



Appeal Decision

Site visit made on 14 May 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8th June 2020

Appeal Ref: APP/W0910/W/20/3244865

Land adjacent Methodist Church, Hartington Street, Barrow-in-Furness, Cumbria LA14 5SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Mills against the decision of Barrow-In-Furness Borough Council.
 - The application Ref B13/2019/0291, dated 27 March 2019, was refused by notice dated 10 July 2019.
 - The development proposed is outline approval for redevelopment of site for residential use. (Illustrative scheme comprising up to 5 units – 3 bed 2.5 storey terraced town houses).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is in outline with all matters reserved for future consideration. Indicative plans have been submitted to illustrate how 5 dwellings could be accommodated at this site in order to demonstrate that an acceptable scheme could be advanced at a later stage. Notwithstanding, I have taken account of the plans in so far as they illustrate the likely extent of development of the site.
3. The site address is given in the application form as '56 Hartington Street Methodist Church, Parry Street, Barrow-in-Furness LA14 5TF'. However, in the interests of clarity I have adopted the address in the banner heading above from the decision notice and the appeal form.

Main Issues

4. The main issues are:
 - i) The effects of the proposal on the provision of open space, including green infrastructure; and
 - ii) Whether the proposal would result in biodiversity enhancement.

Reasons

Provision of open space

5. The appeal site, Hartington Square (the Square), is a small area of open space. It has roads on 3 sides and it forms part of the grounds of the adjacent Hartington Street Methodist Church. The Square was laid out as an urban park sometime around 2009 with paths and seating areas, amenity grass, raised

beds and trees to the Hartington Street frontage, although these have been recently felled. It is in a primarily residential area with compact rows of traditional terraced dwellings, generally with no front gardens and small enclosed rear yards. Notwithstanding the tree-lined nature of Hartington Street, the area has a densely developed and urban character and appearance.

6. The importance of open space for the health and well-being of communities is recognised by local and national planning policy. Accordingly, the National Planning Policy Framework (the Framework) advises that open space should not be built on unless it has been shown to be surplus to requirements; its loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
7. In this case, the proposed residential development would result in the loss of the open space. Evidence submitted to the appeal, including third party representations, demonstrates the value of the Square in the local urban context and to the local community. I accept that there are open spaces elsewhere, including Hindpool Urban Park and land at St James' Church. Nevertheless, it has not been demonstrated that the Square is surplus to the requirements for open space in this area. No equivalent or better replacement open space is proposed.
8. The neighbouring Methodist Church provides a range of community activities. If the appeal was allowed, proceeds from the subsequent sale of the appeal site would be used to improve the church building and the community outreach work. However, no mechanism is proposed to secure the delivery of community benefits. Therefore, even if I was to accept that enhanced community services constituted alternative recreation provision, there would be no guarantee of their delivery or that the benefits would outweigh the loss of the open space.
9. Urban green spaces, such as the Square, are additionally recognised in terms of their contribution to the green infrastructure (GI) network, which delivers environmental and quality of life benefits for local communities. In this case, there is evidence before me to indicate that, irrespective of any recreational use, the Square has visual amenity value.
10. In this regard, photographs of the Square show an attractive and well-managed space. The former trees made a positive contribution to its appearance and to the surrounding street scenes, with particular regard to their contribution to the tree-lined and leafy character of Hartington Street. The trees also provided visual continuity with more distant tree canopies and open spaces, contributing to the wider network of green space and GI. The loss of the trees has therefore diminished the visual amenity value of the Square. Nevertheless, it continues to provide a sense of openness and it softens and interrupts the otherwise densely built environment. Consequently, by failing to protect and integrate green space and GI, the proposal would harm local distinctiveness and it would not contribute positively to place-making.
11. Therefore, the proposal would result in the loss of open space and GI, with consequent detrimental effects on health and well-being of local residents and the character and appearance of the area. It would conflict with the open space and GI aims of the development plan, including Policies DS2, HC1, DS5, GI1 and GI4 of the Barrow Borough Local Plan 2016-2031 Adopted June 2019 (the

LP). It would also conflict with the Barrow Borough Green Infrastructure Strategy Draft Supplementary Planning Document Adopted February 2018, and with the social and environmental aims of the Framework.

