



## Appeal Decision

Hearing held on 5 December 2023  
Site visit made on 5 December 2023

**by Jameson Bridgwater PGDipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

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### **Appeal Ref: APP/R0660/W/23/3316272**

#### **2-4 Gatefield Street, Crewe, CW1 2JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Yates against the decision of Cheshire East Council.
  - The application Ref 21/2601N, dated 26 April 2021, was refused by notice dated 23 November 2022.
  - The development proposed is described as the 'demolition of existing building and erection of a residential block of flats'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of a residential block of flats at 2-4 Gatefield Street, Crewe, CW1 2JP in accordance with the terms of the application, Ref 21/2601N, dated 26 April 2021, subject to the 22 conditions set out in the attached schedule.

### **Application for costs**

2. An application for costs was made by Mr Yates against Cheshire East Council. This application is the subject of a separate decision.

### **Preliminary Matters**

3. Since the submission of the appellant's appeal, the National Planning Policy Framework (the Framework) has been revised twice. Firstly, on the 5 September 2023 then subsequently on the 20 December 2023. The revisions to the Framework do not directly relate to the main issues of dispute and therefore are not material in the consideration of the appeal before me.
4. The original application provided a site address of 2 Gatefield Street, Crewe, CW1 2JP, however I have used the address from the decision notice as it more accurately reflects the location of the appeal site.

### **Main Issues**

- i) The main issues in the appeal are;
  - the effect of the proposal on the character or appearance of the area; and
  - the effect of the proposal on the setting of nearby listed buildings; and
  - whether 2-4 Gatefield Street is a non-designated heritage asset, and if it what is the effect of the proposal on it.

## Reasons

5. The appeal site is located on the corner of Victoria Street and Gatefield Street within Crewe town centre. The existing building is a former night club which has been predominantly vacant for a number of years. The main elevation of the building faces onto Victoria Street with a traditional double fronted bay windowed Victorian facade. The building has been extended to provide a bar/club room fronting Gatefield Street, this extension has an industrial/utilitarian appearance. The building is in poor condition with several alterations to the external elevations (entrances and windows) and extensively altered internally, including structural issues due to the floors being rotten.
6. The appeal proposal seeks the demolition of the existing building and the erection of a residential block of flats and ground floor office. The design of the flats is a 3-storey, L-shaped form, which turns the corner of Victoria Street and Gatefield Street and provides a transition between the existing two storey terrace and the proposed flats. The mass is broken up with varying window sizes, balconies, and a changing roofline. The proposal would be constructed largely in brick, with detailing to differentiate levels and to define the roofline.

### Character and appearance

7. I have carefully considered the representations of the Council regarding both the height and fenestration of the proposal in regard to any potential impact on the character of the area.
8. In terms of the proposal, based on the evidence before me and my onsite observations, I consider that the scheme is well resolved and positively addresses the junction of Victoria Street and Gatefield Street. The increased height at the junction would not be out of keeping with the street scene or the area in general given that there are a number of other taller buildings within the proximity of the appeal site. The mass of the building would reduce in height in Gatefield Street ensuring that there is a well-articulated transition between the three-storey elements of the proposal and the two-storey terrace that it would adjoin. Furthermore, the proposal would enhance the character and appearance of the area by replacing the industrial/utilitarian extension and infilling the gap in the Gatefield Street frontage, that collectively in my judgement have a detrimental impact on the character of the area. In reaching this conclusion I have had regard to the contribution that the Liberal Club and the Technical Institute make to the overall character and context of the area.
9. In terms of the fenestration, I am satisfied that the contemporary detailing of the proposal although different to the predominantly Victorian building typology would not harm the character of the area. Therefore, whilst I accept the Council's desire to retain and reuse the original building, the replacement development proposed would not appear incongruous or jarring in this site-specific context.
10. Having come to the conclusions above, it follows that the proposal would not materially harm the Victorian railway town character and appearance of the area. It would therefore not conflict with Policy SE 7 of the Cheshire East Local Plan Strategy 2010 – 2030 and Policy HER 7 Cheshire East Local Plan Site Allocations and Development Policies Document, that seek, amongst other things, to ensure that development proposals avoid harm to heritage assets and make a positive contribution to the character of the historic and built

environment. The policy also directs that proposals should avoid poorly executed pastiche design solutions.

