

**SHERINGHAM – PF/21/0405 - Use of land for siting of shipping container to store water sports equipment for a limited period from beginning of April until end of September (2021 and 2022), with removal of container outside those dates  
Land on The Promenade, Sheringham, Norfolk**

**Minor Development**

**Target Date: 20.04.2021**

**Extension of Time: 14.05.2021**

**Case Officer: Russell Stock**

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

Adjacent to the Undeveloped Coast  
England Coast Path Coastal Margin  
Within an 'Open Land Area'  
Within an area of 'Public Realm'  
Within the Settlement Boundary of Sheringham  
Sheringham Shore County Geodiversity Site  
Setting of North Norfolk Area of Outstanding Natural Beauty  
Setting of Sheringham Conservation Area

## **RELEVANT PLANNING HISTORY**

None.

## **THE APPLICATION**

### Site description:

The application site consists of a section of the West Sheringham Promenade which juts out in front of an area of covered and uncovered seating and public toilets. The Marble Arch, which is found in this location is one of the key access/egress routes from the town onto the promenade and beach. The Lees gardens, play areas and the car parking along The Esplanade are located further to the south. Access to the beach in this location is provided via metal steps on either side of the section of promenade which juts out seaward. The promenade is of concrete construction with metal safety railings on the seaward edge.

### Proposal:

This application seeks permission for the use of the land for the siting of a shipping container to store water sports equipment during the summer season (April – September). The description of the application notes that this would cover the years 2021 and 2022. The container would be 6.096m long, 2.438m wide and 2.438m tall and photos of shipping containers have been submitted as examples. The exact colour of the container is unknown at this stage, however the applicant has suggested that a neutral white, light grey/blue would be likely.

## REASONS FOR REFERRAL TO COMMITTEE

Councillor Liz Withington: *“Following the receipt of your report which recommends refusal of the SUP Shack application for a container on the Western Promenade I am asking for this application to be called in for consideration by the Development Committee.*

*I am concerned that the following planning considerations should be evaluated by the Committee since it has proven to be a controversial application. Support has been as forthcoming if not slightly more so for the proposal than those objecting.*

*I feel there are a number of points which the committee should be considering which have been expressed as concerns by both supporters and objectors, as to whether this application balances the economic/tourism development and health and wellbeing opportunities against the need to preserve and enhance the open realm and open land area and enhance this areas overall use.*

*Does in fact a greater weighting need to be placed on the balance for the creation of economic development in the area, in particular as part of an improved tourism offer for the town? There are currently no other leisure related businesses on the foreshore or in the town relating to the use of the beach and the sea, which many would consider to be Sheringham’s greatest asset. Many supporters also identify that such facilities and services are part of a growing expectation of a destination such as Sheringham and serve as an attraction to encourage visitors to both chose Sheringham and return regularly. Paragraph 80 of the NPPF looks to develop conditions which allow for businesses to grow, expand and invest. Following on from the success of this business in their first year for the 2020 season, this could be considered to be necessary to enable the business to grow and become more sustainable.*

*In addition it should be asked as to whether the development of this business would have a significant impact on the vitality and viability the general foreshore area. With a growing number of businesses in the area providing evening offerings does such a business as SUP Shack, add to viability of these other businesses with sunset activities along the promenade. Under the EN5 and CT1 development and provision should also take account of the usability of the area. In fact Cromer has such businesses housed in containers on the promenade – albeit they have not been given formal permission for this. This generates the question to be considered - Is it therefore appropriate to refuse something which has been allowed in a similar setting without permission for a number of years in order to enable a similar business to grow?*

*EN5 allows for development in the event of other locations not being available. The business have explored a wider location further along the promenade but this is required as a turning area for the RNLi Lifeboat crew who also require access along the promenade at all times to respond to shouts at speed. The current location would not block emergency access to the promenade or life boat station.*

*Health and safety concerns have also been expressed if the paddle boards have to be carried down through the Marble Arch and slope areas which are busy with pedestrians since they are easily caught by the wind when being carried and will swing around and hit pedestrians.*

*The opposing view point to this is that development within a public realm area will be expected to enhance the overall appearance and usability of the area. Under CT1 development will not be allowed except where it enhances the open character or recreational use of the land. Objectors are focussing on the loss of the open view along the promenade and feel the container is not in keeping with the character of the promenade and how people wish to use the prom. Although not in the AONB or in the Conservation Zone, the Design and Conservation Team have concerns that this is not in keeping with the areas nearby and this forms the main reason for peoples objections as well.*

*Open Realm designations and the NPPF through the paragraphs 91 and 96 state the importance of access to high quality open spaces and opportunities for health and wellbeing and sport and physical activity, which this business does. Is there possibly an argument that this area of open space is increased by this business as it gives access to the sea. Policy EC7 also supports development in this area.*

*This is a particularly difficult one for the town as stated by the Town Council who are keen to support the business and the offering for Sheringham which they saw as positive but have concerns about the location. Sheringham needs to up its game in terms of its offering and to further build a sustainable local economy, particularly, with the growth of Staycations and the need for encouraging repeat visitors. It is possible that there will always be compromises needed in Sheringham due to the restricted space and locations available for business development on the foreshore and it is in this context I would like the Development Committee to explore and consider the issues raised by both objectors and supporters involved and raised by this planning application.”*

## **CONSULTATION**

Councillor Nigel Pearce: “I have no problems with this application it can go under delegated procedure” (It is noted that an initial consultation for this application was sent incorrectly to this Councillor who is not the local ward member)

Sheringham Town Council: “STC object to planning application PF/21/0405 due the significant visual impact on the seafront of a large shipping container at one of the most popular, and visually attractive access points to the seafront. The siting of the container contravenes NNDC Policy EN5 proposals will be expected to enhance the overall appearance and usability of the area. STC support local business and the enterprising work of the water sports team, who ran a successful season during a challenging year, and hope that an alternate suggestion may be put forward.”

Landscape Officer: Objection – Adverse landscape and visual impact contrary to Policies EN 2, EN 5 and CT 1.

Conservation and Design Officer: Objection – Less than substantial harm to the Sheringham Conservation area as a result of inappropriate development within its setting. The container would appear as a functional utilitarian structure without apparent visual merit within key vistas and views.

Leisure and Locality Services: Objection – Not supportive of the proposals in this location and would ask the applicant to seek an alternative site.

## **REPRESENTATIONS**

Public consultation of the application took place for a period of 21 days between 23/02/2021 to 19/03/2021. To date, a total of 35 representations have been received. 15 have been objections, whilst 20 have supported the proposals.

The key points raised in the OBJECTION representations are as follows:

- The location in front of the main seating area on the promenade would be unsightly and stop the enjoyment of many of the users of the Leas. Long distance views along the promenade would be blocked.
- This location is one of the main access points to the beach and would spoil the view. Views from the beach and sea would also be harmed by the presence of the container on the promenade.
- The container would block views out to sea from the undercover seating which is used to record seabirds and where people of all ages sit and enjoy views of the beach/sea in all weathers.
- The applicant should consider alternative locations which would not spoil the views and pleasure for the other people.
- The site lies in proximity to the Norfolk Coast Area of Outstanding Natural Beauty and is of a high landscape value.
- It would be an eyesore along the prom, severely adversely impacting on the visual appearance of the area.
- The approach from The Esplanade is through the historic Marble Arch. The area surrounding has been designed to be sympathetic in appearance and character. The metal container would be incongruous and highly visible.
- The container would result in the loss of amenity space for public using the promenade.
- Social distancing would be made harder given the space that this container would occupy.
- The business has operated successfully previously and therefore this proposal is not necessary for its function.
- Stand Up Paddleboards users could cause conflict with sea swimmers, particularly those who are less able to move quickly out of the way.
- Supportive of local businesses but the proposals are in an inappropriate location. The applicant should seek to find an alternative location. A number of alternative locations are suggested.
- The development would conflict with the Development Plan, including Policy EN 5 as it would not enhance the overall appearance and usability of the area.
- The location of the container would inhibit access for the Emergency Services.
- Physically locating the container at the site may be difficult given the access constraints.
- Security of the container should be considered given the value of the items being stored within.
- The development could set an unwelcome precedent.

The key points raised in the SUPPORT representations are as follows:

- The proposals are in full accordance with the Development Plan.
- Supporting younger people into business and providing employment opportunities should be a priority for the council.

- Water sports form a significant part of the economy and North Norfolk should embrace such development. There are no other facilities of this type in the area.
- The development would enhance tourism in the area. Helping to address the lack of activities for younger people to do in the area. The development would also be of benefit to other local businesses, such as the café and ice cream shops.
- This business was a great success last summer and should be supported.
- The location proposed is the only place it could be located to serve its purpose.
- The nature of the business promotes healthy living, physical exercise and mental wellbeing. It is an inclusive activity which both beginners and experienced persons can derive great pleasure and benefit.
- The business owners have shown that they are highly responsible and manage their facilities well.
- Storing equipment will be a key factor in the success of this business.
- The visual impacts of the development could be addressed by a local artist or children painting onto the container.
- The container would not be an 'eyesore'. If views are blocked, people can move as there are plenty of seats available.
- Historically other storage facilities have been placed on the promenade.
- Other development locally is more harmful.
- The proposals are not for a permanent structure and would only be there for half of the year. A temporary consent would allow for reconsideration of the container once it has been on site for a time.
- The visual impact of the development would be very limited and localised. The existing concrete promenade is not aesthetically pleasing.
- The beachside location would reduce footfall along the promenade and from the car parks, particularly those carrying large boards. The location would not obstruct the main promenade thoroughfare.

### **HUMAN RIGHTS IMPLICATIONS**

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

### **STANDING DUTIES**

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES**

### **North Norfolk Local Development Framework Core Strategy, September 2008 (Development Plan):**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 4 (Environment)  
Policy SS 5 (Economy)  
Policy SS 12 (Sheringham)  
Policy EN 1 (Norfolk Coast Area of Outstanding Natural Beauty and The Broads)  
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)  
Policy EN 3 (Undeveloped Coast)  
Policy EN 4 (Design)  
Policy EN 5 (Public Realm)  
Policy EN 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity & Geology)  
Policy EC 5 (Location of Retail and Commercial Leisure Development)  
Policy EC 7 (The Location of New Tourism Development)  
Policy CT 1 (Open Space Designations)  
Policy CT 5 (The Transport Impact of New Development)

### **Material Considerations:**

### **Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment 2021  
North Norfolk Tourism Sector Study 2005  
North Norfolk Retail and Commercial Leisure Study 2005

### **National Planning Policy Framework (February 2019):**

Section 2 (Achieving sustainable development)  
Section 4 (Decision-making)  
Section 6 (Building a strong, competitive economy)  
Section 7 (Ensuring the vitality of town centres)  
Section 8 (Promoting healthy and safe communities)  
Section 9 (Promoting sustainable transport)  
Section 12 (Achieving well-designed places)  
Section 15 (Conserving and enhancing the natural environment)  
Section 16 (Conserving and enhancing the historic environment)

## **OFFICER ASSESSMENT**

### **Main Issues to consider:**

1. Principle of development, including location of tourism development, Public Realm and Open Land Area
2. Area of Outstanding Natural Beauty (AONB), Landscape and design
3. Historic Environment
4. Other material planning considerations
5. The Planning Balance

## 1. Principle of development

### Location of tourism development

The application site falls within the Settlement Boundary of Sheringham, a Secondary Settlement as defined by Policy SS 1, outside of the defined Town Centre, Shopping and Employment Areas. Policy SS 5 provides the overarching general support for economic development within the District. The most relevant part of this policy in relation to this application is the support it sets out for the tourism industry, including the encouragement of new attractions which help diversify the offer available and extend the season. Amongst other matters, the policy requires such proposals to demonstrate that they would not have a significant detrimental effect on the environment.

Policy EC 7 specifically addresses the location of new tourism development within the District. Supporting paragraph 3.4.25 highlights that the tourism economy in North Norfolk is heavily dependent on the quality of the natural environment, and many visitors come to enjoy the Norfolk Coast AONB, the beaches, coastal birdlife, the Broads and the character and tranquillity of the open countryside. It is also noted that the towns contain many attractions and act as a focus for visitors and accommodation, particularly around Cromer and Sheringham. This paragraph also sets out that to support the tourism economy, and provide facilities that will also benefit the local community, new tourist accommodation and attractions will be permitted in areas that can accommodate additional visitor numbers without detriment to the environment. All proposals should also demonstrate that they will have minimal effect on the environment. The Principal and Secondary Settlements are the preferred locations for new development in order that new facilities are accessible to existing visitors.

Paragraph 3.4.28 makes reference to the Tourism Sector study which identified four asset zones within the District which have different abilities to accommodate new development. The application site falls within the 'Resorts and hinterlands' area which covers parts of the district such as Cromer, Sheringham and Mundesley. This is the priority location for new tourism related development to support the role of the tourist resorts.

The proposals seek to locate a shipping container on the Sheringham Promenade for use as part of the applicant's Stand Up Paddle Board (SUP) hire business. No information has been submitted in support of the proposals detailing how the business operates or the exact function the container would play as part of its operations. It is however understood that the container would be used for the storage of boards.

The guidance contained within paragraph 80 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 91 of the NPPF supports development which enables and supports healthy lifestyles through the provision of sports facilities. Paragraph 96 sets out that access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities

Notwithstanding the lack of information submitted, it is considered that the proposed use would represent a 'tourism attraction' serving both holiday makers and local people alike, as

well as providing a new local sports facility which promotes physical activity. The economic benefits resultant of the development are however not fully known and neither has it been demonstrated that the proposals are required to address the applicant's specific business needs.

Policy EC 7 is nonetheless considered to be the most appropriate Development Plan policy in respect to establishing the principle of development. In this regard, the sites location within the Settlement Boundary of Sheringham, a Secondary Settlement as defined in Policy SS 1, would be a sequentially preferable location for new tourism development and thus the development would be supported, in principle, by Policy EC 7.

### Public Realm

Policy SS 4 amongst other matters seeks to ensure that development proposals contribute to ensuring the protection and enhancement of the natural and built environmental assets. Open spaces will be protected from harm with designated Public Realm being conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, whilst innovative and locally distinctive design will be encouraged. This is supported by Policy SS 12 where it states that the Sheringham Public Realm designation is defined to co-ordinate the use of areas where pedestrian access, informal recreation and appearance are crucial to the town's attractiveness to residents and visitors.

Policy EN 5 specifically relates to defined areas of Public Realm. This policy states that within such areas proposals will be expected to enhance the overall appearance and usability of the area, and a co-ordinated approach to management will be encouraged. Paragraph 3.3.19 supporting Policy EN 5 sets out that the identification and designation of certain areas within settlements as Public Realm is intended to continue efforts of revitalising the settlements, by identifying areas which are particularly important for the function and attractiveness of the town, and seeking to ensure that all proposals in such areas (including highway works, shop front alterations, provision of public seating and landscaping etc) have regard to the appearance and usability of the area.

The promenade and esplanade are important historical built features of the town in their attractiveness and function as leisure facilities. This is recognised by their designation within the Development Plan as areas of Public Realm. As noted above Policy EN 5 requires that development proposals within areas of Public Realm should enhance the overall appearance and usability of the area. Whilst a 'shipping container' could be said to have a nautical link, in the location proposed its stark and industrial appearance would be an incongruous feature, unrelated to any surrounding form of development, sited in a prominent and busy location within an important public space. The physical siting of a shipping container in this location, coupled with the resultant visual impacts could not be said to enhance the appearance and usability of the site. As such the proposal fails to meet the criteria set out within Policies SS 4 and EN 5 of the Development Plan.

### Open Land Area

Paragraph 97 of the NPPF states that existing open space should not be built on unless the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.



The application site falls within a designated Open Land Area where Policy CT 1 states that development will not be permitted except where it enhances the open character or recreational use of the land. Similar to the conclusions reached in relation to Policy EN 5 above, the development would not enhance the open character of the land designated to protect the visual and amenity contribution it makes to the locality as required for by Policy CT 1. Whilst the proposed use could be considered to diversify the recreational facilities available at Sheringham Beach, the physical presence and the siting of a storage container itself in this location would not enhance the recreational use of promenade. The proposals are related to a private business which is for a specific target audience, rather than the wider public. The siting of the container along with the operation of the business would result in the physical loss of open space where it has not been established that the benefits of the development clearly outweigh its existing use. As such the proposal fails to meet the criteria set out within Policy CT 1 of the Development Plan.

### Principle summary

The proposals are supported by Policy EC 7 as a location for new tourism development. Policy SS 5 would also provide support subject to it being demonstrated that the proposals would not result in a significant detrimental effect on the environment. In this regard, the development would have an unacceptable impact with conflict arising from the siting of a shipping container within an area designated as both 'Public Realm' and an 'Open Land Area', contrary to the requirements of Policies EN 5 and CT 1. As such the principle of the proposal is not supported by the Development Plan. These policies are consistent with the guidance contained within the NPPF and thus are to be afforded full weight.

## **2. Area of Outstanding Natural Beauty (AONB), Landscape and Design**

### AONB

The application site falls outside, but within the setting of the Norfolk Coast Area of Outstanding Natural Beauty (AONB) whereby Policy EN 1 is relevant. This sets out amongst other matters that development will be permitted where it is appropriate to the economic, social and environmental well-being of the area and does not detract from the special qualities of the AONB, facilitating the delivery of the Norfolk Coast AONB management plan objectives. Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.

In relation to this application site, the Norfolk Coast AONB is located 150 metres to the west, towards the end of the Sheringham Promenade. Great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB's as set out within paragraph 172 of the NPPF. In this instance however, whilst the development may be unacceptable in more general landscape terms as detailed below, it is not considered that the development would be significantly detrimental to the special qualities of the Norfolk Coast AONB required for by Policy EN 1. As such a refusal in respect to this matter is not considered to be justified.

### Landscape Impacts

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and

materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas.

In accordance with the North Norfolk Landscape Character Assessment (2021 SPD) the site lies within the Coastal Shelf Landscape Type. This is a coastal strip of land incorporating the historic holiday towns of Cromer and Sheringham nestled amongst arable land between the dramatic Cromer Ridge and the sea. The site is located in part of the town where the interface of the distinct historic built form meets the coastal setting.

The container would be located within the site between the months of April and September. No information has been provided to demonstrate how the container would be used or from where it would be accessed. The applicants website [www.supshacksheringham.com](http://www.supshacksheringham.com) along with images on their social media pages would suggest that there would be some form of external business presence during opening hours (sales area, seating) in addition to the proposed container itself. This is indicated by the submitted location plan which covers a larger section of the promenade than that of just the container.

The proposed location is at one of the main points of access and egress to and from the beach in the town, where the walkway from The Esplanade meets the promenade. This is a busy junction due to the proximity of car parking, public toilets, beach huts, cafes and public seating with beach views. The use of the site would spill out beyond the confines of the container and take up more space than just the built structure. The promenade also forms the route of the England Coast Path National Trail. The open vista along the promenade in both directions would be interrupted by the large mass of the container placed on the seaward side of the promenade. Its physical presence in this location would also partially obstruct sea views from the public seating shelter directly opposite the site, and views of the container would be readily achievable from the majority of the surrounding public spaces.

The applicant has suggested that the container could be painted and/or the businesses logo displayed, this however would not lessen the physical or visual impact of the structure to where it could be said that it would preserve or enhance the appearance of the site. Having regard to the matters set out above, an objection to the proposed development has been received from the Landscape Officer.

The proposed development therefore would conflict with Policy EN 2 which seeks amongst other matters to ensure that development is informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Furthermore, the proposals have not demonstrated that its location, scale, design and materials would protect, conserve or enhance the special qualities and local distinctiveness of the settlement character.

### Design

All development will be designed to a high quality, reinforcing local distinctiveness in line with Policy EN 4. Furthermore, in accordance with this policy, design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be considered acceptable.

As alluded to above, the siting of a functional utilitarian structure without any apparent visual merit within a key public space is not considered to represent good design. The container

would be of a significant size, sited on the seaward side of the promenade, failing to respect the existing built form arrangement where development along the promenade is located inland, often within the cliff structure. The metal structure would present a featureless 6m (approx.) flank elevation to users of the promenade and beach within close proximity, whilst the end elevations would be visible along the promenade in both directions as well as from other key public vantage points.

In this regard the proposals would not comply with the requirements set out within Policy EN 4 which amongst other matters seeks to ensure that all development be of a high quality design, reinforce local distinctiveness, have regard to local context and preserve or enhance the character and quality of the area.

### **3. Historic Environment**

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN 8 of the Development Plan states that Development proposals should preserve or enhance the character and appearance of designated assets and their settings through high quality, sensitive design. It should be noted that the strict '*no harm permissible*' clause in Development Plan Policy EN 8 is not in strict conformity with the guidance contained in the latest version of the National Planning Policy Framework (NPPF 2019). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Section 16 of the NPPF as a material consideration. A number of these requirements are alluded to above, including the requirement to balance any less than substantial harm to the heritage assets against the public benefits of the development.

The application site lies approximately 16 metres from the current Sheringham Conservation Area which extends westwards to the south of the promenade in the vicinity of the application site. The Conservation and Design Officer has considered the proposed development and raises concern regarding the siting of a functional utilitarian structure without any apparent visual merit on the promenade where it would be readily visible from a range of different vantage points. These include:

- i) when approaching from the west along the promenade it would interrupt the continuity of the linear views back towards to the town centre.
- ii) Similarly, when walking the other way, it would interfere with the view down the length of the coastline and the open vista out to sea.
- iii) Coming down off the Esplanade and through the arch, a whole range of coastal views then open out from the two sloping footpaths and from the seating area on top of the shelter. These would certainly not be enhanced by having such a structure sitting on the outer edge of the promenade in full view.

- iv) In this exposed position (rather than backed up against the cliff), the container would also have an injurious presence from higher up on the Leas and its cliff top footpath.

With many of these vantage points mentioned above either falling within the Sheringham Conservation Area, or lying just outside it, there would clearly be an impact upon the views into and out from the designated area. As acknowledged in paragraph 194 of the NPPF, development within the setting of a heritage asset may impact on its significance. As such, the Conservation Officer concludes that the proposed development would result in 'less than substantial' harm being caused to a heritage asset.

The development would therefore be contrary to the requirements of Policy EN 8. The heritage balance required by paragraph 196 of the NPPF, along with the wider planning balance is set out within section 5 below.

#### **4. Other material planning considerations**

##### Retail and commercial leisure proposals

The proposals have been considered in light of the Council's tourism policies as set out above. Regard has also been given to Policy EC 5 which seeks to guide new retail and commercial leisure proposals to appropriate locations, including Principle and Secondary Settlements. This policy however is concerned with ensuring that 'significant' proposals for retail and commercial leisure development on unallocated and allocated sites are focused on the North Norfolk's eight town centres, as set out within paragraph 3.4.20 of this policy's supporting text. It is considered that the nature/scale of the proposed development would not fall within the remit of this policy and is therefore not applicable to the proposals.

##### Means of construction access

The means of accessing the site for the siting of the container has been raised by third parties. As the application is recommended for refusal for other matters, it has not been considered necessary to seek additional information in relation to access. Should the application be approved, further information in the form of a construction management plan could be secured via condition, provided that the relevant tests are met. In relation to matters raised regarding access along the promenade for emergency services, the container would be sited within part of the promenade which is wider and would thus not cause a narrowing of the route. Emergency vehicle access would therefore be retained.

#### **5. Planning Balance**

The principle of a tourism use as proposed is supported by Policy EC 7 of the Development Plan given the sites location within Sheringham which constitutes a sustainable location for such development and is defined as a 'Secondary Settlement'. However, conflict arises in relation to Policy SS 5, specifically its requirement for proposals to demonstrate that they would not result in significant detrimental effects to the environment.

The development would support a small newly created local business and help with the creation of employment opportunities. Such developments are generally supported by both the Development Plan and guidance as set out within the Government's planning policy (NPPF). In this instance, the extent of the economic benefits are not fully known given the

lack of information supporting the proposals. Whilst it is understood that the applicant would like to be able to store the water sports equipment on this site, the business/functional requirements to permanently store the equipment on this site has not been demonstrated. It is also understood that the business has previously successfully operated without such provision, storing equipment elsewhere and bring it to the beach/the site when required. Furthermore, no evidence has been provided by the applicant to demonstrate that alternative sites have been considered beyond the current application site. As a result of the limited information received, the weight which can be given to the unknown extent of any economic benefits is reduced.

The social benefits of the development would result from the provision of a facility which supports physical activities which would be accessible to a wide range of users. The siting of the shipping container would however be located on existing public open space, designated within the Development Plan as Open Land Area and Public Realm.

Adverse landscape and visual impacts have been identified and which conflict with Policy EN 2 which, amongst other matters, seek to ensure that development is informed by, and be sympathetic to, the distinctive character areas. Furthermore, the design of the proposal would not be of a high quality, reinforce local distinctiveness, have regard to local context or preserve/enhance the character and quality of the area, contrary to Policy EN 4. The application site is relatively sensitive to change, forming part of the Public Realm and Open Land Area's as defined by Policies EN 5 and CT 1 respectively. The development would not enhance the open character, appearance, usability or recreational use of the land contrary to the requirements of these policies. This represents a clear departure from the Development Plan.

As set out above paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Planning Practice Guidance (PPG) makes plain that for the purposes of applying the policy in paragraph 196 of the NPPF that public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Less than substantial harm to the Sheringham Conservation area has been identified by virtue of development within its setting. The public benefits of the development comprise of both the economic and social aspects. The weight which can be given to these benefits however is reduced in the absence of supporting information/ justification. Furthermore, there would also be social harms as a result of the loss of 'open space'. The Sheringham Conservation Area is a designated heritage asset and paragraph 193 of the NPPF makes it clear that the decision maker should give great weight to the asset's conservation. Having regard to these matters, the harm resultant from the proposal would not be outweighed by the public benefits. Consequently, the development would be contrary to Policy EN 8 of the Development Plan and Section 16 of the NPPF and would weigh against granting permission in the overall balance.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the harms identified, would outweigh the benefits of the development. The proposals would not be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh departure from the Development Plan. Therefore **REFUSAL** of the application is recommended.

## **RECOMMENDATION:**

To refuse on the following grounds

1. The proposed development would, by virtue of its design, scale and siting, appear as an incongruous form of development which would fail to conserve the special qualities and local distinctiveness of the area. The open vista along the promenade would be interrupted by the container, whilst views would be obstructed from nearby public areas including the covered seating. The proposed development would therefore conflict with Policies SS 5, EN 2 and EN 4 of the North Norfolk Local Development Framework Core Strategy September 2008 and Sections 12 and 15 of the National Planning Policy Framework (February 2019).
2. The siting of a shipping container within an area designated as both 'Public Realm' and an 'Open Land Area' would fail to enhance the overall appearance and usability of the area and would be detrimental to the open character and recreational use of the land contrary to Policies SS 4, EN 5 and CT 1 of the North Norfolk Local Development Framework Core Strategy September 2008 and Section 8 of the National Planning Policy Framework (February 2019).
3. The proposed development would be readily visible from vantage points within the Sheringham Conservation Area and forms part of its setting, the development would impact upon views into and out of the area thereby resulting in harm to the significance of the designated heritage asset and to the ability to appreciate such significance. Such harm would be within the less than substantial category, as set out in the National Planning Policy Framework (February 2019) and would not be outweighed by public benefits. The proposed development would therefore conflict with Policies EN 2 and EN 8 of the North Norfolk Local Development Framework Core Strategy September 2008 and Section 16 of the National Planning Policy Framework (February 2019).