



Committee	Cabinet
Date	07/05/2024
Subject	Spa Beach Huts, Felixstowe
Cabinet Member	Councillor Paul Ashton Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets
Report Author and Director	Kate Blakemore Strategic Director kate.blakemore@eastsoffolk.gov.uk
Supporting Officer	David Johnson Asset and Investments Consultant david.johnson@eastsoffolk.gov.uk

Key Decision?	No
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
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Purpose/Summary

The Spa Beach Huts were originally situated in an area between the Victorian shelter (bottom of Bent Hill) and the end of the Spa Gardens (where there is a community building known as “The Hut”), on Felixstowe Sea front. They have been there since the 1880s, and some of the huts are the original Victorian structures.

Concerns about beach erosion in this area were first raised by the Felixstowe Beach Hut and Chalet Association (FBHCA) in July 2017. Diminishing sand levels forced the removal of huts onto the promenade that same year. Initially 9 huts were moved to their winter position on the prom, by the end of the year this had increased to the full 54.

The Council has since worked to relocate all beach hut owners into other locations across Felixstowe, however 14 beach hut owners have yet to be relocated.

Working in partnership with these 14 beach hut owners this report presents Cabinet with a proposal to relocate these 14 beach hut owners back to their historic position, by way of situating them on platforms rather than directly on the sand.

Recommendation(s)

That Cabinet:

1. Approves the proposal to allow the Felixstowe Spa Beach Huts Association to build 14 beach hut platforms pursuant to planning permission DC/23/2089/FUL
2. Delegates to the Strategic Director for Corporate Services, in consultation with the Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, the authority to enter into an Agreement, on terms that best protect the Council’s interest, with the Felixstowe Spa Beach Huts Association (or any successor organisation) for the building of 14 beach hut platforms pursuant to planning permission DC/23/2089/FUL
3. Delegates to the Strategic Director for Corporate Services in consultation with the Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, the authority to enter into individual leases for a term of 20 years with the 14 Spa Beach hut owners who have yet to be successfully relocated elsewhere in Felixstowe.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact

Climate change is causing a shift in the planet’s weather patterns and average temperatures. In the UK the rising global temperatures is causing warmer and wetter winters and more frequent and intense weather extremes.

This report outlines how the effects of coastal erosion in a localised area of Felixstowe could be addressed, with a proposal to put in place platforms to mitigate, and even benefit, the effects of this erosion and enable 14 Spa Beach hut owners who have yet to be successfully relocated elsewhere in Felixstowe, to return to their original historic location.

Sustainable Housing

No direct impact.

Tackling Inequalities	No direct impact.
Thriving Economy	No direct impact.
Our Foundations / governance of the organisation	To progress this proposal both a detailed Development Agreement and Lease agreement will be issued and signed by the relevant parties to enable the proposed platforms to be built and 14 beach huts to return to the Spa Beach huts location in Felixstowe.

Justification for recommendations

1. Background

- 1.1. The Spa Beach Huts were originally situated in the historic area of Felixstowe, between the Victorian shelter (below South beach Mansion) and the community building known as "The Hut", at the end of the Spa Gardens, on Felixstowe Sea front. The huts sat on the beach in front of the Spa Pavilion Theatre and the listed Spa gardens, just on the beach in front of the promenade. This location is the oldest site for static beach huts in the country, dating back to the 1880s. The beach huts are an important part of seaside history nationally, and a key part of Felixstowe's heritage. Please refer to the Heritage Impact Assessment in Appendix 1 for further historical information regarding this site.
- 1.2. Concerns about beach erosion were first raised by the Felixstowe Beach Hut and Chalet Association (FBHCA) in July 2017. Diminishing sand levels forced the removal of huts onto the promenade that same year. Initially 9 huts were moved to their winter position on the prom, by the end of the year this had increased to the full 54.
- 1.3. In 2018, rebuilding sand platforms was explored by the Council, but experts advised against it due to rapid erosion. The decision was made to leave the huts on the promenade temporarily. The situation became more critical in March 2018 when Storm "Beast from the East" battered the coast.
- 1.4. Throughout 2019, alternative relocation sites within the resort were explored with the FBHCA, including Manor End, The Dip, Pier South. At this time, ten owners voluntarily moved their huts to new locations.
- 1.5. A trial for concrete block platforms was proposed in 2020, but Storm Darcy struck in February 2021, further eroding the beach by 1.52 meters (5ft) overnight. This highlighted the impracticality of solid concrete platforms.
- 1.6. With limited options, and the FBHCA's preference for Spa beachside location not looking viable, the focus shifted to the alternative sites. New locations were found for a further 30 huts, utilising alternative locations such as Manor End, The Dip, Pier South, and a new beach site at Clifflands. The remaining 14 were placed in storage on Council land away from the beach in 2022.

