



Committee Report

Planning Committee South - 7 March 2022

Application no DC/21/5102/FUL

Location

Area on beach materials seawards in front of prom and steps at Clifflands
Cliff Road
Felixstowe
Suffolk
IP11 9SA

Expiry date 19 January 2022

Application type Full Application

Applicant East Suffolk Council

Parish Felixstowe

Proposal Formation of 18 new beach hut sites for the proposed repositioning of existing beach huts from the spa area, to form a row of huts on the shingle material on the foreshore at Clifflands.

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1. Summary

- 1.1. This application seeks full planning permission for 'the siting of 18 beach huts (relocated from the spa area) to shingle material on the foreshore at Clifflands'. The scheme is considered acceptable in principle and is recommended for approval subject to conditions.
- 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.

2. Site description

- 2.1. The subject site is located to the eastern extent of Felixstowe, to the east of Cliff Road Car Park and immediately south of Felixstowe Ferry Golf Course, which forms part of the

Suffolk Coasts & Heaths Area of Outstanding Natural Beauty (51.976146, 1.382709). A schedule monument and Grade II listed building (Martello Tower) is located approximately 0.5km to the north-east.

- 2.2. The site is located within Flood Zone 3 and inside a 30-metre risk zone landward of an area where the intent of management is to Hold the Line (HTL).
- 2.3. The location of the proposed beach huts is seaward side of the existing promenade, on the beach level, above the mean high-water mark (approximately 25m). There is a notable drop from the promenade and sea defences to the beach below. A line of existing beach huts sits further up the bank and run along the full extent of the car park (approximately 0.3 km), with stairs provided to the promenade / walkway (Footpath 62). The nearest residential properties are a located over 150km to the west, and nearby amenities include public toilets and a refreshment kiosk (approximately 500m southwest).

3. Proposal

- 3.1. East Suffolk Council strategic team is seeking planning permission for the siting of 18 beach huts within the described location. They will be sited on wooden supports, directly on beach material, in front of the existing sea wall (as described above) and will remain in situ all year round. The huts are of a standard size – 2.13m x 2.43m – with a spacing of 3 to 5m between each hut.
- 3.2. The applicant advises that the relocation of the beach huts, which currently sit 'temporarily' along the promenade near the Spa Pavilion, is due to coastal erosion and subsequent health and safety concerns that restricts the huts being placed directly back onto the beach. As noted within the supporting statement, an agreement on which huts would move to this area has not yet been made and this process will take place in consultation with the Felixstowe Beach Hut and Chalet Association.
- 3.3. Whilst the description does refer to these as relocated beach huts, this application is being considered on the basis of beach huts in general in this location. Therefore, the determination of this application would not require the huts to be used for relocations, it is not necessary to condition the application as such and effect of these huts should be considered on the basis of additional huts on the Felixstowe Seafront. Therefore, for planning purposes, there is no reason why a consent for these huts could not in future be used for new huts for sale or rent.

4. Consultees

Third Party Representations

- 4.1. Thirty-six third party responses were received and a large number of these are from existing beach hut owners facing potential relocation. They raise the following matters:
 - Inadequate access for all users
 - Loss of beach huts at spa pavilion/heritage impact
 - Risk of vandalism
 - Unsuitable location for swimming
 - Flood risk

- Lack of local amenities/facilities
- Cost of relocation
- Restriction of sea views
- Impact on footpath/cycleway to Felixstowe Ferry
- Impact on landscape and habitat
- Lack of parking during summer months

Consultee	Date consulted	Date reply received
Felixstowe Town Council	3 December 2021	16 December 2021
"Committee recommended APPROVAL, subject to ESC making prospective tenants aware of the potential flooding risks of a beach hut at this site."		

Consultee	Date consulted	Date reply received
East Suffolk Head of Coastal Management	3 December 2021	14 December 2021
Summary of comments: Internal consultee - comments included with reporting.		

Consultee	Date consulted	Date reply received
SCC Highways Department	3 December 2021	23 December 2021
"The proposed location of the relocated beach huts is adjacent to the Cliff Road car park and as such this application will not have a detrimental impact on the adopted highway."		

Consultee	Date consulted	Date reply received
Felixstowe Society	3 December 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environment Agency	22 December 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	22 December 2021	24 January 2022
Summary of comments: No objection subject to condition(s).		

Consultee	Date consulted	Date reply received
Marine Management Organisation	22 December 2021	22 December 2021
Summary of comments: Comments noted within reporting.		

