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**Item No:** 7.2

**Application:** 163197

**Applicant:** Prospect Park Property Ltd

**Agent:** Robert Pomery

**Proposal:** Conversion of Former Warehouses and Public House (The Rising Sun) to 27 no. Flats, 3 no. Commercial Units for A1, A2, A3, B1 or D1 Use, 33No. Off-Street Parking Spaces and Amenity Areas. (Listed Building Consent)

**Location:** The Rising Sun & Maponite Buildings, 3 Hythe Station Road, Colchester, CO2 8JZ

**Ward:** Greenstead

**Officer:** Bradly Heffer

**Recommendation:** Listed Building Consent

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it is a listed building consent application that accompanies a major application that is also included on this agenda for Members' consideration.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the proposed re-use of the buildings on the site, one of which has a grade II listing, (to which this application specifically relates) and the other (group) which is included on the local list. The impacts of the proposed conversion works have been carefully considered and it has been determined that the scheme represents an appropriate response to the constraints presented by the subject buildings.
- 2.2 The application is subsequently recommended for consent, subject to the imposition of conditions as listed at the end of this report.

## **3.0 Site Description and Context**

- 3.1 The site is described fully in the report that relates to the planning application, and Members are referred to that item on the agenda.

## **4.0 Description of the Proposal**

- 4.1 This application for listed building consent relates specifically to the Rising Sun public house, and associated outbuilding. The main building has a Grade II listing and is described as follows:

*'Late C18. Brick rendered. 2 storeys, 4 windows, sashes with glazing bars. Ground floor as 2 canted bays. 2 doors with flat hoods over. Double-pitch tiled roof.'*

- 4.2 The associated outbuilding that abuts Hawkins Road is also listed by reason of being within the curtilage of the listed pub building.
- 4.3 The scheme submitted for consideration seeks consent to convert the listed pub building in order to create 3no. residential units and a commercial unit. In order to achieve this various works would have to take place within the building, including the rearrangement of circulation spaces, removal and alteration of fabric, etc.

## **5.0 Land Use Allocation**

- 5.1 Within the adopted Local Plan the application site is located within an area allocated for Predominantly Residential use. Furthermore it is located in the East Colchester Special Policy Area – Area 4 Hawkins Road, as well as a Conservation Area.

## **6.0 Relevant Planning History**

- 6.1 Prior to the submission of this application, the site has been subject to various applications related to the former uses of the buildings. None are considered to be specifically relevant to the current application proposal.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
CE1 - Centres and Employment Classification and Hierarchy  
CE2a - Town Centre  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
H4 - Affordable Housing  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR1 - Open Space  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
DP11 Flat Conversions  
DP12 Dwelling Standards  
DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP25 Renewable Energy

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA EC1 Residential development in East Colchester  
SA EC2 Development in East Colchester  
SA EC6 Area 4: Hawkins Road  
SA EC8 Transportation in East Colchester

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Urban Place Supplement  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
ECC's Development & Public Rights of Way  
Colne Harbour Masterplan  
Air Quality Management Guidance Note, Areas & Order

## 8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 When originally consulted on the proposals, the **Historic Buildings and Areas Officer** concluded that any harm resulting from the proposed conversion works (less than substantial in magnitude) would be outweighed by the public benefits bringing the redundant buildings back into use for housing. Further details were requested from the agent, particularly in relation to proposed works to windows, which was subsequently provided. The following further comment has been received:

*'The site clearly falls into two distinct elements based around the statutorily listed later Georgian PH (grade II) and the locally listed Maponite complex that benefits from differing levels of statutory protection. We do not have joinery details for the former Rising Sun and the preference would be to repair any surviving historic joinery; especially as we are unsure as to the survival of internal features. The starting point for the historic fenestration of the listed building should be conservative repair with secondary glazing likely to be necessary to provide upgraded performance. A condition can be used to secure a schedule of conservative repair works prior to the undertaking of any associated works. The single storey outhouse range to the rear of the PH may be former stabling and curtilage listed. The interior has been lost and this element is therefore of marginal intrinsic significance but undoubted group value.'*

*In terms of the Maponite buildings, these are locally listed undesignated heritage assets that make a positive contribution to the character and appearance of the conservation area. The buildings include elements that may be domestic or administrative in origin (appearing as a three- four storey mid C19 house) that is attached to the end of the four warehouses of which three are included in the scope of this application. As the application seeks a change of use, compliance with relevant building regulations will be required with the possible relaxation/exemption of the statutorily listed PH and some discretion in the case of the locally listed warehouse elements.*

#### **Summary of surviving fenestration - Maponite**

*The existing fenestration (where visible) is an interesting assemblage of C19 timber sashes and iron/steel fixed pane windows that illustrate the evolution of the built form. Some timber sashes survive and elsewhere the majority of the warehouse windows are typical fixed framed iron or steel multi-paned windows with a fine detail associated with single glazing. The optimal heritage-led solution would be to retain surviving historic windows with repair and the addition of secondary glazing to achieve building regulation compliance. This approach is contingent on the support of Building Control and the applicant's willingness to accept mechanical ventilation in lieu of opening lights where these do not exist. Where significant revisions are proposed to the elevational treatment, the re-use of any surviving windows should be sought together with replication for new/missing windows.*

*The Maponite complex is locally listed and 'At Risk' and as an undesignated heritage asset a proportionate response is required to secure the conservation of the asset. The conservation area designation being statutory is a more weighty duty and s.72(1) of the PL (Lb & Ca)\_ Act 1990 requires the decision maker to pay special regard to the desirability of preserving the character and appearance of the area. In this case, the retention of these positive contributor buildings undoubtedly delivers this to a substantial degree but the appearance of the group is also partly derived from the surviving historic fenestration and other details. It would be desirable if this could be retained, but if not then any new fenestration needs to achieve a similar visual effect to that of the existing. This would entail replacement of the timber sash type windows and fixed metal warehouse type windows with similar as is now proposed in principle.*

*The proposed sashes are inevitably double glazed and we need to ensure that reveals are retained and that the meeting rails, glazing bars and key details are a good approximation to the existing. I am concerned that the exposed trickle vents and deeper meeting rails will inevitably detract and can a dimension of the meeting rail be provided and a concealed trickle vent be sought? The flat section aluminium windows will have a different appearance to those that currently exist due to the inevitably thicker and flat sections. In addition, the incorporation of opening lights will further exacerbate this due to the combined thickness of frame and opening light. In my opinion, given the 'At Risk' status of the complex and the marginal viability, the cost of bespoke designed windows is outside the scope of this project and would be a disproportionate response to an undesignated heritage asset. In terms of the statutory duty to preserve or enhance, in my opinion the retention and re-use of this characterful and 'at risk' group deliver the thrust of this duty and the minor change in character associated with the loss of surviving historic fenestration although regrettable and constituting harm is less than substantial and must be weighed against the public benefits of the retention and re-use of the group that could otherwise face an uncertain future. In accordance with paragraph 134 of the NPPF.*

*On balance, I conclude that subject to the enhancement of the suggested sash detail, the proposals would preserve those elements of the complex that make the gross positive contribution to the significance of the conservation area designation and that the scheme should be treated favourably in accordance with paragraph 137 of the framework.'*

- 8.3 **Historic England** has send a lengthy consultation response letter which includes the following summary comment:

*'The application seeks permission to convert the former public house and warehouses to 27 flats, 3 commercial units and create 33 off-street parking spaces along with amenity areas. The Rising Sun Public House is Grade II listed, it has been unoccupied for 25 years and has fallen into a state of disrepair and decay. As a result it has been on the Essex Heritage at Risk Register for 9 years. The proposals would repair the decayed listed building and bring it and the curtilage listed buildings back into use. This would protect their long term future which would have clear heritage benefits. We are therefore satisfied that the proposals are in accordance with paragraphs 131 and 134 of the NPPF'*

## **9.0 Parish Council Response**

- 9.1 Not applicable – the site is located in the Town Ward of Greenstead.

## **10.0 Representations from Notified Parties**

- 10.1 Members will note that a series of comments have been received in relation to this development proposal. These have been summarised as part of the planning application report that is included on the agenda.

## **11.0 Parking Provision**

11.1 The parking provision to serve the development is explained in the accompanying planning application report.

## **12.0 Open Space Provisions**

12.1 The open space provision to serve the development is explained in the accompanying planning application report.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Planning Obligations**

14.1 The terms of the planning obligation that would be sought as a result of the development are explained in the accompanying planning application report.

## **15.0 Report**

15.1 The planning application report that is also on the Committee agenda is concerned with the main planning aspects of the proposal. This report specifically focusses on the heritage aspects of the development proposal.

15.2 As mentioned earlier, this application specifically seeks listed building consent for the proposed works to the listed building on the site, together with the alterations to the building within its curtilage, which is also covered by the listing. However, given the locally-listed status of the former warehouse buildings, and the fact that the entire group is located within a conservation area, it is considered appropriate to evaluate the proposals in the round. Indeed, the supporting heritage impact information, and the consultation responses, have evaluated the proposals in their entirety, notwithstanding that the requirement for listed building consent relates to one element of the submitted scheme.

15.3 Dealing first with the listed building this is in a parlous state, having been neglected for a significant period of time. The fact that it is included on the Buildings At Risk Register emphasises its predicament. There is obviously a pressing need to find a suitable reuse of the building – not least to ensure that its contribution as a valuable historic element in the street scene in this location is not lost. Indeed it is one of, if not the oldest, buildings within the former port area of the town.

15.4 With the above in mind it is considered that the reuse of the building for a predominantly residential use would not be harmful to its character – the building having a domestic scale already. Infact the Heritage Impact Assessment (HIA) that supports the application states that:

‘...The earliest building on the site is the late eighteenth century Rising Sun public house which was built adjacent to the Hythe Bridge in the late eighteenth century. The public house is not shown on Chapman and Andre’s 1777 map of Essex, the east bank of the Hythe being at this point undeveloped. The internal layout of the building and its unsymmetrical north façade suggests that the inn may have been built in two stages. The symmetrical inn itself, with its four chimney stacks may have been built first and *the cottages* [officer emphasis] on the west end later but the external rendering makes it difficult to establish this...’

- 15.5 Sales particulars relating to a sale of the building in 1827 also refer inter alia to a public house and cottages. The HIA comments on this issue further as follows:

‘...The ‘Cottage’ referred to in the 1827 description most likely refers to the western rooms of the Rising Sun, which would have been private living accommodation. This is substantiated in sales particulars published in (sic) Essex Standard for the ‘substantially built and much frequented Rising Sun’, which was to be sold in 1839 along with ‘two tenements adjoining’ the public house...’

- 15.6 The principle of reintroducing a residential use in the former public house would not in itself be contentious in planning terms – particularly given the land use allocation for the site. In relation to the impacts of conversion works on this building, the Historic Buildings and Areas Officer has commented on this particular issue as follows:

‘...From at least the late eighteenth century, the building comprised an inn and two cottages. The proposed division of the building will return the two former cottages to being two dwellings. The existing staircases will be brought back into good repair. Partitions will be reintroduced at ground and first floor levels to separate the two cottages from each other and at ground floor level the door opening between the southern cottage and the former public house will be blocked. The proposals are therefore re-establishing the historic pattern of division and will have a medium beneficial impact on the significance of the building...Whilst there are elements of the proposed works that will have a low adverse impact on the listed building, its historic pattern of division will largely be re-established to the benefit of the building. The works will also bring back into use a building that has long been disused and deteriorating so that there will not be further loss of historic fabric due to lack of maintenance and the aesthetic value of the listed building will be enhanced...’



- 15.7 As regards the proposed alterations to the outbuilding within the curtilage of the listed building (in order to create car parking spaces to serve the proposed development) these in themselves are not considered to be harmful to its overall character. In fact the appearance of this building from Hawkins Road would remain unaltered, save for the fact that it would be repaired and maintained. This retention and re-use is encouraged as the building is an established element in the street scene, and it would also serve to screen the immediately adjacent amenity and service areas when the site is viewed from the road.
- 15.8 Turning to the proposed alterations to the warehouse buildings – in order to create the majority of the residential units together with two further commercial units – again it is considered that these would be sympathetic to this overall group. Although the main volumes on the site comprise the actual warehouses themselves, there is an ancillary three storey structure that has the character of a residential building – albeit greatly altered internally. Also a single storey building, identified as Unit 4, fronts directly on to Hawkins Road. This particular building is physically joined to the commercial building to the south.
- 15.9 In order to achieve the conversion the warehouse buildings would have to be reorganised over three levels, in order to align with the levels that exist in one unit (Unit 3). Importantly the floors in Unit 3 are deemed to be the most historic and alterations to the floors in this unit are limited to enabling the insertion of a new stairway. The floors in the other units are modern and therefore their loss would not compromise the character of the relevant buildings per se. The Historic Buildings and Areas Officer identifies that ‘...The proposed layouts of the warehouses, which will be subdivided into flats arranged around a central atrium, will fundamentally alter the character of the warehouses. However, it is not possible to retain the large open expanses in a residential use. The atrium will open up a third of Unit 2 but this device enables the creation of naturally lit rooms throughout the rest of the warehouses without the introduction of numerous windows in the facades, which are of greater significance than the interiors. The solution is appropriate in this case and will result in the loss of very little historic fabric...’

## **16.0 Conclusion**

- 16.1 To summarise, it is considered that the proposed works to the listed building would not be harmful to its overall character, and would ensure that it is brought back into use – thereby ensuring its retention. It is considered that the retention and repair of the building is a key consideration that is worthy of support.
- 16.2 Although the former Maponite warehouse buildings are not in themselves listed, in combination with the Rising Sun they form a locally-important historic group. The scheme puts forward a method by which these can be brought back into a beneficial use and secure the regeneration of this part of the Hythe.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of listed building consent subject to the following conditions:

### **1. ZAB - Time Limit for LBCs**

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 9027 – 01, 10E, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18B, 19A, 20A, 21A, 22A, 23, 24, 25, 26, 27 and 28. .

Reason: For the avoidance of doubt as to the scope of this consent and in the interests of proper planning.

### **3. Z00 – Non-standard condition**

Prior to the commencement of any works, a full schedule including the conservative repair of the historic fabric and specification of proposed works and alterations to the listed building (including servicing) shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

### **4. ZMT - Retention of Window Detail**

All existing windows shall be retained and repaired where necessary unless otherwise agreed, in writing, by the Local Planning Authority. Any replacement windows shall match exactly the details and moulding profile of these windows. Any surviving crown or cylinder glass shall be carefully salvaged and reused. Any existing windows which are replaced by agreement with the Local Planning Authority shall be retained on site for inspection by representatives of the Local Planning Authority prior to the new windows being installed.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Informatives**

### **1. ZUA - Informative on All Listed Building Consents**

PLEASE NOTE: This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

### **2. ZUB - Informative on LBC Required for Minor Works**

PLEASE NOTE that a Listed Building Consent will be required for any of the following minor works where they affect the existing fabric of the building in their installation: Fixing electricity gas or water meter boxes; Fixing satellite dishes or other aerials; Fixing burglar alarm systems or video security; Installation of central heating or boiler flues; Installation of secondary double glazing; Replacement of fixed floor surfaces; repainting in a different colour.