

**CITY OF YORK LOCAL PLAN
EXAMINATION**

HEARING STATEMENT

SCHOEN CLINIC LTD

MATTER 3 - GREEN BELT

1.0 INTRODUCTION

- 1.1 Carter Jonas LLP (Carter Jonas) welcomes the opportunity to participate in the City of York Local Plan Examination in Public (the EiP) on behalf of Schoen Clinic Ltd (hereafter referred to as Schoen Clinic).
- 1.2 This Statement of Case has been prepared by Carter Jonas on behalf of Schoen Clinic and should be read in cross-reference to the previous representations submitted by Carter Jonas in relation to the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019 (also attached at Appendix 1).
- 1.3 Please note this statement has been prepared for the exclusive benefit of the respondents as set out herewith and no other parties may use or duplicate the report contents without the written permission of Carter Jonas.
- 1.4 Schoen Clinic has a joint interest in land at Plot 2a of The Retreat, which Carter Jonas continues to promote for release from the Green Belt. The site (as illustrate below) falls within the wider institutional campus of The Retreat, located off Heslington Road on the edge of the main York urban area.



- 1.5 In addition to representations submitted by Savills on behalf of The Retreat we share significant concerns over the plan and the proposed modifications. As part of this we question the overall soundness of the plan, the impact upon the timetable and continued failure to adopt policy and proposals for the development needs of the city. We are also concerned about the significantly flawed methodology applied to York's Green Belt assessment, leading to the inner boundary being drawn too tightly and land at Plot 2a of The Retreat deemed to be Green Belt.
- 1.6 Without prejudice to our conclusion that the site need not be considered as Green Belt, a Planning Application (ref:19/02017/FULM) for "*a new healthcare building between 1 and 3 storeys including 46 bed-spaces, associated treatment rooms and other ancillary floorspace, plus primary and secondary access points, car parking, servicing areas and landscaping works*" is also currently being determined, demonstrating that the principle of development is acceptable given very special circumstances including the compelling and acknowledged healthcare need.
- 1.7 Our specific concerns in this statement relate to the matters to be considered under Matter 3 – Green Belt: the approach to defining York's Green Belt, exceptional circumstances and the approach to release for development.
- 1.8 In summary our main representations are:
- The proposed Green Belt boundaries are unsound given they are drawn unreasonably to restrict development opportunities for the necessary growth of York.
 - The combined methodology in terms of defining the inner Green Belt boundaries and allocation of development sites is flawed.
 - The inner boundary as proposed would be too tightly drawn to allow for development needs during the plan period and beyond.
 - The Addendum to Topic Paper 1 – Approach to Defining York's Green Belt seeks to retrospectively justify the proposed Green Belt boundaries, selected before the May 2018 submission.
 - Rather than providing a comprehensive and robust evidence base, the documents represent a fragmented and piecemeal approach to establishing detailed Green Belt boundaries.
 - The emphasis for detailed inner boundaries leads towards safeguarding 'the special character and setting of the city' above establishing long-term development limits, taking into account the necessary levels of growth beyond the plan period.
 - The rear boundary of The Retreat adjacent to Walmgate Stray would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built point of the city here.
 - The main built part of The Retreat sits within the urban and developed part of York and can be considered to fall outside of the General Extent of Green Belt established by the Yorkshire and Humber Plan.
 - The site in itself serves none of the five purposes of Green Belt as set out in Paragraph 80 of the NPPF.

- Development of Plot 2a could be undertaken in a sensitive manner to protect heritage assets including the conservation area, setting of listed buildings and the setting of the Registered Park and Gardens without the need for additional protection via Green Belt policy.

1.9 This statement of case therefore details our response to Matter 3 – MIQs 3.1 to 3.10. For ease of reference the Inspector's questions are referenced in bold however, where a specific question is not covered Schoen Clinic has no comment at this stage of the examination.

2.0 MATTER 3 MIQS – GREEN BELT

- 2.1 We understand that the questions concerning the Green Belt are aimed at the strategic level and that consideration should be given to the context of the Council's Topic Paper 1 relating to the Green Belt [TP001], Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan set out in Annex 6 [EX/CYC/18a].
- 2.2 Given the Plan was submitted before the 2018 NPPF was published, we note that the Plan will be examined under the 2012 NPPF. In line with the above we submit the following responses in relation to the relevant main matters in question.

Principles

MIQ 3.1: Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

- 2.3 We agree that the Plan is proposing to establish new areas of Green Belt. Section 3 of the February 2018 Publication Draft covers the spatial strategy for the plan. This includes paragraph 1.50 which affirms:

“While the Regional Spatial Strategy for Yorkshire and Humber has otherwise been revoked when The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order (2013) came into force its York Green Belt policies were saved together with the key diagram insofar as the latter illustrates those policies and the general extent of the Green Belt around York. The revocation order states that the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary are to be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.”

- 2.4 This element of the Plan's strategy is pursuant to the relevant saved parts of the Yorkshire and Humber Plan (the YHP). The saved Policies Y1C1 and YH9C plus key diagram represent the only extant designation of the General Extent of Green Belt around York. Previous drafts of the Local Plan (including the 2005 and 2013 iterations) proposed Green Belt boundaries designating **almost all** of the unbuilt administrative area to be within the Green Belt. However, the February 2018 Publication Draft Key Diagram details (for all land shaded green) the “General extent of the **proposed Green Belt**” (Carter Jonas emphasis) and therefore now proposes to include **all** non-built-up land within the York administrative area.

The Approach to Defining the Green Belt

MIQ 3.2a: Paragraph 1.1.1 of the Council’s “Approach to defining York’s Green Belt” Topic Paper (TP1) [CD021] says “York’s Local Plan will formally define the boundary of the York Green Belt for the first time.” How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? Is the approach taken in general conformity with those parts of the Regional Spatial Strategy for Yorkshire and Humber (“the RSS”) insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York?

2.5 We agree with the statement at Paragraph 1.1.1 that “York’s Local Plan will formally define the boundary of the York Green Belt for the first time”. Topic Paper 1: Approach to Defining York’s Green Belt - details the Council’s approach to defining the city’s Green Belt. The Addendum provides further details of the methodology for defining the Green Belt boundaries; the exceptional circumstances for removal of land from and the allocation of strategic sites within the general extent of the Green Belt.

2.6 The approach presented however, is informed by the existing Local Plan evidence base, prepared with the purpose to guide the overall spatial strategy for the City and not to assess the suitability of Green Belt land. Due to the advanced stage of the Local Plan, the Addendum does not provide a comprehensive review of York’s Green Belt but represents a retro-fitting exercise compiled to justify the Green Belt proposed against the existing spatial strategy. As a result the inner Green Belt boundaries proposed within the Plan appear to have been drawn up with maximum development restraint in mind and little regard to long-term development needs.

2.7 As part of the General Extent of Green Belt established by the Yorkshire and Humber Plan existing development at The Retreat sits within the urban and developed part of York and can therefore be considered to fall outside of the General Extent of Green Belt. However, rather than providing a comprehensive and robust evidence base, to explain why Plot 2a at The Retreat is now considered to fall within the Green Belt, the associated assessment documents represent a fragmented and piecemeal approach to establishing detailed Green Belt boundaries.

2.8 We draw attention to the Inspectors’ comments of 24 July 2018:

“... it is not clear to us how the Council has approached the task of delineating the Green Belt boundaries shown on the Policies Map submitted. Unless we have missed something, no substantive evidence has been provided setting out the methodology used and the decisions made through the process. We ask that the Council now provides this.”

2.9 We note how the Addendum has sought to address the Inspector’s aforementioned comments however, the approach taken by the Council and the associated methodology used in preparing the Addendum does not constitute a comprehensive Green Belt review. The TP1 Addendum does not provide substantive evidence and is an attempt to retrofit an evidence base to justify unreasonably tight Green Belt boundaries, many elements of which were selected as early as 2005, some 14 years earlier. The Green Belt assessment should have applied a clear assessment of both the current and future growth needs, resulting in a strong understanding of the

amount of land required to be de-allocated to facilitate sustainable employment and housing growth, including the identification of safeguarded land.

- 2.10 There has therefore been no Green Belt review that evaluates sites on a qualitative and comparative basis for their Green Belt contribution or on their suitability for release on the basis of (*inter alia*) least harm to Green Belt aims, characteristics or purposes. With the additional omission of safeguarded land the plan is wholly in breach of NPPF paragraph 85.
- 2.11 As a result of the methodological flaws the emphasis for detailed inner boundaries leads towards safeguarding 'the special character and setting of the city' above establishing long-term development limits, taking into account the necessary levels of growth beyond the plan period.

MIQ 3.5: Are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

- 2.12 We draw cross reference to the representations submitted by Savills on behalf of The Retreat and the detailed analysis of the evidence base relating to the York Green Belt.
- 2.13 We agree with the methodological flaws as highlighted above at paragraphs 2.5 to 2.10 and agree that neither the inner nor outer boundaries are appropriately defined when cross referenced against the NPPF requirements. Inner edge and settlement boundaries fail to allow for sufficient growth or safeguarded land. Whilst outer boundaries extend significantly beyond the 6 mile general extent and fail to use the most appropriate physical boundaries. In light of the above we consider that the Green Belt boundaries (inner and outer) defined by the Council within the Plan are not consistent with the NPPF and therefore the Plan is unsound.