2. Introduction

- 2.1. Since 2022 the remaining 14 Beach Hut owners have continued to try find a suitable location for their Beach Huts in Felixstowe. In May 2023 a planning application for the reinstatement of 14 beach huts and the erection of individual wooden platforms located on the beach between the beach shelter and Spa Pavilion in Felixstowe was submitted on behalf of the 14 Beach hut owners. This was subsequently approved in December 2023.
- 2.2. These Beach Hut owners have since been working with the Council to develop proposals to enable the owners to build these platforms and reinstate their beach huts.

3. Proposal

- 3.1. The beach hut owners have subsequently formed a new association: Felixstowe Spa Beach Huts Association (FSBHA) and heads of terms in relation to a Development Agreement with this Association have been agreed in principle.
- 3.2. A Development Agreement is an agreement under which a developer agrees with another party (Felixstowe Spa Beach Huts Association) to procure construction of works on behalf of that party. This agreement will include obligations as to risks, cost, and quality of build.
- 3.3. This agreement will therefore see the Spa Beach Huts Association take on full responsibility for the building of the 14 platforms in line with the conditions of the recently granted planning application, and subject to further technical agreement with the Council.
- 3.4. Once the 14 platforms have been built, individual leases for a 20-year term will be issued to each of the 14 beach hut owners, detailing their individual responsibilities for the maintenance of their platforms. The lease is a written agreement that establishes the relationship of freeholder and leaseholder and sets out the contractual terms that are binding upon each person named on the lease. Head of terms for these leases have been developed and shared with the Felixstowe Spa Beach Huts Association. This agreement will be inside the 1954 Landlord and Tenant Act.

4. Financial Implications

- 4.1. All costs associated with the development of the platforms will be borne directly by the Felixstowe Spa Beach Huts Association, as detailed within the Development Agreement.
- 4.2. Standard leases for the 14 Beach Hut owners will be issued, and any management costs associated with the return of the 14 beach huts to the estate will be absorbed as part of the Council's wider management of beach huts, within existing budgets.
- 4.3. It should be noted that no rent has been charged to the 14 huts whilst owners have been unable to use them and bringing them back into use will reinstate that income to the Council.

5. Legal Implications

- 5.1. The Development Agreement and individual lease agreements will be prepared by the Council's legal team in accordance with best practice.

6. Risk Implications

- 6.1. This proposal seeks to ensure that all risks during the construction of the platforms is the responsibility of the Felixstowe Spa Beach Hut Association.
- 6.2. There is the ongoing risk of coastal erosion in this area and other more general associated risks. The ongoing responsibility for the platforms will be detailed within each individual lease agreement moving forward.

7. Options

- 7.1. The Council could choose to not enable the development of the platforms and reinstatement of the 14 Beach Huts to take place. However, it should be noted that the Felixstowe Spa Beach Hut Association has worked tirelessly to reinstate their beach huts, these final proposals ensure the costs and risks associated with this proposal are borne directly by the 14 beach hut owners.

8. Recommendations

8.1. That Cabinet:

- Approves the proposal to allow the Felixstowe Spa Beach Huts Association to build 14 beach hut platforms pursuant to planning permission DC/23/2089/FUL
- Delegates to the Strategic Director for Corporate Services, in consultation with the Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, the authority to enter into an Agreement, on terms that best protect the Council's interest, with the Felixstowe Spa Beach Huts Association (or any successor organisation) for the building of 14 beach hut platforms pursuant to planning permission DC/23/2089/FUL
- Delegates to the Strategic Director for Corporate Services in consultation with the Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, the authority to enter into individual leases for a term of 20 years with the 14 Spa beach hut owners who have yet to be successfully relocated elsewhere in Felixstowe (or any successor beach hut owner).

Areas of consideration comments

Section 151 Officer comments:

This proposal will be of financial benefit to the Council as it will reinstate rental income which the Council has forgone whilst the 14 hut owners have been unable to use their huts. There are no implications for the budget due to additional costs.

Monitoring Officer comments:

The Monitoring Officer has been consulted and has no additional comments.

Equality, Diversity and Inclusion/EQIA:

Following an EQIA Screening, there are no specific implications associated with these proposals relating to individuals with protected characteristics.

Safeguarding:

N/A

Crime and Disorder:

N/A

Corporate Services implications:

Ongoing management of the Beach Huts will fall under the remit of resorts management with is resourced within the Councils the Operations Team.

Residents and Businesses consultation/consideration:

Localised consultation/communication has been undertaken with the Felixstowe Spa Beach Huts Association and the wider Felixstowe Beach Hut Association.

Appendices:

Appendix A	Heritage Impact Assessment
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Background reference papers:

Date	Type	Available From
25/5/2023	Planning Application - DC/23/2089/FUL	ESC Public Access