



## Chichester City Council

### PLANNING ADVISER'S REPORT FOR THE PLANNING AND CONSERVATION COMMITTEE MEETING ON 25 MAY 2023 AT 2PM

#### Weeks 16-18

No committee items.

#### Week 19

CC/23/00600/FUL - Case Officer: Martin Mew  
Marston's Estates Limited

Duke And Rye St Peters Market Formerly St Peters Church West Street Chichester  
Variation of conditions 4 and 16 of Planning Permission CC/98/00156/FUL (Change of use to A3 (food and drink) licensed premises) to i) vary condition 4 to allow later last orders up to 11.30pm on Fridays, Saturdays and Bank Holiday Mondays so as to align with the Premises License ii) vary condition 16 to control the timing and volume of amplified music.

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RR9GKIERJHY00>

#### Key issues:

- The proposal is to vary condition 4 (hours of operation) and condition 16 (relating to noise).
- Condition 4 restricts the hours of operation to last orders by 11pm and closing by midnight every day. The applicant requests an additional 30 minutes before last orders on Fridays, Saturdays and Bank Holiday Mondays, to 11.30pm, in line with the Premises License. The closing time would remain midnight. This would be reasonable for a city centre pub use, providing it does not unacceptably harm residential amenity.
- Condition 16 is a clear and enforceable condition which states that no music shall be heard at any time from the public highway. The condition aims to protect residential amenity.
- Local residents have previously made complaints about noise disturbance from the pub affecting their amenity. Condition 16 enables the Planning Authority to take formal action in the event of a breach of the condition causing noise disturbance to residents. Without a suitable replacement condition specifying the conditions under which the Planning Authority could act in respect of noise disturbance, which is not offered by the applicant, the removal of condition 16 would remove important protection from noise disturbance and may result in unacceptable harm to residential amenity.
- The applicant has provided a Noise Management Plan. This states that "The volume of any music provided within the premises is the main potential cause for breakout of noise and nuisance arising to third parties".
- The Noise Management Plan specifies that a noise limiting device will be installed at the pub. The applicant considers that the installation this device, together with monitoring noise complaints and actions such as closing windows at set times would mean that condition 16 is no longer required. However, this would not be a suitable replacement for condition 16 in terms of specificity and enforceability and does not justify the removal of the condition.
- The Sussex Police Designing Out Crime Officer has commented on the application advising that they "have concerns with regards to the amenity of the surrounding local community".

Recommendation: Objection. Condition 16 is precise and enforceable and thereby provides effective protection for residents against noise disturbance. The Noise Management Plan, although welcome as an additional measure, is not sufficiently precise for the LPA to determine a breach of planning control in respect of noise, or to enforce against it. Therefore Condition 16 must remain in place in order to prevent unacceptable harm to residential amenity. No objection in respect of the 30 minutes additional time before last orders on Fridays, Saturdays and Bank Holidays to align with the Premises License.

Relevant conditions:

Condition 4 of 98/00156/FUL

4) The A3 (food and drink) use hereby permitted shall not be used by customers other than between the hours of 0830 hours and midnight Monday to Saturday and 0900 hours and midnight on Sunday with last orders being taken everyday before 11.00pm. The building shall be vacated by all customers and public by 12.00 midnight.

Reason: In the interests of amenity.

Condition 16 of 98/00156/FUL

16) At no time shall any amplified music (whether live or recorded) from the building be audible from the public highway.

Reason: To protect the character of the Conservation Area and the amenities of residents.