APPENDIX 1 – PREVIOUSLY SUBMITTED REPRESENTATIONS

**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19 CONSULTATION
RESPONSE**

REPRESENTATIONS

July 2019
Schoen Clinic York Ltd.
J0024165

Carter Jonas

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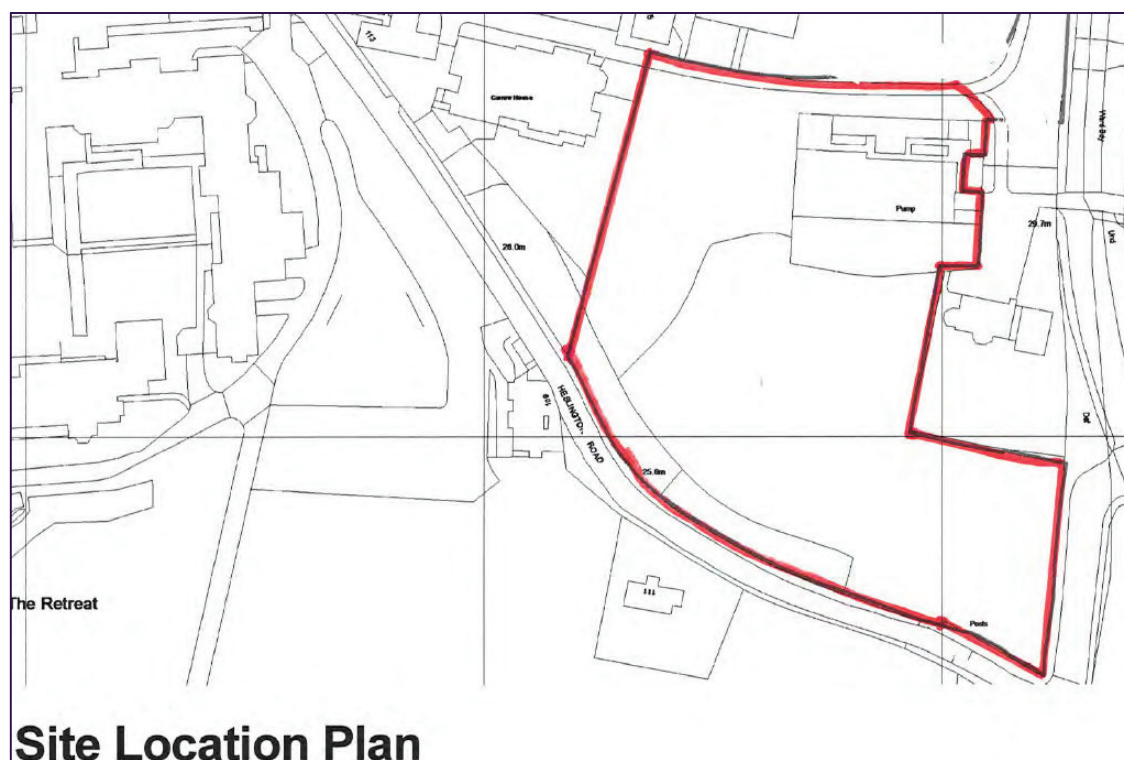
Appendices

Appendix 1: Carter Jonas Representations on behalf of the Retreat - March 2018

Appendix 2: Suggested Green Belt boundaries

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the June 2019 City of York Local Plan Proposed Modifications (the PPM) on behalf of Schoen Clinic York Ltd (SCYL). These representations are pursuant to and cross-reference with previous representations by Carter Jonas on behalf of The Retreat Living Ltd. (as enclosed at Appendix 1) to the City of Publication Draft York Local Plan (the PDP). These representations have been prepared for the exclusive benefit of the respondents as set out in the report. No other parties may use or duplicate the report contents without the written permission of Carter Jonas LLP.
- 1.2 The representations are in respect of land known as Plot 2a, The Retreat, Heslington Rd., York YO10 5BN (the site). The site is within the wider grounds of a healthcare facility specialising in mental health and is shown on the following red line location plan. Having been considered at earlier stages of the plan the land forms part of Site Reference 862 within the Strategic Housing Land Availability Assessment (SHLAA) (2018). Our client is keen to work with the City of York Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to continue to engage with the Council upon matters of green belt review and development potential at the site.



- 1.3 In summary, our main representations are:
- The proposed Green Belt boundaries are unsound as they are drawn to unreasonably restrict development opportunities for the necessary growth of York.

- The combined methodology in terms of defining the inner and outer Green Belt boundaries and allocation of development sites is flawed.
- In this, the inner boundary as proposed would be too tightly drawn to allow for development needs during the plan period and beyond.
- The March 2019 Addendum to Topic Paper 1 - Approach to Defining York's Green Belt (the Green Belt Addendum) seeks to retrospectively justify the proposed Green Belt boundaries that had already been selected long before the May 2018 submission.
- The Green Belt Addendum is the latest in a long line of green belt review documents, going back to 2003. However, rather than providing a comprehensive and robust evidence base, these documents represent a fragmented and piecemeal approach to establishing detailed Green Belt boundaries to the city.
- The Council's emphasis for the detailed inner boundaries is geared towards safeguarding "the special character and setting of the historic city" rather than establishing "long term development limits" that both take into account necessary levels of growth and will "also endure beyond the Plan period".
- The rear boundary of The Retreat adjacent to Walmgate Stray would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- The main built-part of the Retreat sits within the urban and developed part of York and can be considered to fall outside the General Extent of Green Belt established by the Yorkshire and Humber Plan. This follows appeal case law relating to the General Extent of Green Belt from Germany Beck (2007) onwards.
- The site in itself serves none of the five purposes of Green Belt as set out at paragraph 80 of the National Planning Policy Framework (NPPF).
- Development could be undertaken in a sensitive manner to protect heritage assets including the conservation area, setting of listed buildings and the setting of the land within the Register of Parks and Gardens. Additional protection via green belt policy is not required.
- As a result of these matters Plot 2a should not be designated as Green Belt and parts of the land could be developed for housing.

1.5 We have completed a representation form, to which is this statement is attached.

2.0 THE OVERALL DOCUMENT & GENERAL APPROACH

National Policy Background

2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the proposal should be: -

- Positively Prepared;
- Justified;
- Effective and
- Consistent with national planning policy.

2.2 We have some initial comments in regards the document as a whole, taking into account the proposed main modifications. It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:

- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
- Not effective due to issues of flexibility; and
- Not consistent with national planning policy.

2.4 Our specific comments are set out below on a section-by-section basis.

3.0 SPATIAL PROPOSALS AND THE GREEN BELT STRATEGY

EX/CYC/18: Green Belt TP1 Addendum and Proposals Map Modifications

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy. Whilst SCYL has no direct interest in the proposed objectively assessed housing need it does consider the approach taken by the council to represent a negative and anti-development approach to plan-making.

Policy SS2: The Role of York's Green Belt

- 3.2 The General Extent of Green Belt for York was established by Yorkshire and Humber Plan and retained under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must "*establish long term development limits that safeguard the special character and setting of the historic city*". However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:

- o allocate sufficient land to be allocated for development; and
- o identify areas of 'safeguarded land' for potential development beyond 2033.

- 3.3 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Brownfield land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period. This situation has put any potential development land at a premium in view of its scarcity as a resource.

- 3.4 Despite this, the Green Belt boundaries proposed within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed boundaries are in no small part based upon a highly flawed approach under Policy SS1 noted above, it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified.

- 3.5 In summary, the proposed inner and outer Green Belt boundaries should be drawn as appropriate to enable additional housing land to be allocated to meet a significantly increased OAN and other development needs. Safeguarded land should be also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified as follows:

To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038, with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period. (CJ amendments in bold).

- 3.6 We make further representations covering the methodology followed to define the Green Belt boundaries and the proposed inclusion of Plot 2a, The Retreat below.

4.0 GREEN BELT - GENERAL PRINCIPLES AND DETAILED BOUNDARIES

EX/CYC/18d: TP1 Addendum Annex 3 – York Green Belt Inner Boundary Section Descriptions and Justification

Policy Background

- 4.1 The City of York Green Belt remains in existence as a result of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. This confirmed that:

The Regional Strategy for Yorkshire and Humber is revoked except for—

(a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); and

(b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

- 4.2 Under (a), Policies YH9(C) and Yorkshire(C) were retained as follows:

POLICY YH9: Green belts

C The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

POLICY Y1: York sub area policy

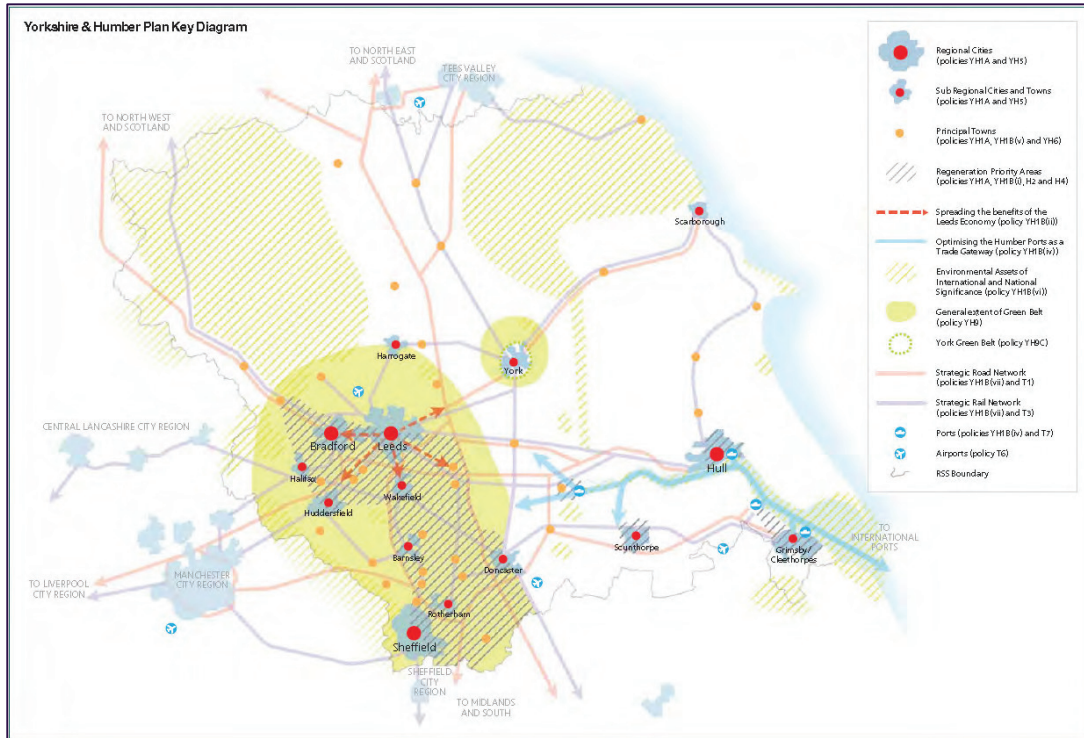
Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

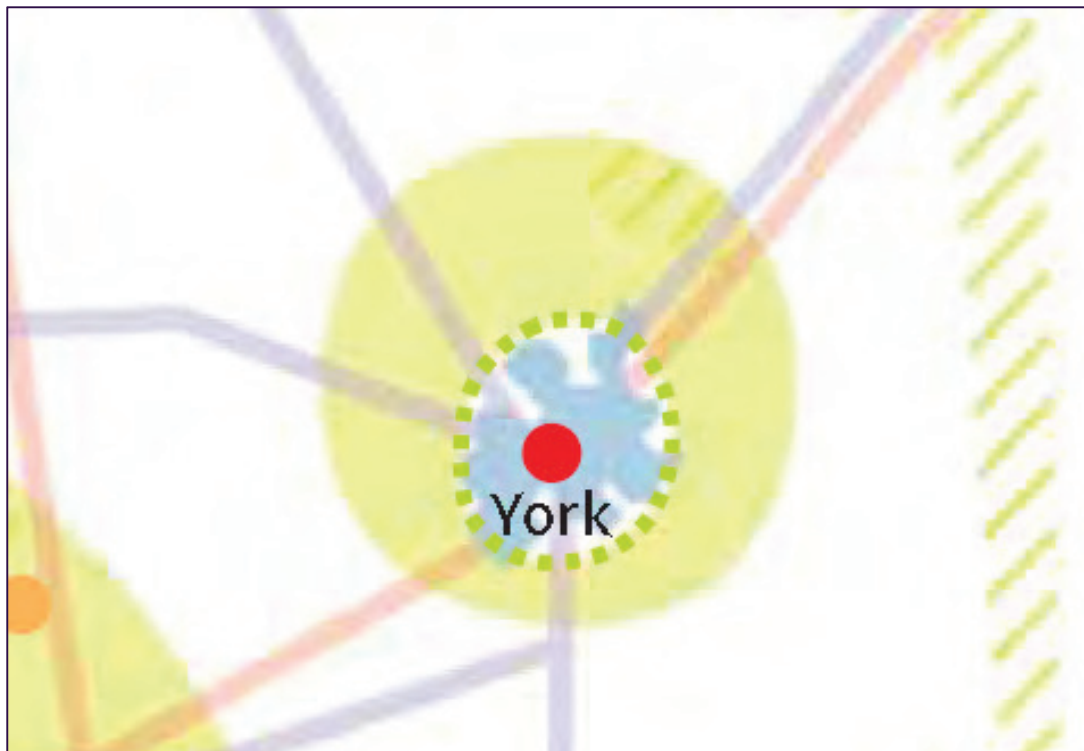
1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

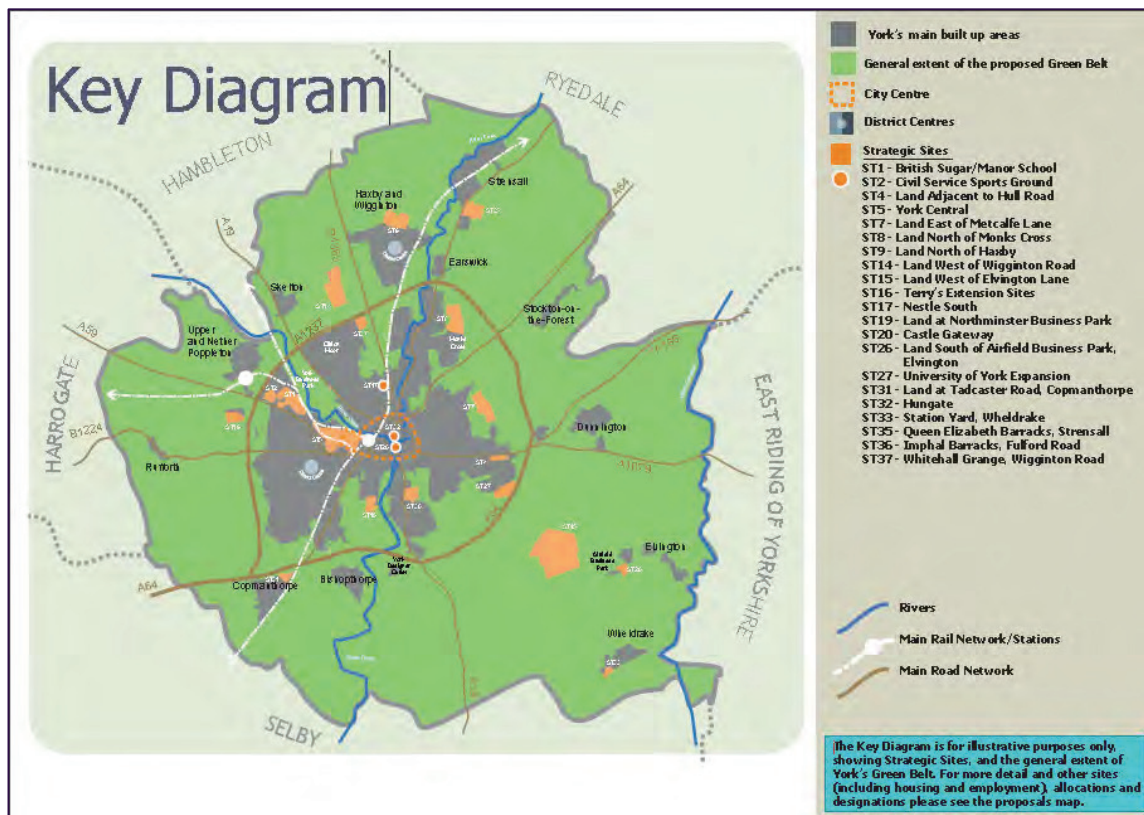
- 4.3 Under (b) the following Key Diagram is retained but only to indicate the general extent of the York Green Belt:



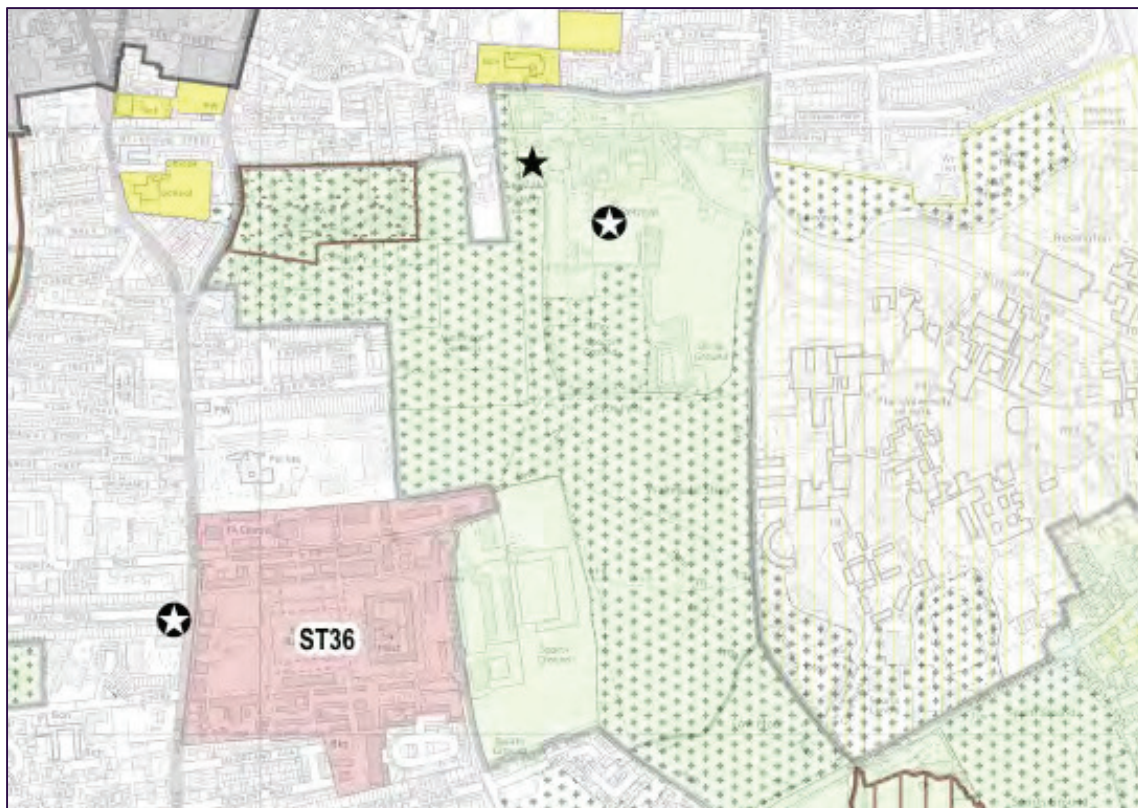
4.4 The following enlargement shows the general extent and inner edge more clearly



4.5 The draft plan includes a proposed more detailed Key Diagram as part of the introduction, which shows the General extent of the proposed Green Belt as follows:



4.6 The detailed Proposals Map South shows the proposed Green Belt boundary for The Retreat as follows:



4.7 The Green Belt background papers and evidence base are closely linked to the assessment of historic character and setting, with the following key documents:

- The Approach to the Green Belt Appraisal – February 2003
- Historic Character and Setting – January 2011
- Historic Character and Setting: Technical Paper Update – June 2013
- Approach to Defining York's Green Belt May 2018
- Topic Paper TP1: Approach to defining York's Green Belt – ADDENDUM March 2019 plus relevant appendices:
 - Annex 3 - York Green Belt Inner Boundary Section Descriptions and Justifications
 - Annex 6 - Minor Modifications Schedule GB Policies maps March 2019

4.8 These variously consider the open land around the city and classify different element as having importance as one of the following:

- Village Setting
- Rural Setting
- Strays
- Green Wedge
- River Corridors
- Extension of the Green Wedge
- Areas Preventing Coalescence

4.9 The Retreat is assessed as being part of a Green Wedge, defined as part of the historic character and setting of York within the 2003 report as follows:

The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

4.10 The 2003 report assesses The Retreat as part of Area C3: Extension to Walmgate Stray, described as follows:

- *Open grounds of the Retreat situated within the Retreat and Heslington Road Conservation Area*
- *The open setting of the city and open space adjacent to the Barracks.*
- *Open approaches providing a rural setting to the city affording good views of the Minster.*

4.11 The 2018 SHLAA assesses the site in terms of heritage and landscape and concludes:

The entire site is currently within the greenbelt and needs to remain so.

4.12 Topic Paper TP1 and the relevant appendices seek to retrospectively review the proposed establishment of the inner green belt boundary to this part of the city. Section 7 of Annex 3 assesses the proposed boundary adjacent to the University of York main campus (west), the Retreat, York Cemetery and the adjacent Low Moor Allotments.

