and/or shingle entering the grassed areas and to ensure some visual continuity of the existing promenade wall when the wheel is not operational and prior to its reinstatement.

4. Prior to operation of the observation wheel hereby permitted, the site owner/manager shall subscribe to the Flood Warning Service area. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.

Reason: In the interest of minimising risk to users and staff of the site.

5. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be carried out while the wheel is operational (to include while powered by the back-up generator) and submitted to the local planning authority prior to the expiry of this planning permission. This should include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

Reason: In order that an accurate noise assessment of the attraction can be considered in the interest of amenity and protection of the local environment.

6. All noisy construction and deconstruction activities (i.e. those audible beyond the site boundary) shall be restricted to the following hours:

Monday - Friday: 7.30-18.00

Saturday : 8 - 13.00

Sundays/Bank Holidays: No noisy working.

The observation wheel shall only operate during the following times:

Monday - Friday 10.00 - 21.00

Saturday 10.00 - 22.00

Sundays and Bank Holidays 10.00 - 21.00

Construction and de-construction of the wheel and wheel operation shall be carried out entirely in accordance with the Method Statement, Technical Documentation and Risk Assessment submitted with the application.

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

7. There shall be no floodlighting on the site at any time. When the wheel is not operational, there shall be no external lighting except for low level security lighting that shall not be positioned above one metre above the proposed platform.

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

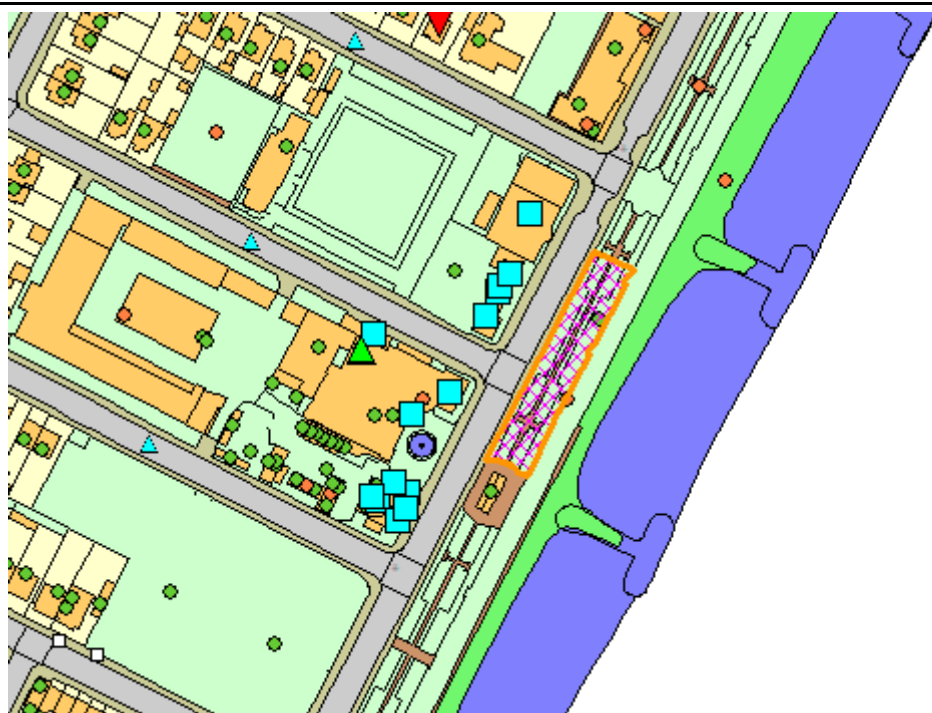
#### **Informatives:**

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.
2. The applicant's attention is drawn to the comments from the Environment Agency regarding the need for a Flood Risk Activity Permit.
3. The applicant is advised that this planning permission does not 'trump' any lease or license granted by the Council as landowner (or vice versa) and that all necessary permissions must be in place and complied with in full for the operation to be lawful.
4. The applicant's attention is drawn to the comments received from the Council's Environmental Protection Team with regards to the noise survey. Given the temporary nature of this permission, it is considered appropriate to ensure a noise assessment is carried out while the site is operational to obtain accurate readings of the wheel in situ. This does not alleviate the applicant of their responsibility in relation to noise nuisance and the Council will investigate any complaints of statutory noise nuisance.

#### **Background information**

See application reference DC/22/0103/FUL on [Public Access](#)

## Map



**DO NOT SCALE** SLA100019684

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## Key



Notified, no comments received



Objection



Representation



Support