



## Committee Report

**Planning Committee South - 7 March 2022**

**Application no** DC/21/4756/FUL

**Location**

Beach Hut Area  
South Seafront  
Langer Road  
Felixstowe  
Suffolk

**Expiry date** 26 December 2021

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Resiting of 16 Existing huts from current location at the Spa Con Prom to permanent site at manor End - Area between Sea Wall and Promenade

**Case Officer** Mark Brands  
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### 1. Summary

- 1.1. Full planning permission is sought for the resiting of 16 Existing huts from current location at the Spa Con Prom to permanent site at manor End - Area between Sea Wall and Promenade
- 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 refusal.

## **2. Site Description**

- 2.1. The proposed site for the siting of the beach huts will be between the sea wall flood defence and promenade in front of the Martello Park play area. Martello Tower P is positioned around 150m to the southwest of the site which is a Scheduled Ancient Monument and Grade II listed building.
- 2.2. It is located within Flood Zone 2, 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).
- 2.3. An area of shingle immediately in front of the Scheduled Monument is a habitat for rare, vegetated shingle and foredune plants, and is designated as a County Wildlife Site
- 2.4. There are beach huts further along this section of promenade to the north of the Orford shelter, with toilet facilities and small parking area also to the north with ramp access to one of the beach sections also in this vicinity. There is also a ramp over the sea wall closed off, but with planning permission for this to be replaced (DC/21/2701/FUL). The other side of the sea wall is the Martello Park and associated playground equipment. To the South beyond the vegetated shingle areas there are more beach huts and facilities with the Martello Park and playground equipment behind the site

## **3. Proposal**

- 3.1. The proposal is for the re-siting of 16 Existing huts from current location at the Spa Con Prom to permanent site at manor End - Area between Sea Wall and Promenade.
- 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. 47 objections from public comments have been received. A number of these are from existing beach hut owners facing potential relocation. Main concerns are set out below;
  - Site considered less accessible particularly for people with disabilities

- Less desirable location than the Spa area
- Impact on views and increased disturbances for residents of Martello Park
- Detrimental to tourism and historic resort image re-siting the beach huts
- Detrimental to historical character and conservation area around the Spa the relocation of the beach huts
- Relocation of beach huts unjustified and setting of precedent of relocating beach huts, and not necessary as promenade considered to be of sufficient width
- Alternative options not fully explored (inc replenishing and re-siting on beach, or siting these on the grassy banks by the Spa if the beach is not an option etc)
- Insufficient consultation between the beach hut owners and East Suffolk District Council
- Loss of value of beach huts following relocation
- Increased distance would result in greater car usage to get to beach huts to the detriment of the environment
- Increased distance to facilities and services
- Waste of public money relocating the beach huts, and reputational damage to the image of the town
- Shingle at proposed site includes rare plant habitat.

4.2. It should be noted that most of the objections relate to the relocation of the beach huts by the Spa, not the use of this land for the siting of additional beach huts, with a number of comments indicating they do not object to this aspect.

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	3 November 2021	18 November 2021
Summary of comments: Committee recommended APPROVAL		

#### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	3 November 2021	22 November 2021
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Historic England	3 November 2021	22 November 2021
Summary of comments: No objections		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	3 November 2021	17 November 2021
Summary of comments: Comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	3 November 2021	4 November 2021
Summary of comments: Comments received including attaching standard condition in event of discovering unexpected contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	3 November 2021	14 December 2021
Summary of comments: Objects - loss of priority habitat, contrary to local policy (Further comments received 2 February 2022) and incorporated in the report.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	3 November 2021	No response
Summary of comments: No response received, consultation period has expired		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	3 November 2021	12 November 2021
Summary of comments: No comments		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	3 November 2021	10 November 2021
Summary of comments: Comments received but further confirmation required.		

Consultee	Date consulted	Date reply received
Victorian Society	N/A	1 December 2021
Summary of comments: Objects		

## Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	11 November 2021	2 December 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Affects Setting of Listed Building Date posted: 10 November 2021 Expiry date: 1 December 2021
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## 5. Planning policy

National Planning Policy Framework 2021

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)

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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (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

- 6.1. 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.
- 6.2. The site is within the settlement boundary and covered by a site specific policy SCLP12.14 Spa Pavilion to Manor End, which sets out that additional beach huts in this area will be supported in locations that complement the existing resort uses and do not fill the important gaps between huts.
- 6.3. As noted there are other beach huts present further along this part of the promenade, the visual impact from introducing further beach huts in this location would therefore not appear out of character in this location and add to the beach-scene aesthetic. Concerns have been raised over loss of views and increased footfall, however the site is sufficiently separated from neighbouring amenity and separated by the sea wall, the promenade, the park area and play equipment are public areas the impact on footfall or disturbances from beach huts in this setting is therefore cumulatively going to be negligible so as not to adversely impact neighbouring amenity.
- 6.4. The setting of the Martello Tower P has changed notably over the years following the redevelopment of the surrounding Martello Park development eroding the open space around the scheduled monument and listed building. The Martello Tower formed part of a chain to protect the coast from invasion, the uninterrupted views of the coast is therefore important to its significance, with the open view towards the sea representing an important gap that needs to be retained to preserve the setting. The HIA sets out sightlines from Tower P to be protected and exclude siting of beach huts within these suggested sightlines to protect the setting of the scheduled monument from the seaward side. As noted in the comments from Historic England and conservation team, the HIA suggests a larger area extending further south is proposed, but this has been reduced in size and number as shown in the plans but still of relevance including the sightlines that the revised scheme has sought to protect with the reduced site area. The conservation team have commented the submission is of insufficient details and quality to be able to make comments. Historic England have raised no objection, considering the application meets the requirements of the NPPF, paragraphs 199 and 200 however the Historic England commentary should be limited to the Scheduled Monument status and the Grade II Listed Building consideration is the responsibility of the District Council. Before concluding on this, officers are seeking further Conservation Officer advice on the level of harm or loss of significance to the designated asset or its setting as a Listed Building. This will be covered in the update sheet.
- 6.5. A number of comments received on the proposal cite concerns on the impact of the loss of beach huts from the areas around the Spa Pavilion and impact on the historic character of the area. While the description sets out the proposal is to accommodate the relocation,

the planning consideration relates to the use of the land for beach huts. As such Historic England and the Conservation Officer have raised no comments on this aspect. The application under consideration concerns the siting of beach huts at the south seafront, relocating beach huts would not constitute development with a policy in place that supports additional beach huts in this part of the town subject to adherence with the rest of the Local Plan.

- 6.6. 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 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. The Coastal Management Team have viewed the application and are satisfied the CEVA submitted with the application complies with the requirements of the Local Plan, and no concerns raised over the proposal.
- 6.7. The proposal would result in the loss of priority habitat (coastal vegetated shingle) as recognised in the submitted preliminary ecological appraisal, for which the overarching emphasis of local policy SCLP10.1 seeks to protect such habitat, requiring all development to follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy has not been demonstrated. Furthermore the policy sets out that proposals would not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss. Should this be met it goes on to set out that where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development. While the submitted documentation indicates that there will be compensatory habitat, no specific details have been submitted to set out or evidence that this could be accommodated in other land in the councils ownership or whether suitable such areas are available for such offsetting. Any creation of compensatory habitat would need to be of equal or greater size and ecological value than the area lost as a result of the development.
- 6.8. The Natural Environment and Rural Communities (NERC) Act (2006) is the legislation which identifies coastal vegetation shingle as one of a suite of habitats of conservation importance in the UK. The NERC Act places a duty on local authorities to have regard to conserving these habitats when "exercising their functions".
- 6.9. Coastal vegetated shingle is a relatively rare habitat not only in the UK but in the world, being restricted mainly to parts of north-west Europe, Japan and New Zealand. Suffolk contains approximately 20% of the vegetated shingle habitat found in the UK (including at Orford Ness which is the second largest area in the country). It is so restricted because it needs a particular set of conditions to occur, including the right range of sediment size, proximity to the coast and acceptable levels of disturbance. Generally speaking it is a dynamic habitat due to the influence that the sea has on it, although in some places where it occurs slightly separated from the sea (like at Manor End/Martello Park) this dynamism is in part mimicked by human and weather disturbance.
- 6.10. At the Manor End site the main indicator plant species that the Preliminary Ecological Appraisal identified were Sea Pea (a Nationally Scarce species), Sea Kale, and Sea Beet,

with other species such as Yellow-horned Poppy also a common occurrence elsewhere in the area. The Nationally Scarce plant Dittander was also found at the Manor End site.

- 6.11. Because of the specific range of conditions which it requires, creating new areas of coastal vegetated shingle is very difficult which is why in the first instance any loss should be avoided. Given the importance of conserving this habitat as recognised in the Local Plan and national legislation and the habitat not being readily replicable it is clear the benefits of the proposal in this location does not outweigh the biodiversity loss. The proposal is therefore contrary to local policy SCLP10.1.

## **7. Conclusion**

- 7.1. While the site is within an area where new beach huts are generally supported subject to important spaces and gaps being retained, and the siting has considered the protected sightlines from the Martello Tower to ensure the siting of beach huts in this location will not detract from the setting of the Martello Tower, the land forms part of a vegetated coastal shingle habitat that is designated as a priority habitat. Local policy SCLP10.1 and national legislation is clear that such habitat needs to be protected for which the benefits of accommodating beach huts in this location will not overcome the harm that would result in the irreversible loss of such priority habitat.
- 7.2. Notwithstanding the recommendation of refusal, 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. No case has been made in the submission of any heritage or visual gain resulting from relocations from the existing location so that has no material bearing on the proposal either.

## **8. Recommendation**

- 8.1. Planning permission should be refused for the reason below and pending further conclusion on the effect on the setting of the Listed Martello Tower.

### **Reason:**

1. The proposal would result in the loss of coastal vegetated shingle priority habitat, for which Section 40 of the Natural Environment and Rural Communities Act places the duty on the Local Planning Authority to have regard for biodiversity, and sets the framework for what are priority habitats under Section 41. Accordingly Local Policy SCLP10.1 of the Suffolk Coastal Local Plan seeks to protect such areas setting out that all development should follow a hierarchy of seeking of first to avoid impacts. There are further protections for priority habitat whereby proposals that have direct and indirect adverse impacts will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss. In this



case it has not been demonstrated with comprehensive evidence that the benefits of the proposal in this location would outweigh the biodiversity loss, the proposal is therefore contrary to the aforementioned policy considerations.

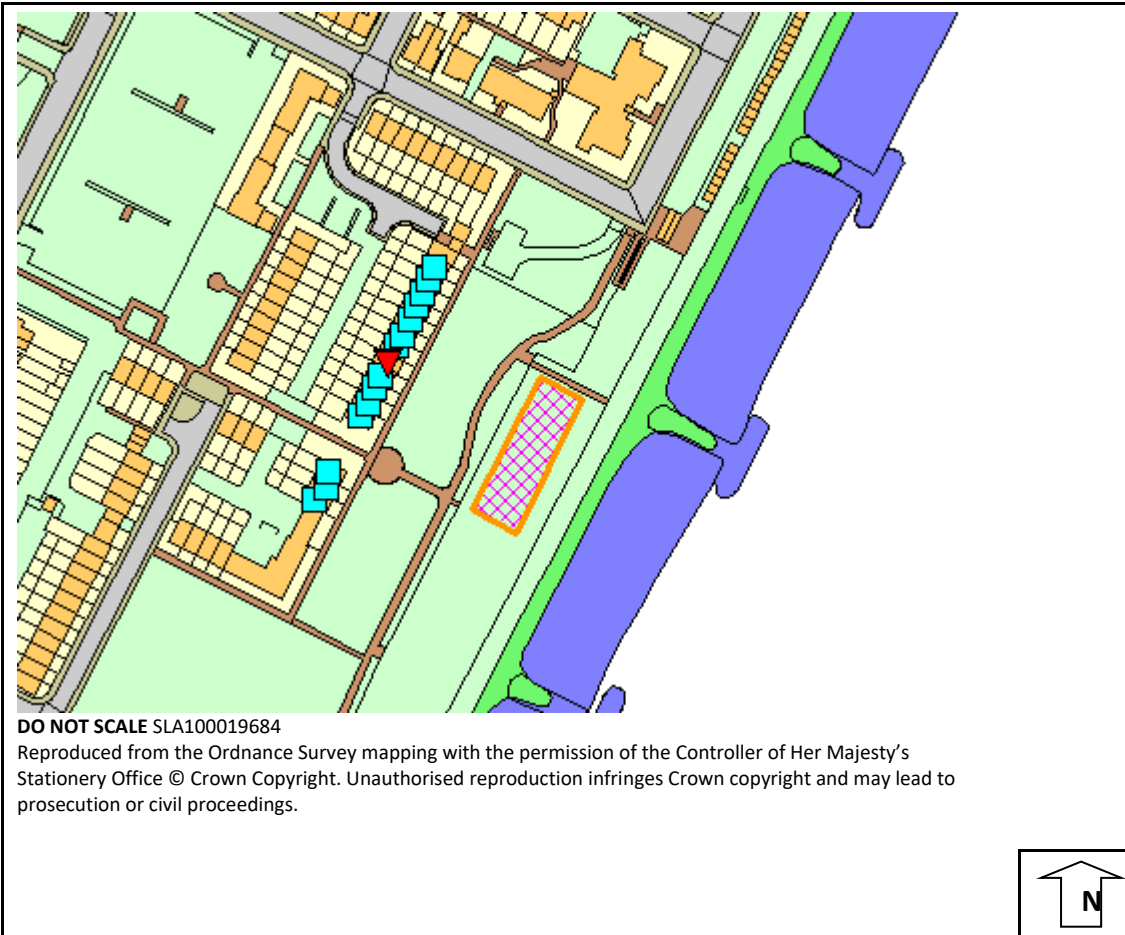
**Informatives:**

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.
2. In determining this application, the local planning authority has considered the following documentation submitted in association with the application:
  - Application form - received 18 October 2021
  - Heritage statement - received 18 October 2021
  - Topographical plan PLS-NP-FT-TS-00 - received 18 October 2021
  - Proposed site plan 15-12-57-02 - received 18 October 2021
  - Proposed elevations 15-12-57-03 - received 18 October 2021
  - Coastal Erosion Vulnerability Assessment - received 19 October 2021
  - Preliminary Ecological Appraisal - received 24 November 2021

**Background information**

See application reference DC/21/4756/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support