



Appeal Decision

Site Visit made on 28 September 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/C3240/W/21/3277408

1 Reynolds Wharf, Coalport, TELFORD TF8 7HU

- 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 Premiere Estates against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0965, dated 15 September 2020, was refused by notice dated 4 January 2021.
 - The development proposed is described as follows: Re-surfacing of the private access road serving the Reynolds Wharf residential development. The current surface is 100mm thick tarmacadam with a 5-10mm thick bitumen bonded aggregate finish which has worn significantly in the short time since the development was completed in c.2005. The plan is to plane off the existing finish and resurface the road surface with black tarmac to match the main road into the development. The block paved crossing points will remain unchanged. The cost of these works will be significant and will be borne by the residents. This proposal provides a hard wearing, cost effective finish which will be more sustainable than the original finish.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the Ironbridge Gorge World Heritage Site (IGWHS);
 - whether the proposal would preserve or enhance the character or appearance of the Severn Gorge Conservation Area (SGCA);
 - whether the proposal would preserve the setting of adjacent Listed Buildings, namely the Grade II* former Coalport Chinaworks and the Grade II premises formerly occupied by the Nunway Manufacturing Company Limited.

Reasons

3. I have a statutory duty under s72(1) and s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and preserving the setting of LBs. Paragraph 184 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to

their significance. Additionally, paragraph 199 advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset...the more important the asset, the greater the weight should be.

4. The appeal site lies within the IGWHS and the SGCA and is within proximity of the listed Grade II* former Coalport Chinaworks and Grade II premises formerly occupied by the Nunway Manufacturing Company Limited.

World Heritage Site

5. World Heritage Sites are internationally recognised as being of outstanding universal value. The IGWHS is known throughout the world as a symbol of the Industrial Revolution (IR). It contains extensive evidence and remains of many buildings and infrastructure from that period. One of the key features of interest is Coalport, in particular the Coalport Chinaworks. These factors are central to the significance of the IGWHS.

Conservation Area

6. The SGCA derives a key part of its significance from the long industrial history of the area; the collection of heritage buildings and remaining infrastructure add to its significance. Coalport was planned as an inland port, and it made a significant contribution to the development of the IR.

Listed Buildings

7. Listed Buildings (LBs) are deemed to be of national importance. The Coalport Chinaworks is listed Grade II*, ie the second highest category listing in England. The significance of this Grade II* LB stems from John Rose having developed the world-famous porcelain business in the early 1800s at the Coalport Chinaworks. The premises of the building formerly occupied by the Nunway Manufacturing Company Limited derives its significance mainly from many of its architectural features and materials used. I consider the settings of both LBs, which include other buildings and infrastructure of historical significance that have been sympathetically redeveloped, to contribute to their significance. Given the proximity of the appeal site to both LBs referred to, I consider it to be located within the settings of both LBs.

Effect of the proposal on the heritage assets

8. The site consists of a private access road which serves a residential development of around 42 units constructed around 2004/2005. The north western end of the private road is taken from an access road off Coalport High Street. This access serves not only the residential development, but a Youth Hostel and heritage visitor attractions located in Coalport, including the museum that is located within the former Chinaworks buildings.
9. I acknowledge that the access road off Coalport High Street has a black tarmac finish. However, this section of road is relatively short and covers a small area in comparison to the private road serving the residential development and the car parking areas associated with the Youth Hostel and visitor attractions. Additionally, as the access off Coalport High Street serves all the surrounding developments, it serves a different purpose to the private road, and the extent of vehicles using it is far greater than the extent of vehicles using the private residential road.