Green Belt Assessment – General Principles

4.13 We consider the SHLAA conclusion to be incorrect on both whether the Plot 2a site is in the Green Belt already and whether or not it should be protected as such. The built part of the Retreat forms part of the developed urban area of York. The buildings are urban in character and closely relate to the built development on three sides and the adjacent Low Moor Allotments. The grounds form the curtilage of the hospital and thus a single planning unit albeit split into areas of different character and use.

4.14 Plot 2a, whilst largely undeveloped in itself, is closely bounded on all 4 sides by built development, as follows:

- i. Catherine House and the Walled Garden to the North
- ii. The Tuke Centre and car park to the East
- iii. East Villas and a private dwelling to the South (109 and 111 Heslington Road respectively)
- iv. Garrow House plus grounds and parking for the Retreat to the West

4.15 The following plan shows the enclosed nature of the site and denotes:

- a. Built development (mainly 2 storey) and curtilage in blue
- b. Car park areas in orange
- c. Strong tree and hedge boundaries in green



Green Belt Assessment on behalf of The Retreat

- 5.12 We consider the SHLAA conclusion to be incorrect on both whether the site is in the Green Belt already and whether or not it should be protected as such.
- 5.13 The Retreat is part of the urban area of York. The buildings are urban in character and closely relate to the built development on three sides and the adjacent Low Moor Allotments. The grounds form the curtilage of the hospital and thus a single planning unit albeit split into areas of different character and use.
- 5.14 The Key Diagram at 5.5 above purports to show the “General extent of the proposed Green Belt” as including the Green Wedges and Strays that extend into the main built part of York. However, this is not the case with the Yorkshire and Humber Plan Key Diagram copied above at 5.3 and enlarged at 5.4 which, despite being diagrammatic, show “York Green Belt (policy YH9C)” to not include the Green Wedges and Strays.
- 5.15 It is for the local plan process to determine the inner edge of the Green Belt and whether or not the Green Wedges and Strays should be included or protected by other means.
- 5.16 We are concerned that the proposed detailed Green Belt boundaries are based upon evidence that is out-of-date, going back as far as 15 years and preceding not only the draft NPPF but the current 2012 document as well. We are also concerned that the proposed inclusion of The Retreat is based on the misapprehension that the land is already in the Green Belt. It is not.
- 5.17 Taking the fundamental NPPF aim of Green Belts into account we consider The Retreat and curtilage land is not “permanently open” and makes no contribution to preventing urban sprawl into the wider countryside. If designated as Green Belt, the site would make no contribution toward openness. Turning to the five purposes of Green Belt at NPPF paragraph 133 (a-e) we consider that the site performs as follows:
- a) As noted above, we consider the site and its wider context to be built-up in character in any event. As developed land, designating the site as Green Belt would have no benefit to keeping urban sprawl in check.
 - b) The site plays no role in preventing the coalescence of neighbouring towns.
 - c) Similarly, being already part of the urban area, it plays no role in safeguarding against countryside encroachment.
 - d) The site in itself does not preserve the historic core of York. Providing it is done in a manner sensitive to the listed building, conservation area and scheduled monument heritage assets, development could take place without harm to the setting and special character of York. Green Belt status is not needed to safeguard this aspect.
 - e) The buildings and curtilage are urban in character. Designation as Green Belt would in effect discourage making best use of under-utilised urban land.

- 5.18 A full assessment on these matters is set out within Table 1 of the JLL representations at Appendix 1.
- 5.19 Furthermore, the council has failed to demonstrate the necessity for the site to be within the Green Belt as required by NPPF 82. It has not shown why “normal planning and development management policies would not be adequate”.
- 5.20 Given the short supply of development land in sustainable locations and the benefits of new housing close to existing shops and services, the proposed designation of the site as Green Belt is contrary to paragraph 84 of the NPPF.
- 5.21 In proposing to designate the site as part of the Green Belt the council is in conflict with paragraph 85 of the NPPF as it will be contrary to the required allocation of sufficient land for sustainable development and it is not necessary to keep the site permanently open. The lack of sufficient proposed safeguarded land as noted above is also contrary to paragraph 85.
- 5.22 In summary, we maintain that The Retreat should not be deemed to be within the current General Extent of Green Belt and that it would meet none of the NPPF purposes of Green Belt land. The Retreat does not have the characteristics of openness normally associated with Green Belt, having significant built form and character, set within mature, walled grounds.
- 5.33 If Walmgate Stray is ultimately included within the designated Green Belt, the southern boundaries of Low Moor Allotments and The Retreat would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, it fails to meet the NPPF paragraph 157 requirement to:

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed unacceptably low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels.

6.3 To summarise in more detail:

- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- The minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – the council's own evidence base gives an OAN of 953dpa.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- The plan should provide for a minimum of 1,000 new dwellings per annum.
- The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet "longer term needs stretching well beyond the plan period".
- The proposed Green Belt is unsound as it is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The proposed inclusion of The Retreat within the Green Belt is not supported by evidence and is unjustified. In this respect the plan is unsound.
- The site would neither perform any of the five NPPF purposes of Green Belt, nor would it contribute to the key characteristic of openness.
- The southern boundaries of Low Moor Allotments and The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.

- 6.4 Our client's land at The Retreat, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.
- 6.5 We respectfully maintain that the site, SHLAA ref. 861 and 862 should be released from the Green Belt to be allocated for housing within the plan period for the extensive reasons noted within these representations.

APPENDIX 2



**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
The Retreat Living Ltd.
J0016251

Carter Jonas

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Appendices

Appendix 1: JLL Representations - February 2016

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the plan) on behalf of our client, The Retreat Living Ltd. These representations are pursuant to and cross-reference with previous representations by JLL at the Preferred Sites stage.
- 1.2 The representations are in respect of the land and buildings at The Retreat, Heslington Rd, York, YO10 5BN (the site). The site is in use as a hospital specialising in mental health. As such it is a residential institution falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987. Having been considered at earlier stages of the plan the land is covered by Site References 861 and 862 within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to engage with the Council upon matters of green belt review and development potential at the site.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for intervention. A watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed.
- 1.4 In summary our main representations are:
- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet housing need.
 - The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
 - In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – the council's own evidence base gives an OAN of 953dpa.
 - As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
 - Based on the available evidence, the plan should provide for a minimum of 1,000 new dwellings per annum.
 - Even founded on a figure of 867dpa the plan proposes insufficient housing land.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
 - The draft plan also includes over-optimistic assumptions over the predicted level of windfall.

- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- It is also unsound as alternative spatial strategies including urban extension options have not been reconsidered within the 2018 Sustainability Appraisal.
- The proposed Green Belt is unsound as the proposed inner boundary is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The rear boundary of The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- The Retreat and its curtilage sit within the urban and built-up part of York and can be considered to fall outside the General Extent of Green Belt established by the Yorkshire and Humber Plan.
- The site in itself serves none of the five purposes of Green Belt as set out at paragraph 80 of the National Planning Policy Framework (NPPF).
- Development could be undertaken in a sensitive manner to protect heritage assets and the special character of the City of York.
- As a result of these matters the Retreat should not be designated as Green Belt and parts of the land could be developed for housing.

1.5 We have completed a representation form, to which is this statement is attached.

2.0 THE OVERALL DOCUMENT & GENERAL APPROACH

National Policy Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the proposal should be: -
- Positively Prepared;
 - Justified;
 - Effective and
 - Consistent with national planning policy.
- 2.2 We have some initial comments in regards the document as a whole. Principally the concerns are as follows: -
- The Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - It fails to respond to the direction of travel within recent draft government guidance contained in CLG's White Paper 'Fixing our Broken Housing Market' (Feb 2017), 'Planning for the Right Homes in the Right Places: Consultation Paper' (September 2017) and the draft National Planning Policy Framework issued in March 2018 and associated documents.
- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
 - Not effective due to issues of flexibility; and
 - Not consistent with current and emerging national planning policy.
- 2.4 Our specific comments are set out below on a section-by-section basis.

Section 2: Vision and Development Principles

- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:

The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.

- 2.8 We wholeheartedly welcome this aim. For the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market. However, it is well documented that the housing target incorporated into the plan in a highly politicised manner is neither justified nor backed by the current evidence base.
- 2.9 We also maintain that significant weight should be given to the Planning for the Right Homes OAN methodology, especially given the following statement from the Government’s March 2018 Question 1(a) consultation response, subtitled “A summary of consultation responses and the Government’s view on the way forward.”:

Having considered the responses, we consider that the proposed approach to assessing local housing need is the most appropriate method that meets the three key principles of being simple, realistic and based on publicly available data. We will be publishing draft guidance on the proposed methodology alongside the revised Framework.

3.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons. Our client objects to the housing requirement being set at 867 dwellings per annum. The GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommends that, based on their assessment of market signals evidence and some recent Inspectors decisions, the council should include a 10% market signals adjustment to the 867 figure, resulting in a requirement of 953 dwellings per annum.
- 3.2 There is no justification for not making an adjustment for market signals. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure. There are significant issues of housing affordability within the city and no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (including suggested additional housing sites) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 3.3 As such, the housing requirement of 867 fails to comply with Planning Practice Guidance and as a result the Publication Draft Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore patently unsound.
- 3.4 Furthermore, an additional uplift based upon representations from businesses and bodies such as the York Chamber of Commerce should reflect the confirmed role of York as a “key economic driver”. The York Economic Strategy 2016 to 2020 also indicates the need for a further uplift. The lack of reasonable explanation for not including economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

- 3.5 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure toward the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet.
- 3.6 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of NPPF paragraph 182 in that it is not positively prepared, justified, effective and consistent with national planning policy.

Policy SS2: The Role of York's Green Belt

- 3.7 The General Extent of Green Belt for York was established by Yorkshire and Humber Plan and retained under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must *"establish long term development limits that safeguard the special character and setting of the historic city"*. However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:
- allocate sufficient land to be allocated for development; and
 - identify areas of 'safeguarded land' for potential development beyond 2033.
- 3.8 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Brownfield land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period.
- 3.9 Despite this, the Green Belt boundaries proposed within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed boundaries are in no small part based upon a highly flawed approach under Policy SS1 noted above, it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified. As highlighted above we recommend that the plan includes a significant uplift to the housing requirement. Therefore it is very likely that further land for housing will need to be identified as the plan progresses and this will of necessity take up land currently within the proposed Green Belt boundaries.
- 3.10 In view of NPPF advice at paragraph 85 it is also considered necessary to formally identify Safeguarded Land to meet longer-term development needs stretching well beyond the plan period and to ensure the Council is satisfied that the Green Belt boundaries will not need to be altered at the end of the development plan period. Whilst we recognise that the Publication Draft Plan seeks to provide "further development land to 2038" (paragraph 3.13) this falls well short of the NPPF paragraph 85 requirement to:

...meet longer-term development needs stretching well beyond the plan period.

- 3.11 In summary, the proposed inner and outer Green Belt boundaries should be relaxed as appropriate to enable additional housing land to be allocated to meet a significantly increased OAN. Safeguarded land should be also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified as follows:

*To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038, **with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period.** (CJ amendments in bold).*

- 3.12 In respect of the overall housing requirement and the proposed Green Belt boundaries we cross-refer to the September 2016 representations on behalf of The Retreat, appended herewith at Annex 1 for ease of reference.
- 3.13 We make further representations covering the methodology followed to define the Green Belt boundaries and the proposed inclusion of The Retreat below.

Spatial Strategy: Key Sites

- 3.14 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites and (2) the unrealistic yields being suggested.

Policy SS4: York Central

Whilst we do not go into the details behind Policy SS4 at this stage we note that the suggested yield includes a significant degree of optimism on the one hand and an unreasonably broad range spanning a potential 850 dwellings on the other. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in the plan period” represents a lack of clear understanding of true site potential.

- 3.15 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn't correlate with the council's own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.16 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, we consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. We note the October 2017 Planning Committee report for undetermined planning application ref. 15/00524/OUTM refers to “*up to 1,100 dwellings*” whereas the subsequent January 2018 Design and Access Statement sets out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

4.0 HOUSING ALLOCATIONS

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to confirm *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above and as set out in extensive representations to date, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However, on the limited information available it is considered that the plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructures etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust.
- 4.6 As evidenced by the Windfall Technical Paper the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites for only a handful of units (e.g. Site H53 Land at Knapton Village for 4 dwellings) which might otherwise have been considered windfall should they come forward. As a result, we object to the

inclusion of over 2,000 units of windfall within supply as a result of being wholly unsupported, unsound and lacking justification.

- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.
- 4.8 We suggest that SHLAA Site Refs. 861 and 862 should be allocated for housing. This could be achieved in a sensitive manner in respect of heritage assets (please see below) and potentially contribute an estimated 250 dwellings to supply on what is previously developed land within the urban part of York. This would assist The Retreat in providing a new hospital replacing the current underused and obsolete facilities.

5.0 GREEN BELT

Policy Background

- 5.1 The City of York Green Belt remains in existence as a result of The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. This confirmed that:

The Regional Strategy for Yorkshire and Humber is revoked except for—

(a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); and

(b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

- 5.2 Under (a), Policies YH9(C) and Yorkshire(C) were retained as follows:

POLICY YH9: Green belts

C The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

POLICY Y1: York sub area policy

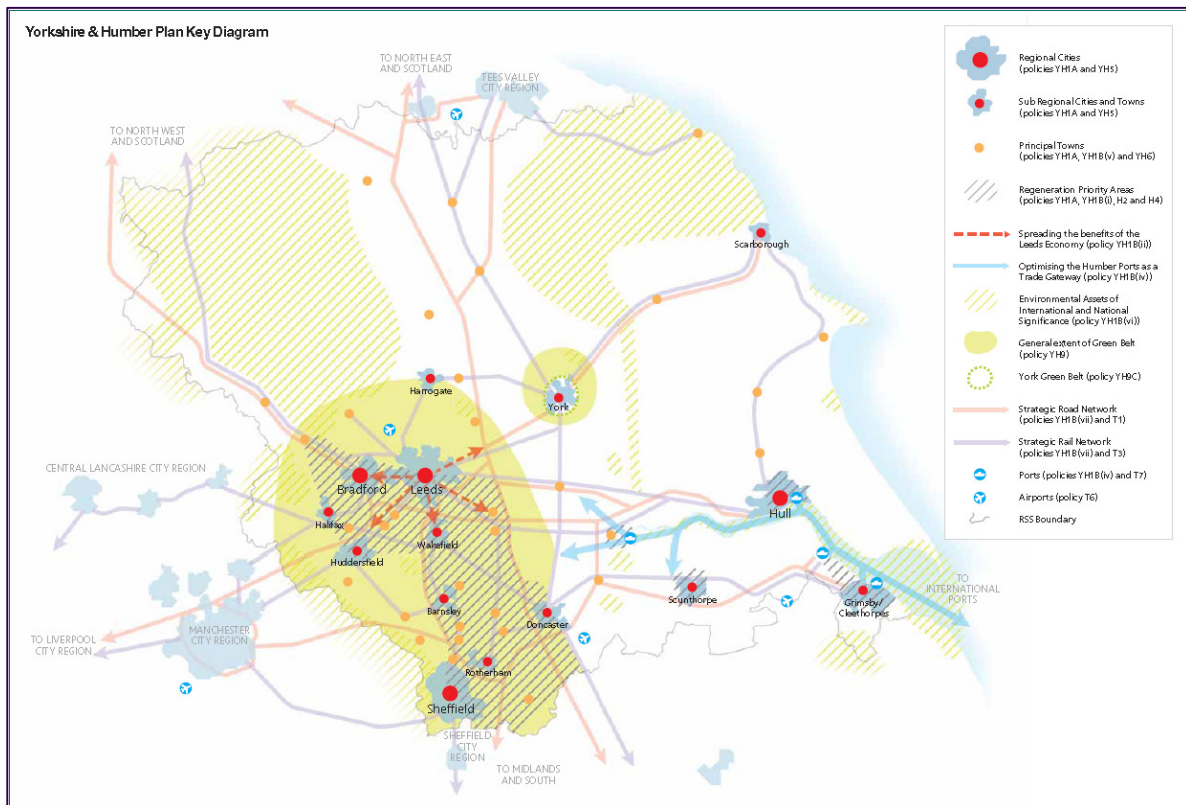
Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

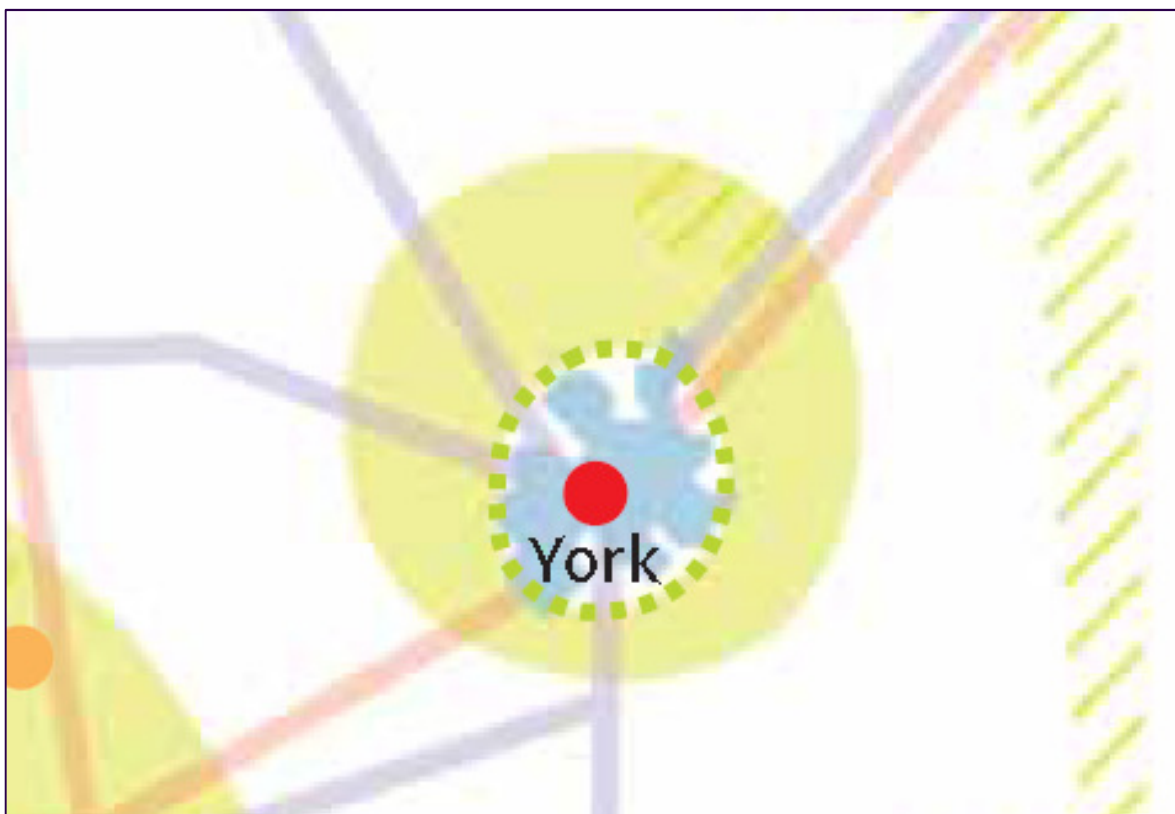
1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

