



Appeal Decision

Site visit made on 27 April 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/N1160/W/20/3265357

Turnchapel Wharf, Barton Road, Plymouth PL9 9RQ

- 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 Ryan Bonney of Turnchapel Wharf against the decision of Plymouth City Council.
 - The application Ref 19/01810/FUL, dated 7 November 2019, was refused by notice dated 25 August 2020.
 - The development proposed is construction of detached industrial unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of the Turnchapel Conservation Area (the CA) and the settings of the Grade II listed Mansion House, Boringdon Terrace and 2-12 Boringdon Terrace (the Listed Buildings).

Reasons

3. Turnchapel Wharf is a marine employment area aside the Cattewater at the mouth of the River Plym. The proposed industrial unit would replace an existing building set against a stone wall which retains Boringdon Terrace above, the main road through the east end of Turnchapel, a C19 village now incorporated into Plymouth. The South West Coastal Path (the SWCP) passes the site along Boringdon Terrace and is also present on the opposite side of the Cattewater.
4. The CA covers the core of Turnchapel and its section along Boringdon Terrace is focused on the Listed Buildings. I therefore have a duty to consider the impact of the scheme on the special architectural and historic interest of the Listed Buildings, bearing in mind the special attention that should be paid to the desirability of preserving their settings¹. Whilst the proposed unit would not be within the CA, I must also consider any effect on the significance of the CA, which derives not only from its physical presence but also its setting.
5. The significance of this part of the CA is largely drawn from the cohesion of the C19 Listed Buildings, which are set in a broadly uniform terrace deliberately elevated above the carriageway and which feature repetitive, high quality detailing. The terrace is bookended by Mansion House (now Boringdon Manor), which is larger and grander than its neighbours still. As identified by the appellant's heritage report², the Listed Buildings therefore stand out in stature

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Heritage, Design and Access Statement by Fuseplanning (2019)

and status from the comparatively vernacular residences elsewhere in the CA. This is aided by superior views across the Cattewater that the Listed Buildings enjoy, which are provided across the site because the industrial unit proposed for replacement is set deferentially below the top of the retaining wall.

6. I recognise that Turnchapel Wharf as a maritime site predates the Listed Buildings and the CA and it therefore appears that these views over it are more a product of circumstance than design. Even so, outward views are important to the significance of the Listed Buildings and the CA, and the openness provided over the appeal site is perhaps the greatest example of this in the CA.
7. Conversely, inward views complement the Listed Buildings as they project their superior form and status into their wider waterfront setting. This includes views from Turnchapel Wharf, the Cattewater and an elevated section of the SWCP on its opposite side. From these vantages the Listed Buildings are set above the retaining wall, which is a strong horizontal feature which acts as a pedestal, further elevating the status and position of the Listed Buildings as they preside over the activity of the wharf below. As such, despite the immediacy of the CA and its Listed Buildings to Turnchapel Wharf, the relationship between them is one of clear separation and respectful restraint.
8. The balance in this relationship would be lost by the proposal, which would project above the retaining wall. In doing so, it would significantly diminish the openness and outward views that the site provides and, despite its roof design and use of lightweight opaque glazing, would clearly obstruct inward views of the Listed Buildings from the aforementioned public areas. The harm would not be comparable to the occasional obstruction caused by the masts of yachts and associated cranes on the apron between the existing unit and the water.
9. The level of harm to the setting of the CA and the settings of the Listed Buildings would be less than substantial in each case. I accept the appellant's submission that each instance of less than substantial harm would be at the lower end of a sliding scale of that harm. Nonetheless, the National Planning Policy Framework (the Framework) states that great weight should be attributed to a heritage asset's conservation and that any harm falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.
10. The Framework also states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. In this context, the scheme would make use of one of Plymouth's important deep-water berthing sites. In doing so, it would enlarge capacity within Turnchapel Wharf, enhancing its commercial offer, generating money for the local economy and enabling it to provide further employment. I do not doubt the estimates that 7-12 permanent and 20 temporary jobs would result. This additional employment may also have a subsidiary benefit through increased footfall to local businesses in the area.
11. It is intended that the unit be occupied by Thales in order to carry forward the government's programme of the research and development of Autonomous Minehunting Systems. I understand that there are currently no other sites in Plymouth which offer the specification that Thales would require if this is the case. In such circumstances the scheme may well also help to safeguard the Smart Sound Project, of which Thales is a key investor.

