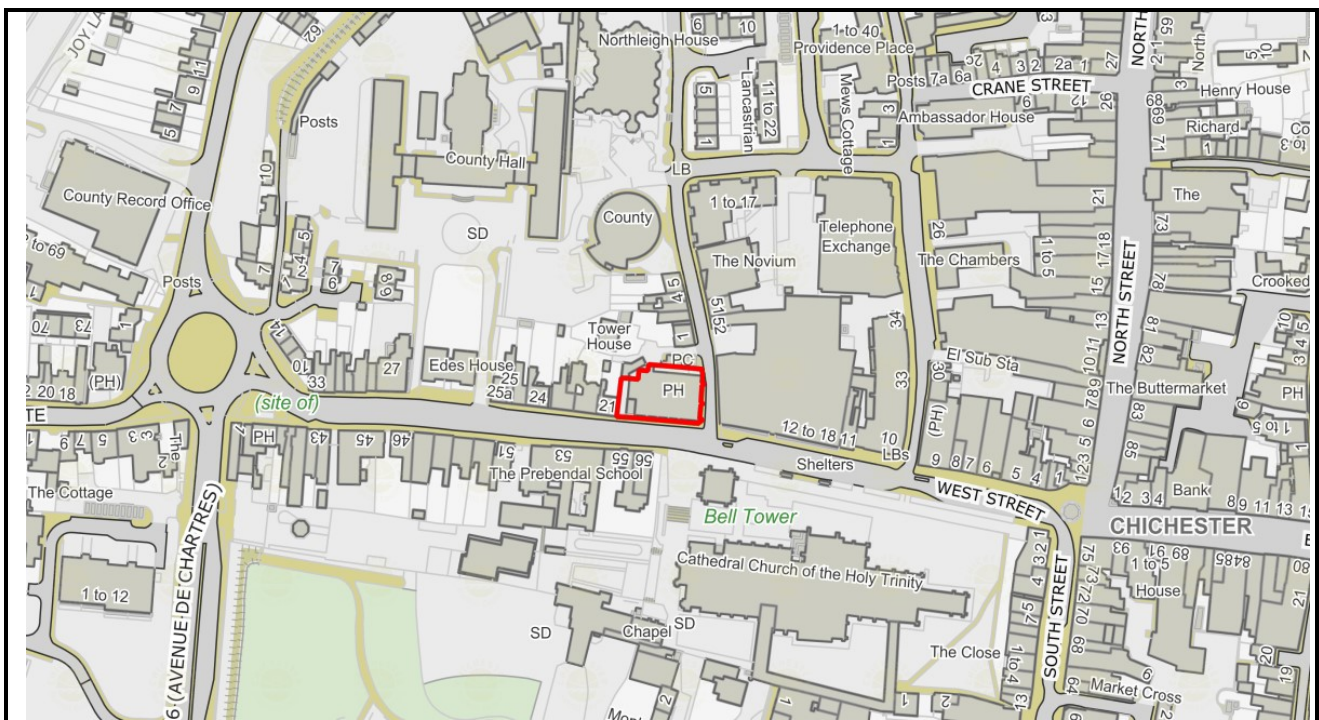



Parish: Chichester	Ward: Chichester Central
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CC/22/03201/LBC

Proposal	Replacement of broken/missing glass within leaded light windows; proposed DOFF cleaning technique for external stonework; replacement of external stonework and partial replacement of timber floor.		
Site	Duke And Rye St Peters Market West Street Chichester West Sussex PO19 1QU		
Map Ref	(E) 485891 (N) 104867		
Applicant	Marston's Estates Limited	Agent	Graham Parkes

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

1.1 Red Card: Cllr Bell - An exceptional level of public interest

2.0 The Site

2.1 The application property is a Grade II listed building, and the property was historically a church. The application site is located to the north side of West Street within the Chichester Settlement Boundary and the Chichester Conservation Area. The application site is located across the road from the Chichester Cathedral and there are a number of listed buildings within the surrounding area.

