



Parish:	King's Lynn	
Proposal:	Installation of 2 no. piles and change of use of outer purfleet for the mooring of a ship for restaurant/entertainment use with ancillary accommodation for 3 no. ships crew and use of the adjacent area as an outdoor serving and seating area	
Location:	Outer Purfleet Purfleet Quay King's Lynn	
Applicant:	Borough Council of King's Lynn & West Norfolk	
Case No:	18/00478/F (Full Application)	
Case Officer:	Mrs H Morris	Date for Determination: 10 May 2018

Reason for Referral to Planning Committee – This is a Borough Council application and objections have been received

Neighbourhood Plan: No

Case Summary

The application relates to Outer Purfleet, King's Lynn which is accessed by Purfleet Quay to the north and Purfleet Place (King's Staithe Square) to the south.

The Outer Purfleet is a wet dock accessed off the River Great Ouse and is surrounded by many heritage assets. Customs House, located at the north eastern end of Purfleet Quay is a Grade I listed building along with the adjoining northern quay wall running alongside the dock to the barrage. The Bank House and 1-3 Purfleet Place are all Grade II* listed. The former probation offices on the north side of Purfleet Quay and Purfleet House are Grade II listed along with 3, 4 & 5 King's Staithe Square, the Counting House and the Bridge at the eastern end of the Outer Purfleet. The site also lies within the King's Lynn Conservation Area.

The application seeks full planning permission for installation of 2 no. piles and change of use of Outer Purfleet for the mooring of a ship for restaurant / entertainment use with ancillary accommodation for 3 no. ship's crew and use of the adjacent area as an outdoor serving and seating area.

Key Issues

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Impact on Heritage Assets;
- Residential Amenity;
- Flood Risk;
- Highway safety; and

- Other considerations.

Recommendation

APPROVE subject to conditions.

THE APPLICATION

The application seeks full planning permission for installation of 2 no. piles and change of use of Outer Purfleet for the mooring of a ship for restaurant / entertainment use with ancillary accommodation for 3 no. ship's crew and use of the adjacent area as an outdoor serving and seating area.

The application relates to Outer Purfleet, King's Lynn which is accessed by Purfleet Quay to the north and Purfleet Place (King's Staithe Square) to the south.

The site lies within the King's Lynn Conservation Area and is surrounded by many heritage assets. Customs House, located at the north eastern end of Purfleet Quay is a Grade I listed structure along with the adjoining northern quay wall running alongside the dock to the barrage. The Bank House and 1-3 Purfleet Place are all Grade II* listed. The former probation offices on the north side of Purfleet Quay and Purfleet House are Grade II listed along with 3, 4 & 5 King's Staithe Square, the Counting House and the Bridge at the eastern end of the Outer Purfleet.

The Outer Purfleet is a wet dock accessed off the River Great Ouse. It is unaffected by the tidal range as it is accessed by removable gates. These gates can be removed by crane at a time when the water level within the dock matches the river water level.

To facilitate the mooring of a ship within the Outer Purfleet it is necessary to install 2 no piles. It is proposed to install these piles at approx. 4m away from the southern dock to avoid the toe of the concrete retaining wall. The height of the top of the pile would be at 1.5m above the flood defence, at 7.84m AOD. The piles will be from circular hollow steel sections, will be painted black and will have floating donut fenders, in a standard black colour which will rise and fall with a tide in case of a tidal flood.

SUPPORTING CASE

A Planning Statement, Heritage Statement, Flood Risk Statement and Method Statement have been submitted in support of the application. Furthermore, following receipt of consultation comments additional information has been provided in the form of a Method Statement for the proposed works and further details regarding potential noise, lighting, waste and monitoring.

The submitted Planning Statement advises that the site is located within the Historic Quarter of the Purfleet within the Ward area of St Margaret's with St Nicholas. The proposal is for installation of 2 no. piles for mooring of an Entertainments Ship. The ship will be attached to the piles by floating donut fenders and accessed from the dock by 2 no. gangways entering and exiting the ship.

The gangways will be able to be raised up for security when / if a flood event occurs. The ship will include ancillary living accommodation for 3 No. ship's crew. The planning submission includes for use of the adjacent dock and performance area to be used as an outdoor serving area.

