



Planning Support Statement for the erection of a Forrest school style classroom, tree house and associated infrastructure on land in Hoyles Park off Chesham Fold Road, Bury.

1.0 Introduction

T1.1 This planning statement should be read in conjunction with the submitted plans and other accompanying documents which together make up this application.

2.0 Application Site and Surrounding area

2.1 Hoyles Park is located in Bury East in the heart of the Chesham Fold community, it is approximately 1.5 miles from Bury town centre and is classed as a local community park and is approximately 3.35 hectares.

The park is fairly even in terms of its level ground and is home to a number of formal facilities such as:

Bowling green

Football pitch

Children's play area

Multi-play ball zone

Youth Shelter

3.0 Application Proposal

3.1 The proposal is for the erection of a small Forrest school classroom to be sited adjacent to the car park located off Chesham Fold Road. The building would be accessed by pedestrians off the same road through a green metal gate onto the public footpath. There is a small car park immediately adjacent to the application site which is also bounded by trees adjacent to the park boundary railings.

3.2 On the other side of the road is Hoyle Nursery School.

3.3 The building would be a 'stand-alone' classroom for Hoyle Nursery in Bury. This would be in the form of a converted shipping container on a raised deck and would provide a teaching/community space serving both the Nursery and the local community. The idea is to get the children out into the park with a forest school type environment. If the building and fencing needs to be subsequently removed it would leave no lasting adverse visual or physical impact on the park.

3.4 The building would be 2.6 x 12.2 meters in size.

3.5 Pre-app response

The following was sent by planning officers in regard to a pre-app enquiry

"The two concerns would be from our parks dept and our planning policy section with regard to the loss of public open space.... see below

The land is designated as Protected Recreation Provision in the Urban Area in the Bury UDP under Policy RT1/1. This policy seeks to safeguard the provision of recreation land within the urban area and development will not be allowed where it would result in the loss of outdoor public or private recreation facilities including parks and gardens unless it meets specific criteria.

Furthermore Paragraph 99(b) of the NPPF states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

** An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.*

** The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of the quantity and quality in a suitable location.*

** The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The proposal is to extend the existing private car park to the rear and side into Hoyles Park for outdoor use by Hoyles Nursery School and a shipping container is proposed to be installed. The land would be fenced and would not be available for public use.

The information submitted does not demonstrate that the park is surplus to requirements. In addition, the applicant has given no indication that they are prepared to include provision to off-set the loss of part of Hoyles Park and it is not considered that the proposal would bring benefits that clearly outweigh the loss of the current recreational use.

Given the above, the principle of the application is considered to be unacceptable unless the recreation area could be re-provided for elsewhere, on land that was equivalent or of a better quality, in line with the NPPF and Bury UDP Policy RT1/1."

4.0 Planning Policy

4.1 NPPF

Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

94. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

95. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Open space and recreation

98. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

4.2 Bury UDP

EN1/1 - Visual Amenity

Development will not be permitted where proposals would have a detrimental effect on:

public views of prominent or important buildings, especially those in areas of architectural or historic interest.

the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN1/2 - Townscape and Built Design

The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

the external appearance and design of the proposal in relation to its height, scale, density and layout.

the relationship of the proposal to the surrounding area.

the choice and use of materials.

access and other design features for the mobility impaired.

the design and appearance of access, parking and service provision.

landscaping, including the use of natural landscape features, and open space provision.

the use of lighting.

RT1/1 - Protection of Recreation Provision in the Urban Area Development will not be allowed where it would result in the loss of:

existing and proposed outdoor public or private recreation facilities (as shown on the Proposals Map), including playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses.

recreation space within settlements located in the Green Belt (not shown on the Proposals Map).

indoor facilities (not shown on the Proposals Map) for which there is a recreational need; and

any other unidentified recreation provision such as playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses, including sites created during the period of the Plan.

Exceptions to this policy may be permitted where:

sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.

alternative provision of equivalent community benefit is made available; or

it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

CF1/1 - Location of New Community Facilities

Proposals for new and improved community facilities will be considered with regard to the following factors:

impact on residential amenity and the local environment.

traffic generation and car parking provision.

the scale and size of the development.

where applicable, access to shops and other services.

if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area.

accessibility by public and private transport.

the needs and requirements of the disabled.

CF2 - EDUCATION LAND AND BUILDINGS

The Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities

CF5 - CHILDCARE FACILITIES The Council will look favourably on proposals for childcare facilities, such as nurseries, workplace nurseries, creches and playgroups.

5.0 Assessment

5.1 The issue with this application is that the site is within a Local Authority owned public park with a number of planning policies resisting built development in a park. However, the area of the park bounds the street the Nursery is situated on and due to the boundary fencing isn't used by anyone other than occasional dog walkers. The proposed siting does not affect any formal play space/equipment

5.2 On the other side of the 'coin' is the support contained within the Bury UDP for the enhancement and development of community and childcare facilities.

5.3 Thus, with regard to this application you have policies which support the principle of this development and policies which in principle are not supportive of the proposal.

5.4 On looking at the Nursery it is clear that there isn't a suitable location within the existing Nursery site area to accommodate additional class space. The other side of the nursery is too close to properties on Mossfield Close to site the proposal, as this would result in an unacceptable loss of residential amenity to those residents.

5.5 As such in order to meet the aims and aspirations of Policies designed to support and enhance community facilities this is the nearest and most logical location.

5.6 It may be argued that whilst this may be so, and the logical location results in a loss of greenspace in a designated public park, and that in its simplest sense would be true. However, in quantifying that harm, the harm would be relatively negligible as the land in question is on the very extremity of the park and is in all likelihood used by people walking or wandering around rather than using it as formal or even informal play space.

5.7 The UDP states that the Council will '...normally look favourably on proposals as a way to improving the provision of childcare facilities.'

5.8 The pre-app response suggests that the Council will only look favourably on development in the park if the proposal meets one of the tests laid down in Policy RT1/1. Of the three the first appears to be the one which the proposal best accords with as follows:

'The sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.'

The proposal is for the development is for alternative educational sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- Observations over a period of time have shown that the occasional dog walker uses it or lets the dogs explore the area
- Loss would result in better provision
- Maintained to a high standard
- Bio-diverse - flowers, plants, vegetables & fruits, water butt, recycling, eco-friendly, bees, butterflies etc.

- Provide opportunities for the residents of the community to be involved in different activities – improve well-being/health/life choices/education/play skills/parenting skills/healthy eating/forest school

- Opportunities for SEND children and families

- Sensory sessions

- Music therapy

- Art therapy

- Outdoor experiences

Multi-sensory opportunities – physical development, emotional development, social development, SEMH

- EAL communities – language groups / networking / building relationships

- Offers a vast variety of opportunities to provide a range of skills to improve and enhance life skills, styles, choices

- Bring the community together

Culturally appropriate mental health support through the delivery of a wide range of activities and opportunities to encourage community participation and bring people together

- Mother and baby groups

- Gardening groups

5.9 In conclusion this provides an opportunity for Forest school groups which will benefit the whole of the community - health and well-being, personal, social, emotional development as well as physical. We are in one of the most deprived areas of Bury where there is little or no desire for contact with the natural environment.

5.10 Relevant planning History.

5.10.1 A recent application for the siting of two containers for the storage of equipment to be used in the park, was granted a five-year permission in December 2021. This demonstrates that it is acceptable in principle to erect structures (and therefore buildings as defined by Section 336 of the Act) in the park

6.0 Conclusions

6.1 The law requires that the determination of all planning should be done in accordance with the development plan unless material circumstances indicate otherwise. However, there are two caveats to that statement - how up to date is the development plan and the weight to be given to an out-of-date development plan.

6.2 Often there are conflicting policies in the development plan, and this is one such case where it would appear that the policies in support of nursery school development are in conflict with policies which. Seek to protect existing open space.

As such this comes down to factors on the ground. Is the loss of the open space on the edge of the park, quantifiable, and if so, is it significant? Do the reasons for allowing the development to go ahead, best summarised as greater and more diverse community use, outweigh the quantifiable loss of this small space?

6.3 It is submitted that in this instance that they do outweigh any perceived loss and as such the application is put forward for approval.