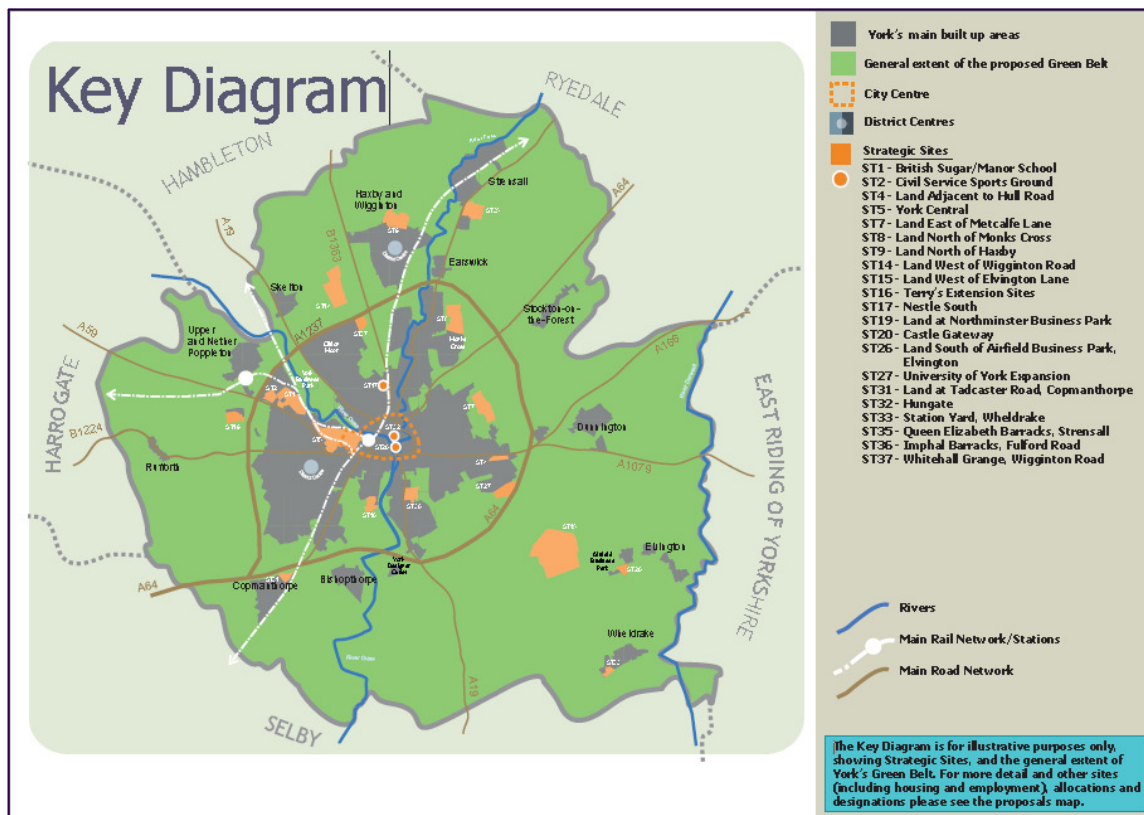
- 5.3 Under (b) the following Key Diagram is retained but only to indicate the general extent of the York Green Belt:



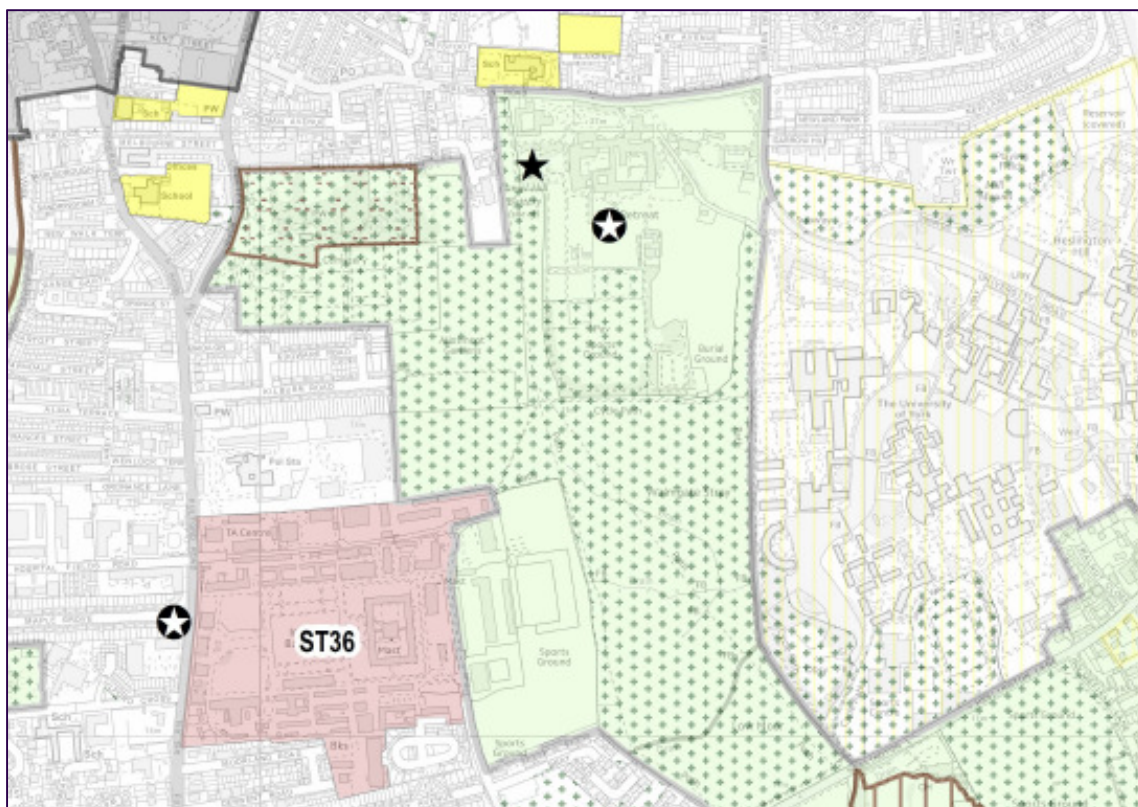
5.4 The following enlargement shows the general extent and inner edge more clearly



5.5 The draft plan includes a proposed more detailed Key Diagram as part of the introduction, which shows the General extent of the proposed Green Belt as follows:



5.6 The detailed Proposals Map South shows the proposed Green Belt boundary for The Retreat as follows:



5.7 The Green Belt background papers and evidence base are closely linked to the assessment of historic character and setting, with the following key documents:

- The Approach to the Green Belt Appraisal – February 2003
- Historic Character and Setting – January 2011
- Historic Character and Setting: Technical Paper Update – June 2013

5.8 These variously consider the open land around the city and classify different elements as having importance as one of the following:

- Village Setting
- Rural Setting
- Strays
- Green Wedge
- River Corridors
- Extension of the Green Wedge
- Areas Preventing Coalescence

5.9 The Retreat is assessed as being part of a Green Wedge, defined as part of the historic character and setting of York within the 2003 report as follows:

The green wedges are a characteristic feature of York. They form large tracts of undeveloped land which largely extend the countryside into the city. They prevent the lateral coalescence of different parts of the urban area and help to retain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

5.10 The 2003 report assesses The Retreat as part of Area C3: Extension to Walmgate Stray, described as follows:

- *Open grounds of the Retreat situated within the Retreat and Heslington Road Conservation Area*
- *The open setting of the city and open space adjacent to the Barracks.*
- *Open approaches providing a rural setting to the city affording good views of the Minster.*

5.11 The 2017 SHLAA assesses the site in terms of heritage and landscape and concludes:

The entire site is currently within the greenbelt and needs to remain so.

Green Belt Assessment on behalf of The Retreat

- 5.12 We consider the SHLAA conclusion to be incorrect on both whether the site is in the Green Belt already and whether or not it should be protected as such.
- 5.13 The Retreat is part of the urban area of York. The buildings are urban in character and closely relate to the built development on three sides and the adjacent Low Moor Allotments. The grounds form the curtilage of the hospital and thus a single planning unit albeit split into areas of different character and use.
- 5.14 The Key Diagram at 5.5 above purports to show the “General extent of the proposed Green Belt” as including the Green Wedges and Strays that extend into the main built part of York. However, this is not the case with the Yorkshire and Humber Plan Key Diagram copied above at 5.3 and enlarged at 5.4 which, despite being diagrammatic, show “York Green Belt (policy YH9C)” to not include the Green Wedges and Strays.
- 5.15 It is for the local plan process to determine the inner edge of the Green Belt and whether or not the Green Wedges and Strays should be included or protected by other means.
- 5.16 We are concerned that the proposed detailed Green Belt boundaries are based upon evidence that is out-of-date, going back as far as 15 years and preceding not only the draft NPPF but the current 2012 document as well. We are also concerned that the proposed inclusion of The Retreat is based on the misapprehension that the land is already in the Green Belt. It is not.
- 5.17 Taking the fundamental NPPF aim of Green Belts into account we consider The Retreat and curtilage land is not “permanently open” and makes no contribution to preventing urban sprawl into the wider countryside. If designated as Green Belt, the site would make no contribution toward openness. Turning to the five purposes of Green Belt at NPPF paragraph 133 (a-e) we consider that the site performs as follows:
- a) As noted above, we consider the site and its wider context to be built-up in character in any event. As developed land, designating the site as Green Belt would have no benefit to keeping urban sprawl in check.
 - b) The site plays no role in preventing the coalescence of neighbouring towns.
 - c) Similarly, being already part of the urban area, it plays no role in safeguarding against countryside encroachment.
 - d) The site in itself does not preserve the historic core of York. Providing it is done in a manner sensitive to the listed building, conservation area and scheduled monument heritage assets, development could take place without harm to the setting and special character of York. Green Belt status is not needed to safeguard this aspect.
 - e) The buildings and curtilage are urban in character. Designation as Green Belt would in effect discourage making best use of under-utilised urban land.

- 5.18 A full assessment on these matters is set out within Table 1 of the JLL representations at Appendix 1.
- 5.19 Furthermore, the council has failed to demonstrate the necessity for the site to be within the Green Belt as required by NPPF 82. It has not shown why “normal planning and development management policies would not be adequate”.
- 5.20 Given the short supply of development land in sustainable locations and the benefits of new housing close to existing shops and services, the proposed designation of the site as Green Belt is contrary to paragraph 84 of the NPPF.
- 5.21 In proposing to designate the site as part of the Green Belt the council is in conflict with paragraph 85 of the NPPF as it will be contrary to the required allocation of sufficient land for sustainable development and it is not necessary to keep the site permanently open. The lack of sufficient proposed safeguarded land as noted above is also contrary to paragraph 85.
- 5.22 In summary, we maintain that The Retreat should not be deemed to be within the current General Extent of Green Belt and that it would meet none of the NPPF purposes of Green Belt land. The Retreat does not have the characteristics of openness normally associated with Green Belt, having significant built form and character, set within mature, walled grounds.
- 5.33 If Walmgate Stray is ultimately included within the designated Green Belt, the southern boundaries of Low Moor Allotments and The Retreat would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, it fails to meet the NPPF paragraph 157 requirement to:

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed unacceptably low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels.

6.3 To summarise in more detail:

- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- The minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – the council's own evidence base gives an OAN of 953dpa.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- The plan should provide for a minimum of 1,000 new dwellings per annum.
- The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as it is tightly drawn to unreasonably restrict development opportunities for the necessary growth of York.
- The proposed inclusion of The Retreat within the Green Belt is not supported by evidence and is unjustified. In this respect the plan is unsound.
- The site would neither perform any of the five NPPF purposes of Green Belt, nor would it contribute to the key characteristic of openness.
- The southern boundaries of Low Moor Allotments and The Retreat would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.

- 6.4 Our client's land at The Retreat, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives.
- 6.5 We respectfully maintain that the site, SHLAA ref. 861 and 862 should be released from the Green Belt to be allocated for housing within the plan period for the extensive reasons noted within these representations.

12-Sep-16

City of York Local Plan
Preferred Sites Consultation
September 2016
Representations:
The Retreat, York



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Appendix 1 – Site Location Plan

1 Introduction

- 1.1 JLL is appointed as planning and heritage advisor to The Retreat, Heslington Road, York. The Retreat is an operational hospital (use class C2) which specialises solely in mental health illnesses. It is a residential institution.
- 1.2 The Retreat is an important and well used hospital. To continue to provide its current services to patients, the Retreat needs to relocate into a modern fit for purpose hospital facility that will secure its long term future. The current facility is struggling to meet current demands and regulatory standards. This decision has been reached on the basis of the shortcomings of the existing facility which has significant limitations on site operations.
- 1.3 To deliver a new hospital, the majority of The Retreat group of buildings will become obsolete. Furthermore, the new facility will require significant levels of cross subsidy to achieve a viable facility. It is therefore necessary to generate sufficient funds from the existing estate by way of conversion of the listed building to primarily residential use and new build residential development. These uses have been selected on the basis of an in depth analysis of potential uses.
- 1.4 **In this capacity, JLL makes the following representations to the City of York Local Plan Preferred Sites Consultation document, to promote the site for development.** The site sits within the red line boundary shown in Appendix 1 for consideration as part of this representation.
- 1.5 It is proposed by JLL that the site is allocated as a mixed use development for the following uses:
 - Health care facilities – residential institution, use class C2;
 - Health care facilities – day care clinic, use class D1;
 - Housing- conversion of existing buildings and new build, use class C3.

2 Background to the Retreat

- 2.1 The Retreat hospital was built in the 1790s to provide care for people with mental health illnesses. It was the first hospital of its kind, worldwide, to provide a radical and ethical approach to mental health treatment. The concept was created by William Tuke, a Quaker. The Quaker heritage remains fundamental to the ethos and care delivered at The Retreat. The Quaker input and support into the hospital remains. The Retreat is passionate about maintaining its legacy and in continuing to develop exemplar modern mental health care.

3 Description of Site and Surrounding Area

- 3.1 The Retreat site extends to approximately 16.18Ha (40 acres) and includes a range of buildings and land associated with The Retreat facility.
- 3.2 The site can be split into three distinct elements:
- the buildings provide the main element of The Retreat health facility;
 - the grounds and sports facilities; and
 - agricultural grazing land.
- 3.3 The buildings include a number of heritage assets comprising:
- The Retreat Hospital, 107 Heslington Road – grade II listed – originally constructed between 1793-97, but extended in 1800-30, C19 and C20 and modernised in c.1960;
 - Garrow House, Heslington Road – grade II listed – originally a house dating from 1835, now a students' residence but also extended in C19 and C20;
 - Summerhouse – grade II listed – an early C20 summerhouse, primarily included for group value with the main hospital building;
- 3.4 A range of other buildings, of varying degrees of architectural merit established around the northern part of the site close to the main Retreat building.
- 3.5 In addition a scheduled ancient module is located to the north west of The Retreat. This is Lamel Hill – an Anglo Saxon tumulus.
- 3.6 The whole site falls within the 'The Retreat/Heslington Road Conservation Area', designated in 1975, in addition to a number of residential properties to the north-west.

4 Policy Context

- 4.1 Representations are made by JLL in respect of promoting the site for a mixed use allocation with predominant uses of health care and housing. It is acknowledged that the Preferred Sites Consultation document of July 2016 focuses on housing and employment land. However, some sites will include a mix of uses which indeed are encouraged, thus creating sustainable development. It is therefore important that this site is considered as part of the consultation process and is put forward as an allocated site which can contribute to the Council's housing requirements as well as help to retain an essential hospital facility within the site.
- 4.2 In considering the suitability of The Retreat site as a future mixed use health and housing allocation it is important to consider the planning policy background. JLL has therefore set out what it considers to be the most relevant policies in promoting this site for a health and housing allocation.
- 4.3 The relevant statutory development plan comprises the City of York Draft 'Local Plan' - incorporating the 4th set of changes (April 2005) which is used for development management purposes. Other material considerations include the adopted National Planning Policy Framework (NPPF), supplementary guidance, and emerging policies.

City of York Draft 'Local Plan' 2005 (CoYDLP)

- 4.4 The CoYDLP identifies the site as sitting with the green belt. Policy SP2 states:

"The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map."

- 4.5 The Retreat is shown below.



- 4.6 The Proposals Map designates the site as Green Belt. It also identifies part of the site as a 'Major Developed Site in the Green Belt following guidance published in 1995 under PPG2. Outside the site perimeter, the proposals map shows a "Proposed Cycle / Pedestrian Network" routes (red broken line).
- 4.7 JLL acknowledges that the designation of 'Major Developed Sites' in the Green Belt was superseded with the introduction of the NPPF. Nevertheless it is important that the Site's development is acknowledged as an operational developed site.

City of York Local Plan Preferred Sites Consultation July 2016

- 4.8 The Preferred Sites Consultation focuses primarily on the allocation of sites of 0.2 ha and above across York for housing and employment uses. JLL acknowledges that the future Local Plan's main function *'is to help direct and manage different development across the city whilst simultaneously supporting economic prosperity, promoting a sustainable environment and creating an inclusive place to live.'*
- 4.9 JLL considers that The Retreat site can contribute to the Local Plan's function by providing a mixed use development which supports:
- economic prosperity;
 - within a sustainable environment; and
 - be an inclusive place to live.
- 4.10 The consultation document focusses on a revised portfolio of sites for housing and employment allocations across the city based on updated evidence.
- 4.11 The sites put forward include those consulted previously within the Preferred Options Local Plan 2013 and Further Sites consultation 2014 and new sites. Some have been removed.
- 4.12 The Retreat site does not form part of any previous consultation documents (2013 and 2014) or this current consultation document of 2016. The purpose of this report is therefore to follow (based on the information available to JLL) methodology used by York City Council to identify suitable sites for housing allocations.
- 4.13 The consultation document of 2016 acknowledges paragraph 17 of the NPPF:
- 4.14 Allocation of The Retreat site will help to meet identified housing needs of York city, provide an opportunity to redevelop the site to provide housing whilst prioritising the requirement for a new fit for purpose hospital facility to meet mental health needs. Furthermore, the site can help to respond to the market signals to meet the residential needs of the community in line with paragraph 17.
- 4.15 Furthermore, The Retreat Site can help to achieve the objectives set out at paragraph 47 'Delivering a wide choice of high quality homes' which states that:

"To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land...;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15...”

4.16 Footnote 11 with reference to paragraph 47 states that:

“To be considered developable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable....”

4.17 Footnote 12 with reference to paragraph 47 states that:

“To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

4.18 Any site identified in the SHLAA should also be considered available and be able to be viably developed in order to be in conformity with the NPPF. Whilst The Retreat site is not included within the SHLAA, JLL can confirm that the site is available for development given surplus land needs to be released for development to fund the delivery a new hospital. Therefore the Site can be considered to be available and be viably developed during the plan period. This is confirmed by the site owner.

4.19 This representation provides further evidence that the Site should be considered as a housing allocation within the City of York Local Plan.

4.20 The site has the potential to deliver a combination of houses through conversion of existing buildings, some of which are listed, and new build homes. The site is able to deliver:

- circa 100 converted homes; and
- circa 150 new build homes, totalling
- **circa 250 new homes**

across the site of 16.18ha in addition to a new specialist mental health hospital.

5 Quantifying the Need and Demand for Housing

- 5.1 It is understood that the Council seeks to deliver 841 dwellings per annum. During the 20 year plan period 2017 to 2032, the Council would require 16,820 dwellings to be delivered. JLL has reviewed the housing requirement figures set out in the Strategic Housing Market Assessment (SHMA) by GL Hearn on behalf of the Council of June 2016, which is also subject to public consultation; and 'York's Local Plan: FAQs' document.
- 5.2 Taking account of completions, commitments and windfalls (152 per annum) which total 8,543 units, the plan seeks to allocate sites to deliver a further 8,277 units.
- 5.3 Furthermore, the Council seeks to secure a further 2,540 units for the five year period to 2037 to ensure that no changes are required to the Green Belt boundary during this period.
- 5.4 Therefore it is understood that allocations are required for 10,817 units up to 2037.
- 5.5 On reviewing Tables 6 and 7 of the Preferred Sites Consultation July 2016, the Council has identified sites which could deliver 10,161 dwellings during the period 2017 to 2032. Whilst JLL has not sought to analyse the current housing figures in detail, assuming this is an exercise for future public consultation it appears that the Council has a shortfall of 656 dwellings, if allowance is to be made for the additional five year period to 2037.
- 5.6 The Retreat site can help to achieve the Council's goal as the site is available during the plan period to 2032 by providing a **further estimated 250 dwellings**.
- 5.7 Furthermore, it is commonly accepted that whilst sites are allocated for housing, there are some that may not come forward during the plan period for a range of currently unknown reasons. Therefore even if the Council may have identified sufficient housing land to deliver its requirements, additional sites can help to ensure that there is a greater chance of the plan meeting its housing delivery objectives over the plan period. The NPPF does not limit the amount of housing to be allocated rather it sets a minimum target.
- 5.8 The proposed allocation of The Retreat Site is therefore essential to help meet the Council's housing requirements during the plan period.

6 Green Belt Review

- 6.1 The Preferred Sites Consultation July 2016 acknowledges that currently a draft Green Belt boundary is in place and the Council is yet to set 'detailed Green Belt boundaries for the first time'. This will take place as part of an ongoing Green Belt Appraisal.
- 6.2 The Retreat Site sits within the draft Green Belt boundary. The draft Green Belt '*was identified for the purposes of conserving the historic character and setting of the city.*' The NPPF is clear at paragraph 79, that the '*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open...*'.
- 6.3 The Site sits in the urban area of York, and does not contribute to urban sprawl.
- 6.4 As indicated above, on review of the Preferred Sites Consultation July 2016 it is important to identify sufficient housing across the City of York including beyond the plan period to 2037 which will inform the review of the Green Belt.
- 6.5 Given The Retreat Site currently sits within the draft Green Belt, JLL has carried out, as set out below, an assessment of The Site against the purposes of Green Belts as set out in the NPPF, paragraph 80, to demonstrate the Site does not meet the purposes of the Green Belt.
- 6.6 The allocation of The Retreat Site has the potential to make an important contribution to the delivery of housing and wider uses including the essential and established Retreat hospital therefore make an important contribution to the soundness of the Preferred Sites.
- 6.7 The Site is located at the southern edge of the City of York which:
- would represent 'infill' and 'rounding off' development given the residential development to the west, residential development and school to the north and the University of York campus to the east of the site;
 - has strong physical boundaries on all sides;
 - comprises a mix of existing listed and non listed buildings across the site;
 - sports facilities including a bowling green; and
 - is available for development within five years given the hospital's requirement to release the land for development to facilitate the development of a new hospital , with confirmation from the landowners.
- 6.8 Furthermore:
- development at the Site has a low potential to lead to unrestricted sprawl;
 - development of the Site would not result in the merging of settlements;
 - the Site does not perform an important role in safeguarding the countryside from encroachment;
 - development of the Site would be sensitive to and protect the setting and special character of historic features.