The proposal has been designed to take into account the following:

- a) The proposed development to be in keeping with the local vernacular and context of its Historic Setting; and
- b) The mass of the proposed structures in relation to the local historic buildings and structures and the visual impact within the setting.

Currently the Outer Purfleet is underutilised and comprises a wet dock with quays to the north and south, the Customs House and Purfleet Bridge to the east and the sheet piled barrage with stop logs and bridge over, forming separation from the main river to the west. The Quay is situated on the river side of flood defences and as such is subject to flood events, the most recent of which occurred in 2013.

The Customs House is located on the North Eastern end of Purfleet Quay and is a Grade I listed structure with the Probation offices to the North side of the road. The western boundary of the site adjoins the River Great Ouse and is separated from it by the barrage. The eastern boundary of the development site is along King Street with a Grade II Listed bridge. There are no works proposed to the bridge structure. The southern boundary of the site is the flood defence with sections of seating which in the event of a flood can be raised up and closed by the Environment Agency together with the flood gates.

The planning application is for Change of Use of the area outlined in red on drawing No. 177834 / 02 for the mooring of a ship to be used as an Entertainments Ship. To facilitate mooring of the ship within the Outer Purfleet it is necessary to install 2 No piles. These piles will be installed at approx. 4m away from the southern dock to avoid the toe of the concrete retaining wall. The height of the top of the pile will be at 1.5m above the flood defence, at 7.84m AOD. The piles will be from circular hollow steel sections and will be painted black. The piles will have floating donut fenders, in a standard black colour which will rise and fall with a tide in case of a tidal flood.

The proposal is for an Entertainments Ship to be docked in the Purfleet. The current proposal is called the 'Merchant Adventurer' and at water level is 6.09m across by 50m long in total. There are three masts to the ship with the tallest one being at 100ft high with sails, etc.

The ship has been positioned to avoid the projector unit which projects images onto the Customs House. A photo-montage of the 'Merchant Adventurer' within its historic setting has been submitted in support of the application to give a sense of scale and proportion to the site. However it should be noted that this is not a Verified View Montage or an Accurate Visual Representation and should not be taken as such. This is just a typical example of the type of vessel envisaged as the entertainment ship and potential occupier for the Outer Purfleet if permission for the mooring is granted.

Waste is to be collected in black bin sacks and taken to a waste bin facility owned by the Borough Council at Baker Lane. This has been agreed with the Council's Commercial Services Department.

Recyclable waste is to be collected and taken to a waste bin facility owned by the Borough Council at Baker Lane. This has been agreed with the Council's Commercial Services Department.

The electrical supply to the boat will be taken from an existing supply as noted on our drawing 177834/01. The supply will connect to a Power Pedestal for connection of ships.

The foul water from the ship will be accessed by a chamber on the south dock side and will have an air tight cover to ensure flood water does not enter the pumping chamber. This will then have a permanent connection to an adjoining sewer as indicated on our drawings 177834/01.

The mains water supply from the ship will be accessed from an existing tap on the south dock side as indicated on our drawings 177834/01.

PLANNING HISTORY

15/00272/F – Change of use of land for the temporary location of a 7m by 3m carter cabin to be used as a tool store and workshop for boat repairs. Application withdrawn, 23rd April 2015.

2/99/0979/F – Retention of temporary tidal surge defence barrier (renewal). Approved, 27th August 1999.

2/99/0327/LB – Protective works leading to alteration to appearance of the listed structure. Approved, 30th July 1999.

2/98/1716/F – Construction of barrage across Purfleet flood defence walls and associated engineering works highway surfacing and lighting and creation of outdoor performance area. Approved, 10th June 1999.

2/98/1072/F – Retention of temporary tidal surge defence barrier (renewal). Approved, 9th September 1998.

2/98/0337/A – Erection of 5 Millennium Project signboards. Approved, 21st April 1998.

2/97/1140/F – Enhancement scheme incorporating Dalgety site and flood relief proposals. Approved, 29th September 1997.

2/97/1105/F – Retention of temporary tidal surge defence barrier (renewal). Approved, 26th August 1997.

2/96/1041/F – Retention of temporary tidal surge defence barrier. Approved, 16th September 1996.

2/95/0843/F – Temporary tidal surge defence barrier. Approved, 26th July 1995.

2/94/1298/F – Retention of temporary tidal surge defence barrier. Approved, 4th October 1994.