Biodiversity enhancement

12. Although the former trees would have provided habitat for wildlife, the Square is not of high biodiversity value and it is not suitable to support protected species. The proposal would not therefore result in a significant loss of biodiversity.
13. Nevertheless, the development plan requires proposals to conserve and enhance biodiversity, providing net gains where possible. This is consistent with the aims of the Framework in relation to enhancing the natural environment, minimising impacts on and providing net gains for biodiversity.
14. The scheme that was considered by the Council did not make any provision for biodiversity. Evidence submitted with the appeal proposes that bat roosting and bird nesting sites be incorporated within buildings. It also suggests that future occupiers might plant flowers and feed wild birds.
15. The provision of roost and nest sites would be in accordance with the generic guidance in the Barrow Borough Biodiversity and Development Supplementary Planning Document 2018 (the SPD). However, there is nothing before me to demonstrate that bats, swifts, swallows or house martins are active in this area or that they would use roosting or nesting sites in this densely built urban environment.
16. The SPD notes that biodiversity can also be enhanced by improving GI and providing habitats in public open space. In this case, there would be no open space and there could be no guarantee that future occupiers would maintain any private garden planting. Moreover, given the nature of the proposal, it seems reasonably unlikely that any meaningful planting could be accommodated. There could also be no guarantee that future occupiers would feed the birds. Consequently, notwithstanding that nesting and roosting provision could be secured by planning condition, I am not persuaded that there would be any biodiversity benefit or net gain at this site.
17. Therefore, the proposal would not conserve and enhance biodiversity. It would conflict with Policies DS2, N3, N4 and H7 of the LP. These require development to contribute to the enhancement of biodiversity and for landscape proposals to integrate existing trees and to include locally appropriate planting. It would also conflict with the biodiversity net gain aims of the SPD and the Framework.

Other Considerations

18. The proposal would make a small contribution to the supply of housing in the area. However, the terraced dwellings would not contribute to the range and mix of housing types in the area. On the basis that the Council can demonstrate in excess of a 5 year housing supply of land, this is therefore a matter that carries only limited weight in favour of the scheme.
19. Notwithstanding the photographic evidence, I accept that the Square has not always been well maintained as an urban park. However, while it was unmanaged at the time of my visit, it seems likely that this would have been a result of the suspension of normal activities during the current coronavirus

pandemic lockdown. Irrespective of previous management responsibilities for the urban park, it does not seem unreasonable for privately-owned land including church grounds to be privately managed. Neither the absence of management nor the possibility that it could be made inaccessible to the public in the future provide a justification for the permanent loss of the open space.

20. Prior to its use as an urban park, the Square was in use as a builders' yard. I acknowledge that Policy H7 of the LP encourages windfall sites to make effective use of previously developed land (PDL) where possible. However, for the reasons set out above, it has not been demonstrated that the use of the site as open space and GI is not already an efficient use of the land.
21. Outline planning permission for the residential development of the site was granted prior to its use as an urban park and before the development plan and the Framework were adopted. Lapsed permissions that were determined in a different policy context are not a fall back position and they carry limited weight in favour of the scheme.
22. Notwithstanding the third party representations, impacts on the living conditions of neighbouring and future occupiers could be addressed at the reserved matters stage. Issues relating to ground contamination and drainage could be addressed by planning condition. The site is in a suitable accessible location for new residential development and the dwellings could be designed to respect the surrounding built environment. However, these are requirements of the development plan and they do not weigh in favour of the scheme.

Conclusion

11. Therefore, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should be dismissed.

Sarah Manchester

INSPECTOR