2.2 The Historic England description for the property is:

'593/3/131A WEST STREET 05-JUL-50 (North side) FORMER CHURCH OF ST PETER THE GREAT (Formerly listed as: WEST STREET CHURCH OF ST PETER THE GREAT)

GV II DATES OF MAIN PHASES, NAME OF ARCHITECT: 1848-52 by R C Carpenter.

MATERIALS: Coursed ashlar masonry. Red clay tiled roofs except for the N aisle which is slated.

PLAN: Four-bay nave and N and S aisles, two-bay chancel with S aisle, W narthex, NE vestry.

EXTERIOR: The S side fronting West Street consists of the S aisle, with the four bays demarcated by buttresses and each with a three-light curvilinear window (all with the same design); a two-bay chancel aisle, unbuttressed and with two two-light windows, again with curvilinear tracery (same design as one another), and beneath these two doorways; a W narthex under a hipped roof and with a Decorated style doorway with foliage detail in the hollow of the head and polygonal responds. The nave/chancel and S aisle/S chapel are under their own gabled roofs. The E windows of the church have rich curvilinear tracery, the chancel aisle having four lights and the chancel five. There are no parapets to the principal components of the building although there are plain ones to the narthex and vestry. There is no clerestory.

INTERIOR: The aisle arcades are well-proportioned with four filleted shafts to each pier, moulded capitals and moulded arches. The tall chancel arch is in a similar style and the chancel is divided from the aisle by a two-bay arcade. The nave has a good open roof of eight closely-spaced arch-braced trusses with two tiers of wind braces; there are similar roofs to the aisles and S chapel. In the chancel there is a boarded tunnel vault. The interior has been subdivided into different areas using altered floor levels and low screens

PRINCIPAL FIXTURES: The building, having been converted to a public house, has lost its ecclesiastical fittings'

3.0 The Proposal

3.1 This application seeks listed building consent to repair/replace the broken/missing glass within the leaded light windows, the use of proposed DOFF cleaning technique for the external stonework of the building, replacement of 10% of the external stonework and the partial replacement of an internal timber floor.

4.0 History

89/00680/CC	REF	Change of use - from retail to office (Taxi and Car Hire) (Unit 17). (LBC).
85/00088/CC	PER	One board sign to replace existing.
81/00626/CC	PER	Change of use -to ground floor retail with offices over.
81/00630/CC	PER	Change of use - to ground floor retail with offices over (LBC).
74/00497/CC	REF	Notice board.
82/00592/CC	PER	Two wall boards, 1 hanging sign (non-illuminated).
82/00596/CC	PER	Minor amendments to comply with fire and building regulations rooflights, 2 fire escape doors (LBC).
83/00436/CC	PER	Metal gates.
84/00490/CC	PER	One board sign with Times Roman type red lettering.
84/00488/CC	WDN	One banner sign.
98/00151/LBC	PER	Remove extng non-structural timber framed partitioning forming 16 no. retail units. Construct 2.3m high partitioning to form ladies, gents & disabled toilets. Formation of wash-up area & kitchen. Convert storeroom to form storage area.
98/00156/FUL	PER	Change of use to A3 (food and drink) licensed premises.
98/00781/LBC	WDN	Internal strip out of non-loadbearing partition. Installation of mortar injection DPC. External stone, roof and window repairs and repairs to RWP's.
98/00816/LBC	PER	Revised internal layout, flue extraction, boiler outlets, ventilation for toilets and staff areas for proposed A3 licensed retail development.
98/00817/FUL	PER	Flue extraction, boiler outlets, ventilation for toilets for proposed A3 licensed retail development.

98/02559/FUL	WDN	Amendment to condition no. 4 on application no CC/98/00156/FUL to allow opening until 1AM on Christmas Eve, New Years Eve, Easter Saturday and Easter Monday and Late Summer Bank Holiday.
98/02709/LBC	REF	retrospective application for erection of 1 satellite dish, wall murals and a video wall.
98/02724/FUL	PER	Erect wooden shed as store.
99/00287/LBC	PER	Proposed satellite dish and retention of painted wall mural.
99/00545/LBC	PER	Install sound resisting screens to northwest corner windows.
99/00612/FUL	PER	Install external lighting.
99/00739/LBC	REF	Installation of netting into recessed window reveals and vertical stainless steel wires in strategic positions to deter pigeon roosting.
99/01118/FUL	PER	Variation of condition 4 of planning permission CC/98/00156/FUL to enable customers and public to remain on premises after 12.00 midnight on 31/12/99 but to vacate premises by 02.00hrs on 1st January 2000.
00/00163/LBC	REF	Install video wall.
00/02461/ADV	PER	Redecoration of existing signs.
00/02747/FUL	PER	Variation of condition 4 of Planning Permission CC/98/00156/FUL to allow festive season opening.
01/02699/FUL	PER	Variation of condition 4 of planning permission CC/98/00156/FUL to allow New Years Eve opening.
01/02792/FUL	REF	Variation of condition 4 of planning permission CC/98/00156/FUL to allow festive season opening.
02/02935/FUL	PER	Festive season 2002. Variation of Condition No.4 of planning permission CC/98/00156/FUL, to allow customers to vacate premises after midnight on three occasions.

03/00391/LBC	PER	Interior works of refurbishment to existing class A3, licensed premises.
03/02828/FUL	PER	Variation of Condition No.4 of planning permission CC/98/00156/FUL to allow New Years Eve opening.
15/02756/LBC	REF	Installation of lightweight timber partition to create a room for the refrigerated units and external stonework restoration.
16/01009/LBC	PER	Cleaning and repair of exterior stonework.

5.0 Constraints

Listed Building	YES
Conservation Area	YES
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

No objection in principle to the repairs, subject to the comments of the conservation officer on the details of the proposed repairs, including the materials and finishes.

It is noted that residents have raised concerns over the use of the building, including possible breaches of licensing and planning control in respect of the noise and hours of use which is causing disturbance to residents, the use of the dance floor and the concern that an unauthorised material change of use from a pub to a nightclub may have occurred. It is requested that these concerns be passed to the planning enforcement team, the licensing team and the environmental health team to investigate.

It is also requested that the conservation officer be asked to provide detailed advice to the applicant about whether and how the use of the building may have an ongoing impact on the fabric of the listed building, and how to avoid or minimise any risks of damage. For example, whether vibrations from the sound system and/or the dance floor are likely to loosen glass in the leaded light windows, and what the technical solution would be if this is the case. Engineered sound and vibration mitigation systems have been designed for other buildings with similar noise & vibration issues, perhaps a similar solution for the Duke and Rye could be investigated.

6.2 CCAAC

The Committee objects to this Application. Whilst repair of this important GII-listed building is to be welcomed, no details of materials to be used nor any method statement have been provided for the proposed 10% replacement of the external stonework. Local concerns about potential increased disturbance from the use of the repaired dance floor should be addressed by the Licensing Committee and Environmental Health. We understand that there is a planning condition involving volume and times of music which is being flouted.

6.3 CDC Conservation and Design Officer

Thank you for consulting Conservation and Design on the proposals at the Duke and Rye. I have visited the site and am familiar with the submitted documents.

The proposals mainly concern the straightforward repair of windows, an internal floor and external stonework. Repairs do not normally need consent as they are unlikely to affect the character of a listed building. Whilst that is the case for the window and floor repairs, the stonework repairs need to be completed to a high standard to avoid visually incongruent and unsympathetic repairs on the principal elevations. The submitted method statement is sufficient in describing the correct methodology for the repair of the stone façade. A sample of the stone to be used should be requested by condition.

The proposed steam cleaning is acceptable, and the system used is routinely acceptable on listed buildings.

6.4 Third Party Comments

6 no. letters of objection have been received concerning:

- a) The timber dance floor does not have planning permission.
- b) There is a break of planning for the application site.
- c) Objection to the partial replacement of the timber dance floor.
- d) Music can be heard from the premise after 8pm.
- e) There is non-compliance with Condition 16 of CC/98/00156/FUL.
- f) No objection to the external repair.

7.0 Planning Policy

National Legislation, Policy and Guidance

7.1 Government planning policy comprises the revised National Planning Policy Framework (NPPF 2021).

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Local Policy and Guidance

7.2 The following documents are material to the determination of this planning application:

- Advice Note on external alterations to Listed Building in Chichester District

8.0 Planning Comments

8.1 The main issue arising from this proposal is:

- i. Impact upon Heritage Assets

Assessment

i. Impact upon Heritage Assets

8.2 Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for works (which would affect the character of a listed building as a building of special architectural or historic interest) the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Considerable weight and importance must be given to the aforementioned legislation.

8.3 Section 16 of the National Planning Policy Framework (NPPF) also states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states 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, where appropriate, securing its optimal viable use.

8.4 The application seeks consent for internal and external replacement and repair works to the Grade II listed building. The proposal includes the repair/replacement of the existing leaded light windows, the partial replacement of the internal timber floor, proposed DOFF cleaning for the external stonework and the replacement/repair of sections of external stonework.

8.5 The Conservation and Design Officer has reviewed the proposed works and considers that the proposed works would be acceptable. It is considered that the works to the existing windows and internal floor would not impact the character of the listed building and therefore would be acceptable. A method statement has

been submitted to accompany the applications. It is considered that the proposed methodology for the cleaning of the external stonework would be acceptable and the proposed system is routinely acceptable on listed buildings. The replacement/repair of the external stonework will need to be completed to a high standard in order to avoid unsympathetic works on the principal elevations. A condition will be added to the application to require details and a sample of the proposed external stone to be submitted and approved by the Local Planning Authority.

- 8.6 On balance, it is considered that the proposed internal and external works would preserve the historic interest of the listed building. The proposed works are considered to accord with the requirements of Section 16 of the National Planning Policy Framework. In particular, the works would sustain the character and special interest of the listed building without harm to, or loss of significance. The character and appearance of this part of the Chichester Conservation Area would also be preserved.
- 8.7 The proposal description for the application has been amended during the application process to reflect the scope of works that can be considered under the listed building consent application.
- 8.8 This application comprises a listed building consent application and the LPA is only able to consider the internal and external works that require Listed Building Consent, in this case, repairs to the window, an internal floor and external stonework. Matters such as the use of the building or noise impacts fall to be considered under a full planning application (submitted separately).

Conclusion

- 8.9 Based on the above assessment, it is considered that the proposed works will preserve the special interest of the listed building and that the proposed development would comply with Section 16 of the NPPF and the requirements of Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Human Rights

- 8.10 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The works hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans".

Reason: To ensure the works comply with the listed building consent.

3) **Notwithstanding any details submitted** no replacement stonework shall be installed until a details and samples of such stonework have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

4) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

5) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - EXISTING GROUND AND CELLAR MEZZANINE FLOOR	09/01/91398/E X/GF/CMF	1	13.01.2023	Approved
PLAN - LOCATION PLAN	09/01/91398/L P	1	13.01.2023	Approved
PLAN - PROPOSED SOUTH AND EAST ELEVATIONS	09/01/91398/P P/EL		13.01.2023	Approved
PLAN - PROPOSED GROUND AND CELLAR MEZZANINE FLOOR	09/01/91398/P P/GF/CMF	1	13.01.2023	Approved
PLAN - SITE PLAN	09/01/91398/S P		13.01.2023	Approved

Details	Reference	Version	Date Received	Status
PLAN - EXISTING AND PROPOSED ELEVATIONS	09/01/91398/E X/EL	2	01.02.2023	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNAK2QERHA700>