2/93/1235/F – Construction of 36 flats and 5 garages. Application withdrawn, 3rd April 1998.

RESPONSE TO CONSULTATION

Norfolk County Highways: NO OBJECTION subject to the imposition of a condition restricting the outside seating / dining area to within the purple area shown on the submitted site plan.

Environment Agency: NO OBJECTION subject to the imposition of a condition requiring that the development to be carried out in accordance with the Flood Risk Assessment (FRA) proposed mitigation measures.

Natural England: Confirmation has been received that Natural England does not wish to comment on the application.

Historic England: Confirmation has been received that Historic England does not wish to comment on the application.

King's Lynn Civic Society: NO OBJECTION. The Civic Society planning committee are cautiously supportive of this application but would wish to ensure that more information is provided – especially in relation to the construction and operational impacts to the setting. Their comments and observations can be summarised as follows:

- Whilst this planning application is ostensibly only seeking consent for the mooring facilities for a vessel to be docked within the Purfleet, clearly this is the first stage of a proposal that has significant ramifications for the character of King's Staithe Square and the Customs House – an iconic setting.
- Whilst the Civic Society supports the idea of having visiting craft in the Purfleet, one of the original goals of the millennium restoration project, it is clear that the such proposals must take into account the very sensitive nature of the location.
- Piles and Pontoon: Having reviewed the drawings we understand why the piers are set out from the quay. They will be quite dominant structures – but we tend to agree they will not be out of place in the quayside setting. However, we have not identified any notes on how the piles will be constructed / driven, what temporary impacts to the setting this might cause and what approach is proposed to mitigate archaeological impacts to this historic mooring.
- Area of Application: We note the blue toned area on the plans is identified for alfresco dining and therefore forms part of this application – although we assume it would not become operable until the ship is in place and is operational as a restaurant. The area will be relatively exposed. We feel more detail is required about these proposals. Will there be boundary enclosure, planters, canopies, portable heaters, signage? Will non-customers be excluded? Will the staged area still be available for performance? Will furniture be packed away at night? Will this be a seasonal feature or permanent?
- The Vessel: We are somewhat concerned about the size of the proposed craft – which at 50m long and 30m high will certainly become a dominant feature in the Square. We had anticipated a smaller ship and we note that one letter of objection has indicated the BCKLWN tender for the vessel specifies a maximum size of 100' long. With a 150' ship in the basin there will certainly be little or no space for other visiting craft at Purfleet in future. We are also not clear that the outline of the ship on the plans reflects the actual size/shape of the vessel apparently now being proposed?
- Restaurant: We recognise that if an appropriate and well run eatery was introduced here it could have many benefits and presumably offset maintenance and management costs in a way that perhaps a 'museum ship' could not. However, we note the concerns raised in some of the other objections about parking, service vehicles, waste management, kitchen extractors, waste effluents etc. Whereas we doubt any of these issues are insurmountable – it will certainly be in the hands of the

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operator to ensure they are fully and consistently overcome, with the assistance (and enforcement?) of the Borough Council. There is certainly not enough information in this present application to know whether these matters can be viably and appropriately addressed. We are of the view that store sheds, bins and waste management areas beside the quay, even if only for temporary storage, will not be acceptable.

- Given the sensitivity of the Customs House setting we feel a smaller vessel might be a more appropriate feature for the Purfleet, whilst a restaurant ship of the size proposed might be better located either on the Ouse, or, as we suggested during the consultation for the Waterfront Consultation last year, perhaps a central feature for a regenerated Boal Quay area. Either position may be easier to service and could bring new character and activity to a less sensitive location.

BCKLWN Conservation Officer: NO OBJECTION.

I have been involved with early discussions about this scheme and I do see potential for making better use of our wonderful water front. There were ships in the Outer Purfleet until the early 1960s and I think that mooring a vessel there as an attraction could work very well. The site is in the heart of the conservation area and surrounded by listed buildings most notably the Customs House listed grade I and bank House listed grade II*. However, Outer Purfleet was a working quay until the 1960s so having a ship moor there would not be unusual and I'm pleased to see that the ship is to be positioned away from the Customs House so as not to detract from its immediate setting.

Purfleet Bridge and part of the Quay wall are listed in their own right but as the work does not actually touch the historic structure LBC is not required, but we need to be sure that the piling is carried out in such a manner as not to cause harm to the structural integrity of any of the listed buildings some of which are by their nature quite fragile. I assume that the piles will be augered not driven but I think it would be helpful to have a specification / method statement for the work and possibly a basic "as existing" structural assessment of the Bridge, Quay walls and the Customs House so that they can be monitored whilst the piling is done.

Other matters which need to be properly considered because of their potential impact on the setting of the many listed building are deliveries, waste disposal, seating, signage etc but I appreciate that they do not form part of this application and in some instances may not even need planning permission. I therefore assume that they will form part of the lease / contract between the operator and the Borough Council and will be controlled in that manner.

BCKLWN Environmental Health & Housing – Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION, subject to the imposition of conditions relating to external seating / dining area hours of use, noise protection scheme; lighting details; and hours of piling and deliveries.

BCKLWN Emergency Planner: NO OBJECTION although it is recommended that the occupiers sign up to the Environment Agency flood warning system and a flood warning and evacuation plan is prepared.

REPRESENTATIONS

7 letters of **objection** have been received in relation to the proposed development. The expressed concerns can be summarised as follows:

- Completely inappropriate proposal that will destroy the setting of the Customs House and that of King's Staithe Square.
- The proposal bridges two of the Town's conservation areas, and is surrounded by listed buildings and buildings of significant importance. National planning guidance places great weight on these facts, and requires an applicant to prove that the benefits of approving such an application outweigh these considerations. I don't see how this can be demonstrated.
- Concerned about the noise from this proposed floating restaurant but more importantly the fact that I believe this would be detrimental to the entire area.
- It will be very close to the Custom House which is arguably one of the best in the country, and deserves to be clearly seen from all angles.
- Much has been spent on enhancing this area over recent years, including the placement of the wonderful statue of Captain George Vancouver. It has become a peaceful haven for visitors and locals as they stroll to and from the quayside. Will consideration be given to the effects of this large floating restaurant upon that environment? Will the statue and chains and anchor have to be removed? There are so many other buildings in the town far more suitable for a restaurant.
- The customs house is a beautiful, grade 1 listed building. I think this proposal will detract from the natural beauty of the building and surroundings. There are plenty of other areas of town which could benefit from redevelopment however the Purfleet and surrounding areas are not in need of this kind of 'gimmicky' floating restaurant.
- I believe this will be detrimental to the beauty of the surrounding area and the inevitable disturbance due to anti social behaviour. Our views of the river and surrounding historical buildings should not be impeded by a floating monstrosity. Please don't let history repeat itself and once again have abandoned vessels within the purfleet quay.
- There must be a better use of this historic area other than another eatery. We are well served with local eateries all within a short distance of the quayside, why would we need another eatery on the quay? Already restaurants in the area struggle to make a profit.
- Late night drinkers particularly on Friday nights at the Bank House at times are causing noise disturbance to the residents and this proposed new venture will surely add to that.
- The idea of having permanent tables on the raised area of the quay will inevitably cause noise and litter nuisance and safety issues bearing in mind the proximity of the road. After hours this sitting area will no doubt attract the wrong sort of usage, it will lend itself to unauthorised late night drinking and eating. The seating shelters along the quay are already littered with beer cans, seed and nut shells and cigarette butts, this would be no different. Who will be policing this area after hours?
- Should there be a tall ship anchored in the Purfleet as a museum or for other educational purposes we would certainly approve and would welcome the addition. This proposal would mean that an amenity already enjoyed by many will be sacrificed for the possible monetary profit of a few.
- The dock replication access gate only recently constructed and paid for by the Council has not been stated as wide enough for this boat. Its alteration would waste that money and be very expensive to justify.
- The Riverside traffic flow will increase congestion and pollution without a radical solution and worsened by this restaurant boat proposal.
- There is very little room in town for improvement to the infrastructure and parking without a radical solution.
- The briefing for this proposal specifically and mistakenly excluded traffic strategy and is therefore unsafe.
- This boat will have to face parking, disabled parking and delivery problems probably causing mayhem.
- Rubbish thrown overboard by users.

- It could be a major blunder in:- handing over the platform to tables and chairs with canopies specifically for the boat use permanently by planning consent not reversible and in not catering for the future for the River Front Delivery Plan and solutions for traffic congestion/ pollution / weddings with all their entourage, noise/rubbish/ and booze/advertising.
- The platform will become private and does not need landscaping with rough pallets and dead planting to change the setting as does those unauthorised in the use of the quay space.
- The River front has rid itself of obstructions and unusable buildings so far with well integrated residential premises and major intentions to come, but the King's Staithe Square has historic dwellings contributing to the setting and Staithe. They all face potential disruption beyond being reasonable with lights, late night unrestricted times, flags, signs, bunting and booze in this intrusion to existing deliberate tranquillity.
- It will have no specific control over late night uses, hazardous substances, cooking smells, noise, seagull pestations, pests, still water pollution from diesel and discard by the public.
- It will not enhance the precious historic centre of Conservation Area setting with its lack of appropriate style and uses. (Perhaps a replication of a trading ship of the time would be more appropriate paid for by public inclination with quiet understanding, viewing, for ticket sale.)
- It will need maintenance activities to keep it pristine and from fire risk and water pollution.
- It has no certainty of success, waste control and bins on the quay will not be acceptable.
- It will produce trade effluent needing special measures for discarded fat and oil. The "dock" is not with flowing water and will retain rubbish and pollution.
- It has always been accessible to all as a right of way not to be obliterated / dominated by exclusive use of the viewing/performance platform for restaurant chairs, tables, probably coloured canopies and this slick looking modernised permanently moored restaurant& entertainment boat dominating the attraction of the restored setting in a Conservation Area, instead of the Custom House.
- This planning application will inevitably have a deleterious effect on the setting of this part of King's Lynn's primary conservation areas. It will irretrievably desecrate the setting of one of the most iconic views of King's Lynn, The Grade I Listed Custom House, built in 1683 and described by architect Nikolaus Pevsner as "one of the most perfect buildings ever built" and is more famous than any other building in West Norfolk.
- The development of this area by siting a restaurant ship in the Outer Purfleet, in front of the Custom House Building will not enhance conservation of this historic environment.
- It may foster some economic prosperity, but siting it at this particular location is not essential for this purpose.
- It will not provide an attractive environment and it likely to bring with it all the problems typically associated with such premises (noise, light pollution, kitchen odours, rubbish in the water and on land etc) to an area that has hitherto been very sympathetically restored and maintained and should remain so.
- This proposed plan with this application suggest an area of King's Staithe Square is to be included within the curtilage of the area under control of the entertainments ship facility that will bring live traffic and pedestrians into close proximity and thus appears to place no importance on pedestrian safety.
- Waste collection in black sacks is never a secure option for a facility dealing with large quantities of food waste and leaves any interim storage at the quay vulnerable to infestation from vermin or spillage from insecure containers. It will also require, inter-alia, once the facility is closed, a nightly transport of collected refuse from the proposed restaurant location to the collection / disposal site some 0.1 miles away. It is doubtful

whether this would be an acceptable outcome for the residents on King's Staithe Square, Queen Street or The flats adjacent to the Baker Lane Car Park who would have to suffer the concomitant noise during transport and additional waste storage in the Baker Lane area.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Impact on Heritage Assets;
- Residential Amenity;
- Flood Risk;
- Highway safety; and

- Other considerations.

The Principle of Development

The application proposal seeks approval for the installation of 2 no. piles and change of use of Outer Purfleet for the mooring of a ship for restaurant / entertainment use with ancillary accommodation for 3 no. ship's crew and use of the adjacent area as an outdoor serving and seating area.

It is important to note that the ship itself does not require planning permission. It is the change of use of the land for the permanent mooring of a vessel in that location that is being considered, along with the operational development for the provision of 2 no. piles and the change of use of the existing performance area to provide an outdoor serving and seating area for the ship.

The application site lies within the development boundary of King's Lynn Town Centre Area as defined by the Site Allocations and Development Management Policies Plan (SADMP) (2016). According to Policy E1.1 of the SADMP, the Borough Council will promote this area as the prime focus in the Borough for retail, community and professional services, leisure, culture and entertainment. The historic character, local distinctiveness, facilities, amenity and vibrancy of the area will be maintained and enhanced, both for their own sake and to strengthen the appeal of the town centre. In order to achieve this, development of retail, offices serving visiting members of the public, hotels, assembly and leisure uses, and community and cultural facilities (e.g. use classes A, C1, D1, D2 and sui generis theatres) will be particularly encouraged in the area.

The principle of creating a mooring for a ship to be used for restaurant / entertainment purposes within the town centre area along with the associated change of use to provide an outdoor serving and seating area is therefore generally considered acceptable in planning policy terms, provided that it would not have any detrimental impact on heritage assets, and is considered acceptable in terms of impact on residential amenity, flood risk or highway safety.

Impact on Heritage Assets

The application site lies within the King's Lynn Conservation Area and is surrounded by many heritage assets. Customs House, located at the north eastern end of Purfleet Quay is a Grade I listed building along with the adjoining northern quay wall running alongside the dock to the barrage. The Bank House and 1-3 Purfleet Place are all Grade II* listed. The former probation offices on the north side of Purfleet Quay and Purfleet House are Grade II listed along with 3, 4 & 5 King's Staithe Square, the Counting House and the Bridge at the eastern end of the Outer Purfleet.

The site lies within the St Margaret's Area of the Conservation Area. Within the Conservation Area Character Statement (2003) King's Staithe Square is described as "a wide spacious area, devoid of foliage, and given a major face-lift in 1999-2000, with low brick walls topped with iron railings, new paving slabs and a raised area at the north-west corner in place of a battery of grain silos, all lit from good, contributing, lamp standards." It continues its description of the area by advising "the Purfleet, also cleaned up, runs to the north past the Custom House, the River Ouse to the west, and the other two sides have houses of quality."

The local planning authority has a duty under s.72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving listed buildings or their setting and special attention shall also be

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paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy CS12 of the Council's Core Strategy seeks to protect and enhance the historic environment and Policy DM15 of the SADMP (2016) states that proposals will be assessed against their heritage impact.

Furthermore, the National Planning Policy Framework (NPPF) identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or by development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Furthermore, paragraph 137 states that proposals which preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favourably and paragraph 131 requires local planning authorities, in determining applications to take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The key consideration in this case is therefore whether the proposal causes harm to the significance of the surrounding heritage assets or their setting.

A Heritage Assessment has been submitted in support of the application. This advises that the mooring of a ship in the Purfleet has been mooted for over twenty years. It formed an aspiration of the Millennium Project and still forms part of Borough Council policy detailed in the 2017 King's Lynn Riverfront Delivery Plan. The vision to enable the King's Lynn riverfront to become 'a vibrant river edge quarter threaded into the fabric of the existing town' depends on projects such as this.

In consideration of the proposal the Heritage Assessment confirms that the ship can be serviced without causing harm to historic fabric or without visual intrusion. The mooring posts will be visible, but seen within the context of a ship and dock, their presence will be understandable and apt, causing less than substantial harm to the setting and significance of heritage assets.

In order to stabilise the ship when moored, two posts are proposed, either side of the ships 'gang planks'. The posts, made from hollow steel sections and to be painted black, will be installed approximately 4 metres away from the edge of the southern dock to avoid the toe of its concrete retaining wall. The height of the top of the pile will be 1.5 metres above the flood defence, making them visible from King's Staithe Square. Floating 'donut fenders', in a standard black colour will be fixed around the posts and will rise and fall with the ship in case of a tidal flood.

These posts will be similar to those already installed off the South Quay opposite Marriott's Warehouse. Their design is kept as simple as possible in order to make them discreet. They will be visible from the south side of the Purfleet, from the bridge and from across King's Staithe Square however they will be seen against the backdrop of a ship with its masts which will minimise any visual intrusion.

The performance area, originally erected as part of the Millennium Project, is used occasionally but otherwise remains an empty space. It is proposed to provide tables and chairs in this area, to be served by the ship, in the manner of those already in place on the South Quay and it is not considered that this would have any detrimental impact on the

character or appearance of the Conservation Area or the setting of adjacent listed buildings.

According to the submitted Heritage Assessment the mooring will enhance the setting of the surrounding heritage assets, provide a facility which will enable a greater appreciation of the historic setting and will cause no harm to the character or appearance of the Conservation Area. It continues by advising that the public benefits of the proposal include an enhanced visual appreciation of the historic environment, an enhancement of the Conservation Area and the provision of a tourism asset.

The benefit of making better use of the town's wonderful waterfront is recognised by the Council's Conservation Officer and it is considered that the proposed position of the ship away from Customs House would still allow for important views of the building and ensure that it would not detract from its immediate setting.

Whilst the submitted information is based on a ship called "The Merchant Adventurer" being moored on the site, as previously stated, planning permission is not required for the vessel itself so the exact ship could be subject to change. However, the Council's property services team who will be responsible for ensuring the appearance and condition of the vessel is appropriate for the site and its important historic surroundings within the terms of the lease.

Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. In this case, a significant benefit of the scheme is that it will enable an enhanced appreciation of this historic part of the town centre and King's Lynn's maritime past by allowing the mooring of a vessel which will support the local tourist and visitor economy.

It is therefore considered overall that the proposed development would preserve and enhance the character and appearance of this part of the King's Lynn Conservation Area and would not result in any significant harm to the setting of adjacent listed buildings. The proposal therefore complies with the provisions of the NPPF, Policy CS12 of the Council's Core Strategy (2011) and Policy DM15 of the SADMP (2016).

Residential Amenity

Beyond the application site to the south there are a number of residential properties situated on Purfleet Place and King's Staithe Square and additionally Purfleet Quay and Purfleet Street. The mooring of a ship itself would not have any detrimental impact on the amenity of these properties, however the impact of the restaurant / entertainment use of the future vessel, particularly the outdoor serving and seating area, needs to be considered.

The Council's CSNN team have been consulted on the application and have raised concerns in terms of noise from the use of the external dining area. In response to this additional information has been provided which confirms agreement to a condition being imposed on any consent that restricts use of the outdoor serving and seating area to between 9am and 10pm Monday to Saturday and between 10am and 9pm on Sundays and Bank Holidays. The proposed operator has also agreed that they will advertise as such on menus, possibly tables and also their website so that it is very clear to diners that the outside areas close at specific times.

It is further proposed that the external furniture will comprise heavy duty timber outdoor 'A' frame picnic benches and that this furniture will be stacked in each area and chained together at the closing times to avoid the furniture being used outside of the prescribed hours of use. It is not proposed to move the furniture from the performance area each evening because if it were to be stacked to the rear or side of the performance area it would effectively be within the flood area and conflict with environment agency operations and advice. Furthermore, if it were to be placed to the front it would be within the highway which would not be acceptable.

Although the furniture proposed will be heavy duty, it will be timber and will be relatively easily moved by the staff operating the ship and outside seating and dining area. Additionally, being timber it should not be noisy to move the tables to stack them and chain them together. The operation of closing down the outside areas should therefore be straightforward and not result in any undue noise or disturbance to nearby residential occupiers.

It is not proposed to have any external speakers during the day to day operation of the outside seating and dining area. It is however relevant that the main area currently is and always has been a performance area therefore special events may be held, as currently is the case, where music will be played. This will be controlled in the normal manner that any current musical events are controlled.

In light of the additional information submitted and the hours of use proposed for the outdoor serving and seating area, it is not considered necessary in this case for submission and approval of a noise protection scheme to be conditioned.

Concerns have also been raised by the Council's CSNN team in relation to the proposed method of piling (driven) and the potential for vibration and noise. However, the agent has advised there is not another way to install the steel piles in this case and given that the proposed piling works are only likely to take two days to complete it is not considered that the impact on residential amenity would be significant provided that a condition is imposed restricting the hours of work to between 9am and 5pm Monday to Friday only.

It is also considered reasonable in this case to impose a condition restricting hours of deliveries due to the proximity to residential properties.

Flood Risk

The application site lies within flood zone 3 and a hazard zone as identified by the Environment Agency's flood maps. However, a site specific flood risk assessment (FRA) has been submitted in support of the application which advises that the proposal will have no impact on the flood risk to the town. The ship and associated enabling works in the Outer Purfleet are a water compatible proposal that is suitable for the proposed location. The outdoor serving / seating area is a change of use for an area that is protected by flood defences.

The nature of the development is such that it must be sited on the river and/or adjacent water bodies. No alternative sites within this area of King's Lynn are a lower flood risk than the chosen site. As a result the proposal passes the sequential test. Furthermore in accordance with the Flood Risk Vulnerability classification table within the NPPG, the proposal can be classed as 'water compatible' development which is acceptable in Flood Zone 3 and does not require an Exception Test to be undertaken.

Given that the vessel to be moored on the site will be a working ship, there will be crew (3 no. people) who will reside on site within the existing ancillary living accommodation on

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board. This is considered to be acceptable as they are essential to the operation of the vessel and they would be able to remain on board in the event of a flood.

The Environment Agency has confirmed they have no objection to the proposed development subject to the mitigation measures proposed in the submitted FRA being adhered to. It is therefore recommended a condition is imposed requiring the moorings to be designed to provide secure moorings to a level of 7.84 metres aOD.

The Council's Emergency Planning Officer has also raised no objection to the proposal subject to the future occupiers signing up to the Environment Agency flood warning system and a flood warning and evacuation plan being prepared. It is recommended that an informative to this effect is attached to any consent.

Whilst the application does not clarify all the implications of the vessel's presence within the quay, the Environment Agency has confirmed these details will be dealt with through the necessary flood risk activity permit process. Under Environmental Permitting Regulations (EPR), a permit is required from the Environment Agency for proposed works or structures on or near a main river; on or near a flood defence structure; in a flood plain; or on or near a sea defence.

Highway Safety

Norfolk County Highways have been consulted on the application and have advised they have no objection to the proposal on highway safety grounds subject to a suitable condition being imposed on any consent restricting the outdoor serving and seating to the purple area identified on the submitted site layout plan (dwg no. 177834/01 rev E). This would prevent any obstruction or conflict with the public highway.

Other Considerations

Concerns have been raised in relation to the storage and disposal of waste therefore additional information has been provided in support of the application. This advises that all waste will be retained in bags on the ship and then each morning waste will be transferred from the ship to bins at the Borough Council facilities in Baker Lane using appropriate transport. Given the sensitive historic location it would not be considered appropriate to site external waste storage facilities anywhere along the Outer Purleet. It has therefore been agreed that the Council facilities at Baker Lane can be used and this would seem the most appropriate solution.

There are no other material considerations relevant to this application.

CONCLUSION

The principle of installing 2 no. piles to allow the mooring of a ship for restaurant / entertainment purposes is considered acceptable as is the change of use of the adjacent area to provide an outdoor serving and seating area. The proposal would preserve and enhance the character and appearance of this part of the King's Lynn Conservation Area, support the existing tourist and visitor economy and would not result in any significant harm to the setting of adjacent heritage assets. Furthermore, there would not be any significant detrimental impact to residential amenity, flood risk or highway safety. As a result the proposal complies with Policies CS01, CS03, CS08, CS10, CS11 and CS12 of the Borough Council of King's Lynn and West Norfolk's Core Strategy (2011), Policy DM2, DM15 and E1.1 of the Site Allocations and Development Management Policies Plan (2016) as well as

the provisions of the National Planning Policy Framework (2012). It is therefore recommended that planning permission be approved subject to conditions outlined below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 177834 / 01 rev E; and 177834/02 rev B.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No piling shall take place on weekends or bank holidays or outside the hours of 0900 and 1700 Monday to Friday.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 4 Condition: No deliveries shall be taken at or despatched from the site outside the hours of 0830 and 1800 on weekdays, 0900 and 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 5 Condition: Prior to the installation of any external lighting, details of the light source, the positioning, any cowl and light intensity footprint and spillage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained and retained as agreed.
- 5 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 6 Condition: The development shall be carried out in accordance with the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Parsons Consulting Engineers Ltd revision V7 (P2) ref. 17036-FRA-01. The moorings shall be designed to provide secure moorings to a level of 7.84 metres aOD.
- 6 Reason: In the interests of flood risk in accordance with the provisions of the NPPF.
- 7 Condition: Other than tables and seating for external dining within the specified area on drawing no. 177834 / 01 rev E, no storage of goods, materials, or waste shall take place in the open on the site.
- 7 Reason: In the interests of the amenities of the locality in accordance with the NPPF.

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- 8 Condition: The outdoor serving and seating area shall be restricted to the purple area shown on drawing no. 177834/01 rev E only.
- 8 Reason: In the interests of highway safety and to accord with the provisions of the NPPF.
- 9 Condition: The 'Regular Use Outdoor Serving Area' shown on drawing no. 177834/01 rev E shall only be used for outdoor drinking and / or dining between the hours of 0900 and 2200 Monday to Friday, 0900 to 2200 on Saturdays and 1000 to 2100 on Sundays, Bank and Public Holidays, unless otherwise approved in writing by the Local Planning Authority.
- 9 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.