10. The proposal basically seeks to replace an existing road surface comprising of buff grit and bitumen coloured dressing applied to a tarmac base, with a black tarmacadam surface. The private road has some similarities with the surface of the car parking areas serving the Youth Hostel and visitor attractions. Hence, except for the small section of access road off Coalport High Street that serves the range of developments referred to, the surfaces of the private road and car parking areas are lighter, and the materials used have a looser appearance, than black tarmacadam. Additionally, I agree with the Council that the existing surface of the private road has the character and appearance of an informal historic track; and that the road is an integral part of the overall design of the residential development, which complements it and is in keeping with the surroundings.
11. I appreciate that the existing block paved areas that break up the stretch of private road, along with the residential car parking areas and hard landscaped footpaths, would be retained. I also acknowledge that the blackness of the proposed tarmacadam finish would discolour a little over time. However, due to the extent of the private road that would be covered in black tarmacadam, I consider the use of such a modern material would detract from the industrial origins of the area, which would be harmful to the character and appearance of the area.
12. Consequently, I conclude that the proposal would harm the character and appearance of this part of the IGWHS, would not preserve or enhance the character or appearance of the SGCA, and would not preserve the settings of the LBs referred to. As such, the proposal would not accord with policies BE1, BE3, BE4 and BE5 of the Telford & Wrekin Local Plan 2011-2031, (2018). Although these policies do not specifically mention materials to be used on road surfaces, collectively, and amongst other things, the policies broadly require development to: respect and respond positively to its context and enhance the local built environment; protect and enhance the IGWHS; preserve the setting of LBs, and preserve or enhance the character or appearance of CAs.
13. In the reason for refusal the Council refers to the proposal being contrary to guidance in the Severn Gorge Conservation Area Management Plan (CAMP). Firstly, I note that this document is guidance and not policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Hence, the policies referred to above are part of the development plan; as such, they are the most important policies against which proposals shall be determined, not the CAMP, as suggested by the appellant. The CAMP is a material consideration.
14. I acknowledge that item 3 under the heading 'Ground surface treatments' within section 5.4.1.3 of the CAMP does not specify a private road serving a residential development. However, the opening paragraph of section 5.4.1.3 refers to the surface materials of "major vehicle and pedestrian routes" and "other roads", which suggests to me that this section of the CAMP is concerned with vehicle and pedestrian surfaces of all types, from major roads to private driveways within a residential curtilage. Furthermore, item 3 under the heading 'Ground surface treatments' does refer to "private driveways". The appeal site is not an adopted road. As such, it could be described as a private driveway serving a residential development. The guidance advises that the use of overtly modern materials, which would include black tarmacadam, should be avoided

in such contexts. As such, I consider the proposal does not accord with guidance in the CAMP.

15. The appellant refers to item 5 under the heading 'New build design' in section 5.3.5 of the CAMP, which advises that details of new developments, including materials, should have longevity in mind and avoid materials which require frequent repair or replacement. However, firstly, the 5 points under the heading 'New build design' need to be read in the context of the content of the section 5.3.5 overall, which advises that the *"significance of the Severn Gorge and the WHS in particular lies to a large extent in the industrial monuments and the landscape (natural and manmade) in which they sit. Anything which detracts from this should be avoided."* I have concluded that the proposal does detract from the context within which it sits. Secondly, I have not been persuaded that the material used on the site does require frequent repair or replacement.

Public benefits and other considerations

16. With regard to paragraph 202 of the Framework, I consider the degree of harm to be less than substantial. As such, it needs to be weighed against the public benefits.
17. I acknowledge that the material proposed would be economically beneficial to the residents that are required to pay for the road's maintenance. However, this would be of private benefit to those individuals and not a public benefit. As such, I attach little weight to this matter.
18. The appellant contends that the existing surface is "dilapidated", "not fit for purpose", has "failed" and that replacing it with a similar material would not be sustainable. I observed what I consider to be minor areas of wear and tear to the private road. In my opinion the extent of wear and tear does not amount to the road being "dilapidated". Nor have I been presented with any substantive evidence that demonstrates that the surface has functionally "failed" and/or is "not fit for purpose".
19. Furthermore, the Council has suggested an alternative material of resin bound gravel. The appellant considers such material to be inappropriate for a "major" road. However, I do not consider the private road to be a "major" road. Furthermore, although I accept that it is used by occupants of the 42 residential units, their visitors, delivery vehicles, tradespeople, refuse collection and from time to time a heavy goods vehicle, the nature and appearance of the road are such that vehicles are very likely to be travelling at very slow speeds, which would reduce wear and tear on the surface.
20. I also observed the material used on the adjacent car parks serving the Youth Hostel and visitor attractions, which I consider highly likely experience a much greater volume of traffic than the private road, is in keeping with the area, as well as appearing to be functionally suitable. Given these factors, such a material may be an alternative to the black tarmac proposed. Bearing the above factors in mind, I am not persuaded by the suggestion that using a material other than black bitumen would not be sustainable. For the reasons outlined, I attach little weight to the matters discussed in support of the proposal.

21. The appellant has drawn my attention to several developments (within the IGWHS and close to LBs) where black tarmacadam has been used to surface private driveways and car parking areas. The appellant suggests that such examples demonstrate that the Council has been inconsistent in applying guidance, and therefore it is unfair not to allow black tarmacadam for the proposal.
22. I acknowledge what is shown in the photographs provided. However, I have not been provided with the level of detail that would enable me to conclude that any of the developments referred to are directly comparable to the appeal site. Thus, for example, I have not been provided with full details of the sites and the proposals; what materials were present on the private driveways and car parking areas prior to development occurring; the details, including significance, of any CAs the sites are within, or the listing details, and significance, of the LBs within proximity of the developments and how their settings may be affected. Regardless, I must determine the appeal on its own merits, taking account of the specific circumstances of the site. Consequently, I attach little weight to the cases I have been referred to as justification for the proposed development.

Conclusion

23. For the reasons outlined above, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR