



Committee Report

Planning Committee South - 22 December 2020

Application no DC/20/4028/FUL

Location

Public Conveniences
The Ferry
Felixstowe
Suffolk
IP11 9RZ

Expiry date 7 December 2020

Application type Full Application

Applicant East Suffolk Council

Parish Felixstowe

Proposal Proposed public toilets drainage improvements, construction of annex building for treatment plant and reconfiguration of public toilet building.

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Authorising Officer Katherine Scott, Development Management Team Leader – South Team

1. Summary

- 1.1. The proposed development seeks permission to make improvements to the public toilet's which include the construction of an annex building for a sewage treatment plant to the rear and the reconfiguration of the public toilet building.
- 1.2. As the applicant is East Suffolk Council, the proposal is to be determined at Planning Committee, in accordance with the Scheme of Delegation.
- 1.3. The recommendation is to approve subject to conditions.

2. Site description

- 2.1. The public Conveniences at The Ferry in Felixstowe is a toilet block serving the public run by East Suffolk Council. The site falls within the AONB to the south of the point of the river Deben meets the sea.
- 2.2. The toilet block is on the land owned by Felixstowe Ferry Sailing Club positioned in between the road and the club itself. Opposite the site is a public car park and behind the toilet block is a storage container. This area is primarily made up of a few small tourist-based businesses and a few holiday accommodations and dwellings.
- 2.3. A recent change in regulations means that the site can no longer discharge waste into the river Deben. As an interim measure the tank was sealed and therefore required the tank to be emptied up to three times a week during busy periods. This is currently the ongoing situation.
- 2.4. The applicants planning statement advised that the Public Conveniences are very used, averaging 40 uses per hour in the summer, and therefore they are considered to be an essential public service that should be retained.

3. Proposal

- 3.1. The proposal seeks to refurbish and modernise the existing toilet block. This includes the removal of the of the underground septic tank and replace with an overground treatment plant to the rear of the toilet block housed in a new building.
- 3.2. The new building is proposed to be physically attached to the rear of the existing toilet block, and constructed with a red brick plinth with horizontal cladding above. The building is proposed to have an eaves level of approximately 3.7m and a ridge of approximately 5.5m. It would therefore be taller than the toilet block which has a ridge height of approximately 3.8m, but lower than the Sailing Club which has a ridge level of approximately 7.35m. This height is required to accommodate the proposed tank and associated plant.
- 3.3. The submitted Planning Statement, explains that the proposal is in the form of a treatment plant, as this is the most practical and financially viable Option. The statement explains that it is not feasible to connect the public conveniences to the mains sewer, as the nearest mains sewer is located on Cliff Road, adjacent to the Felixstowe Ferry Golf Club, approximately 1.7km (1.06miles) from the existing toilet block. The distance would result in a requirement for significant engineering including a new pumping station, mains pipework, partial road closure/traffic management and upgraded electrical connection. The applicants have advised that they considered this option, but the costs are high and with limited funding opportunities, it was discounted.
- 3.4. The Planning Statement also explains that the installation of a drainage field was also considered, but discounted as it would require land outside of the ownership of East Suffolk Council to be utilised in order to enable effluent to be dispersed via a system of sub-surface irrigation pipes. The land around the Public conveniences is also low lying and therefore not suitable for this approach.

- 3.5. Therefore, the proposal is to support the existing septic tank with a sewage treatment plant to be housed within the new building. Due to the significant use of the toilets, and the resulting volumes of soil waste, a large treatment tank is required, and the scheme is for a 13m long Klargest treatment tank that would site alongside the existing tank.
- 3.6. Due to the history and risk of flooding at the site, the Klargest is recommended to be installed with a piled subterranean structure or a plant room to prevent its floatation in a flood event. Due to the proximity of the location to the existing toilet block and the sailing club, there are concerns regarding the effects of piling, so an above ground treatment tank and plant are proposed, to enable the long term provision of public conveniences at this location.

4. Consultations/comments

- 4.1. Eight representations of Objection raising the following material planning considerations:
- Noise/Odour pollution - Residents are concerned over the potential background noise of the treatment plant including low frequency noise from the plant machinery/pumps.
 - Design - Scale, Overbearing: Objections were raised that the tank would look unsightly above ground and that the building housing it is too large and therefore the tank if needed should be built underground.
 - Fire/Access Hazard - The building will be clad in timber whilst the holding tank will be plastic. As the building backs onto the kitchen of the sailing club it is felt that if there was a fire, this could cause damage to the storage tank and leak releasing large amounts of effluent.
 - AONB - The building will have a negative impact on the AONB.
 - Re siting of container - Currently a shipping container sits where the proposed sewage treatment plant is proposed. Questions have been raised over where the shipping container will be relocated.
 - Misjudgement of calculations - There is scepticism over the need for such a large tank and whether or not this is the most cost effective option.
 - Common Land - It is claimed the proposal will be built on common land and how the applicant will be looking to seek approval to build on this.
 - No 21 day notice was erected

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 October 2020	22 October 2020
Summary of comments: Felixstowe Parish Council "Committee recommended APPROVAL but ask that consideration is given to including appropriate flood resilience measures to the existing conveniences."		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	13 October 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	13 October 2020	20 October 2020
Summary of comments: No objection subject to pre-commencement condition relating to the submission of further noise information, as the currently submitted noise assessment is insufficient.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Head Of Coastal Management	13 October 2020	22 October 2020
Summary of comments: Comments included within officers planning considerations.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: n/a

Expiry date:

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5.2. National Planning Policy Framework (NPPF) (2019)
- 5.3. National Planning Policy Guidance (NPPG)
- 5.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

National Planning Policy Framework

Policy SCLP6.1 - Tourism (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP8.1 - Community Facilities and Assets (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.5 - Flood Risk (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning considerations

Planning Considerations - Principle

- 6.1. The alterations are proposed due to the change of regulations within the Environment Agency General Septic Tank General Binding Rules 2020 ("General Binding Rules"). Therefore, for the continued viability of the public toilets as a community facility, a new drainage system has to be installed.
- 6.2. Policy SCLP6.1 states that the council will manage tourism in a way that "protects the features that make the area attractive to visitors, and supports local facilities". The toilet block in this destination is obviously an important facility in the area, especially throughout the summer months and therefore should be sought to be retained if possible.
- 6.3. Under paragraph 8.4 of the Local plan it states that "The Council considers it is important to retain community facilities across the plan area to both serve the local community and support tourism activities in the area."

- 6.4. It is therefore considered that a new sewage treatment plant and the refurbishment of the toilet block as acceptable in principle and in line with the strategy of the Suffolk Coastal local Plan to support the tourism economy.

Planning Considerations - Visual Amenity, Street Scene and Landscape

- 6.5. The proposed building to house the sewage treatment plant is larger than the toilet block and will be seen behind it, however not larger than the Sailing Club. The form is of a simple ancillary building with no windows, timber clad with a tiled roof. The style is that of what you would expect to find in the area and would appear as any type of storage building.
- 6.6. The position of the building is between the public toilets and the Sailing Club and therefore would be noticeable but would not be prominent within the street scene due to the higher height of the Sailing Club. The building is within an existing grouping of buildings and does not break any existing building lines.
- 6.7. The building is therefore considered to be of a reasonable size and scale for its location due to its simple appearance and the size of neighbouring buildings, preserving the appearance of the AONB. It is therefore compliant with the principles of Policy SCLP11.1.

Planning Considerations - Residential Amenity

- 6.8. A number of concerns have been raised due to the installation of the above ground sewage treatment plant.
- 6.9. Noise: As the exact noise levels at source are not yet known we would require further assessment details to demonstrate that acceptable levels are achievable. When full figures of the plant and buildings/enclosures are calculated and further consideration to tonality has been evidenced to show that the NNR45 criteria has been considered, the proposal is likely to be considered acceptable. It is expected that the proposed target levels are applied to the two plant rooms cumulatively (so WTP and pumphouse combined).
- 6.10. The Head of Environmental Protection has been consulted on the matter and has advised that this could be resolved via a pre-commencement condition as it is likely that the required noise levels could be reached through sound mitigation methods.
- 6.11. Odour: The Head of Environmental Protection have been consulted on the application and have raised no concerns over the impact odour may have on the surrounding area. It is therefore considered that if housed and stored correctly there should be no harm to the surrounding environment.
- 6.12. Scale, Overbearing: The building itself is not larger in any respect than the sailing club building and would cause no greater sense of overbearing upon occupants of adjoining properties. Due to the relatively thin form of the building and its position away from any direct neighbours, the structure is unlikely to cause any significant loss of light or shading and therefore is considered acceptable in terms of Residential amenity under policy SCLP11.2.

Planning Considerations - Flooding:

- 6.13. The site falls within flood zone 3, and is therefore in an area at risk of flooding. The existing toilet block is proposed to be retained in its current use, and the new building is proposed to house treatment plant to facilitate the continued use of the building. Therefore, there

would be no material change of use of the existing building, and no additional type of use is proposed.

- 6.14. The use is classed as a less vulnerable development for the purposes of assessing flood risk. Therefore, although the site is located within flood zone 3, and therefore at high risk of flooding, the proposal is acceptable under the flood risk classification table provided by the Environment Agency.
- 6.15. As the proposals are for improvements to and to facilitate the continued use of the existing public toilet block serving Felixstowe Ferry, it is not reasonable or practical for the treatment building to be sited elsewhere, apart from immediately adjacent to the existing toilet block.
- 6.16. The application includes a Flood Risk Assessment which explains that the tank within the building will be encased in concrete below ground level, and maintenance access is to be provided via steps and a platform 1.2, above existing ground level.
- 6.17. In accordance with the guidance with the Environment Agency flood risk classification table, the scheme should use flood resistant and resilient construction techniques to minimise the risk of damage by flood water as reasonably practical. Such measures includes siting the control panel as high as reasonably practical to prevent failure/malfunction in the event of a flood.

*Other Concerns raised by Third Parties

- 6.18. Concerns have been raised over the lack of figures provided within the application when calculating the required treatment capacity. Although it is useful to know how this has been calculated, it is not a requirement within the planning process and will be given little weight, as the judgement is based on the proposal alone and not alternatives that could be built. The same is relevant for the other options considered within the planning statement. Although other options have been considered and it is useful for the context of the scheme, the applicant does not have to provide evidence for why each additional option was not viable, especially for a minor development such as this.
- 6.19. Fire Hazard: It has been brought to the attention of officers that the kitchen to the sailing club is located directly behind the proposed sewage treatment plant. Although fire risks are always a concern the erection of a sewage treatment plant does not significantly increase the risk of a fire in the area. The area is not considered high risk of fire and any building that is positioned here will have to comply with building regs whilst the sewage treatment plant will have its own fire safety specification. The bottom half of the tank itself is encased in concrete reducing the risk of leakage whilst the sailing club itself will have preventative measures in the walls, reducing the chance of fire spreading.
- 6.20. Concerns have been raised regarding the re-siting of the existing shipping container. Although it is not necessary to determine the application, it has been discussed with the applicant that the relocation of the shipping container on the site would not require planning permission as it is not operational development and it is also not a change of use. Therefore, its relocating would not be considered development.

- 6.21. If the building is to be built on Common Land this is not a material planning consideration and therefore should not be considered within this application. This issue would have to be overcome through a separate application process.
- 6.22. Comments have been made regarding the fact that a site notice was not posted. East Suffolk Local Planning Authority has the requirement to either consult all adjoining neighbours of the site or displaying a site notice under the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Suffolk Council has historically undertaken both forms of representation in order to maximise awareness of development. However due to Covid-19 restrictions, and inline with amendments to the Procedural Regulations this year, it was agreed that only consultation by letter would be undertaken until a time that saw less restrictions over travelling and a safer environment to visit sites and post notices. Therefore, the required consultation has been undertaken in accordance with the current regulations, as letters were sent to adjoining properties.

7. Conclusion

- 7.1. It has been considered that the public toilets provide a highly used service for tourism and local residents and help to maintain the economic and community based sustainability of the area. It is therefore judged important to preserve the long term viability of the facility for these reasons. The proposal is considered acceptable in terms of design and of a low risk to the area provided further noise assessment details can be provided. On balance and as noted above there is no significant impact on neighbour's amenity from the development and it is therefore considered to comply with the policies listed above and therefore should be approved subject to conditions.

