

Parish:	King's Lynn	
Proposal:	GLAZED BALUSTRADE AROUND SEATING AREA	
Location:	Marriotts Warehouse South Quay King's Lynn Norfolk	
Applicant:	The trustees Marriotts Warehouse Rebecca Rees	
Case No:	21/01654/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 13 October 2021 Extension of Time Expiry Date: 15 November 2021

Reason for Referral to Planning Committee – Called-in by Cllr Bambridge

Neighbourhood Plan: No

Case Summary

The application site relates to the restaurant Marriotts Warehouse which is situated on the eastern side of the South Quay, King's Lynn.

Planning permission is sought for the erection of glazed balustrade around the outside seating area to the front of the building.

The site falls within King's Lynn's Conservation Area and the building is Grade II* Listed.

Key Issues

- * Heritage Assets; and
- * Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application site relates to the restaurant Marriotts Warehouse which is situated on the eastern side of the South Quay, King's Lynn.

The site falls within King's Lynn's Conservation Area and the building is Grade II* Listed.

Planning permission is sought for the erection of balustrade around the outside seating area to the front of the building. The Balustrade will comprise glazed panels with stainless steel posts and measures 36 metres in length by 1100mm high.

There are currently wooden planters around the perimeter of the seating area which are proposed to be removed with some re-arranged.

SUPPORTING CASE

No supporting case has been submitted.

RECENT PLANNING HISTORY

21/00202/F: Application Withdrawn: 18/05/21 - Glazed balustrade around seating area - Marriotts Warehouse, South Quay, King's Lynn

20/01907/LB: Application Withdrawn: 14/01/21 - Listed Building Application: Erection of a glazed balustrade with stainless steel posts - Marriotts Warehouse

07/00272/LB: Application Permitted: 12/04/07 - Alterations to dormer and install extraction fan unit - The Green Quay

RESPONSE TO CONSULTATION

Parish Council: N/A – King's Lynn is unparished

Highways Authority: NO OBJECTION - The applicant should be aware that it would not be my recommendation to erect glass barriers in such a proximity to a live carriageway and they would be doing so at their own risk.

Historic England: OBJECT on heritage grounds but these could be addressed by using more traditional materials in the development.

Conservation Team: OBJECT - As with CAAP and HE, no objection to the removal of the pallets and the replacement of them. Whilst various representations have suggested other alternatives, the common thread is against the metal and glass in its current form. I would concur with HE's comments on this occasion.

King's Lynn Civic Society: In general we support this opportunity to enhance the frontage of this landmark building and the waterfront in general – but we think there might be more distinctive and complementary solutions than an off-the-shelf steel and glass product.

Marriotts is one of our waterfront landmarks. Proposals are pending for regeneration of the entire waterfront.

Although the existing pallets/crates with planting have reflected some sort of 'working warehouse' character, they have always looked like a temporary solution and we would not regard their replacement as a loss. However, we have some concerns about the glass and stainless steel windbreak proposed - for the following reasons:

- We cannot think of any other external glass and stainless steel at Marriotts or along the waterfront. We think it could look out-of-place. It seems like a very modern and 'sharp' design solution for a situation that isn't modern or 'sharp'.
- The nature of these steel and glass systems is that they make for very straight edges and lines. We don't think this will really suit this situation.
- Although often now seen in a 'seaside' location – stainless steel and glass do corrode and mark (especially when exposed to salt spray), and can often look rather shabby after a few years. This is a very exposed 'street front' position.
- We have some concerns about glass adjacent the roadway. Even toughened glass panels can be broken.
- Glass will allow views of the furniture and customers within. There are no details of whether the existing outdoor furniture is to be replaced or, if so, what with.

Conservation Area Advisory Panel: The Panel were opposed to the proposal although they did welcome the removal of the timber pallets. They might be more receptive to a metal boundary, but it needed to be more bespoke and more relevant to Marriotts Warehouse itself. Glazing behind that may or may not be acceptable.

REPRESENTATIONS

NONE RECEIVED

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

King's Lynn St Margarets Conservation Area Character Statement

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are as follows;

- Impact on Heritage Assets; and
- Other Material Considerations

Heritage Assets:

Historic England describes Marriotts Warehouse as a Grade II* listed building which dates from the 14th century with later additions of the 15th and 16th. It stands in a position facing the riverside at King's Lynn, an unusual arrangement where most of the town's collection of important historic warehouses are set at right angles to it, reflecting the layout of medieval property boundaries. This gives Marriott's warehouse particular prominence on the quayside where this remarkable survival serves as a popular restaurant.

The King's Lynn St Margarets Conservation Area Character Statement describes how the waterfront environmental improvements included the conversion of the legacy of warehouse buildings such as Marriotts warehouse to other uses, to reinstate the once busy operational streets of the quayside that would have been full of people, traders, carts and carriages.

The use of traditional materials is described as eclectic as might be expected in a sea-port with extensive European trading interests. In a low-lying treeless area of the country almost all timber was imported either up-river from the inland counties or from the Baltic. English oak is confined to the structure of timber-framed hall houses of the 16th Century and earlier, and by the 17th Century, when timber framing ceased to be used on any scale, brick was the substitute.

Much earlier buildings used stone as building material, imported from Northamptonshire and Lincolnshire, such as in Marriott's warehouse on South Quay, but always combined with brick as brick is the material of the town.

The Conservation Character Statement expresses how 'detractors' can adversely impact on heritage assets, stating that 'the special character of conservation areas can easily be eroded by seemingly minor alterations such as unsuitable replacement windows and doors, inappropriate materials, unsympathetic paintwork and the removal of walls, railings and trees. In the streets forming the Historic Core, this is almost unknown'.

The promenade of the South Quay is defined with the low walls topped with railings.

The proposed installation of a barrier around the existing outdoor seating area was previously proposed in application number 21/00202/F on which Historic England raised concerns with. It was commented that this would formalise the outside dining area which has long been a key part of the restaurant's unique character and is an important part of its business. They had no objection to the proposal in principle but advised that it is important to consider the character of the warehouse and its setting.

That application was subsequently withdrawn and the current application is a re-submission with no changes proposed from the previous scheme.

The warehouse is set on a broad quayside which retains a strongly functional, industrial character while the building itself is constructed in stone, brick and timber with a tiled roof. The proposed barriers around the outdoor seating area would, as in the previous proposal, be

formed from glazed panels. While clearly a robust construction this material is in stark contrast to those of the warehouse, the quayside paving and other historic buildings nearby.

Historic England are concerned that the barriers could therefore be more visible than is necessary, detracting from an appreciation of the listed building and the space. Using more traditional materials, such as timber posts and rope, or cast iron railings could reduce this effect while still allowing the outdoor dining area to be clearly defined.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8).

The significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 199 and 200). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned.

Paragraph 206 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset of better reveal its significance.

When considering the application in terms of this policy, and while there is no objection to the principle of the proposal, the cause for concern is that that the material proposed could result in harm to the significance of the listed building in terms of the NPPF, paragraphs 199 and 206. As such, as currently submitted, it would not achieve the NPPF's overarching aim of promoting sustainable development

Other Material Considerations:

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Highways comments:

It is noted that the Local Highway Authority considers the use of glazed panels to be a potential danger due to the close proximity of the highway, but as they have raised no objection, this does not hold any weight in the determination of the application.

CONCLUSION

As well as consideration for the abovementioned policies, particularly those in section 16 of the NPPF, members should be mindful that the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that the LPA should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

In this case, it is not considered that the proposal, by virtue of its use of materials, complies with local or national planning policy, particularly section 16 of the NPPF which clearly lays out its aims and objectives in regards to preserving and enhancing the significance of listed buildings and their setting.

In turn, when having regard for the legislative framework for the historic environment, for the reasons set out above in the report, it is not considered that the proposal addresses the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 and it is therefore recommended that the application is refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed balustrade around the outdoor seating area would, by virtue of its materials, be in stark contrast to those of the warehouse, the quayside paving and other historic buildings nearby. It preserves nor enhances those elements of the setting that make a positive contribution to the heritage asset or better reveal its significance. Consequently the proposed development would detract from and cause harm to the significance of the Grade II* Listed Building, its historic setting and surrounding Conservation Area and there is no clear and convincing justification for this harm.

As such, the proposal would not achieve the overarching aim of promoting sustainable development through protection and enhancement of the historic environment. Consequently it does not comply with paragraphs 7, 8, 199, 200 or 206 of the NPPF (2021); Policy CS12 of the Core Strategy (2011) or DM15 of the Site Allocations and Development Management Policies Plan (2016).