



Committee Report

Planning Committee South - 29 June 2021

Application no DC/21/2166/VOC

Location

Proposed Cafe/Restaurant
Coastguard Walk
Felixstowe
Suffolk

Expiry date 5 July 2021

Application type Variation of Conditions

Applicant Dedham Boathouse Ltd

Parish Felixstowe

Proposal Variation of conditions 2 & 5 of DC/18/3173/FUL - To create a new beach cafe along with a meeting events space with associated landscaping, including stopping up of existing vehicular entrance and construction of new vehicular access off Orford Road.

Case Officer Natalie Webb
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1. Summary

- 1.1. This application seeks to vary conditions on this approved development to enable an area of the building previously proposed for community use to be used as the kitchen serving this café/restaurant. The proposal also seeks to confirm table and seating arrangements for the outside garden area along with the extraction and ventilation plant and equipment for the building.
- 1.2. The application is presented to Planning Committee as the site is owned and being developed by the Council, although the application has been made by the future operator.
- 1.3. The application is recommended for approval and it is considered that suitable proposals for alternative community use opportunities have been put forward by the applicant for both the short and long term use.

2. Site description

- 2.1. The 0.13 hectare application site is located at the junction of Orford Road and Sea Road and is immediately adjacent to the Martello Park, which runs to the west of the promenade and east of the 127 homes constructed as part of the South Seafront proposals by Bloor Homes.
- 2.2. The cafe building approved in September 2018 under DC/18/3173/FUL is currently under construction on the site.
- 2.3. The site is bordered on two sides by three-storey townhouses off Orford Road and four-storey residential flats along Sea Road. Homes in the area are predominately in Suffolk red facing brick under slate or tiled roofs. Many of the homes benefit from sea views, either from their main windows or secondary windows.
- 2.4. Due south of the application site is the wider Martello Play offer which utilises the entire public realm offer, passes the Martello Tower (Scheduled Ancient Monument) and terminates due south where there are two kiosks currently operational. The two kiosks offer limited outside seating, but currently no provision for indoor seating to shelter from the elements, provide use throughout the year and widen the offer of food and drink available to visitors.

3. Proposal

- 3.1. This application seeks to vary conditions 2 and 5 of Planning Permission DC/18/3173/FUL.
- 3.2. Planning Permission DC/18/3173/FUL was granted 21 September 2018 for *"To create a new beach cafe along with a meeting events space with associated landscaping, including stopping up of existing vehicular entrance and construction of new vehicular access off Orford Road."*
- 3.3. Condition 2 of DC/18/3173/FUL states:

"The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received 31 July 2018,

PL343-A01-01 - Location Plan

PL343-A02-01B - Proposed Overall Block Plan

PL343-A02-02C - Proposed Block Plan

PL343-A02-10 - Proposed Elevations

PL343-A02-11 - Alternative Floor Plan

for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development."

- 3.4. Condition 2 is proposed to be varied to vary the plans, to facilitate the alteration of the internal layout, to change the use of the internal 'drum' space from the previously consented community events space to create a centralised kitchen to support the

restaurant/cafe use. The main restaurant/cafe is intended to launch solely as a restaurant/cafe as an interim which a flexible arrangement for community use, and in the longer term after a period of 12-18months, a proposal for community use utilising the main cafe/restaurant floor as a flexible multi-purpose space for community groups and events. The supporting statement states:

“Since the original planning application for the café/restaurant was approved in 2018, the Coronavirus pandemic has fundamentally changed the world we are now living, working and socialising in. In the original layout, a separate events space was designed within the internal ‘drum’ of the building for use by the community. However, in a future where social distancing may need to be maintained possibly for years to come and virtual gatherings are being utilised by community groups rather than face to face in venues, the confined space originally allocated will no longer be a viable or a fit for purpose option for some time in the future.”

“By locating the kitchen within the ‘drum’, this enhances the internal layout by maximising the open plan restaurant/café layout, allowing clear views out to all directions. The kitchen plant (extraction and ventilation) will be taken directly out above the kitchen and housed comfortably within the roof of the ‘drum’, predominantly concealed by the surrounding roof parapet.”

3.5. The plans are also proposed to be varied to allow for additional landscaping of an outdoor dining/seating area.

3.6. Condition 5 of DC/18/3173/FUL states:

"Prior to any installation, the details of any ventilation and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. Only the equipment approved by means of this condition shall be installed and operated.
Reason: In the interest of residential amenity"

3.7. The current application includes details of the ventilation and extraction equipment and this accounts for both kitchen changes and the need to discharge the condition.

3.8. The discharge of conditions 8 (construction Management Plan), 10 (Refuse/recycling bin storage), 12 (Secure cycle storage) and 13 (means to prevent surface water entering the highway of Planning Permission DC/18/3173/FUL was approved under DC/20/1116/DRC on 29 April 2020. Therefore, if the current variation of condition application is permitted, the wording of conditions 8, 10, 12 and 13 will also need to be amended to reflect the details previously agreed through that discharge of condition approval.

4. Consultations/comments

4.1. One representation of Objection has been received raising the following material planning considerations:

- loss of community spaces:
 - o this would mean that community meetings needs could only be met by booking space in the public dining area,

- future needs for social distancing needs for community needs can much less be catered for in the public area than a purpose building private space.
- Scale of operation
 - a bigger kitchen is only required to provide catering on a much increased scale than the original plans permitted,
- Noise and Odour
 - the increased extraction and ventilation system required to turn the originally planned meeting room into a larger scale kitchen will cause constant noise and smell pollution to the occupants of the houses in Coastguard Walk.
- Potential Anti-social behaviour
 - question if a licence to sell alcohol is to be applied for, and that there is already an issue with night time intoxicated behaviour nuisance around the children's play areas (already in existence), and it will be exacerbated.
- Viability
 - Suggest that the original plans as approved were never going to provide a viable business and therefore should not have been permitted in the first place.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 May 2021	26 May 2021
"Felixstowe Town Council recommends APPROVAL"		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	14 May 2021	8 June 2021
<p>Summary of comments:</p> <p>Holding Objection until the proposed variations' negative impact on adjacent National Cycle Network Route 51 (NCN51) is successfully resolved.</p> <p>Sustainable Transport Policy SCLP7.1 of the Local Plan adopted 23rd September 2020 includes: Development will be supported where: (e) It is well integrated into and enhances the existing cycle network...</p> <p>As currently detailed, the newly proposed boundary planters would result in a reduction in the effective width of the adjacent section of NCN51.</p> <p>Advise if the location of proposed planters were to re-sited back in to the site allowing an obstacle free width of 500mm to be maintained between the planters and the existing edge of the NCN51 surfacing, then the scheme would be acceptable to SCC as LHA as it would then appear to comply with national and local policies and guidance related to sustainable transport and active travel.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 May 2021	3 June 2021
Summary of comments: Do not wish to provide any comments		

Consultee	Date consulted	Date reply received
Historic England	14 May 2021	20 May 2021
Summary of comments: Do not wish to comment on the proposals. Recommend consultation with our Design and Conservation Team.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 May 2021	2 June 2021
<p>Summary of comments: Condition 2 would appear to be related to approved drawings/ plans and therefore I have no comments to make.</p> <p>Provide additions comments regarding potential odour , advising it is unclear from the details on the application what sort of restaurant premises this will be and the range of meals and therefore cooking styles that will be undertaken.</p> <p>Advise that they are therefore unable to approve the recommendations or whether odour would be satisfactory dealt with</p> <p>Also recommend that a validation survey and report is commissions and submitted to the LPA to ensure satisfactory noise levels are achieved from the operational facility.</p>		

Consultee	Date consulted	Date reply received
Felixstowe Society	14 May 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	14 May 2021	No response

Summary of comments:

Internal Planning Services consultee - Comments incorporated within planning considerations section of the report.

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	14 May 2021	24 May 2021

Summary of comments:

Internal Planning Services consultee - Comments incorporated within planning considerations section of the report.

Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	20 May 2021	11 June 2021	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Affects Setting of Listed Building
Date posted: 18 May 2021
Expiry date: 9 June 2021

5. Planning policy

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

National Planning Policy Framework 2019

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)

SCLP8.1 - Community Facilities and Assets (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)

Historic Environment Supplementary Planning Document (SPD) – Adopted June 2021

6. Planning considerations

- 6.1. This Variation of Condition application seeks primarily to vary the layout/floor plans of this ongoing development to enable two changes; use of the rear 'drum' area as a kitchen instead of a community space; and the inclusion of tables and seating in an area of the site previously included in the garden space of use but without such seating identified on the plan.
- 6.2. The consent being implemented remains as per the original consent but if approved this decision would become the live and ongoing consent for the completion and use of the development.
- 6.3. The primary consideration in this case is the use of the rear 'drum' space which was previously identified for potential community uses. The Design and Access Statement of the original application identified a variety of ways in which this circular space could be used, including for meetings, small events and yoga classes. The original application was made ahead of an operator of the site being selected and therefore the internal layout of the building was only predicted for the café/restaurant use.
- 6.4. It is clear from this submission, made by the future operator, that the floor area of the café/restaurant requires a larger kitchen space for effective and viable use. The café/restaurant use of the rest of the building has not changed and the original consent did allow for the building to be a restaurant selling seat hot meals.
- 6.5. The effects of this change are primarily the impact of the loss of the dedicated community space and the effects of any extraction and ventilation equipment from a larger kitchen area. The latter remains a consideration and control of a pre-installation condition 5. anyway, which would also be addressed within this submission.

Loss of the community space

- 6.6. Because this development is not yet in use, the loss of the dedicated community space is not an actual loss of a community facility and therefore policy SCLP8.1 considerations, in respect of the 'loss of a facility', do not apply. However, the first part of the policy is relevant in the consideration of "*Proposals for new community facilities and assets' will be*

supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities that are easily accessible and available to the local community”.

- 6.7. First the justifications for the original consent must be considered, the Committee report in 2018 stated:

“The proposal will provide a substantial social benefit through job creation and its ability to deliver a space which can be used for community events and groups. This will support community’s health, social and cultural well-being. In addition this facility adjacent to the substantial play area will enhance the use of that area by families, encouraging healthy activities and access to open space, including the promenade and beach.”

and

“The introduction of a high quality designed café is a welcome addition to the resort and tourism offer of Martello Park and Felixstowe more widely. This is the final element of the 2012 approval of the development and will seek to complete the wider development as originally envisaged. Whilst it is noted that there will be a change of relationship to existing properties, this was always planned for and the impacts associated are not significant enough to warrant refusal of permission and are outweighed by the benefits that would ensue, including the economic, tourism and community benefits. The application is policy compliant and recommended for approval.”

- 6.8. It is clear that the community use element of the proposal was of influence on the approval of the development but it is also apparent that the café/restaurant was the driving use of the development. In now losing the dedicated space, is that of such influence to make the use as a whole unacceptable? It is considered that this is not case but it is essential that in losing the dedicated space an appropriate alternative offer needs to be presented.
- 6.9. In addressing this there is the benefit that the Council remains the developer of the development and its landlord. A Community Use Agreement has been drafted and submitted with the application and a short and longer term strategy has been suggested as an alternative.

“The Operator is more than happy to welcome community groups to the café/restaurant allowing table booking and use of all the available facilities throughout the year, and is planning to run community events of their own to attract local people and enhance the use of the facility all year round. After much consideration, an interim arrangement should be considered whereby initial use is focussed on the café/restaurant launching successfully, running efficiently and profitably, particularly under coronavirus restrictions. To this end, maximising the floor space within the café/restaurant is vital in order to establish the business in the first instance.

In the longer term, after a period of 12-18 months, when we hope to see less restrictions in place and a lower risk of transmission due to high vaccination rates, a proposal for community use utilising the main café/restaurant floor area as a flexible, multi-purpose space for community groups and events can be agreed in combination with an assessment of other community use facilities available in the town (e.g. Deben Pavilion, the Martello Tower and the new Beach Village and Activity Park on the south seafront).

Once open, the Operator is planning to welcome community groups to the café/restaurant allowing table booking and use of all the available facilities throughout the year, and is looking to run community events of their own to attract and help local people and groups. We are keen to work with the Council (as owner) and the Local Planning Authority to establish how to formally embed this approach in the revised consent. The revised proposals will create a centralised kitchen to better support the restaurant/café use."

- 6.10. This is considered an acceptable approach under current circumstances but it also allows for a longer term strategy to be agreed between the operator and Council (as landlord) in the future and importantly agreed by the Local Planning Authority. This should be done by a future discharge of condition and it is proposed that this should be submitted after 12 months of use and agreed prior to 18 months, to be implemented thereafter.
- 6.11. On the whole, whilst it is an undesirable loss of community space it is not the only such development being brought forward by the Council since the previously approval. Recently permission has also been approved for a community building within the Deben High School development, which would serve a similar purpose.
- 6.12. Therefore, the balance of the need for this café/restaurant to be a successful and viable contribution to the regeneration and enhancement of the South Seafront outweighs the benefit the dedicated space would have brought to the scheme.

Environmental Effects

- 6.13. The addition of the larger kitchen does not result in additional covers being created within the main restaurant area. The proposed additional kitchen is in addition to the space also previously intended for the kitchen and the overall area for dining is now smaller as a result of the relocated and larger toilet facilities. The additional dining provision does now include the wider outdoor garden area, which was previously a part of the site and was not restricted in how it was used, though this application seeks to confirm its use for dining space.
- 6.14. The effect of the larger kitchen is more a case of the café/restaurant being able to cater for a more diverse offering providing both restaurant meals and café style offerings. This is not different to the original plan but it is evident that the occupier's experience in providing this type of facility is dictating the need for more 'back of house' space.
- 6.15. The relocation of the kitchen and its larger nature has also dictated the scale and nature of extraction and ventilation equipment to be mounted on the roof of the drum area. That was specifically designed with a high parapet to larger screen plant and the latest proposal indicates that only the flue would protrude above the parapet. Based on the architectural

arrangement and perspective from ground level, its presences would not adversely impact on public views of this high quality design.

- 6.16. Environmental Protection have been consulted on the proposal in order to agree the full detail of extraction and ventilation plant, as expected anyway from the original consent. They have requested some additional clarification which will be reported in the update sheet but overall are satisfied with the approach taken to the essential element of the build. Therefore, it is considered that kitchen odour and noise from extraction and ventilation plant and equipment would not adversely affect the residential amenity of nearby neighbours.
- 6.17. The addition of the outdoor seating in this public area would not adversely increase disturbance. This is very public location with substantial activity in peak season and alongside the play area it was always intended to be that way as a wider vision with the adjacent residential development. The now detailed outdoor seating will aid the vitality and viability of this seafront destination facility.
- 6.18. The Highway Authority has requested a slight relocation of path side planters proposed to allow a 500mm verge alongside the path and cycle route. This is a sensible request to ensure better safety of use of the path and amended plans will be presented to the Planning Committee. The overall approach to landscaping this area is also acceptable.
- 6.19. This external change would have no additional impact on the setting of the nearby Martello Tower as a Scheduled Monument and Listed Building considering the extent of landscaping, play equipment and enclosures between the two.

7. Conclusion

- 7.1. This development is due to be a successful initiative from the Council in regenerating the South Seafront and form part of a wider vision of both improving the area and completing the aims of the original Martello Park development. The community space inclusion in the original plans was beneficial and of some merit in granting consent previously. However, it was a complementary part of the overall café/restaurant proposal. It is regrettable to lose the dedicated space, but that space would also be dependent on a viable café/restaurant operating from the building. Priority does need to be given to getting this development completed and open to benefit the area and also as an important part of Covid recovery for the area.
- 7.2. The compromise put forward in utilising the wider building for community uses and the ability to establish a longer term strategy under a condition is acceptable in respect of the limited considerations applicable in this application. The policy compliance of the development remains unchanged as a result of this proposal.
- 7.3. The larger kitchen, detail of extraction and ventilation plan and detailed outdoor seating would not adversely affect the residential amenity of the area or the design quality of the development.
- 7.4. The proposal therefore continues to conform with the development plan and should be permitted to proceed to completion in accordance with the conditions sought for variation in this consent.

8. Recommendation

- 8.1. Authority to approve the variations of conditions, subject to the receipt of final details and approval of extraction and ventilation equipment and a revised block plan, repositioning planters beside the path (these should be provided in advance of the Planning Committee meeting) and subject to an additional condition being imposed for the agreement and implementation of stage two of the community use agreement.

Conditions:

1. Following 12 months from the opening of the Café/Restaurant use, stage two of the community use agreement or strategy shall be submitted to the Local Planning Authority for consideration detailing the extent of use of the building for community purposes and activities along with any other facilities relied up in the area for this purpose. This will need to be agreed, implemented and maintained within 18 months from the opening.
Reason: To ensure that the original community space is catered for in the longer term through alternative means.

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received 31 July 2018,
PL343-A01-01 - Location Plan
Revised Internal Layout drawing ID01-04A,
PL343 - A02-12 Proposed Elevations
PL343 - A04-11 Proposed External Works Plan
PL343 A02-02C (in respect of some landscaping, access and bin storage previously agreed)
A02-13 Proposed Roof Plant Plan.

for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: To secure a properly planned development.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 8am and 11pm Monday to Saturday; 8am and 10pm on Sundays and Bank Holidays.
Reason: In the interests of amenity and the protection of the local environment.

5. The ventilation and extraction equipment Detailed on drawings and documents (to be confirmed) shall be the only the equipment approved by means of this condition and shall be installed and operated.

Reason: In the interest of residential amenity

6. The delivery of goods and removal of waste shall be restricted to undertaken only between 8am and 6pm Mondays to Saturdays and at no times outside of these hours.

Reason: In the interest of residential amenity

7. There shall be no live or amplified music outside of the building hereby approved.

Reason: In the interest of residential amenity

8. Prior to the commencement of development, a Construction Management and Deliveries Plan shall be submitted to the Local Planning Authority for approval. The construction of the dwelling hereby approved shall be undertaken in strict accordance with the approved Plan.

Reason: In the interest of residential amenity and to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

9. The access shall be completed in all respects in accordance with Drawing No. PL343 A02-02C and SCC Standard Drawing DM10; with an entrance width of 4.5m and be available for use before first occupation.

Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively closed to the satisfaction of the Highways Authority "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

10. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number PL343 A02-02C shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

11. The use shall not commence until the area(s) within the site shown on drawing number PL343 A02-02C for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

12. Before the use is commenced approved details of the areas to be provided for secure cycle storage shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of sustainable secure cycle storage.

13. Before the access is first used means to prevent the discharge of surface water from the development onto the highway shall be carried out in its entirety and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

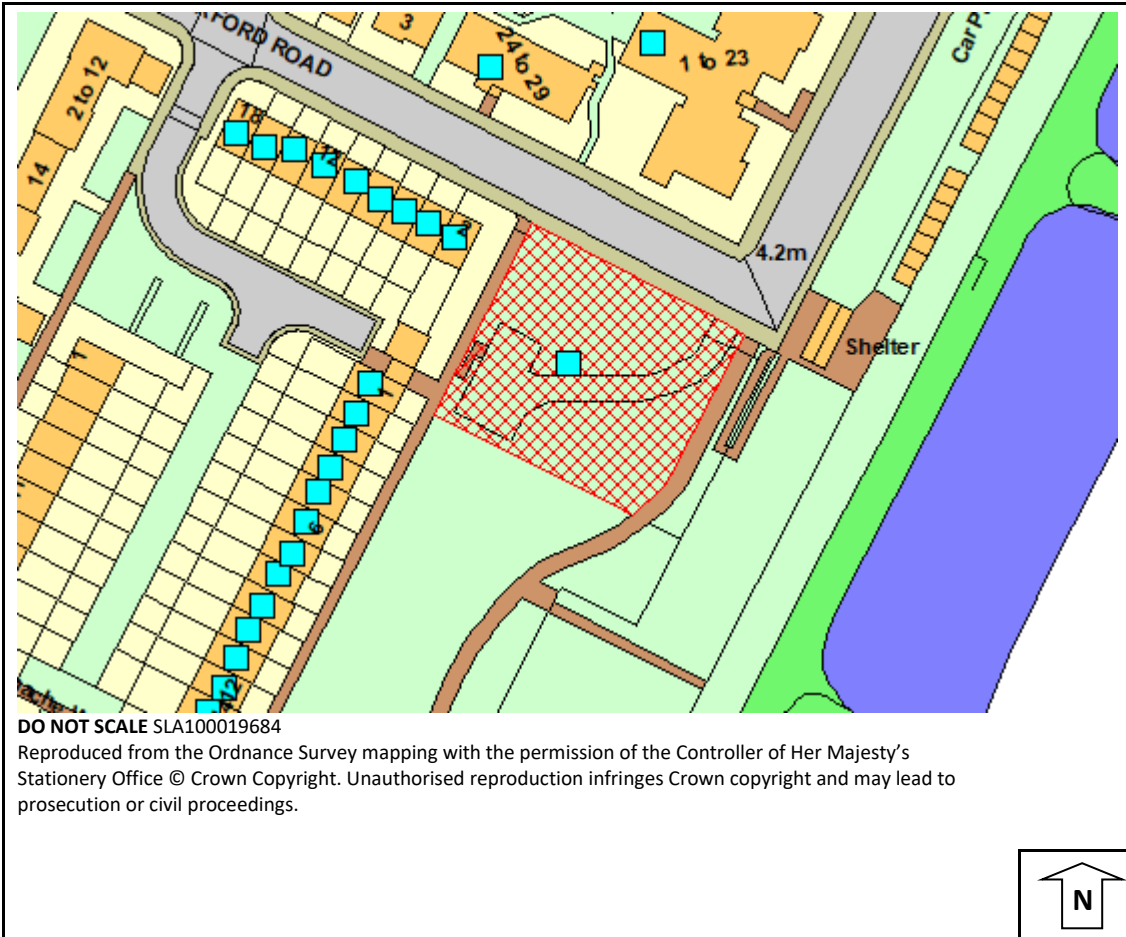
Informatives:

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.

Background information

See application reference DC/21/2166/VOC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support