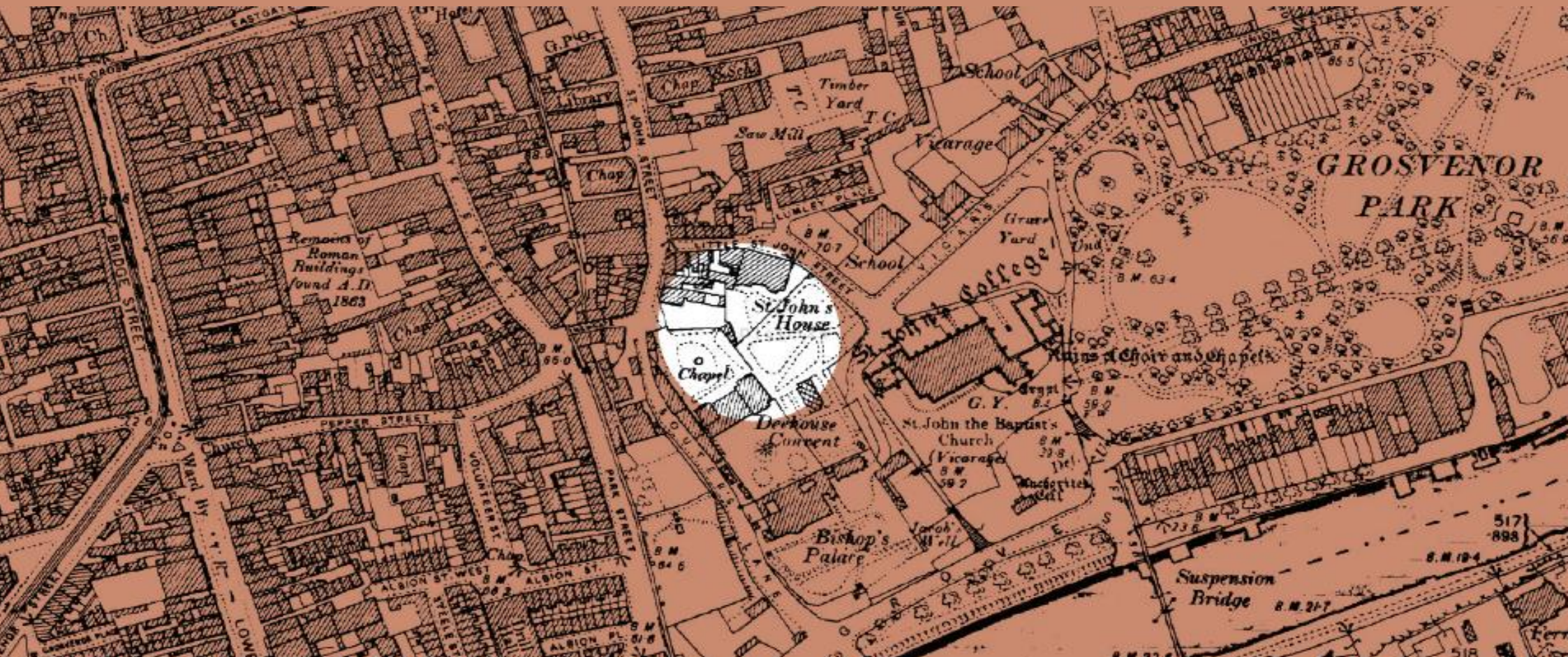


# DEE HOUSE:

# Findings and Recommendations





# CONTENTS

	Page		Page
1.	Foreword	3	
2.	Introduction	4	
3.	Chester Growth Partnership and One City Plan	5	
4.	Chester Growth Partnership Dee House and Amphitheatre Working Group	6	
5.	Stage One: Fact finding – Understanding the context	8	
5a.	Dee House and Chester Amphitheatre location and designations	9	
5b.	Land ownerships	10	
5c.	Dee House – Summary of history	11	
5d.	Chester Amphitheatre Project – Below and above ground archaeology – the implications	13	
5e.	National and local planning context	14	
5f.	Former site proposal 2018	16	
5g.	Dee House building condition	17	
6.	Stage Two: The Future – Funding, uses, safeguarding, deliver approaches	19	
6a.	The funding challenge and implications for implementation options	19	
6b.	Uses – Commercially led major visitor attraction	20	
6c.	Uses – Replacement Museum site – Chester Heritage and Visual Arts Strategy	20	
6d.	Uses – Private developer perspective – Commercially led uses	21	
6e.	Uses – Heritage interpretation and community uses	21	
6f.	Safeguarding Dee House – CHBPT proposed approach	22	
7.	Conclusions and recommendations	23	
8.	Appendices	25	
1.	List of working group members	25	
2.	Meeting dates, topics discussed and contributors	26	
3.	Dee House formal listing	28	
4.	Chester Amphitheatre Project – Archaeological findings and survival – 2000 years of heritage above ground	30	
5.	Historic England position letter	35	
6.	De-listing and demolition briefing note	37	
7.	Cheshire Historic Buildings Preservation Trust Project Viability Report January 2020	41	
8.	Summary of public consultation feedback	42	

# 1. FOREWORD



**Councillor Louise Gittins**

**Leader of Cheshire West and Chester Council**

The members of our working group had different views about the best future for Dee House when we first met. However, we have worked together well in the last year and we have listened to expert advice with

an open mind. This has resulted in us concluding this rewarding and productive process with a shared view. This collective thinking is reflected in these recommendations, which are being shared with the community and will be reported to Cabinet. The Council will work to secure funding and will continue to work with the group to ensure the future of this important listed building benefits the whole community. I would like to thank everyone for their energy and enthusiasm in working together to find a shared view.



**Peter Carstensen**

**Chair of Chester Growth Partnership**

The working group was set up to investigate all the issues surrounding Dee House in order to create a set of recommendations for its future use based on evidence. The specialist information presented to the working group has supported the view that the

site is of historical and archaeological significance. We have learned that Dee House is a significant asset for the city of Chester and have reached the conclusion that finding a long term, viable use for the building is important for the city. Investing in Dee House is also a key project of the Chester Growth Partnership and our One City Plan. These recommendations provide an exciting platform from which to reshape the future of Dee House.

## 2. INTRODUCTION

The Dee House and Amphitheatre Working Group was established by the Chester Growth Partnership with support from Cheshire West and Chester Council in November 2018 following the termination of the development agreement between the Council and Daniel Thwaites plc to bring a scheme forward for the Dee House site.

There have been several attempts over many years to bring schemes forward for the site, but due to a combination of factors including the complexities of the site location, issues of economic viability and very different and often opposing views of residents and stakeholders in the City about the best future use for the site, none of the attempts have been successful.

The remit of the Working Group was to undertake a review of the site and its challenges and opportunities and based on the evidence of its findings, make recommendations to the Council about potential future approaches and options for a sustainable future use. Cheshire West and Chester Council agreed to defer any further decision making about the site until it receives the recommendations of the Group.

In parallel with the Dee House Working Group, Cheshire Historic Buildings Preservation Trust (CHBPT) has undertaken a

Project Viability Appraisal on the Dee House site with a grant from Architectural Heritage Fund and funding contributions from Chester Civic Trust, Chester Archaeological Society and Cheshire West and Chester Council. There has been ongoing liaison between the Working Group and CHBPT throughout the period and a number of the recommendations of the Group draw on CHBPT findings.

This Report seeks to set out the key findings of the Working Group and its proposed recommendations to the Council.

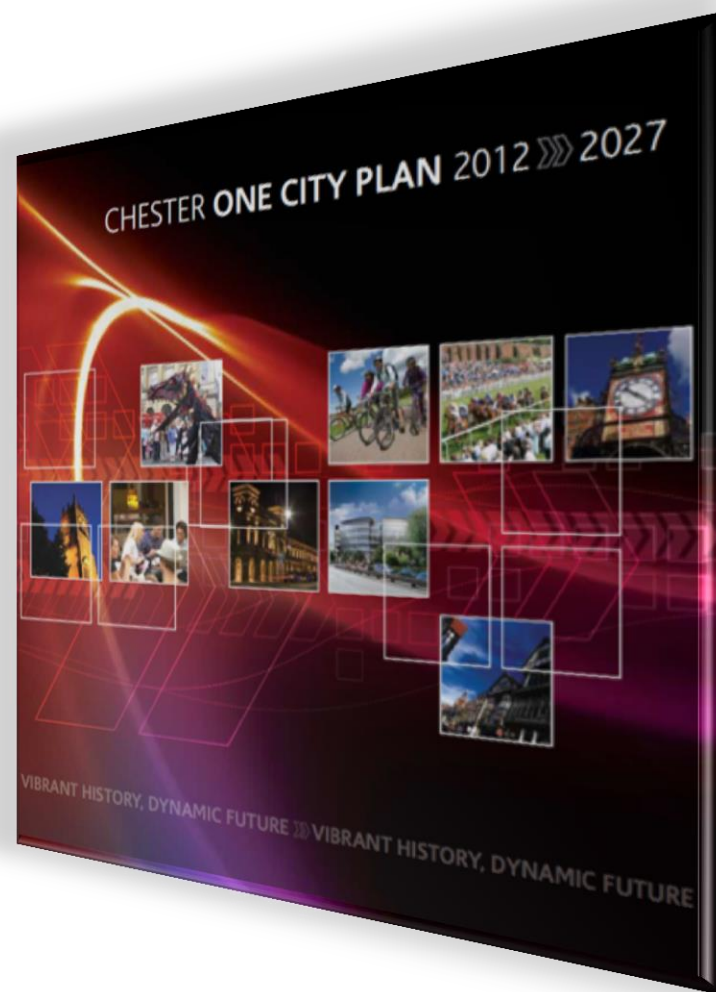
Following on from two public consultation events held in February 2020, the report will now be presented to the Council. An appendix to this report incorporates a summary of all community and stakeholder responses submitted as part of the consultation.

### 3. CHESTER GROWTH PARTNERSHIP AND ONE CITY PLAN 2012-27

The Chester Growth Partnership Board promotes investment in and development of Chester to deliver sustainable growth in line with the aims and ambitions set out in the One City Plan. As such Chester Growth Partnership acts as a bridge between the public and the private sector to drive forward the economic development and regeneration of Chester.

The One City Plan for Chester, created in 2012, articulates a long term vision for the City in a single co-ordinated framework. Dee House and the Amphitheatre are identified within this Plan. It recognises that the Amphitheatre “is somewhat of an anti-climax” and that the collection of heritage structures and spaces around the Groves, Riverfront and Amphitheatre have the potential to become “a must see historical cultural and educational attraction.”

The Chester Growth Partnership are the guardians of the One City Plan supporting and overseeing its delivery.



## 4. DEE HOUSE AND AMPHITHEATRE WORKING GROUP

The Working Group, chaired by Chester Growth Partnership, comprised members from the following organisations and stakeholder groups: Chester Archaeological Society, Chester Civic Trust, Chester Attraction Partnership, Big Heritage, Dig Up Deva, St John's Church, Cheshire West and Chester Council members from across the political spectrum (including the Council Leader), Council Director of Place Strategy, Chris Matheson's Office, Chester University Archaeology Student and Historic England in an advisory capacity. A full list of members are listed in Appendix 1.

The Group commenced its work in November 2018 and has held a series of meetings during the intervening period, covering a range of topics including above and below ground archaeology of Chester Amphitheatre, national and local policy on listed buildings, structural condition of Dee House, funding position and potential uses for the site. The discussions were supported by contributions from a number of expert guest speakers and Council Officers.

A full list of meeting dates, topics discussed and contributors are listed in Appendix 2. A communication statement was produced following each meeting. These can be accessed via the following link <https://www.cheshirewestandchester.gov.uk/>

[news-and-views/dee-house-and-chester-amphitheatre/dee-house-and-chester-amphitheatre-working-group.aspx](https://www.cheshirewestandchester.gov.uk/news-and-views/dee-house-and-chester-amphitheatre/dee-house-and-chester-amphitheatre-working-group.aspx)

On 4<sup>th</sup> July 2019, the Group hosted an event to share with residents the facts it had learnt about the site during the first phase of its work. The event was hosted by Andy Foster, chair of the Working Group, and included presentations from Tony Wilmott of Historic England, Professor Stewart Ainsworth of University of Chester, Channel Four's Time Team and formerly English Heritage, Una Meehan from University of Chester and Caroline Thomas from Cheshire West and Chester Council. Chris Matheson MP hosted a question and answer panel session.

The event was attended by over 100 individuals and was viewed by 87 people via live screening. A full recording of the event can be accessed here – <https://youtu.be/3UI6KO0twms>





During February 2020, further public consultation responses were sought in tandem with two feedback events held on 6th and 12th February. These events were attended by over 170 individuals.

In summary:

- Over 93% of respondents supported the need to include community uses/information to celebrate the history of the area
- Over 78% believe a public/private partnership is required to bring new uses to Dee House
- Over 76% believe the proposed approach to safeguard Dee House is the most suitable way forward
- 88% believe the format and information provided at the event is the right way to engage with the public in the future

The consultation comments are recorded in Appendix 8.



## 5. STAGE ONE: FACT FINDING

### - UNDERSTANDING THE CONTEXT

The Group commenced its work embarking on a fact finding stage with the objective of developing an understanding of the key facts about the site including its history, archaeology, statutory designations, land ownerships, relationships with adjacent sites, previous schemes and Dee House structural building condition.

In undertaking this phase of its work the Group was mindful of the debate that has been ongoing for several years in the City about the relative merits of retaining or demolishing Dee House to make way for a full scale excavation of the amphitheatre or new construction on the site and wanted to express an informed view on these opposing options.

The key facts gathered are summarised in the following sections. Further information is contained in appendices to this document.



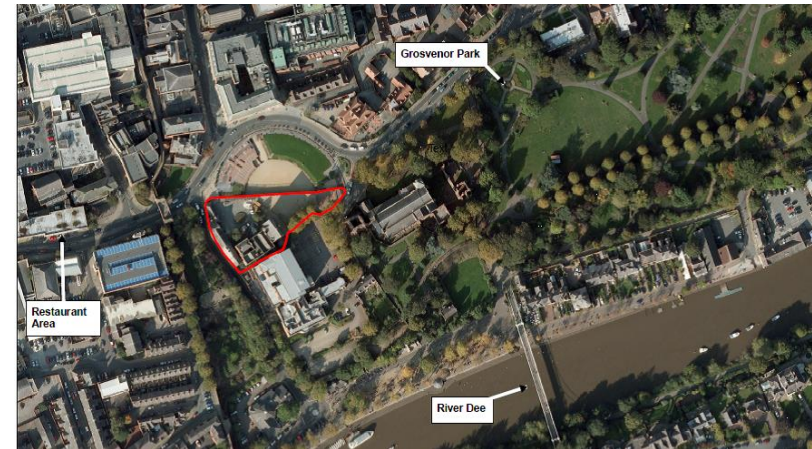


## 5A. DEE HOUSE AND CHESTER AMPHITHEATRE LOCATION AND DESIGNATIONS

The amphitheatre and Dee House occupies a prominent location in the heart of the City, sited between the city centre and the River Dee, adjacent to the City walls circuit and adjacent to two of Chester's main green spaces – Roman Gardens and St John's/Grosvenor Park.

Dee House is a Grade II Listed Building (Appendix 3 – contains the formal listing document) and sits on top of the unexcavated area of Chester Amphitheatre which is a Scheduled Ancient Monument.

The locational relationship between Dee House, Chester Amphitheatre, adjacent Trident House and St John's is illustrated on the plan opposite. It is apparent that the unexcavated area of the amphitheatre extends beneath the corner of the Civil Justice Courts and close to the ruins of St John's.



## 5B. LAND OWNERSHIPS

Area A – Dee House and the adjacent public realm is owned by Cheshire West and Chester Council

Area B – The excavated area of Chester Amphitheatre is owned by the Government and in the guardianship of English Heritage. The area is managed by Cheshire West and Chester Council.

Area C – Trident House – Chester Civic and Family Justice Centre managed by Ministry of Justice – private ownership

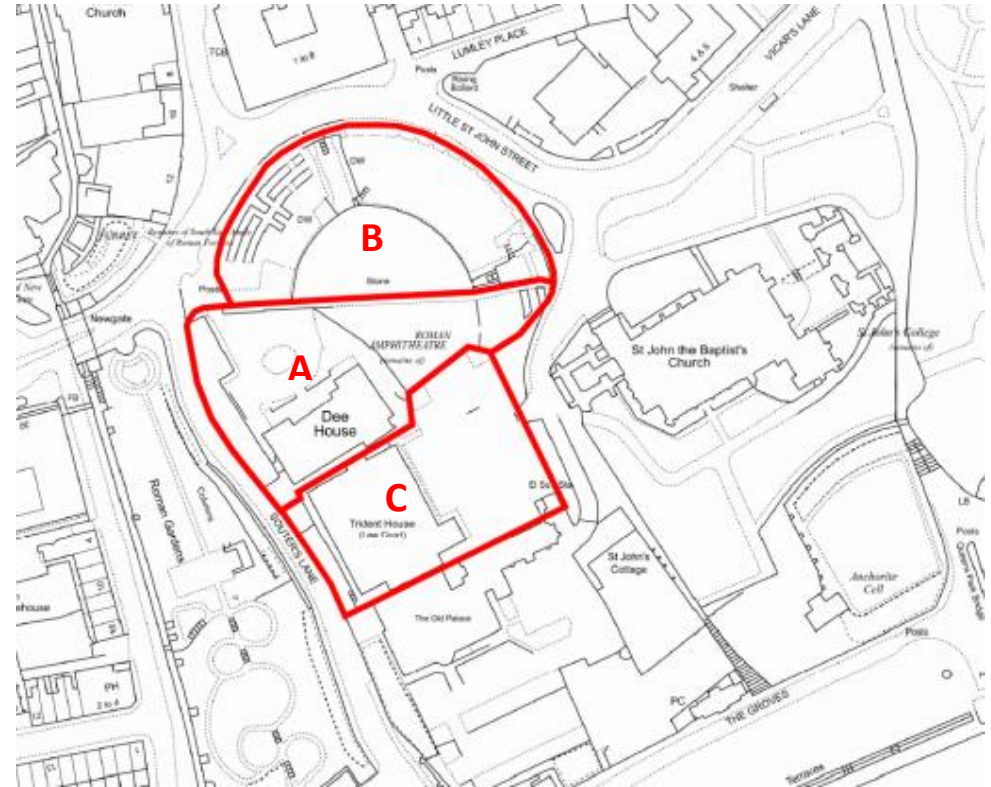


Figure 1 – Land Ownerships

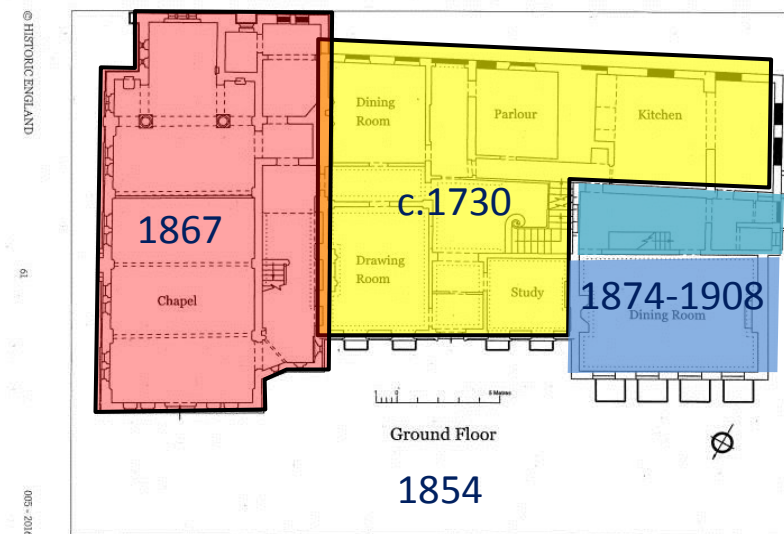
## 5C. DEE HOUSE - SUMMARY OF HISTORY

Dee House was built for the Comberbach family around 1730 and the basic plan of the 18<sup>th</sup>-century house is still intact. The house was three storeys high and built of brick with red sandstone details with cellars under the northern half of the main block. The prevailing character of the rooms elsewhere is 19<sup>th</sup>-century with a number of rooms retaining contemporary door and window architraves. During the first quarter of the 19<sup>th</sup>-century, the interior of the house was extensively remodelled.

In 1854 Dee House was acquired by an order of Roman Catholic nuns and between 1867 and 1869 a new wing was built on the east side of the house to provide a purpose-built chapel and schoolrooms. The three storey chapel wing was designed by the Liverpool architect, Edmund Kirby. The extension provided a chapel on the ground floor, a large open-plan classroom on the first floor and a dormitory on the second floor.

In the late 1880s a three-storey, four bay extension was built to provide a dining room on the first floor, and dormitories on the first and second floors. During the same period the range along Souter's Lane was enlarged.

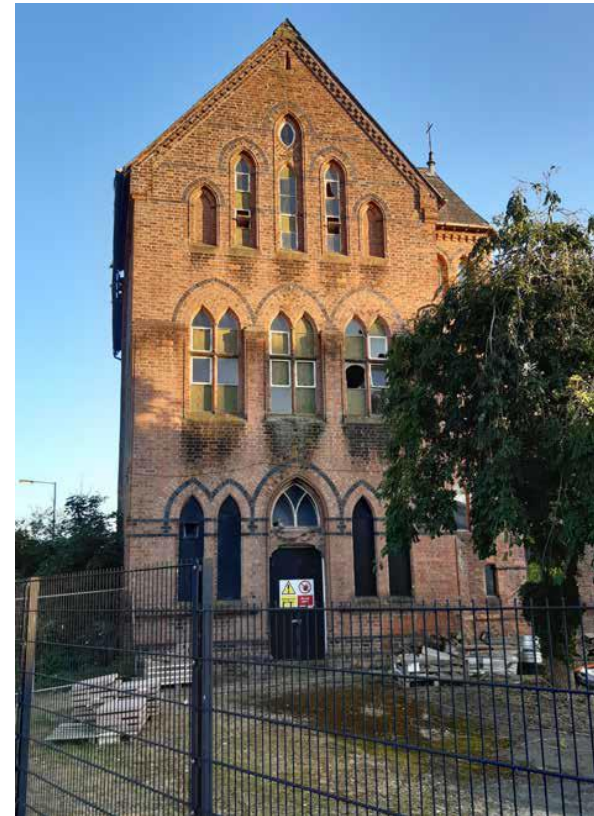
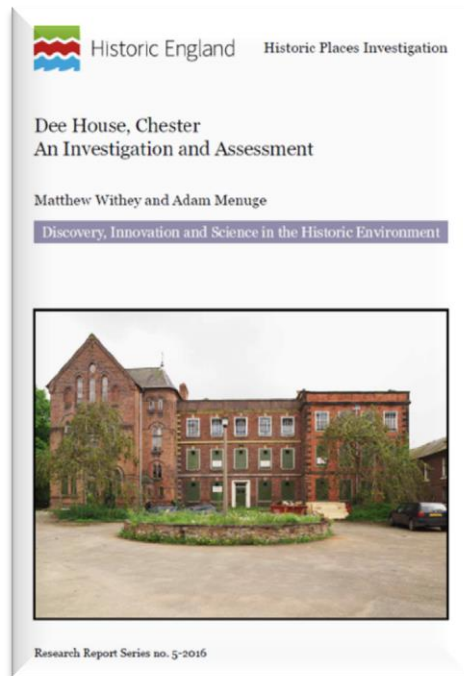
During the 20<sup>th</sup> century a large school extension was built on the south side of Dee House which has now been demolished. The school at Dee House closed in September 1976 due to the advent of the comprehensive school system and the opening of a new Catholic high school nearby.



Dee House was later acquired by Post Office Telecoms (later British Telecom) and converted into a telephone exchange with offices and training facilities. In 1993 it was sold to Chester City Council. It has been vacant since this time.



Further details about Dee House, its history and significant features are contained in Historic England's Historic Places Investigation Report – Dee House, Chester – An Investigation and Assessment. This can be accessed via the following link:  
<https://research.historicengland.org.uk/Report.aspx?i=15415>



## 5D. CHESTER AMPHITHEATRE PROJECT - BELOW AND ABOVE GROUND ARCHAEOLOGY - THE IMPLICATIONS

Tony Wilmott and Professor Stewart Ainsworth provided the Group and the public event on 4<sup>th</sup> July 2019 with a detailed overview of the below and above ground archaeology of the site and wider area, its heritage significance and implications for future considerations about the use of the site.

Full presentations from the public event on 4<sup>th</sup> July 2019 can be viewed online: <https://youtu.be/3UI6KO0twms>. Appendix 4 contains a summary of the Chester Amphitheatre Project 2004–2006.

The key points learnt are set out below:

- The nationally important archaeology of the site is safely preserved in the southern half of the site, though little survives beneath Dee House. **The advice of Historic England is that this remains undisturbed in situ.**
- Little of the Roman amphitheatre survives and it is in poor condition. Its history and architecture are very well understood, and little more information about it can be gained from further excavation. The most important field for future research should any excavations take place is the middle Saxon period and not necessarily within the amphitheatre.

- Dee House is a rare survival in Chester of an 18th-century country house with its own formal gardens.
- The Kirby chapel is an important building of the mid-19th century Catholic revival.
- The amphitheatre and Dee House are part of a unique urban landscape which encapsulates over 8,000 years of Chester's history. Although the amphitheatre is arguably its most high profile component, excavations have shown that this was only used for 80 years or more of the site's 8,000 year old heritage.
- The area has had an enduring and ongoing role in the city as a place of congregation, recreation and education. St John's, with its outstanding Norman cathedral architecture surrounded by its precincts, which included the amphitheatre, Dee House and the Bishop's Palace, should be celebrated as part of Chester's long heritage.

## 5E. NATIONAL AND LOCAL PLANNING CONTEXT - IS DE-LISTING OR DEMOLITION AN OPTION?

The group wished to explore if the de-listing and demolition options which have been suggested align with national and local policy frameworks.

Key findings:

### De-listing

- Applications can be made to de-list a building, but only on the basis that it is believed that the building no longer has special architectural or historic interest. This would normally be in cases where new information has become available or where there has been a material change of circumstance for example, significant fire or water damage.
- No such evidence has come forward in the context of Dee House and Historic England who sit sits on the Working Group in an Advisory capacity has advised that in its view an application to De-list Dee House is unlikely to be successful.
- The condition of the building, even if it is derelict is immaterial in relation to de-listing.

### Demolition

- National Planning Policy Framework which sets out the Governments position with regard to the demolition of Listed Buildings makes is clear that the loss of a grade II listed building should be exceptional and that any loss will require clear and convincing justification.
- To make a clear justification, evidence needs to be submitted that all of the following 4 tests are fulfilled.
  - No viable use of the heritage asset can be found in the medium term (including through marketing for new owners);
  - The heritage asset is preventing all reasonable uses of the site;
  - Public support for or ownership of the asset is not demonstrably possible;
  - The loss is outweighed by the benefits of bringing the site back into use.
- In addition policy requires that a fully worked up scheme for the future use of the site must accompany any application for demolition.



## Partial Demolition

- This has been previously discussed with Historic England and although any building or demolition work is difficult on the basis that it sits on top of the scheduled amphitheatre it is believed that there is scope to explore this. For example the most modern western wing of the building is identified as a part which could be considered for demolition. The extent of demolition would need to be judged on acceptability within the context of a specific scheme.
- This is an important point when considering the economic viability of a scheme. Historic England's latest position with regard to this is set out in Appendix 5.

A fuller briefing prepared for the Working Group setting out the Policy Context is attached at Appendix 6.

## 5F. FORMER SITE PROPOSAL 2018

The Group learnt why the most recent work undertaken by the Council with Daniel Thwaites to secure a new use for the site had not progressed.

The key findings:

- Daniel Thwaites were selected as the preferred bidder to bring a scheme forward for the site following a 2 stage procurement process.
- The scheme proposed comprised a 24 bed hotel, public restaurant and gateway interpretation café and an enhanced public realm around the building.
- The scheme was based on a refurbishment of Dee House and did not propose any extension to the building. The most significant proposed intervention was a re-modelling of the single storey buildings along Souters Lane to provide a gateway interpretation café.
- The scheme did not reach the stage where it was subject to public consultation and it was not considered through the planning process.
- The Council entered into a conditional Development Agreement with Daniel Thwaites in respect of the site. The first condition of this agreement required Daniel Thwaites to secure safe access and undertake a range of building



condition surveys to verify the cost assumptions they had made in their viability assessment

- Daniel Thwaites undertook a significant amount of work to meet this requirement, but it became apparent that the challenges and costs of securing safe access were more significant than had been anticipated.
- Broad brush estimates of the cost were £350,000 – £450,000. It was not possible to be more prescriptive due to a number of unknown factors.
- The cost constituted too great a risk for Daniel Thwaites and a mutual decision was taken between Daniel Thwaites and the Council to terminate the Development Agreement.

## 5G. DEE HOUSE BUILDING CONDITION

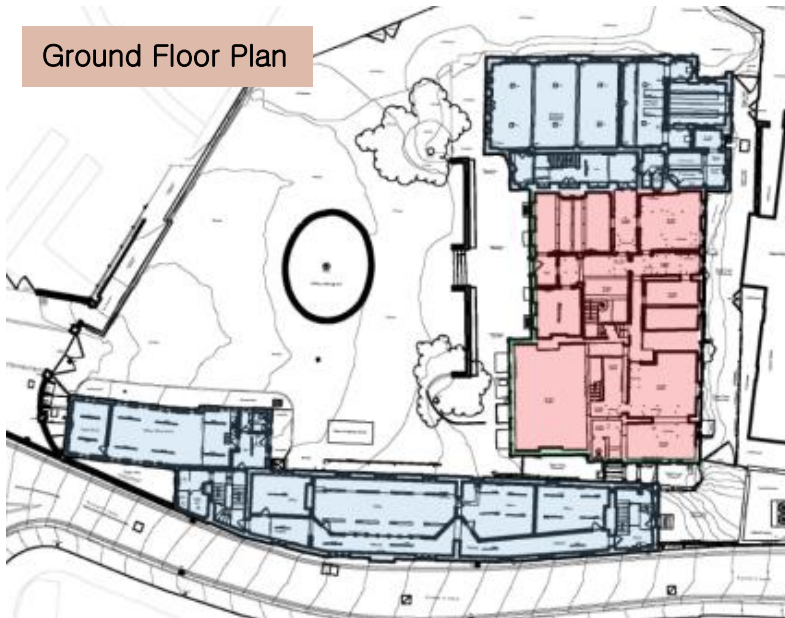
### Key Findings:

- Generally, the building is in a very poor state of repair and has suffered severe extensive damage internally as a result of rot and a fire.
- The main central section of the building relies upon temporary scaffold propping to support it and since this was installed, the extent of decay has continued, destroying much of the internal timber joinery, and increasing the extent of structural damage to the timber floors.
- Some of the internal loadbearing walls have collapsed or have partially collapsed but the external walls are generally in a reasonable condition, although there are areas where they are bulging locally and may need local strengthening. There is significant cracking at the rear of the chapel where the single storey section appears to have settled. Settlement appears to have been ongoing for some years and propping of the wall above the windows has prevented its collapse.
- Sections of this roof are propped by the scaffolding particularly where original loadbearing elements have been destroyed.
- The main ground floor section at the northern end of the chapel is generally in a reasonable structural condition but the single storey section at the southern end appears to be suffering as a result of settlement.
- Since 2011 there has been no remedial work undertaken and access to the interior of central sections of the building has not been possible due to its condition.

