



## Planning Committee South

Planning committee – 24 August 2021

**Application no** DC/21/1868/FUL

**Location**

South Seafront and North East of Pier  
Undercliff Road West  
Felixstowe  
Suffolk

**Expiry date** 4 July 2021 (extension of time agreed until 27 August 2021)

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Provision of two replacement beach huts to seaward side of promenade used as tourist information point and concession.

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### 1 Summary

- 1.1 This application seeks full planning permission for the provision of two new beach huts both positioned seaward side of the promenade: one to the north-east of the pier (a tourist information kiosk); and the other along the south seafront positioned centrally between the Arwela and Manwick beach shelters (a concession kiosk). The scheme is considered acceptable in principle and would provide a further tourist offering to the town.
- 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 subject to conditions.

### 2 Site description

- 2.1 The application comprises two separate sites, as detailed below:

- 'Land north east of pier' site is located to the north east of Felixstowe Pier, set in front of the car park adjacent to the Leisure Centre and falls within Felixstowe South Conservation Area. As described in the applicants submission, a wooden "old fishing hut" building was previously located on the subject site and was occupied by a fishmonger until it was the subject of an arson attack in September 2019. However, due to insurance related matters the hut was never rebuilt, and the site is now cleared to the existing slab.
- 'South seafront' site is located to the seaward side of the promenade, positioned centrally between the Arwela and Manwick beach shelters and comprises an area of existing hardstanding.

2.2 Both sites are located within Flood Zone 3, within 16 meters of a tidal river (includes the sea as per Environment Agency guidance) and inside a 30-metre risk zone landward of an area where the intent of management is to Hold the Line (HTL). No other environmental constraints apply.

### **3 Proposal**

3.1 This application is for the provision of two new beach huts both positioned seaward side of the promenade, they are sited separately, one north-east of the pier and the other along the south seafront positioned centrally between the Arwela and Manwick beach shelters.

#### East of the pier: Tourist information kiosk

3.2 The proposed beach hut located to the east of the pier is to be used as a tourist information point, which will be owned and managed by East Suffolk Council. The applicant has advised that the replacement hut will allow for "larger internal displays, provide space for more information, be more COVID secure as there is more space available to move around in than in the traditional huts". It will stay in situ all year round, placed on a concrete plinth/slab. Proposed materials include timber/fibre cement horizontal painted boarding and a black corrugated roof. The overall footprint is approximately 16.2 square meters.

#### South seafront: Refreshment kiosk

3.3 Located to the seaward side of the promenade and positioned centrally between the Arwela and Manwick beach shelters, East Suffolk Council wish to bring this existing platform back into use by installing a traditional wooden beach hut, which is to be fitted out as a kiosk for drinks and ice creams. The redundant base already has a power supply from its use as a former concession unit.

3.4 The hut will be moved on and off the promenade seasonally, at Easter and in October, in line with the licenced privately owned huts. This reduces the impact of damage from any high tides during the winter months.

3.5 The proposed materials include timber horizontal boarding painted in pastel colours and felt roofing, in line with the current licence rules that apply to private owners. The overall unit size measures approximately 4.16 square metres.

#### 4 Consultations/comments

4.1 No third-party representatives have been received.

#### 5 Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 May 2021	26 May 2021
<i>“Felixstowe Town Council welcomes this application and recommends APPROVAL.”</i>		

##### Statutory consultees

Consultee	Date consulted	Date reply received
Marine Management Organisation	13 July 2021	14 July 2021
Summary of comments: No objection – informative applies regarding marine licence requirements.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 July 2021	No response
Summary of comments: No objection – conditions and informatives apply.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 July 2021	15 July 2021
Summary of comments: No comment – refer to guidance for minor applications.		

##### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design and Conservation	13 July 2021	No response
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	13 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	13 July 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
WDC - Drainage and Coast Protection	13 May 2021	24 May 2021
Summary of comments: Coastal Erosion Vulnerability Assessment required.		

## 6 Publicity

6.1 No publicity.

## 7 Site notices

### Land north east of pier

General Site Notice	Reason for site notice: General Site Notice Date posted: 28 May 2021 Expiry date: 21 June 2021
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### South seafront

General Site Notice	Reason for site notice: General Site Notice Date posted: 09 July 2021 Expiry date: 30 July 2021
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## 8 Planning policy

8.1 The National Planning Policy Framework (2021) requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

8.2 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local

plan”) and any adopted neighbourhood plans. The relevant policies of the local plan are listed in the section below and will be considered in the assessment to follow.

- SCLP4.8 - New Retail and Commercial Leisure Development (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)
- SCLP6.4 - Tourism Development outside of the AONB (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)
- 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)
- SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **9 Planning considerations**

### Principle

- 9.1 As guided by Policy SCLP6.1 (Tourism), proposals that improve the visitor experience and support opportunities for year-round tourism will be supported where increased tourism uses can be accommodated, in a way that protects the features that make the area attractive to visitors. This premise is further supported by Policy SCLP6.2 (Tourism Destinations), which welcomes facilities that broaden the tourist opportunities within the district subject to accordance all other respective polices within the local plan. Development should also 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.
- 9.2 The proposed beach huts (tourism information kiosk and concession kiosk) are considered to be sited in a sustainable location, well-related to exiting tourism and leisure uses, and are of a scale and nature that reflects the surrounding area without causing adverse impacts on the natural environment or local landscape character.

### Strategy for Felixstowe

- 9.3 Both sites are located between Spa Pavilion and Manor End (Policy SCLP12.14). Within this

area, high intensity tourist uses will be supported and promoted, with a high proportion to be located along the Sea Road frontage - where the proposed refreshment kiosk hut is to be located. The tourist information hut in particular will assist in actively encouraging the use of the existing resort experiences, appropriately sited next to the Leisure Centre and the Pier, both focal points of tourism related activities in Felixstowe.

- 9.4 The proposed concession kiosk will stand in isolation along the seafront - with the nearest stretch of beach huts located further south close to Martello Park. Despite this separation, the proposed design and scale of the hut will not negatively impact the characteristic long views to the pier, Sea Road and Landguard Fort which forms an impressive sweep of seaside townscape. It is low key and if well maintained will make an important contribution to the associated leisure uses within the area. Although not sited within the conservation area, the associated appraisal highlights retail kiosks as key characteristic features in relation to the leisure gardens.

#### Conservation area and visual amenity

- 9.5 As previously noted, the proposed tourist information kiosk (north-east of the pier) is located within Felixstowe South Conservation Area. In this instance, due to the proposal being a replacement 'beach hut' sited within a small cluster of other beach huts along the promenade, it is not considered to significantly affect the character of the conservation area. The proposed form is of a design standard and style that is in keeping with the character or appearance of the area and is therefore deemed to preserve the character of the Conservation Area in accordance with policy guidance relating to development within the designated area - Policy SCLP11.5 (Conservation Areas), and the requirements of the Listed Buildings and Conservation Areas Act 1990, which requires proposals to preserve or enhance Conservation Areas.
- 9.6 The proposed design of both huts is also considered to be in keeping with the general aesthetic of their location, whilst enhancing standard beach hut style through creative means and serving as a key within the beach-scene for the purposes of increasing tourism awareness. Their overall scale would not adversely impact neighbouring beach hut uses and is sufficiently set back from any nearby residential properties. Therefore the scheme is in accordance with Policy SCLP11.1 (Design Quality).

#### Coastal environment and flood risk

- 9.7 Both sites are located within Flood Zone 3 and already comprise an area of impermeable hardstanding, previously used for the siting of similar structures. Minor development such as this is unlikely to raise significant flood risk issues unless: it would have an adverse effect on a watercourse, floodplain or its flood defences; it would impede access to flood defence and management facilities; or where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. In this instance, the local planning authority will rely on the Environment Agency's advice on flood risk assessment to ensure the development conforms to any flood risk advice.
- 9.8 The Environment Agency have advised that flood risk for these sites falls under their Local Flood Risk Standing Advice, where Advice Note 2 applies. As such, conditions will apply to require non-habitable use of the development and the submission of a Flood Response Plan to ensure that owners/occupiers of the huts are aware that the land is at risk of flooding and the appropriate course of action to be taken in the event of a flood.

9.9 Although neither site falls within the defined Coastal Change Management Area, they are located within a 30-metre risk zone landward of areas where the intent of management is to Hold the Line (HTL) as detailed in Shoreline Management Plan 7. A Coastal Erosion Vulnerability Assessment is therefore required to ensure that access to coastal defences is not inhibited by new and replacement development. However, it is acknowledged that this measure should not be used in such a manner that precludes development from coming forward. A completed CEVA was submitted by the applicant on Thursday 5 August 2021, an updated response from the coastal management team is still pending, and any response will be provided within the Committee Update Sheet.

## **10 Conclusion**

10.1 Overall, the proposed provision of two new beach huts both positioned seaward side of the promenade - one east of the pier (a tourist information kiosk) and the other along the south seafront positioned centrally between the Arwela and Manwick beach shelters (a concession kiosk) - is considered acceptable in principle and would provide an improved tourist offering to the town without compromising the character of the area.

10.2 Subject to confirmation from East Suffolk Council Coastal Management team that the submitted CEVA satisfies their requirements, along with the accordance of aforementioned conditions, the application is in line with all respective local plan policies and is recommend for approval.

## **11 Recommendation**

11.1 Authority to approve subject to confirmation from East Suffolk Council Coastal Management team that the submitted CEVA satisfies their requirements.

### **Conditions:**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act (1990) (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings, received on 16 April 2021:

#### East of the pier

- Site location plan (drawing number 2111 1)
- Proposed plans and elevations (drawing number 2111 2 D)

#### South seafront

- Site location plan (drawing number 2111 4)
- Proposed plans and elevations (drawing number 2111 3 A)

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

3. The hereby approved tourist information kiosk, as shown on drawing numbers 2111 1 and 2111 2 D, shall be used solely for providing tourist information (e.g., through information boards, exhibits, leaflets etc.) and for no other purpose unless otherwise approved by the local planning authority.

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

4. The hereby approved concession kiosk, as shown on drawing numbers 2111 4 and 2111 3 A, shall be used for the sale of ice creams, drinks, food items that are not cooked on the premises (i.e. items such as cakes made elsewhere, crisps, sandwiches can be sold, but hot food cannot be cooked on the premises) and beach associated products (e.g. buckets, spades, windbreaks and similar items). No other purpose is permitted unless otherwise approved by the local planning authority.

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

5. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity.

6. The development shall be carried out in accordance with the approved level A' Coastal Erosion Vulnerability Assessment, unless otherwise agreed by the local planning authority.

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.

7. Prior to use, a Flood Response Plan shall be submitted to and approved by the local planning authority.

Reason: To ensure that owners and occupiers of the property are aware that the land is at risk of flooding and the appropriate course of action to be taken in the event of a flood.

#### **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 (2021) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)



- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### 3. Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the Marine Management Organisation's (MMO) online portal to register for an application for marine licence: <https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- \* local planning authority name,
- \* planning officer name and contact details,
- \* planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### **Background information**

See application reference DC/21/1868/FUL on [Public Access](#)