12. However, there appears to be no formal agreement for Thales to take on the proposed building and use it for these purposes. Even if such an agreement is deemed non-essential, and the requirement for a guarantee to be in place considered unreasonable, Thales has only committed to the unit on the balance of probabilities. This does leave significant room for doubt in my view.
13. Whilst I appreciate that there may be valid commercial reasons for this lack of certainty, it means that I cannot be confident that the opportunities associated with Thales would be realised. Furthermore, given that Thales have a presence in Portsmouth, it seems to me that the appellant's argument that Thales could consolidate operations there instead of Plymouth cuts both ways as it could remain a possibility regardless of my decision. This situation reduces the weight I attribute to the circumstances that have been put forward in support of the proposal, such as the locational requirements that Thales would have and the current absence of available sites for such elsewhere in Plymouth.
14. For these reasons, on the evidence before me, the potential economic and defence benefits of the scheme amount to public benefits of moderate weight. They do not provide a clear and convincing justification for the three respective less than substantial harms to the CA and the Listed Buildings, with the harm to the settings of the Listed Buildings each attracting considerable weight and importance.
15. Consequently, the proposal would have an unacceptable harmful effect on the setting of the CA and the settings of the Listed Buildings. It would conflict with the heritage aims of Policies PLY20, DEV20, DEV21 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-34 (adopted 2019) (the JLP), the National Design Guide (2019) and the Framework.

Planning Balance

16. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. I acknowledge that the proposal would meet several policy requirements of the JLP³, including the economic aims of Policy PLY20. It would also accord with Policy PLY60(6) as it would contribute towards its allocation of an estimated 8,440 square metres of employment space at Turnchapel Wharf.
17. However, I see nothing in the JLP to indicate that Policy PLY60(6) anticipates that the delivery of the allocation will inevitably come at some expense to the historic environment. On the contrary, its supporting text directly identifies the heritage and special character of the CA.
18. The scheme would not deliver the allocation, rather it would make a modest contribution towards it, constituting one individual proposal affecting one corner of the allocated site. As such, the delivery of the allocation does not turn on my determination of this appeal. In any event, whilst I recognise the services plan and the site constraints plan submitted, my role is to consider the impacts of the proposal not the merits of the allocated site nor speculate as to the potential heritage consequences of future development upon it.
19. The situation here is different to the appeal decisions presented to me by the appellant⁴. In those cases, the heritage harms related to the development of

³ So listed on page 12, paragraph 7.5 of appellant's Statement of Case

⁴ Appel Refs APP/P1133/W/18/3205558 and APP/P1133/W/16/3148597

undeveloped land where an inevitable significant change in character meant that an impact upon the heritage assets in question would be intrinsic to the allocated site's substantive delivery. That is not the same as the redevelopment of an existing commercial site nor the circumstances of this appeal proposal, where identified harm is attributable to specific, detailed issues of design. Ultimately, each case must be assessed on its own individual merits, and these decisions have therefore had little influence in my assessment.

20. As such, the compliance of the scheme with other referenced policies of the JLP, particularly Policy PLY60(6), does not diminish the considerable weight and importance that I place on the harm to the settings of the Listed Buildings, the harm to the setting of the CA and the ensuing conflict with the heritage aims of Policies PLY20, DEV20, DEV21 and DEV23.
21. For these reasons, it is my opinion that the proposal would conflict with the development plan when read as a whole. Furthermore, there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

22. For the reasons outlined above, and taking all other matters into account, including the initial officer recommendation that planning permission be granted, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR