

TWC/2018/0067

Land rear of garages to 35-39 Reynolds Wharf, Coalport, Telford, Shropshire  
Replacement of existing wooden spindle rails with glass screens to existing decking with additional steps to the river bank, installation of 2no. large garden parasols and replacement gates (Retrospective)

**APPLICANT**

Reynolds Wharf Residents Association, H Reynolds

**RECEIVED**

24/01/2018

**PARISH**

The Gorge

**WARD**

Ironbridge Gorge

**OFFICER** Martha Louise Fletcher

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR NICOLA LOWERY.**

**1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the replacement of existing wooden spindle rails with glass screens to existing decking, with additional steps to the river bank, installation of two large garden parasols and replacement gates at land to the rear of 35-39 Reynolds Wharf, Coalport.
- 1.2 The works have already been undertaken and as such, this application is retrospective. The site is located within the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.
- 1.3 Planning permission was granted in 2009 (W2009/0864) for an enclosed decked area to the rear of the garages. On the approved plans, the decking area was enclosed with a wooden balustrade. This enclosure was subsequently changed to glass screens and as such, the form of the enclosure is no longer in accordance with the approved plans and requires planning permission.
- 1.4 Planning permission is required for the gate as permitted development rights have been removed from the entire development in regards to fences, gates and walls.
- 1.5 The steps and parasols require planning permission as the Local Planning Authority considers them to constitute development.
- 1.6 As the work has not been carried out within the curtilage of a dwellinghouse, the Article 4 Direction is not applicable in this instance.

## **2. SITE AND SURROUNDINGS**

- 2.1 The site is located within Coalport a settlement located on the north bank of the River Severn opposite Jackfield.
- 2.2 The Reynolds Wharf housing development was approved by the Local Planning Authority in 2001 (W99/0499). The development comprises of a number of dwellings, which vary in scale and design. The development was designed to be sympathetic to the sensitive area in which the site lies.
- 2.3 The works which have been carried out are located on a piece of land to the rear of a detached block of garages which are associated with 35-39 Reynolds Wharf.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 W2009/0864 – Retrospective planning permission for decking – Full Granted on 27/11/2009.
- 3.2 W99/0499 – Erection of 24no. Dwellings and 6 flats, conversion of Nuway building to form 4no. Dwellings and old coffee house to 3no. Dwellings – Full Granted on 24/04/2001.

## **4. PLANNING POLICY CONTEXT**

- 4.1 National Planning Policy Framework
- 4.2 Telford & Wrekin Local Plan 2011-2031:
  - NE1 Biodiversity and geodiversity
  - NE2 Trees, hedgerows and woodlands
  - BE1 Design criteria
  - BE3 Ironbridge Gorge World Heritage Site
  - BE5 Conservation areas
  - BE9 Land stability
  - ER12 Flood Risk Management

## **5. SUMMARY OF CONSULTATION RESPONSES**

- 5.1 The Gorge Parish Council – Object:  
Glass screens inappropriate in World Heritage Site. The locked gate is already the subject of complaints and investigation by TWC and should not be part of this application. The application purports to be from the residents association yet significant number of the residents strongly object.

- 5.2 Cllr Nicola Lowery – Object:  
The footpath is currently subject to an application to place it on the Definitive Right of Way Map, however there is no mention of this within the application. It is assumed that the proposal is subject to the Article 4 Direction which removed permitted development rights for certain developments. It is considered that the proposal is not appropriate within the existing riverbank scene. The addition of steps is not in keeping on the riverbank and a more natural approach to the riverbank would have been more acceptable to reduce the visual impact than the glass design proposed. The existing and proposed gate is not appropriate, primarily due to its height which is overbearing given its surroundings and its design, as a more rural proposal to include a lower height would have been more acceptable in design terms. Overall, the replacement of existing wooden spindle rails with glass screens to existing decking with additional steps to the river bank and replacement gates are unsympathetic, contrary to policy BE1 in the Telford & Wrekin Local Plan and would adversely affect the character, appearance and historic environment, within the designated World Heritage Site and Conservation Area.
- 5.3 Arboricultural – No objection
- 5.4 Contaminated Land (Environmental Health) – No comment
- 5.5 Ecology – Comment:  
Confirmed that an Ecology Survey had been undertaken by the applicant and confirmed that there are no Otter holts within this location and as such, would not propose a constraint to the planning application. It was requested that a condition was placed on any approval which required the submission of a lighting plan.
- 5.6 Archaeology – No comment
- 5.7 Shropshire Fire Service – Comment:  
As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service’s “Fire Safety Guidance for Commercial and Domestic Planning Applications” document.
- 5.8 The Council’s Geotechnical, Drainage and Highways team have been formally consulted on this application however; they have chosen not to provide comments on the scheme.

Local Representations:

5.9 Three neighbours have been formally consulted on the proposal. The Local Planning Authority has received eleven letters of objection and one comment letter. The objections raise the following concerns:

- The proposals are not in keeping with the historic environment (WHS and CA).
- The proposal is causing harm to wildlife.
- There is no mention of the gates on the application forms in the description section. It appears that the gate is to be relocated from its original position.
- Questions whether all of the land subject to this application owned by the applicant?
- The works are modern, unsympathetic and would adversely affect the character, appearance and historic environment, within the designated World Heritage Site and Severn Gorge Conservation Area.
- A wildlife assessment should be submitted in relation to the changes to the decking.
- Object to the colour of the parasols as they are large, stand out and spoil the view from both sides of the river.
- The gate does not form part of the decking or its structural surroundings implied by the description of the application. Object to the gate as it blocks the permissive path.
- The gate is unsightly and does not fit with other fittings in the street and Conservation Area. Article 4(2) mentions removal of existing and erection of new gates. The gate does not match in look and design - colour or height; it is over bearing and not in scale with its surroundings. The original gate did match.
- The gate has an adverse effect on the character of Reynolds Wharf, the open riverbank beyond and surrounding Conservation Area. The gate is much taller than adjoining fences and hedges and of poor quality and appearance.
- All residents of Coalport are affected by this application for the gate. The pathway is an amenity used by Coalport residents. Closing it with this gate is damaging good relations within the village and does not have the permission

of all landowners.

- Local concern that the gate will block what had previously been an accessible route along the line of the old canal. There is local support for an application for a Definitive Map Modification Order.
- The LPA should recognise local concern. The senior Rights of Way Officer is gathering support for this application and should be consulted.
- The gate is not part of the decking or access to the river bank at the back of the garages, but is for access to and from the Reynolds Wharf estate, and not on “land at the rear of garages 35-39”.
- The gate should not be included within this application as it is not part of the decking. This gate is too tall and, ugly and inappropriate and does not fit in with other features of the estate, low fences and walls etc.; and is very different in style to all existing gates. The proposed key-pad lock also mentioned should not be allowed as it restricts access by residents.
- Inappropriate development in area covered by the Article 4 Direction.
- The design of the wooden enclosure was in keeping with the area and did not have the visual impact that the current inappropriate glass design. The decking appears too obtrusive and of an unsuitable design for the area.
- The steps were not in the original 2009 application. The steps have an unnatural and adverse visual impact. The steps should have been within the topography of the site which would blend with the surrounding area and should utilise the natural slope of the land.
- The gate which blocks a disputed Right of Way. This ongoing issue is relevant to this application and should have been mentioned on the Application Form. In the Design and Access Statement the Applicant states 'There is no public right of way' which is misleading.
- The site is known to be contaminated. Remedial works had to be undertaken when the original development was built and this is now where the decking sits and has its supports buried into.
- Application not supported by any 'land stability reports' by a qualified person.

## **6. PLANNING CONSIDERATIONS**

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- The impact on the setting, character and appearance of the Severn Gorge Conservation Area and the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site
- Other matters

### **The impact on the setting, character and appearance of the Severn Gorge Conservation Area and the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site**

6.2 A number of local residents have raised concerns over the impact that the works have on the Severn Gorge Conservation Area and the Ironbridge Gorge World Heritage Site.

6.3 As this application is retrospective, officers have been able to see the works in situ. In relation to the glass balustrade, officers consider this element to be a sympathetic and high quality addition to the decked area. Whilst it is noted that it will be visible from the adjacent River Severn and is of a more modern design than the previously approved wooden balustrades, it is considered to preserve the character and appearance of the Severn Gorge Conservation Area and the outstanding universal value of the Ironbridge Gorge World Heritage Site. The scale and design of the proposal is deemed to be acceptable. This element is considered to be in accordance with Policy BE1, BE3 and BE5 of the Telford & Wrekin Local Plan 2011-2031.

6.4 Whilst it would have been preferable for the steps to be situated within the topography of the river bank, the applicant has confirmed that this was explored and ruled out, as there is nowhere suitable or safe to do this. Once again, it is acknowledged that the steps are visible from across the river, there are other examples of steps (which vary in scale and design) which have been installed on the riverbank within the immediate area. It is considered that on balance, the steps preserve the character or appearance of the Severn Gorge Conservation Area and the outstanding universal value of the Ironbridge Gorge World Heritage Site and as such, this element is considered to be in accordance with Policy BE1, BE3 and BE5 of the Telford & Wrekin Local Plan 2011-2031.

6.5 The garden parasols which have been erected consist of a wooden pole and large red umbrellas. The Local Planning Authority considered that they require planning permission as they are currently bolted down to the decking and as such, are a permanent feature. Officers would like to point out that should the parasols be unbolted from the decking and removed from the area in the winter months when they are not in use, they would not require planning permission and would be considered to be temporary garden paraphernalia. It is considered that the garden parasols are common items of garden paraphernalia and preserve the character and appearance of the Severn Gorge Conservation Area and the outstanding universal value of the Ironbridge Gorge World Heritage Site and as such, this element is

considered to be in accordance with Policy BE1, BE3 and BE5 of the Telford & Wrekin Local Plan 2011-2031.

- 6.6 The gate has been constructed in metal with a black paint finish and has a height of 1.8 metres. The gate has a hedge located either side which has matured over the past couple of months and provided a soft buffer which has resulted in the gate responding to its context more positively. The gate is of a high quality design and is considered to respect and respond positively to its context. This element is considered to be in accordance with Policy BE1, BE3 and BE5 of the Telford & Wrekin Local Plan 2011-2031.

#### **Other Matters**

- 6.7 It is noted that a number of objections received relate to the proposed gate on the grounds that it blocks a 'Right of Way'. Officers would clarify that the footpath which the gate lies across is not formally designated as a right of way and is currently subject to an application to designate it as such. As the footpath is not on the definitive map, officers cannot consider this as a material planning consideration. If the footpath is designated as a right of way and placed on the definitive map, the Council's Right of Way Officer will have the relevant powers to enforce the removal of the gate. This issue does not warrant refusal of this application.
- 6.8 Concerns have been raised in regards to contaminated land and the impact that the works have had on the ecology of the area. Neither the Council's Ecologist nor Contaminated Land officers have raised any objections to the scheme. A condition regarding lighting has been provided and will be attached should this application be approved.
- 6.9 The site is partly located within a flood risk area. However, given the scale of the works carried out and that it is only the steps which encroach on to the riverbank, it is not considered that a Flood Risk Assessment is required in this instance. The proposal is not considered to be a 'more vulnerable' use as defined in the Planning Practice Guide and the Council's Drainage Team have not raised this as a requirement for the application.
- 6.10 The site is also located within Zone 4 of the Jacobs High Rendell Stability Zoning Map. The Council would only require a detailed stability report for development which requires new footings. Whilst there has been some ground intrusion to concrete the posts at the base of the stairs into the ground, officers do not consider these works to be significant enough to warrant a detailed stability report. Similarly there is no requirement for the Applicant to submit a Stability Declaration Form completed by a competent person.

## 7. CONCLUSIONS

7.1 On balance, it is considered that the works subject to this application are acceptable. It is the opinion of the Local Planning Authority that the gate, steps, glass balustrades and umbrellas preserve the character or appearance of the Severn Gorge Conservation Area and the outstanding universal value of the Ironbridge Gorge World Heritage Site. The scale and design of the above elements are considered to be acceptable and the works do not cause any detrimental impact upon the amenity of any adjacent neighbours. The proposal is therefore deemed to be compliant with Policies BE1, BE3 and BE5 of the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

## 8. RECOMMENDATION

Based on the conclusions above, the recommendation to the Planning Committee on this application is to **GRANT FULL PLANNING PERMISSION** subject to the following conditions and informatives:

### Conditions

- |               |   |
|---------------|---|
| 1. C002       | Materials as submitted                        |
| 2. C38        | Development in accordance with approved plans |
| 3. B149Custom | Lighting Plan                                 |

### Informatives

- |         |                               |
|---------|-------------------------------|
| I40     | Conditions                    |
| I41     | Reasons for grant of approval |
| RANPPF1 |                               |