#### Listed buildings

11. I have carefully considered the representations of the Council with regard to the potential impact of the proposed development on the setting of nearby heritage assets. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
12. 76-90A Victoria Street, is a Grade II listed terrace of 2-storey railway workers cottages constructed from brick with slate roofs that were built circa 1850. Whilst I accept the proposal would be viewed within the context of the listed terrace, I consider that there is adequate separation between the proposal and the terrace. Moreover, the separation is further reinforced by the altered/modern intervening buildings that sit between the appeal site and the listed building. As such, I do not consider that the proposal would harm the setting and therefore the significance of the Grade II listed terrace 76-90A Victoria Street.
13. St Mary's located at the junction of Gatefield Street and Delamere Street, is a Grade II listed Roman Catholic church by Pugin and Pugin. There would be a degree of intervisibility between the rear of the church and the appeal site. However, there is adequate separation and as such I do not consider that the proposal would harm the setting and therefore the significance of this Grade II listed building. This is consistent with the conclusion of the Council's Built Heritage Officer at the hearing<sup>1</sup>.
14. 47 Delamere Street is a Grade II listed railway (LNWR<sup>2</sup>) manager's house of circa 1850. It is constructed from red and brown brick with slate roof. It comprises 2 storeys and attic with a projecting single storey flat roofed timber entrance porch. The house is located at the end of Gatefield Street and provides a degree of closure to the street scene. There would be a degree of intervisibility between the house and the appeal site. Notwithstanding this, there is adequate separation from the proposal and as such I do not consider that the proposal would harm the setting and therefore the significance of this Grade II listed building.
15. Consequently, the proposed development would not result in material harm to the setting of the 3 Grade II Listed Buildings identified above. Therefore, the proposed development would not fail to preserve the setting and therefore the significance of the 3 Grade II Listed Buildings. Having reached this conclusion there would be no conflict with Policy SE 7 of the Cheshire East Local Plan Strategy 2010 - 2030 that seeks, amongst other things, to ensure that development proposals avoid harm to heritage assets.

#### Non-designated heritage asset?

16. The appeal building is not a statutory or locally listed. Notwithstanding this, the Council at the hearing argued that the building should be considered as a non-designated heritage asset (NDHA). However, based on all the available evidence and my on-site observations I consider that whilst the building retains

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<sup>1</sup> A Fairclough – Cheshire East Council

<sup>2</sup> London and North Western Railway

some of its original features there have been several alterations and additions that significantly compromise its architectural merit, and as such it does not have any features that merit significant architectural or historic value. My conclusion is consistent with the original assessment made by the Council's Built Heritage Officer<sup>3</sup>.

17. In terms of its historical context, I accept that the building was previously occupied by Dr Richard Lord and Dr (Sir) William Hodgson who held public positions in Crewe's early history. It is principally for this reason that Crewe Town Council made an assessment in March 2022, with the building being allocated on their Local Heritage Asset Register and nominated it for inclusion within the Cheshire East Local List in March 2022<sup>4</sup>. However, based on the evidence and their relatively short period of occupancy of the building I consider that this amounts to only a limited historical association of local note.
18. Furthermore, there is no evidence before me that indicates that the appeal building has been subject to an objective criteria-based assessment by the Local Planning Authority. In considering such matters, the advice within the national Planning Practice Guidance (PPG) states that there are a number of processes through which a NDHA may be identified. Importantly however, regardless of how they are identified, the decision to identify them as a NDHA must be based on sound evidence. Moreover, accessible, clear, and up to date information on a NDHA must be made available to the public to provide greater clarity and certainty for developers and decision-makers, including information on the criteria used to select NDHA and about the location of existing assets. The PPG also stresses that it is important that all non-designated heritage assets are clearly identified as such, and from the information that has been presented, I cannot be certain that this is the case before me.
19. Therefore, based on the evidence before me and what I heard at the hearing I do not consider that it has been adequately demonstrated that the building should be considered as a NDHA or that the building's heritage significance has been subject to an objective criteria-based assessment and as such should be classified as a NDHA. As such the proposal, which would result in the loss of the building, would not conflict with Policy HER 7 Cheshire East Local Plan Site Allocations and Development Policies Document or Paragraph 203 of the Framework.
20. In reaching this conclusion I have had regard to the judgement, *Holland v SoS CLG* [2014] EWHC 566 (Admin) Lang. However, apart from the written judgement I have limited information and it is almost certain that the circumstances are materially different to the appeal before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.

### **Other Matters**

21. In support of their position the Council has cited an appeal decision by the Secretary of State in Oxford Street, London<sup>5</sup> and argued that the existing building should be retained and reused to support the transition to zero-carbon

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<sup>3</sup> Mel Morris – Pre-application assessment

<sup>4</sup> As of 5 December 2023, the appeal building had not been added to the Local List

<sup>5</sup> APP/X5990/V/3301508

economy. However, there is no evidence before me that demonstrates that the Council have sought any technical information in relation to the suitability of the building for conversion or if it is structurally capable of being converted. Therefore, given that the poor structural condition of the building was uncontested by the Council at the hearing I consider that the circumstances of the appeal before me are fundamentally different to that of the decision by the Secretary of State and therefore it does not lead me to a different conclusion in this case.

## **Conditions**

22. The conditions suggested by the Council have been considered in light of the advice contained within the PPG and the Framework. The appellant has confirmed in writing that, in accordance with the Regulations<sup>6</sup>, they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
23. In addition to the standard implementation condition (Condition No 1), it is necessary for certainty, to define the plans with which the scheme should accord (Condition No 2). To ensure the satisfactory appearance of the scheme it is necessary for the materials used in its construction to be agreed by the Local Planning Authority (Condition No 3). To ensure the satisfactory appearance of the scheme it is necessary for the details of the fenestration, bin, and cycle storage to be agreed by the Local Planning Authority (Conditions Nos 20 and 21).
24. It is necessary in the interests of amenity to ensure that there is adequate protection for the trees on and adjacent to the site during construction and to ensure that the landscaping of the scheme is carried out in accordance with the approved plans (Conditions Nos 4, 5, 6, 7, 8 and 9). Furthermore, it is necessary in the interests of biodiversity to impose conditions that ensures that the scheme is carried out in accordance with a submitted biodiversity plan and that there is the necessary protection for nesting birds (Condition Nos 10 and 11). It is necessary in the interests of highway safety to ensure that the existing drop kerb is removed and reinstated (Condition No 12).
25. It is necessary in the interests of amenity to ensure that the development is carried out in accordance with the recommendations of the submitted acoustic report (Condition No 13). To minimise the risk of flooding, it is necessary for details of surface water drainage to be agreed with the Local Planning Authority (Conditions Nos 17, 18 and 19). It is necessary to impose conditions requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the Local Planning Authority (Conditions No 14, 15 and 16). Condition No 22 secures a record of the existing building prior to any demolition as a local historic resource, the wording of this condition has been amended to reflect my findings above.

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<sup>6</sup> The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

## **Conclusion**

26. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

*Jameson Bridgwater*

INSPECTOR

## **Schedule – Conditions**

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out in total accordance with the approved plans;

932\_805 Rev D  
932\_806 Rev C  
932\_807 Rev E  
932\_808 Rev D  
932\_809 Rev D  
932\_810 Rev B  
932\_820 Rev C  
932\_821 Rev C  
932\_801 Rev A  
932\_800 Rev A  
932\_803 Rev A  
932\_802 Rev A

3. Prior to the first use of all external materials and surfacing materials, full details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Prior to commencement of the development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - details of hard-landscaping, including boundary treatments and vehicular and pedestrian hard-surfacing which incorporates re-used /recycled materials (including annotated cross-section(s))
  - planting plans with written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment) and schedules of plants (noting species, plant sizes, the proposed numbers and densities)

5. The approved landscaping plan shall be completed in accordance with the following:-
  - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
  - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005 Trees in Relation to Construction: Recommendations.
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
6. The boundary treatment shall be included as part of the landscaping scheme to be submitted and approved in writing by the Local Planning Authority. The development shall be implemented as approved prior to the first use of the site.
7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
8. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees/hedges produced in accordance with BS5837: 2012 (Trees in Relation to Design, Demolition and construction - Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.  
  
(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
9. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
  - b) Implementation, supervision and monitoring of the approved Tree Work Specification
  - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
  - d) Timing and phasing of Arboricultural works in relation to the approved development.
10. Prior to first occupation of the building an updated Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved features to be permanently retained.
11. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
12. Prior to the first occupation of the building, the existing dropped kerb access that is no longer required should be removed, and the kerb be reinstated to line and level.
13. The mitigation recommended in the acoustic report TW31012013NR shall be implemented in full prior to the occupation of each unit / dwelling / phase
- The recommended glazing and ventilation scheme outlined in sections 5 and 5.1 of the report is to be implemented in full.



- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

14. No development (other than agreed demolition and site clearance works) shall commence until:
- (a) A Phase I Preliminary Risk Assessment has been submitted to, and approved in writing by, the Local Planning Authority (LPA) AND if required:
  - (b) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the LPA AND:
  - (c) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the LPA.

15. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report prepared in accordance with the approved Remediation Strategy that covers that part of the development to be occupied or used.
16. (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
- (b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.
17. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

18. Foul and surface water shall be drained on separate systems.
19. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted

to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan.

20. Full details of all bin and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved and available for use prior to the first occupation of the building, and then retained for their intended use in perpetuity.
21. Notwithstanding the approved plans, full details of all windows, doors, balconies, window reveals, lintels, brick course details, eaves details, plaques, rainwater goods, flues etc shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. The development shall be implemented in total accordance with the approved details.
22. Prior to the demolition of the building hereby approved, a record of the building, including photographic evidence and available historic knowledge, shall be submitted to Local Planning Authority to be made available for public access.

## **APPEARANCES**

### FOR THE APPELLANT:

Simon Smith	En-Plan
Neil Spruce	Dantes Rock and Metal Club 2-4 Gatefield Street

### FOR THE LOCAL PLANNING AUTHORITY:

Gemma Horton	Senior Planning Officer
A Fairclough	Built Heritage Officer

### INTERESTED PERSONS:

Vicky Harrison	Heritage Manager - Crewe Town Council
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