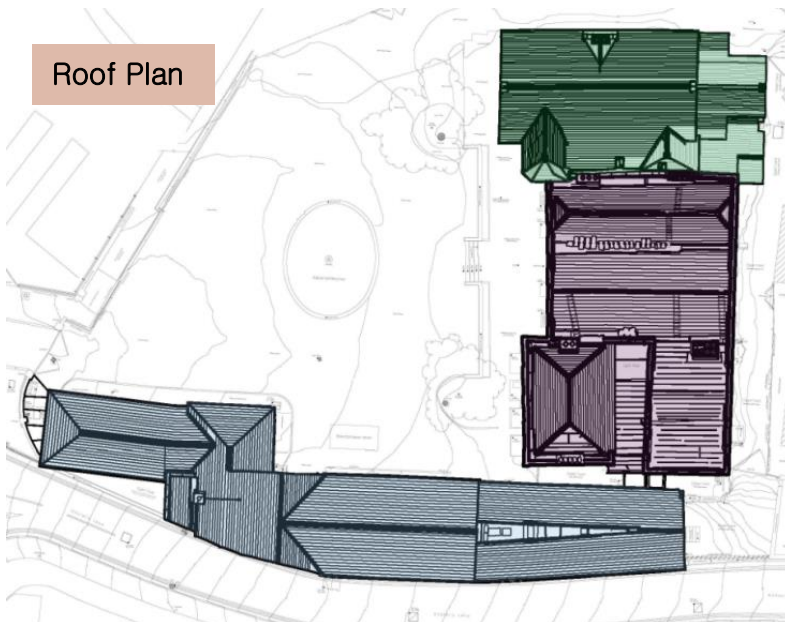
The plans below summarise the Cheshire Historic Buildings Preservation Trust (CHBPT) Project Viability Report conclusions about the condition of the building:



Ground Floor Plan

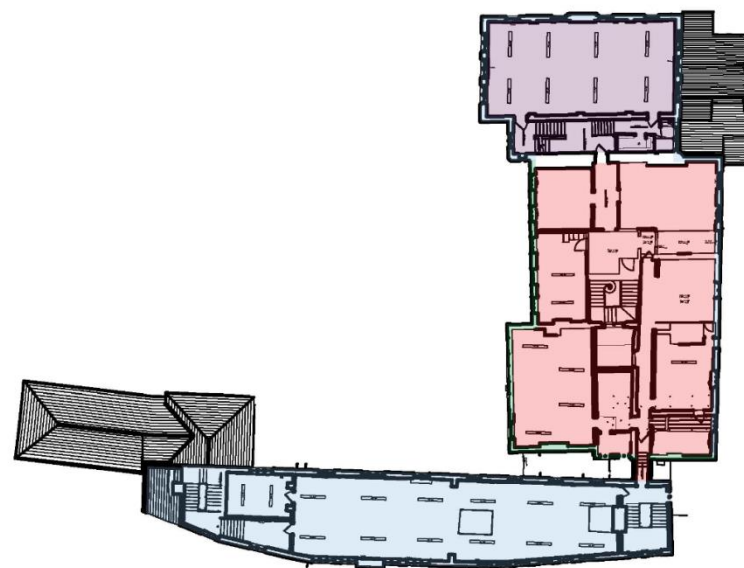


Roof Plan

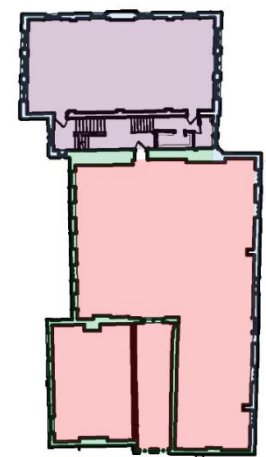


KEY

	Sound - Requires minimal repair.		Poor - Requires urgent repair
	Very Poor - Requires significant repair.		Ruinous - Beyond Rescue



First Floor Plan



Second Floor Plan

## 6. STAGE TWO: THE FUTURE

### - FUNDING, USES, SAFEGUARDING, DELIVERY APPROACHES

Having gathered all the key information the Group embarked on Phase 2 of its work which focused on a consideration of funding availability, potential uses, delivery approaches and safeguarding of Dee House. Throughout this process there was collaboration with CHBPT to take on board the findings emerging from their Project Viability Report. The stage two process was also supported by contributions from consultants, council officers and the private sector. The key findings and deliberations are summarised in the sections below.

#### 6A. THE FUNDING CHALLENGE AND IMPLICATIONS FOR IMPLEMENTATION OPTIONS

Key findings:

- The building has a significant conservation deficit estimated to be in the region of £550k (based on Chester Historic Building Preservation Trust Project Viability Report Jan 2020, see Appendix 7). Public sector investment is likely to be required to address this deficit.

- The current funding context is very challenging, both in terms of the availability and competing demands on Council resources and the opportunities to secure external partner funding.
- Heritage Enterprise Fund and Architectural Heritage Fund identified as potential opportunities for further exploration.
- It is clear that there is a need for Council investment to bring the site forward for development and a public/private sector partnership approach to implementation. The Group did not explore implementation models in detail.



## **6B. USES - COMMERCIALLED MAJOR VISITOR ATTRACTION**

Key findings:

- This option has previously been explored without a positive outcome.
- This is likely to have been influenced by a number of factors including:
  - a) There are limited high quality heritage attraction operators active in the UK, and they are all, with one exception operators and not developers. Dee House is a significant heritage challenge and therefore a proposition which is unlikely, particularly in its current state, to be appealing to operators
  - b) Despite Chester being a prominent leading tourist City, the visitor attractions market is risky and beyond 'tried and tested' replicable products, the economics of one-off ventures are very challenging.

## **6C. USES - REPLACEMENT MUSEUM SITE - CHESTER HERITAGE AND VISUAL ARTS STRATEGY**

Key findings:

- The Chester Heritage and Visual Arts Strategy vision:

“ The City is the Stage – We Will Act On It. We will use its stories, traditions and visual arts to inspire and engage the community and its visitors through bold creativity informed by the riches of archaeology, the built environment, archives, museum collections, parades and ideas”

Dee House and the Amphitheatre site are rich in their capacity to tell the stories of 8,000 years of Chester's history.
- The Strategy expresses an ambition to enhance the museum offer for the City. Various options have been considered including remodelling and extending the existing museum or relocation to an alternative site. This project is still in the early stages of development and would require a significant amount of public sector investment.
- The Dee House site, even with modest extension is very unlikely to be large enough to accommodate the vision for an enhanced museum offer.

## **6D. USES - PRIVATE DEVELOPER PERSPECTIVE - COMMERCIALLY LED USES**

Key findings:

- The GDV of the proposal needs to provide enough value to exceed the costs and generate a profit – the Developers Return.
- A typical market Developers Return for a speculative scheme is a 20% percentage of cost i.e. the profit needs to be equal to or exceed 20% of the total cost of the development.
- If the risks are considered higher than normal, such as the risk for planning, or the risk of construction costs, then a developer will require a higher Developers Return to compensate for the risk.
- Cheshire West and Chester Council would need to support in the mitigation of a number of risks including:
  - Listed Building and Planning risk.
  - Construction Cost.
  - Consider covering any projected capital shortfalls in order to provide a Developers Return suitable for progressing the project.

## **6E. USES - HERITAGE INTERPRETATION AND COMMUNITY USES**

Group deliberations concluded that:

- Any future scheme should incorporate a publicly accessible Heritage Interpretation Centre to provide an opportunity to tell the site's unique stories stretching across 8,000 years.
- Opportunities should also be maximised to incorporate community uses. This emerged as an important consideration for the community at the Dee House Public Event on 4th July 2019.
- The Group, whilst acknowledging that the provision of heritage and community uses on the site needs to be balanced against securing commercial viability, stressed the importance of ensuring that the heritage interpretation and community elements be meaningful.
- Models to secure the delivery and ongoing operation of a Heritage Interpretation Centre requires further exploration. One potential model is proposed by CHBPT in their Project Viability Assessment.



## 6F. SAFEGUARDING DEE HOUSE - CHBPT PROPOSED APPROACH

CHBPT secured funding to undertake a Project Viability Report on Dee House in March 2019 (see Appendix 7).

There has been ongoing dialogue between the Working Group and CHBPT on the respective work streams. The findings and conclusions of CHBPT have been invaluable to the group's deliberations.

The report sets out a suggested approach for safeguarding Dee House that CHBPT believe would secure the removal of the conservation deficit and bring the building up to a condition that is capable of creative reuse. The approach is based on a fundamental view that the 1730s Town House and 1900 wings of the building are dangerous and beyond repair and can only be safely accessed from above by operatives working from a crane.

In summary the proposed safeguarding works would comprise:

- the stripping out of the of the damaged and dangerous structural elements from the 1730s Town House and 1900 wing of the building
- Retaining all external walls and principal internal cross walls for viable reuse

- Temporary shoring installed without disturbance to buried archaeology
- Installation of a lightweight replacement roof structure with additional floor space that can be accommodated by the retained structure.

This approach assumes that other elements of the building will be retained and can be repaired as part of a future scheme.

The approach would require the submission of a Listed Building Consent application for the works in the absence of a planning application setting out a proposal for future long term use. The CHBPT report acknowledges that this is not normal practice and would require further discussion.

The Working Group are in broad agreement with the approach, believing it to form the basis of a pragmatic and deliverable solution to the current condition of the building and objective of securing a long term sustainable re-use.

The Working Group emphasised in supporting this approach it would recommend an additional caveat that requires every effort being made as part of the stripping out to retain all features – door frames, fireplaces etc. – that could be reused in a future scheme.

## 7. CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations of the Working Group are summarised as follows:

- De-listing of Dee House should be discounted as an option.

- The whole scale demolition of Dee House should be discounted as an option.

- Further excavation of the amphitheatre should be discounted as an option.

- Dee House is an important part of a unique urban landscape and an important building in the story in Chester, and should be retained.

- Future proposals for the site should celebrate the over 8,000 years of the City's history that the area encapsulates.

- The building is in a significant and declining state of disrepair with a significant building conservation deficit.

- Funding climate is extremely challenging given competing challenges on Council resources and limited and highly competitive nature of other public funding opportunities.

- A public/private partnership approach appears to offer the best solution to achieving a positive outcome.

- Action is taken to safeguard Dee House, thereby removing the conservation deficit and enhancing the proposition for potential development partners.

- Supports broad principles of the approach set out by CHBPT to safeguard Dee House with caveats to:
  - maximise efforts to retain internal configuration where reasonably practical and retain and re-use stripped out features
  - adopt a sensitive approach to lightweight replacement roof structure.

- Strongly advocates that any future use should incorporate a meaningful interpretation element and maximise opportunities for accessible community use acknowledging that this will need to be balanced with other uses to achieve viable commercial returns that will secure long term sustainability of the building.
- Recognition that there are a range of potential implementation routes to deliver the project involving the Council/private sector and potentially CHBPT (as outlined in the Project Viability report) which will require further exploration by Cheshire West and Chester Council.
- Strongly advocates that action is taken to ensure that any future scheme maximises the potential of the amphitheatre and the linkages to St John's, Roman Gardens and Grosvenor Park.
- The Council should build upon the collaborative and partnership approach that has been established through the Working Group as it responds to the recommendations of the Group and CHBPT and makes decisions about the next steps in taking the project forward.

There is now a much better collective appreciation of the archaeological and historical context of the amphitheatre and Dee House site and the wider constraints and challenges that need to be addressed in bringing a sustainable new use forward for this unique site.

The recommendations and conclusions of the Group have arisen out of an examination of all the evidence gathered and contributions from experts in the field and reflect a consensus view across the Group.

The foundations for ongoing collaborative partnership work has been firmly established through the work of the Group and provide a solid platform for ongoing joint working with the Cheshire West and Chester Council as the project moves into the next phase.

## 8. APPENDICES

### APPENDIX 1. LIST OF WORKING GROUP MEMBERS

**Andy Foster (Chair)** – Raise Architects and Chester Growth Partnership Board Member

**Cllr Louise Gittins** – Leader of Cheshire West and Chester Council

**Cllr Stuart Parker** – Shadow Cabinet Member for Culture, Leisure, Heritage and Green Spaces

**Lisa Harris** – Director of Places Strategy, Cheshire West and Chester Council

**Chris Matheson MP** – MP for City of Chester

**Richard Beacham** – Chris Matheson Office

**Andrew Davison** – Historic England (Advisory capacity)

**Christine Russell** – Chester Civic Trust

**Peter Carrington/Janet Axworthy** – Chester Archaeological Society

**Adam Dandy** – Dig Up Deva

**Peter Rosenfeld** – Chester Attraction Partnership

**Carl Critchlow** – CH1 Chester BID

**Dean Paton** – Big Heritage

**Paul Hartson** – Roman Tours

**Kieran Gleave** – Archaeology Student, University of Chester

**Rev David Chesters** – St John the Baptist Church



## **APPENDIX 2. MEETING DATES, TOPICS DISCUSSED AND CONTRIBUTORS**

**Date:** 21<sup>st</sup> November 2018

**Topic:** First meeting to agree programme of work for the group

**Contributors:** N/A

**Press release:** <http://www.yourwestcheshire.co.uk/NewsArticle/%7B7F1E2089-ACD1-4B5A-84EF-DC5353289CE6%7D>

**Date:** 16<sup>th</sup> January 2019

**Topic:** Facts presented about the above and below ground archaeology of the site

**Contributors:** Tony Wilmott – Historic England, Professor Stewart Ainsworth – University of Chester and formerly of English Heritage

**Press release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7B53C769EA-17B2-47D8-98F9-6413EB56F867%7D>

**Date:** 19<sup>th</sup> February 2019

**Topic:** Presentation on current structural condition of Dee House

**Contributors:** Fay Newham – Ramboll, Andrew Russell – Russell Geomatics

**Press release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7BBBA7F25D-4BE9-4A8F-BA90-4E038CA9C3F4%7D>

**Date:** 17<sup>th</sup> March 2019

**Topic:** Understanding of context of national and local policy framework

**Contributors:** Rob Charnley – CW&C Planning, Joanna Morgan – CW&C Total Environment, Katherine West – CW&C Cultural Services, Paul Newman – CW&C Archives, Liz Montgomery – CW&C Museums, Reverend David Chesters – St John's Church

**Press release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7BF9B81656-51F4-48E3-82A9-F7186FA7185E%7D>

**Date:** 14<sup>th</sup> May 2019

**Topic:** Significance of Edmund Kirby and update from Cheshire Historic Buildings Preservation Trust. Completed fact finding phase.

**Contributors:** Joseph Sharples – Architectural Historian, Tony Barton – Cheshire Historic Buildings Preservation Trust

**Press release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7BCBF920B4-754B-4A13-B28A-41D8A36EF17B%7D>

**Date:** 26<sup>th</sup> June 2019

**Topic:** Discussions around future options and potential of site as a visitor attraction

**Contributors:** Peter Middleton – L&R Consulting

**Press release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7B5BBBCF23-38D1-41AA-828F-9578726F6C83%7D>

**Date:** 1<sup>st</sup> October 2019

**Topic:** A developers perspective on Dee House and an update from Cheshire Historic Buildings Preservation Trust.

**Contributors:** Tony Barton – Cheshire Historic Buildings Preservation Trust, Stephen Cliffe – Vision Developments

**Date:** 6<sup>th</sup> November 2019

**Topic:** Discussion on final working group recommendations and public events

**Contributors:** N/A

**Press Release:** <https://www.yourwestcheshire.co.uk/NewsArticle/%7BA8E41A50-CD6C-4731-901D-01E29156C621%7D>

### **APPENDIX 3. DEE HOUSE FORMAL LISTING**

DEE HOUSE

1 contribution

#### **Overview**

Heritage Category: Listed Building

Grade: II

List Entry Number: 1375862

Date first listed: 10-Jan-1972

Statutory Address: DEE HOUSE, LITTLE ST JOHN STREET

#### **Location**

Statutory Address: DEE HOUSE, LITTLE ST JOHN STREET

The building or site itself may lie within the boundary of more than one authority.

District: Cheshire West and Chester (Unitary Authority)

National Grid Reference: SJ 40816 66112

#### **Details**

CHESTER CITY (EM)

SJ4066 LITTLE ST JOHN STREET 1932-1/6/184 (South side (off)) 10/01/72 Dee House

GV II

Detached house, later Ursuline convent school, now offices. Mid C18 altered mid C19. Stone-dressed brick and blue-brick-dressed brick; slate roofs. 3 storeys. 5-window central block; projecting 4-window wing right; left wing replaced by Gothic Revival chapel

wing. Door of 4 fielded panels in bolection case of painted stone; overlight and ground floor windows boarded over. Windows have moulded sills and gauged-brick flat arches with conical keystones; rusticated quoins; first floor band; flush 12-pane sashes; second floor band; 12-pane sashes; moulded cornice below panelled brick parapet with corner stones and moulded stone coping. A rainwater pipe and moulded lead head; 3 brick chimneys. Grey slate roof. The chapel wing c1860 has hipped right bay and main chapel bay with front gable. Grouped lancets with blue brick relieving arches. The chapel forms the middle storey of the wing. The roof is banded grey and purple slates; cross-finial on apex of hip to right bay. INTERIOR not inspected. Building vacant at time of survey (June 1992).

Listing NGR: SJ4081766116

### **Legacy**

The contents of this record have been generated from a legacy data system.

Legacy System number: 469841

Legacy System: LBS

### **Legal**

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



## **APPENDIX 4. CHESTER AMPHITHEATRE PROJECT - ARCHAEOLOGICAL FINDINGS AND SURVIVAL**

### **- 2000 YEARS OF HERITAGE ABOVE GROUND**

#### **Key points from the archaeological project**

The Chester Amphitheatre Project comprised two elements – excavation, which took place between 2004 and 2006, and the gathering of historical and landscape data. The project was designed to gather information on all historical and archaeological periods of the Amphitheatre/ Dee House site, and to establish the state of preservation of the archaeological remains.

The first volume of the final archaeological report, dealing with the Prehistoric and Roman periods was published in 2018, the second volume, which covers the post-Roman periods will be published in 2021. A total of 27 specialist contributors have worked on the material for the two volumes.

The Roman amphitheatre and Dee House are but individual elements of a unique archaeological and urban landscape which encapsulates over 8,000 years of Chester's historical development. Although the amphitheatre is arguably its most high profile component, this was only in use for 250 years or so. In contrast, St John's Church and its royal, religious enclave have been in existence for over a thousand years. It is against that background that we need to appreciate the value of Dee House and the legacy of what it represents.

#### **Prehistory**

The earliest visitors to the amphitheatre site were Mesolithic people (c 6,800–4,000 BC) who would have made seasonal visits, but who stayed long enough to be making flint tools on the site. Finds also show a Neolithic or early Bronze Age (c 2,500 BC) presence. The first settled community was an Iron Age farmstead dated through radiocarbon to c 400–200 BC. This consisted of a round house and a four-post structure used as a granary. This settlement disappeared in the later Iron Age, though the land was still cultivated – pre-Roman agricultural ridge and furrow ploughing lay over the earlier settlement and under the amphitheatre foundations.

#### **The first amphitheatre**

The first amphitheatre (1a) was built c AD 71 over previously ploughed land which had presumably been commandeered by the army for the purpose. It had a stone outer wall which was built first, then the arena was excavated to a depth of 1.55 m below Roman

ground level. The spoil from the arena was raised against the outer wall, and the hole created was walled around. Although this first building was largely destroyed when the second amphitheatre was built, it is certain that there were only two entrances into the arena, on the ends of the long axis to north and south, and no lateral entrances.

In c AD 100, timber framed seating was inserted into the shell between the outer and arena walls, and external stairs were added against the outer wall allowing access over this wall and into the seats from the rear (Amphitheatre 1b).

Archaeological deposits around the building showed that short-lived stalls were erected selling fast food and souvenirs, and also that yellow sand was stockpiled in order to surface the arena.

### **The second amphitheatre**

This was built around AD 200. It was constructed concentrically around the first, and was considerably larger and more elaborate. There were two main entrances into the arena at the northern and southern end. On the eastern side an elaborate tripartite entrance was provided, with a central funnel leading into the arena flanked by two level passages by which the more important spectators could process into the front seats. The existence of the Souters Lane ravine would have made the provision of such an entrance on the west side unlikely. Around the circumference of the structure vaulted stairways (vomitoria) were provided within the thickness of the auditorium, allowing access to the upper seats. These were evenly spaced and were nine in number. The survival of some of the stairs within one of these has allowed a mathematically accurate reconstruction of the appearance of the building to be created. The outer wall was over 10 m high, and ornamented with plain pilasters. It had a potential seating capacity of some 7–8,000. This was the largest and most elaborate amphitheatre in Roman Britain, though it was relatively modest in imperial terms – typical of the amphitheatres at legionary sites on Rome's northern frontiers. Like all such facilities it was used for wild beast and gladiatorial displays. A tethering stone for animals was found in the centre of the arena, and a shrine to Nemesis (the Greek God of Retribution) was accessed from the arena floor. Archaeological evidence suggests that this building did not last long in use, and the arena was used as a dumping ground as early as the later third century (c AD 275).

### **Post Roman and Anglo-Saxon use**

In the post Roman period, after some 3–400 mm of dumping had accumulated in the arena, patchy stone flagging was laid. At the same time some vomitoria were walled up, limiting access. A track was laid to the centre of the arena from the north entrance. In the

centre of the arena were a series of pits and post holes representing some seven phases. The fourth of these phases produced radiocarbon dates of cal AD 770–890, suggesting that the occupation in the centre of the arena was middle Saxon in date. This period is absent from the area of the legionary fortress, which was not re-occupied until the fortress became a burh under Aethelflaed in the early 10th century, and it would seem that the amphitheatre was the centre of the main settlement at Chester during this period. This conclusion is consistent with the traditional foundation date for the adjacent St John's church at AD 689. Inserted non-Roman masonry in the former east entrance of the amphitheatre may date to this period, and may even be part of the original St John's.

There are other indications of the importance of the area of St John's and the amphitheatre in the Anglo-Saxon period, in particular the many 10th century Anglo-Scandinavian cross-heads found at St John's, and a human skeleton found above the amphitheatre during ground works for Trident House, radiocarbon dated 880–1020.

The recent excavations have established the history and architecture of the amphitheatre to a point where very little more needs to be added. The most important archaeology for research purposes on the site must now be considered to be the shadowy Middle Saxon material.

### **Medieval use**

In 1075 Bishop Peter moved his See from Lichfield to Chester. At St John's, building on a large scale, creating the Romanesque cathedral took place from the 11th to the 13th century. This is the period during which the walls of the amphitheatre were robbed to foundation level and below, and there can be no doubt that the stonework of the amphitheatre was used to build the Romanesque church. The outer walls had been robbed to foundation level and below by the 12th century, and the arena, which had been filled with dumped material, disappeared from view in the early 15th.

It is now clear that the amphitheatre is robbed to foundation level or below, with no surviving upstanding fabric except for part of the arena wall.

Medieval housing was constructed on the hard ground of the former amphitheatre seating, while the soft, subsiding, dump-filled arena was used for gardens. The archaeology of the amphitheatre was cut by a great many cess-and rubbish pits from the 12th to the 18th centuries. Some of these buildings were associated with St John's in its monastic phase and may have been demolished during the

Reformation. The site became a battleground during the Civil War siege of Chester, with many musket bullets and military objects being found.

### **After the Civil War**

Until the Civil War the area of St John's and the amphitheatre was defined by the character of an ecclesiastical landscape associated with St John's with its roots in the 7th century. It has been argued above that ultimately these roots go back to the existence of the amphitheatre and its Middle Saxon use as a fortified place. The area retained its ancestry of a Norman cathedral within its precinct.

Following the war the city walls were effectively redundant for defence, and the area around St John's, spacious and away from the cramped conditions within the walls, became a desirable and wealthy area of fashionable gentry houses, elegant Georgian villas, gardens, open spaces and educational establishments. In essence, the area within which Dee House resides can be characterised today as a cross between a cathedral close and a villa suburb.

Several major houses were built, of which the early 18th century Dee House and the now-vanished St John's House were two. Dee House is one of only two of these important buildings that now survive (the other is the Bishop's palace). Like its medieval predecessors it was built on the firm ground of the former amphitheatre structure with formal gardens occupying the arena. Dee House, St John's House, an 18th century cottage, which was excavated in 2005, and at least one other building featured deep cellars which effectively removed the archaeology of the amphitheatre.

Built c 1730 for James Comberbach (d.1735), a former Mayor and Alderman of Chester, Dee House is a rare survivor within Chester of what is in effect a small 'country house' within an urban context, with its own forecourt, carriage turning circle stables (the range on Souter's Lane) and gardens. A small cottage of this date was also built on the amphitheatre remains. Both Dee House and the cottage were cellared, removing any trace of the amphitheatre structure.

In 1854 the house was acquired by the Catholic order, the Faithful Companions of Jesus, who commissioned Edmund Kirkby, a renowned ecclesiastical architect of the mid-century Catholic revival, to extend the building to the east. Kirkby ignored the refined Georgian expression of the original home and built the Gothic Revival structure that stands today, including a Chapel with a high ceiling on the ground floor. The chapel wing is an important building of the mid-19th century Catholic revival associated with Cardinal (and now Saint) John Henry Newman, and became the focus of the re-introduction of Catholic education into urban Chester.




The west wing was built after the Chapel, in the 1880s in a Georgian style, fully respecting and almost imitating the 1740 house. This building aligns with the original house in its architecture and floor levels but does confuse the casual reading of the site's development.

A new block was planned by the Ursuline order in 1925 and the Amphitheatre was rediscovered during the dig for the foundations. The Chester Archaeological Society led the fight to prevent a new road across the site.

The range of buildings flanking the Dee House site to the west, along the sunken Souters Lane, have a mid-19th century and early 20th century utilitarian appearance but were mostly built before the Ursulines closed the school in the 1970s and the buildings were taken over by British Telecom, who sold the building to Chester City Council in the 1990s. Part of the 'deal' was that the southern section was bought by a development company and the current Family Courts building was built, also over a section of the buried remains of the Amphitheatre.

The northern section of the Amphitheatre was excavated, to the extent we see today, between 1965–69 and was opened up to the public in 1972. This excavation was not conducted according to methods which would now be considered archaeologically acceptable, and the north western quadrant was re-excavated in 2004–6 together with areas to the south of the dividing wall, in the former grounds of Dee House. These excavations produced the results summarised above. The first major report, covering the Prehistoric and Roman archaeology was published in 2018, the second, covering the post-Roman archaeology is currently in preparation.

## APPENDIX 5. HISTORIC ENGLAND POSITION LETTER



ENGLISH HERITAGE  
NORTH WEST REGION

E.H.

Rita Waters  
Chief Executive  
Chester Renaissance  
Chester Visitor Centre  
Vicar's Lane  
Chester CHI 1QX

Direct Dial: 0161 242 1407

4 January 2010


Dear Rita

Further to our recent meeting I thought it might be helpful to offer some advice from the English Heritage (EH) perspective on the potential for development to secure the conversion and re-use of the Dee House area and to provide some initial guidance on what in our view might be possible here. This will, we hope, provide you with some clarity when seeking a suitable development partner and provide a basis for an options appraisal to be carried out for the site.

I really welcome your initiative. For too long the poor condition of Dee House and the lack of action (whether to bring it back into use, or to seek to demolish it) has had a negative effect on the wider area. I am very pleased that action is now being taken to address this. As you know English Heritage has a firm view that we would like to see Dee House repaired and brought back into beneficial use, but at this stage the important point is you have started a process to test this out.

Looking first at the principles involved, the site of Dee House needs to be considered within its wider historic context to gain the fullest understanding possible of the area. The Roman Amphitheatre lies underneath and adjacent to Dee House, with the scheduled and Grade I Listed Church of St John's sited alongside, no doubt intended to symbolise the introduction of Christianity to an area associated with barbaric and pagan practices. Historic routes of considerable character link the area with the river. These would have been crucial for the transport of goods and materials as well as being used for the disposal of rubbish. Later civilizing development includes the ecclesiastical precinct, Dee House and the Grade II Grosvenor Park. The installation of the Kirby chapel and re-use of Dee House as a convent school in the later 19<sup>th</sup> century exerted a further religious impact on the area. The site retains the physical evidence of over two thousand years of history.


Important views are provided from the City Walls across the frontage of Dee House to St John's and overlooking the site of the Amphitheatre. This view is, however, currently partly obscured by the more recent building on the west side of Dee House. From Vicar's Lane, the east façade of Dee House makes a strong statement.



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5TW  
Telephone 0161 242 1400 Facsimile 0161 242 1401  
www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available

/Contd ...



Continued 2 ENGLISH HERITAGE

There is also considerable archaeological interest in the brick retaining wall on the west side of Souter's Lane.

The historic environment assets in this area are of very high value. In our opinion, however, their value as a group within their wider setting is of even greater significance. In view of this, and the designations that apply, it is important to stress from the outset that:

- there is an over-riding need to protect and retain in situ the nationally important archaeological remains;
- new development in the area should aim to enhance the presentation and visitor experience of the existing historic features;
- any new build should be subservient to the historic buildings and structures and to respond positively to them and their setting.

Possibilities for enhancement of the presentation and experience of the area might include:

- opening up the view from the City across the front of Dee House to St John's, and
- providing public access (and perhaps also remote access through the use of cameras) to a view from a height of the Amphitheatre and activities taking place there.

Arising from all of the above, we would make the following more specific points:

1. **Archaeology.** From an archaeological perspective, the post-medieval and earlier remains in the area should be left undisturbed. However, we are of the view that the early modern archaeology could be preserved by record. This means that there is the possibility for development where it can be shown that the ground disturbance involved would not penetrate beyond modern and early modern levels. You may wish to commission archaeological evaluation of some areas of the site in order to establish the depth of these levels. This would provide a developer with information about the type of development and form of construction that might be possible.
2. **Dee House.** English Heritage is currently preparing a report on the significance of different aspects of Dee House, both internally and externally, and we expect this to be in a form we can circulate to you by the end of March 2010. The following very general points may, however, provide some useful guidance at this stage:
  - The plan form of the earlier part of Dee House (built c. 1730) is intact and of sufficient significance that it should be retained, together with the stairs and the remaining architectural detail on the ground and first floors. The Kirby chapel should also be retained. The original building was extended to the west shortly after its completion and this element also needs to be respected in any scheme of redevelopment

/Contd ...



Continued 3

## ENGLISH HERITAGE

- The envelope of the 1880s build should be retained but there is considerable scope for alteration within this.
  - The more recent north-south oriented building range to the west of Dee House is of lesser significance and need not be retained (subject to prior recording) although consideration of the impact on Souter's Lane would be needed (see further below).
3. **Extending Dee House.** Extension to the rear of Dee House is constrained by the court building. The coherent eastern elevation of the chapel that provides a strong view coming from Vicar's Lane (a point of arrival for many people to Chester) suggests that extension on this side would be difficult. We could, however, envisage some kind of lightweight modern viewing tower/platform adjacent to Dee House but set back here. Access to a viewing platform might alternatively (or in addition) be provided from within the building. More speculatively, if the Church were involved and the site extended to include St John's, a new structure within the old tower of St John's would have historical resonance and might provide a new focus for that site. It should be stressed, though, that we have not raised this last suggestion as yet with David Chesters or any other parties; nor have we looked in any detail at its feasibility.
- Extension to the west of Dee House may have more potential and the removal of the one and two storey additions to the western edge of the site would be possible if this were to ensure greater benefit overall. The single storey brick building has little merit. While the two storey building (constructed in two phases) does contribute to the conservation area, it could be argued to have less significance than the rest of the site. To achieve a viable re-use of Dee House and the site as a whole, it should be possible to allow for the removal of these additions. Any elements of the site proposed for demolition would, however, need to satisfy the tests set out in PPG15 before demolition could take place.
4. **New-build design parameters.** In order to protect / enhance the character of the conservation area and the setting of the listed buildings and scheduled monuments, the following design parameters should be considered:
- We would welcome a contemporary design approach to any new build on the site. To ensure the new build did not challenge Dee House as the principal building on the site, we suggest that a subtle and understated architectural language be adopted.
  - The height of any new building should be no higher than the ridge of the roof of the existing additional building – this would allow the parapet of the original phase of Dee House to be seen above it from the city wall.
  - The foot print of any new building should be set back from the existing footprint to allow the whole of the recessed original front of Dee House to be viewed from the city wall.

/Contd ...



Continued 4

## ENGLISH HERITAGE

- Lift shafts and foundations would have to be designed in such a way (for example by rafting) that they ensured the preservation *in situ* of the earlier archaeology. Some parts of Dee House have, however, been cellared and, have removed at least some of the underlying archaeology, thus providing additional flexibility in terms of new build.
  - The existing building line / retaining wall to Souter's Lane should be retained to preserve the enclosed character of the lane and retain *in situ* the existing stone work to the retaining wall.
5. **Access & Circulation.** Any development proposal needs to consider wider master planning issues. At the broadest level the road system around the Amphitheatre is detrimental to the setting of the monuments and character of the area - although it is recognized that it is currently essential to traffic movement around the City. Changing the "feel" of the area so that it is more pedestrian than traffic friendly should however be achievable through traffic management and public realm works. Pedestrian and vehicular access through the gateway entrance to Dee House is extremely constrained. The removal of the buildings west of Dee House (or reduction of their footprint) could be beneficial in creating a larger space around the Amphitheatre and in front of Dee House. The possibility of providing vehicular access to Dee House (for servicing etc) via a side entrance on the east side, between Dee House and St John's could be considered. There may be potential within a wider master plan to provide a link across the Dee House frontage between the City and St John's/Grosvenor Park.

In order to better inform a development proposal we would advise that a clear statement of the significance of the archaeological, historical and architectural features should be prepared, based on the outcomes of the Chester Amphitheatre Project. This could then inform the preparation of an options appraisal. If it were possible to commission archaeological evaluation of the site at the same time, this could usefully inform the appraisal. Scheduled Monument Consent would be needed for the evaluation work.

The lead for English Heritage for the Amphitheatre/Dee House area is Jennie Stopford (0161 242 1453 or 07901 594105; email [jennie.stopford@english-heritage.org.uk](mailto:jennie.stopford@english-heritage.org.uk)). Please do not hesitate to contact her or me if you have any queries or would like to discuss anything further.

With best wishes for 2010

Yours sincerely

Henry Owen-John  
Planning & Development Regional Director

## APPENDIX 6. DE-LISTING AND DEMOLITION BRIEFING NOTE

### De-listing procedures

Historic England guidance on process for delisting of a listed building can be accessed via the hyperlink below:

<https://historicengland.org.uk/images-books/publications/guidance-de-listing-building/>

The information below is a summary of the key points:

Applications for de-listing can only be made on the basis that it is believed that the building no longer has special architectural or historic interest. An application for delisting may be made because new evidence is available about the lack of special architectural or historic interest of the building, or a material change of circumstance for example, fire damage.

The condition of the building, even if it is derelict is immaterial in relation to de-listing.

Procedure:

1. Collate supporting evidence to demonstrate why it is believed that the building no longer has special architectural or historic interest (this should include written information, photographs, etc.);
2. Submit application on-line;
3. Historic England will make an initial assessment to decide whether the building appears to meet the criteria for de-listing. If so, they will notify the Local Authority and the owner that a de-listing application has been received and will be taken forward. At this stage, the LA and owner can forward further information or comments on the special architectural and historic interest of the building, if they wish;
4. Historic England will assess and consider the claims that the building no longer has any architectural or historic interest. This may involve historical research and / or comparisons with other examples of the same building type. They may also wish to make an inspection of the building;
5. Historic England will draft a consultation report which forms the basis of their assessment. It is sent to the owner, the applicant and LA for comment, and also to National Amenity Societies. A period of 21 days is allowed for responses. HE can only consider comments on the special architectural or historic interest of the building;

6. Historic England will consider all representations then finalise their recommendation to the Secretary of State for Culture, Media and Sport.

The decision to de-list or not is taken by the Secretary of State.

7. After the Secretary of State has reached a decision, the owner, applicant and Local Authority will be notified by letter detailing the reasons for the decision.
8. The whole process can take up to 20 weeks.

The Secretary of State can only take into account a building's architectural and historic interest when considering an application for de-listing.

### **Demolition of listed building procedures**

The following procedure would have to be followed:

1. Prepare a package of information regarding the building which includes a description of the building's significance, and the contribution made to it by its setting;
2. Prepare a detailed, clear and convincing justification to support the proposal to demolish, which includes details of the proposed use of the site after demolition;
3. Submit a listed building consent application to the Local Authority;
4. Consultations on the application must be requested from Historic England and Amenity Societies [Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015]. The Councils in-house conservation advisers would also be consulted;
5. The Planning Case Officer will reach a decision regarding the application. If Historic England or the Amenity Societies have objected, but the Case Officer is minded to approve the application, it must be referred to the Secretary of State for Communities and Local Government for determination. [Regulation 13 of Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended]

## National planning policy context

The National Planning Policy Framework (NPPF) provides the policy context for this procedure. A link to the full document is below. The key section in relation to this issue is set out in Section 16 (pages 54–57)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

In summary the National Planning Policy Framework is clear that:–

- the loss of a grade II listed building should be exceptional;
- great weight should be given to the heritage assets conservation;
- heritage assets are irreplaceable – any loss will require clear and convincing justification;
- the local planning authority must have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest;
- consent should be refused unless it can be clearly demonstrated that the loss is necessary to achieve substantial public benefits which outweigh the loss.

Paragraph 195 of NPPF below highlights the ‘four tests’ that any demolition would face:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant–funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and



d) the harm or loss is outweighed by the benefit of bringing the site back into use”.

Paragraph 198 of NPPF states that:

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.

### **Local policy context**

The Local Plan policy which sets the framework for local decision making around listed buildings is set out below:

Cheshire District Local Plan Retained Policies – Policy ENV45 advises that:–

To justify the total loss of a designated heritage asset, ALL of the following tests must be met:–

- No viable use of the heritage asset can be found in the medium term (including through marketing for new owners);
- The heritage asset is preventing all reasonable uses of the site;
- Public support for or ownership of the asset is not demonstrably possible;
- The loss is outweighed by the benefits of bringing the site back into use.

### **Planning (Listed Building and Conservation Areas) Act 1990**

It is also important to note that local authorities under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 have a statutory duty to 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, and a duty under section 72(1) of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **APPENDIX 7. CHESHIRE HISTORIC BUILDINGS PRESERVATION TRUST PROJECT VIABILITY REPORT JANUARY 2020**

### **Overview**

CHBPT is a Building Preservation Trust, adapted from the long established Chester Historic Buildings Preservation Trust at the time of local authority reorganisation, when the Trust expanded its boundaries to align with those of the historic County of Cheshire.

With the support of the Architectural Heritage Fund, Chester Civic Trust, Cheshire West and Chester Council and The Chester Archaeological Society, the Cheshire Historic Buildings Preservation Trust (CHBPT) seeks to bridge the gap in understanding and find a route towards a sustainable new life for Dee House.

To obtain a copy of the report, please contact:

#### **Donald Insall Associates**

Bridgeway House, 5 Bridge Place, Chester, CH1 1SA

Tel: 01244 350063

[chester@insall-architects.co.uk](mailto:chester@insall-architects.co.uk)

[www.donaldinsallassociates.co.uk](http://www.donaldinsallassociates.co.uk)

## APPENDIX 8. SUMMARY OF PUBLIC CONSULTATION FEEDBACK

Period Open: Thursday 6<sup>th</sup> February – Friday 28<sup>th</sup> February 2020

Total Respondents: 60

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know	Total
1. The inclusion of community uses/information on the 8,000 year history of the area in any future scheme would be desirable	72.4% (42)	20.7% (12)	1.7% (1)	3.4% (2)	1.7% (1)	58
2. A public/private partnership is required to bring new uses to Dee House	51.8% (29)	26.8% (15)	3.6% (2)	8.9% (5)	8.9% (5)	56
3. The proposed approach to safeguard Dee House is the most suitable way forward	46.4% (26)	30.4% (17)	8.9% (5)	12.5% (7)	1.8% (1)	56
4. The format and information provided at this event is the right way to engage with the public in the future	43.1% (25)	44.9% (26)	6.9% (4)	3.4% (2)	1.7% (1)	58

## Full list of additional comments

1. The solution proposed seems most practicable there are questions that need still to be asked about some of the claims by Historic England hopefully Historic England will allow it to go ahead.
2. Pleasantly surprised at these proposals and completely agree with what has been suggested!
3. Private sector involvement is unlikely. Demolition is the only answer.
4. This has been an eyesore since I moved to Chester in 1989. I do not agree that it has merit. Money better used for some historical attraction for visitors other than Dee House. At least remove the 1900 buildings down Souters Lane.
5. This scheme represents a lost opportunity to create a vibrant signature attraction in Chester. Why not build a state-of-the-art interpretation centre for the city, telling the story of the roman/medieval/18th 19th century to today, rather than an anonymous commercial building?
6.
  1. It is disappointing that the overall setting of the Amphitheatre has not been considered alongside proposals for Dee House. The setting is very poor, blighted by nearby traffic, the poor condition of Dee House and the unsuccessful retaining wall dividing the site. Improvement of this setting for a heritage asset of national importance should be central rather than an afterthought.
  2. Has partial demolition been considered? The Kirby extension is not his best work and is out of scale with the original Georgian house. The other 19th century extensions are of no architectural significance.
  3. No money should be spent on Dee House until there is an overall vision for the site, related to other heritage assets in the city.
  4. The involvement of the Building Preservation Trust is a positive move, however I hope that this could lead to a scheme for a visitor centre with displays/cafe etc. with other areas rented out for related use rather than another hotel!
  5. To really gain widespread public and council support we need a far more positive vision which will attract the appropriate partners and funding to meet the scale of the challenge of creating a setting appropriate to the unique nature of the Chester Amphitheatre.
7. I do not agree that keeping Dee House is the best way forward. It would have been of more benefit for future tourists to excavate the amphitheatre and make something of our roman history.
8. When a major part is 'beyond rescue', don't waste time and money on spurious efforts to even discuss its future. Demolish as much as possible, and reveal more of the amphitheatre. There are many Georgian and Victorian buildings in Chester.
9. I feel that it would be useful to be able to photograph inside the building before any demolition takes place. I appreciate that is unsafe for a person to go inside, but it could be possible using a modern 360 degree camera mounted on a pole through the window openings. Happy to discuss as I do 360 degree photography.
10. Dee House should be saved. It has been made clear that there is no significant remains of the amphitheatre. Theft of stone mainly in 13th century is a contributory factor! Also, a complete resurrection of the amphitheatre site means demolishing Trident House. It's privately owned! This is not then feasible! The building dates back to 1730. It is grade II listed for a purpose. People should recognise and appreciate its lovely architecture beyond its broken windows and weeds! Time is of the essence to secure the outer structure, 28 years of neglect

should not of been allowed to happen. I believe Dee House can have a brighter future and I believe if the council invest in making this building structurally sound, it is only a matter of time before we once again see a major developer take interest in investing in this building and bringing one of Chester's beautiful assets back into use for our communities and tourists alike!