8. Recommendation

- 8.1. The application is recommended for approval subject to the conditions detailed below.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with 15-12-52/02, 03B, 04A, 05 and 10 received 09/10/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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. Prior to commencement of the development a noise assessment must be submitted to include all plant and machinery proposed within/on the toilet block and hereby permitted treatment plant building. This noise assessment shall be based on BS4142:2014+A1:2019. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. The report shall also give further consideration to tonality and evidence to show that the NNR45 criteria has been considered in relation to LFN.

Where identified as necessary by the noise impact assessment and prior to commencement of the permitted activity, details of a scheme to mitigate noise from plant and machinery installed shall be submitted in writing to the local planning authority for approval. The scheme details shall be assessed in accordance with the methodology within BS 4142:2014+A1:2019 and achieve a target rating noise level relative to typical background sound levels at the nearest residential dwelling to be agreed with the local planning authority.

Only the approved scheme shall be implemented retained and maintained thereafter.

Reason: To ensure that noise from the community development is not detrimental to the residential amenity of neighbouring residents. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics.

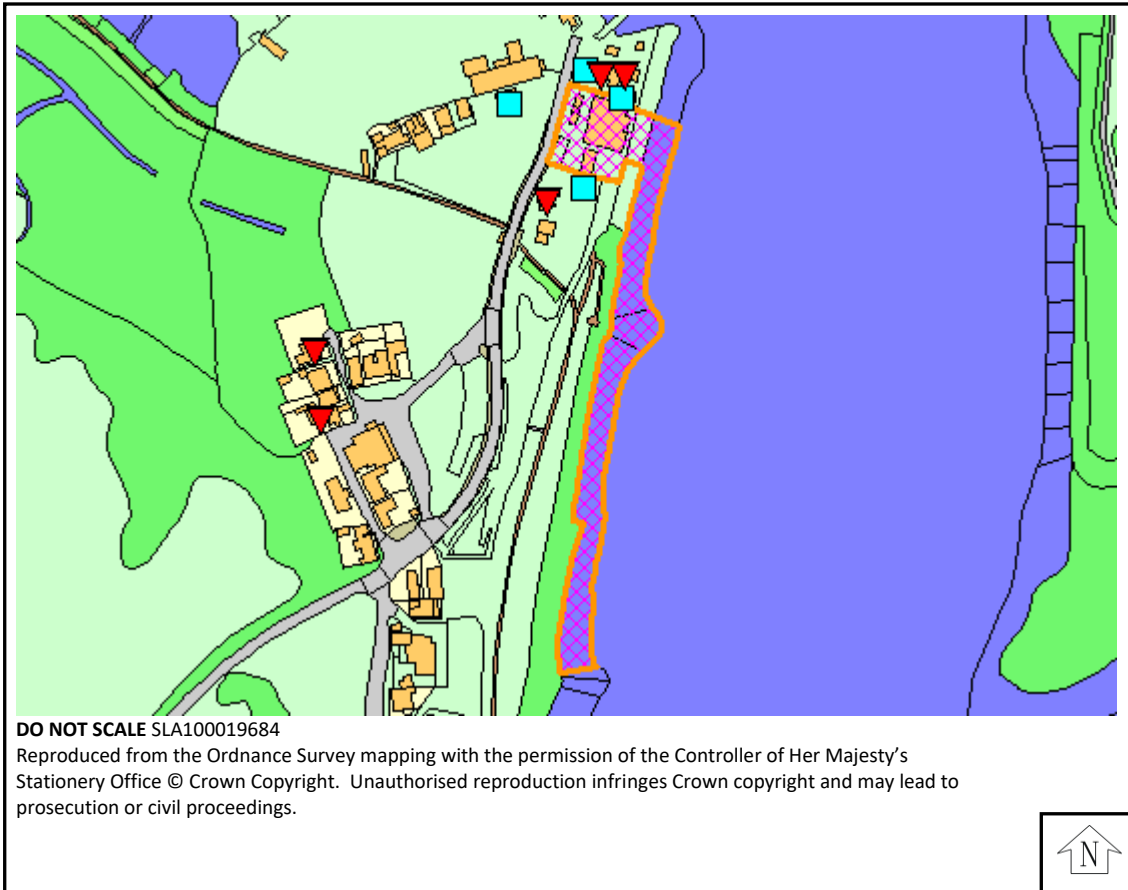
Informatives:

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/20/4028/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support