Consultee	Date consulted	Date reply received
SCC Coasts and Heaths Project	22 December 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Historic England	22 December 2021	12 January 2022
"On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request."		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 December 2021	No response
Summary of comments: No response.		

Publicity

None

Site notices

General Site Notice	Reason for site notice: General Site Notice Date posted: 8 December 2021 Expiry date: 31 December 2021
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5. Planning policy

5.1. The National Planning Policy Framework

5.2. The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the development plan are listed in the section below and will be considered in the assessment to follow.

5.3. Relevant policies from the East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020) are:

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)

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)

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

SCLP12.12 - Felixstowe Ferry Golf Club to Cobbolds Point (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning considerations

Principle of development

6.1. As encouraged by the area specific policy for Felixstowe Ferry Golf Club House to Cobbolds (Policy SCLP12.2), beach huts are to be concentrated within this location and where possible kept below the level of the cliff to avoid obstruction of the sea view from Cliff Road. They will also need to be kept clear from the promenade where appropriate, to avoid unnecessary blockages. Within this in mind, the proposed siting of beach huts within this general location is considered acceptable in principle, subject to being well-related to existing beach huts, and of a scale and nature that reflects the surrounding area without causing adverse impacts on the natural environment or local landscape character.

Landscape and visual amenity

- 6.2. The proposed design of the beach huts is considered to be in keeping with the general aesthetic of their location, in terms of their 'concentrated' siting among a dense cluster of existing beach huts. Sited at beach level, their overall scale would not adversely impact neighbouring beach hut uses, are sufficiently set back from any nearby residential properties and they are considered no more intrusive in the wider protected landscape compared with the existing development.

Ecology

- 6.3. The local planning authority's ecologist has reviewed the submitted Preliminary Ecological Appraisal (PEA) (by SWT Trading Ltd, date October 2021) and is satisfied with the conclusions, with no objection raised subject to a condition requiring the development to be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the report. In this respect, ecological receptors are considered adequately protected and enhanced as part of the development.

Coastal environment and flood risk

- 6.4. The East Suffolk Council coastal management team has reviewed the application alongside submitted material and has confirmed that from the 100-year forecast shoreline position, taken from maps in Shoreline Management Plan 7 Policy Development Zone 6¹, the huts are located within the Coastal Change Management Area. A 'Level B (detailed) Coastal Erosion Vulnerability Assessment (CEVS)' is therefore required.
- 6.5. A completed Level B CEVA was submitted by the applicant on 19 February 2022, an updated response from the coastal management team is still pending, and any response will be provided within the Committee Update Sheet.
- 6.6. Due to the exposed location of the development and the intent for the huts to remain in-situ during winter months, consideration of the below matters is required and will be secured via condition:
- Risk level to be monitored by the applicant and the 12-month site occupation plan be kept under review: the location on a beach renders them exposed to damage from storms and exceptionally high sea levels through winter months, the risk will vary with width and shape of the beach and nearshore.
 - Licences for the beach huts should include provision for: Their temporary removal if work (including access) by East Suffolk Council or the Environment Agency where necessary to maintain or renew coastal defences, including beach management.
 - The removal of debris arising from damage to the huts caused by storms and / or exceptionally high sea levels.
- 6.7. As concluded by desk-based analysis, the siting of the beach huts is not within 20m of a main river or within 20m of an Environment Agency flood defence. As per Environment

¹ [Microsoft Word - PDZ6v9g post consultation vFINAL.doc \(suffolksmp2.org.uk\)](#)

Agency guidance, planning restrictions 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.

7. Conclusion

- 7.1. Overall, the siting of 18 beach huts seaward side of the promenade, to the south of the existing row of huts, is considered acceptable in principle subject to accordance with a number of planning conditions relating to restricted use, flood risk, coastal management and ecological mitigation. The siting of the huts at beach level retains visual amenity from both the cliff top and the existing beach huts above the promenade and are generally in-keeping with the immediate area.
- 7.2. Although the principle of the proposal is considered policy compliant, it is apparent that the proposed location has its limitation/constraints that fail to achieve the long-term solution that the existing beach hut owners are seeking if these were to be relocations, comparative to that of their existing location on the spa pavilion promenade. Comments raised by third-party consultees regarding objection to the relocation of their beach huts from the spa pavilion area of the seafront are duly acknowledged but are not a material planning consideration in the context of the assessment of the policy compliance and effects of new beach huts in this location. The needs of individual beach huts owners who may be relocated in the future is purely a matter for the Council as a beach hut site provider, rather than as the local planning authority.

8. Recommendation

- 8.1. Authority to approve subject to confirmation from East Suffolk Council Coastal Management team that the submitted 'Level B 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 10 November 2021:

Site location plan (drawing number 15-12-58 01)

Block plan (drawing number 15-12-58 02)

Proposed elevations (drawing number 15-12-58 03)

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

3. The materials and finishes shall be as indicated within the submitted application (colour-scheme as per licence and constructed from wood with ash felt roof coverings) 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.

4. The hereby approved non-habitable beach huts shall not be used for sleeping accommodation or any other habitable use.

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

5. The development shall be carried out in accordance with the approved Level B 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.

6. Prior to use, a Flood Response Plan shall be submitted to and approved by the local planning authority in consultation with the emergency planning department.

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.

7. Prior to use, and every 12 months thereafter, a Risk Level Assessment and Occupation 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.

8. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (by SWT Trading Ltd, dated October 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the 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 (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:

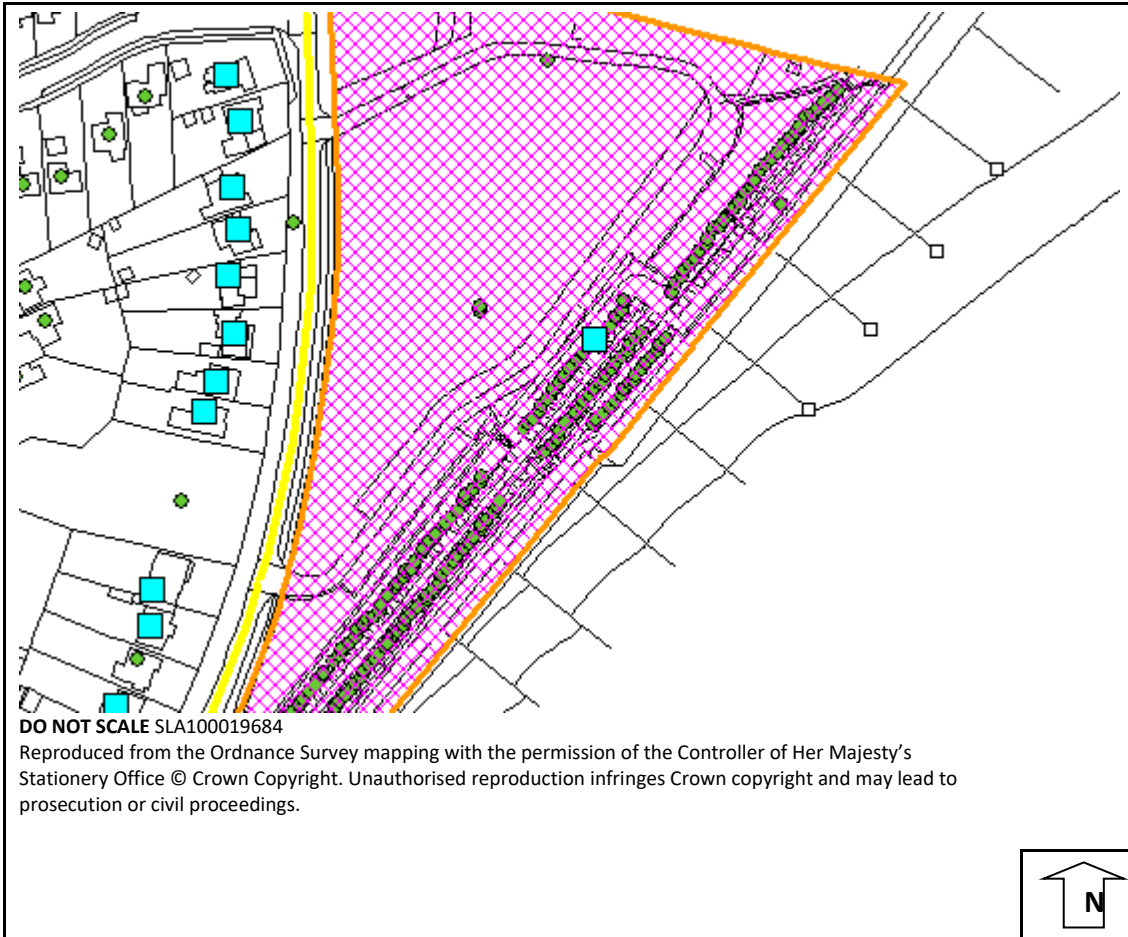
- * local planning authority name,
- * planning officer name and contact details,
- * planning application reference.

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/21/5102/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support