11. Dee House should not be saved. I strongly feel that Dee House is an eyesore and detracts from the beauty and heritage of the site it is situated on. This proposal does not state what its future use will be. I strongly feel that it should be demolished and the site opened up to make sure of the amphitheatre as a cultural/theatrical site which would be a unique and attractive addition to Chesters existing population and to our many visitors.
12. What a wasted opportunity. I know no one who wants the massive eyesore of Dee House kept. Instead of wasting taxpayers money salvaging a wreck, but still with no proposed future use, it should be demolished. Whilst the amphitheatre may be poor underneath, Chester could still turn it into a massive draw for tourism – build wooden staging and use it for theatre, concerts etc. It would be unique in UK. Instead of listening to the people of Chester we have just been presented with a pre-decided proposal. You should have come up with several different options and let the people of Chester decide.
13. Good presentation, lots of good info.
14. Something must be done! The general public need a user friendly method of being engaged so then they understand the full facts, now what is possible, what is not and why. If only would have been able to get EU funding!!! :(
15. The proposals heard today were sensible in the context of the statutory and legal constraints in xx in demolishing Dee House. However I see merit in the building and even if the archaeological remains of the amphitheatre are compromised, I think a better solution is not the removal of the building and the establishment of a historical/commercial development of part of the site. Having said that, the option of remaining with the status quo is not desirable.
16. Would have preferred a different conclusion re uncovering amphitheatre but take the conclusions in good faith, although without additional central support question council finance as priority. What do they have to do this? Is HLF money available. Could crowd funding create a way forward? or could someone just give the building a gentle push!!!
17. I came to the presentation in July fairly strongly of the opinion that Dee House should be demolished. The detailed and open minded approach to both the research and presentation caused me to change my mind entirely, and I'd like to thank the working group and Andy Foster in particular. Personally, I found the slides and information very helpful, and excellently presented. The posters in the foyer are great and I took photos of them all. But I do wonder how wider access to this information can be achieved? For example, the lecture in the summer could of been recorded and made available on Youtube. The slides could be accessed online and/or made available as handouts. Perhaps shorter slides could be posted on social media platforms – podcasts considered. I also appreciated the availability of different members of the working group and representatives of the council.
18. I feel this process of consultation has been very helpful and beneficial, and that Andy Foster has done an excellent job of chairing the group and presenting its findings. Thank you for taking the time and effort to take sounds from the public. I am particularly impacted by what has emerged about the wider context – several thousand years of rich history both before and after the roman period.

19. Whilst it would be preferable for the council to cover the initial cost, the present climate does not lend itself because of the many needs of the community. To follow and encourage the Preservation Trust to take control would be a preferable approach. I wish the project well.
20. The proposition that Dee House is impossible to demolish, is not compressing. Everything is possible. The regulatory bodies around the challenged! The statement that a commercial partner is needed is self-evident. If any new investment is to be achieved, it may be necessary for demolition to be the solution.
21. Whilst I would love to see a satisfactory outcome to the future of this building within my future it necessarily comes down to finance! Local government does not have the measures (which would have to be taken from other budgets) and I'm afraid to say that central government will have to fund its future projects in order to preserve the building initially and then seek a private/public partnership to move forward in a joint working.
22. It seems to me that in continuing the collaborative approach, this is needed going forward, to stabilise the integrity of the building and then secure funding from both the public and private sector. Has an approach to the Grosvenor Estate been considered for funding. The 'Duke of Westminster Heritage Centre' has a nice ring to it.
23. The future use of Dee House will require car parking – can demolition of some of the south side of the Georgian townhouse make this happen as no one has a view of this now from a distance?
24. The proposals of the working group feel like the most positive step forward in the troubled history of Dee House for the last two decades.
25. Wholehearted support from the advisory groups recommendations and findings.
26. An excellent presentation of the conclusions of a really successful process. The conclusions are self-evident. The ultimate use of the site remains a concern.
27. The safeguarding strategy of going in through the roof asap sounds a reasonable way to ensure the structure is safeguarded. The crucial point to safeguard the 'site' and the potential as an asset to Chester seems to be to identify a viable future use.
28. My knowledge of the site was minimal but attended the first event which was really well presented and I completely agree with the findings. I am happy that every option was explored and not dismissed. I would really like the site to be developed to incorporate a music venue which was discussed in the first meeting. I'm very impressed with the whole process and am glad the findings are to save a beautiful historic building.
29. I have ticked I don't know as though the format and information provided tonight was excellent and demonstrated an cohesive way forward, I am very uncertain on how the information about the event was made available to the people of Chester and Cheshire West to educate the taxpayers that a) Dee House demolition should be discounted b) the amphitheatre cannot be excavated and would not reveal a Chester version of the colosseum. Whatever public/private partnership has to ensure the continued public access to the site.
30. I just think we need vision as to what we really want at Dee House. I liked Adam's vision – but it seems it has been quashed!!



31. A fascinating overview!
32. It's important that the momentum generated by the work of the working group is carried forward and that action is taken as soon as possible. We need to stop this issue becoming a party political football.
33. My main concern is that lessons are learned from this whole sorry mess and we are never again in a position where a building is abandoned and left for other to try and sort. There has been too much destruction in Chester over the years, time to preserve our heritage (all of it, not just roman). My fear is that the money to protect the building will not be forthcoming, and the site will sit for another 28 years. Consultations with locals is definitely the way forward for future schemes.
34. As someone who wanted to see Dee House knocked down a year ago, I am very happy to see efforts are now to save it. I feel the plans are excellent but no idea where the money is going to come from. Well done working group!
35. Having now received the info from the working group I feel much better informed of the feasible options moving forward. The presentation has taken a pragmatic approach and I feel all options have been duly considered. Hopefully the funding will be obtained to preserve the site and a practical solution will emerge. At least we now have realistic information.
36. I think the proposals are right, and should be pursued as quickly as possible. Would some form of public subscription be useful to raise some funds, with some small 'perks' for subscribers. How about a suitable art gallery as a use for the building?
37. I think the working group has done an excellent job and I am very supportive of their conclusions.
38. For a public/private partnership to be successful, council financial investment is critical – doing nothing is not an option. Need to consider the wider impact on Chester as a destination. Council needs to work as a whole to deliver the scheme i.e. planning, conservation, highways, building control etc. Excellent presentation with clear recommendations. Who is going to hold the council to account??
39. The group has obviously worked hard and the conclusions were presented clearly and concisely – well done! Although gaining funding would be an uphill struggle, Chester is in great need of a new visitor experience and this building offers a great opportunity with the right vision and leadership. The medieval history of Chester is first class and could be a focal point.
40. I feel that only having one presentation is not enough to fully engage the community. There should be more opportunities for people to hear this info. I think it's hugely important that the future use of the site includes heritage and community uses. If this work is done, and then the site turned into a commercial venture e.g. hotel then it's almost less use to Chester than the current site. Chester really doesn't seem to make the most of its cultural/heritage assets and seems to be falling behind cities that do more with less.
41. In principle I agree with the findings of the working group but there is no indication of costs. Thwaites pulled out because CWAC couldn't provide access for surveys. How has that situation changed?
42. Public sector should have no role in this process other than as normal part of planning process. The building should be sold on the open market and the future of it decided by commercial reality/viability. I fundamentally disagree with conclusions 1,2,3 and 4. Nothing should be discounted and Dee House is neither important nor unique. The Rows, Cathedral and Walls are.... Dee House is not.

43. Thank you for the information contained in the presentation. Pleased to see following the extensive work, the recommendations with which I agree. Seems to me that the channel we have is very narrow. In order to try move for a future, we must address the conservation deficit. I note that the council have earmarked £500k in the proposed budget for DH, this should be spent. We have to accept that it may take some time to get past 'base zero', but without it we cannot move at all. CWaC may be criticised for such spending, but in the circumstances, I would support. The question then is what to do with it and clearly a public/private deal will need to address both a return for an investor and a justification to spend taxpayer money. Maybe something similar to the Thwaites scheme, with something added (museum/historical Chester/Chester as a port), there are 8000 years to cover. We do need another reason to draw people to Chester, especially with the demise of the high street (with shopping being a key attraction to the city). We need to address much extant negativity. My question is how do we go about marketing the opportunity? Would like to think that with the deficit removed some inventive schemes might emerge. Stakeholders must keep an open mind. I certainly will.
44. I'm all for 'community involvement' in steering projects like this but I am concerned that people are being asked for an opinion on issues about which they have little knowledge – and we should really accept the recommendations of those on the Committee who have researched this matter in great detail. Otherwise we end up with the 'child dancer' winning the talent competition because everyone thinks they're cute, even though they can't really dance!
45. I would prefer to see the section of the building with arch windows remain and the rest demolished to allow a modern high quality building to be attached to contrast and highlight the features and design of the remaining part of Dee House. I would envisage the end use being a high class visitor centre or similar.
46. 1. The option to demolish all or part of the Dee House building appears to have been dismissed without any detailed commercial understanding of the delivery of the preferred option to retain and restore the existing buildings. We believe there is a case for partial / total demolition subject to replacement with a new building which is exemplar in terms of design and environmental sustainability.
2. The detailed cost of restoration has not been considered.
3. In our opinion, the suggested Conservation Deficit of c.£500,000 is a gross underestimate. We believe the figure may be many several times this amount. We believe the approach to the assessment of the Conservation Deficit may be unsound, which will impact on the soundness of the preferred strategy conclusions.
4. The owner says it has no funds to restore the building, however, it has a statutory obligation to maintain it.
5. The absence of a commercial appraisal to understand the viability of a public/private sector joint venture structure and consequent Conservation Deficit call into question the strength of the study's conclusions.
6. We wonder that the study group should have included advice on private sector occupier and funding markets – surely a fundamental in assessing scheme viability? Our members have the requisite skills here and would be delighted to assist in the future.

7. An analysis of the potential uses for the proposed restored property is required, as well as the potential equity that the private sector may or may not be able to deliver in this regard. 8. We would like to understand what the ultimate outcome of the study's conclusions is, as it is not clear from the conclusions presently.

We would welcome the opportunity to assist and support the Working Group in its next phase of work, particularly in the development of a vision and an assessment of the commercial potential to be derived from the identified potential uses. There is a real risk that the conclusions of the present study will lead the owner along a pathway which may not actually deliver the desired restoration of Dee House. Such an outcome would be deeply regrettable for everyone who has a vested interest in the success of the city.

As an Association, we are here to offer our skills and expertise in a positive and constructive manner to support the Working Group in achieving its aims.

**47.** The Executive Committee of Chester Civic Trust:

1. Supports the conclusions and recommendations of the Chester Growth Partnership Dee House and Amphitheatre Working Group
2. Notes with dismay the deterioration of this Listed Building during 27 years of municipal ownership
3. Calls on Cheshire West and Chester Council to take urgent steps to ensure the funding of the Conservation Deficit identified in the report of Cheshire Historic Buildings Preservation Trust
4. Calls on the Council to work with English Heritage and any developer of the site to ensure that a substantial portion of the site is devoted to an accessible interpretation centre. This should celebrate and increase public understanding of the 8,000 year history of the area
5. Congratulates the Working Group on its collaborative and consensual approach and hopes that this will be continued by the Council.