6.9 Whilst the Council is understood to be preparing its own Green Belt Appraisal, this information is not currently available in the public domain. JLL has therefore carried out its own assessment of The Retreat Site, following the NPPF ‘five purposes’ set out at paragraphs 79 and 80. JLL’s assessment is set out below in Table A and which demonstrates that the Site should be considered as an allocation for development.

Table A

| Purpose | Assessment |
|--|--|
| <p>1. Check the unrestricted sprawl of large built up areas</p> | <p>Development at the Site would constitute “infill” and “rounding-off” development. There are strong physical boundaries on all sides with houses to the west and north, a school to the north, the University of York campus to the east, and a permanent physical red brick wall along the southern boundary of the site.</p> <p>Heslington Road and Thief Lane define the site’s boundary on its northern end with brick and railing features. A mix of predominantly brick wall and sections of iron railings define the western boundary. The eastern boundary at its northern end is defined by University Road and established hedgerows and timber posts. The established hedgerows and fences define the remainder of the eastern boundary. The southern boundary is defined by the clear permanent brick wall which is circa 2.5m high. A short section on the eastern end of the southern boundary is replaced by a strong line of mature trees which continues north along the eastern boundary. The boundaries present a well contained site.</p> <p>The site is accessible by road from Heslington Road and Thief Lane across the northern boundary and University Road along part of the eastern boundary.</p> <p>Heslington Road bends into the site from the northern boundary, and extends in a south easterly direction through the site to the University. This provides 24/7 access by foot for students and members of the public who can walk through the northern part of the site. This further demonstrates the site’s integration with neighbouring uses.</p> <p>There is an internal road network within the site to provide access to all parts of the site from north to south and across from east to west by vehicles demonstrating that different parcels of land within the site are accessible and that the site is overall permeable.</p> <p>The site forms part of the wider area and integrates well with the surrounding uses. It is not isolated and has dense development on three sides. Indeed the site was recognised as a ‘Major Developed Site’ within the Green Belt as part of a former draft iteration of the Plan, thus acknowledging it is an active site within the local area.</p> <p>Between the site and surrounding developments on its western and eastern boundaries are slim corridors which form part of the medieval Walmgate Stray. These ‘fingers’ help to define the strong boundaries of the Site and form part of the historic character of the City.</p> <p>Within the northern part of the site it is developed with buildings extending to three and four storeys in height and additional buildings, particularly along the eastern side which contribute to the urban character of the site.</p> <p>There are no openings within the site along the southern boundary. The boundary is a strong physical feature which clearly defines the extent of the site and prevents any sprawl beyond the site boundary. This provides a defined boundary between The Retreat and the surrounding Walmgate Stray.</p> <p>The site is well contained and does not suggest its demise could spill outwards or be extended in any direction.</p> |

| Purpose | Assessment |
|---------|--|
| | <p>The contained design of the site by way of its strong boundaries means that the site turns its back on the Walmgate Stray and indeed the rest of the draft Green Belt. Therefore development of the site would not harm the openness of the Green Belt as it sits distinctly out with the open countryside and is of a distinctly different character to the surrounding area. .</p> <p>The site benefits from established strong boundary features and surrounding uses; within an area of dense development; existing accessibility; and a contained parcel of land which demonstrate that the candidate site has low potential for urban sprawl.</p> <p>Overall conclusion:</p> <p>Development of the Site would result in low potential to lead to unrestricted sprawl.</p> |
| | <p>2. Prevent neighbouring towns from merging into one another.</p> |
| | <p>There are strong boundaries on all sides with development to the east, west and north. The Site is well contained with strong physical and natural boundaries which define the site on all sides including red brick walls and hedgerows; and roads including Heslington Road, Thief Lane and University Road. Walmgate Stray also frames the site beyond its western, eastern and southern boundaries. Furthermore, Walmgate Stray extends south of the site and opens up into countryside. The site sits within the urban environment of the City of York. Therefore the strong boundaries of the Site perform a role in preventing neighbouring towns from merging.</p> <p>Furthermore, the site would constitute infill development and 'rounding off'. The nearest settlement beyond the City of York is located beyond the A64 to the south. Moreover, development has extended southwards to the west and east of The Site towards the A64 including housing, the Imphall Barracks along Fulford Road to the west; and the University of York to the east. The Retreat Site is much further north and is prevented from further expansion beyond its southern boundary by the Walmgate Stray and indeed its own physical boundaries. Thus any potential for sprawl is prevented hence controlled.</p> <p>This would mean development of the Site would not visually or physically lead to the merging or physical connection of settlements. The site is not considered to be within an essential gap and therefore would not compromise the purpose of the Green Belt.</p> <p>Overall conclusion:</p> <p>Development of the site would not result in the merging of settlements.</p> |
| | <p>3. Assist in safeguarding the countryside from encroachment</p> |
| | <p>The Site sits within the draft Green Belt boundary of York. Whilst this is the case existing development immediately west, north and south of the site sits outside of the Green Belt.</p> <p>The Site benefits from strong boundaries on all sides. The Walmgate Stray wraps around the west, east and southern boundaries. Particularly on the western and southern boundaries of the site, solid physical boundaries including red brick walls and railings provide strong definition of the boundary of the site. Along the eastern boundary, natural hedgerows and mature trees define the boundary with timber posts. The boundaries clearly define the site to refrain the site from encroaching on the countryside. Furthermore the site is physically and visibly contained such that it turns its back on the surrounding open countryside to the south.</p> <p>The draft Green Belt boundary would be more robust if redefined to follow the strong established brick walls and railings (north and west boundary), roads (north boundary) roads and hedgerows (east boundary) and brick wall and strong tree line (south boundary)</p> |

| Purpose | Assessment |
|---------|--|
| | <p>which are recognisable, substantial, physical and natural features which can sit outside of the draft Green Belt. These features are readily recognisable and permanent as required within paragraph 85 of the NPPF.</p> <p>Indeed as mentioned above the Council has previously acknowledged the Retreat as a Major Developed Site in the Green Belt. This further demonstrates the site does not function as a site which safeguards against encroachment into the Green Belt.</p> <p>The site is accessible from the north along Heslington Road. A path from Heslington Road spurs into the site in a south easterly direction towards and into the University of York campus. The path does not cross the Walmgate Stray to the east of the Site. The Stray begins immediately south of the path allowing walkers/cyclists to access the site at this point. There are no other breaks within the Site boundary which allow any access. Therefore all access to the site is from the north and north east. Access into the site is appropriately located at established points which draw visitors in from the surrounding urban areas of the City. Importantly there are no points of access into the Stray to the south which could otherwise result in encroachment into the countryside.</p> <p>There are no known nature conservation designations within or abutting the site. The St Nicholas Fields Local Nature Reserve is circa 0.5km north of the site; the York SINCR is circa 1 km south east of the site; and the Fulford Ings SSSI is circa 2km south west of the site. The site therefore does not perform a role in safeguarding the countryside from encroachment.</p> <p>The site sits within the The Retreat/Heslington Road Conservation Area. Therefore existing woodland and hedgerow are protected. Hedgerows are present along the boundary of the site therefore would primarily be retained. There are no formal woodlands through the site although several trees are scattered through the site. Whilst trees are protected under the Conservation Area designation, they are scattered throughout the site and within the clearly defined boundaries. Any trees which are positioned along the site boundary would continue to contribute to that boundary resulting in a contained site.</p> <p>Indeed the strong boundaries are further enhanced by the established trees within the site boundary which further screen the site thus minimising an visual impact into the site from the Walmgate Stray and vice versa, thus reducing any impact on landscape character into the Stray. The trees and hedgerows within the site perform a function which refrain the site from encroaching on the countryside.</p> <p>The site includes circa 4 ha of agricultural grazing land for horses along its eastern side. Part of this area is classified as Grade 2 Agricultural Land in the post 1988 classification. A phase 1 ecology report identifies this part of the site as semi improved grassland. Whilst part of the site is classified as Grade 2, the site is not used intensively for agricultural use. No other areas of land are used for agricultural purposes within the site. The land slopes downwards, north to south. Removal of the agricultural use in this part of the site is unlikely to encroach on the countryside as the site is strongly defined by the existing hedgerows and trees within the site.</p> <p>There are several buildings across the site dominated by the Main Retreat building itself. This dominates the northern part of the site and has been extended over time westwards, eastwards and southwards. Additional associated medical buildings are located on the front lawn overlooking Thief Lane and University Road. Further buildings for medical use are located along the internal road network primarily on the eastern side of the site. A mix of former agricultural buildings and other outdoor buildings are also established within the site which are primarily used for maintenance and storage to the site's main hospital operation and for maintaining the grounds. A large part of the site is therefore classed as brownfield land.</p> <p>The site has been in active use as a hospital since its development began in 1793. The site has expanded over time and is an established 24/7 operation. Whilst the main building and others are listed, the site operates and functions as an urban location and does not function as a site that safeguards the countryside from encroachment.</p> <p>It can therefore be concluded that the site does not perform an important role in safeguarding the countryside from encroachment.</p> |

| Purpose | Assessment |
|---|---|
| | <p>Overall conclusion:</p> <p>For the reasons set out above, the site does not perform an important role in safeguarding the countryside from encroachment, this is primarily because the site is accessed from the north; the site's strong boundaries on all sides create a contained environment which is not overlooked, particularly from the south; the site functions as a 24/7 operation within an urban setting; and which turns its back on the open countryside including the Walmgate Stray to the south.</p> |
| <p>4. Preserve the setting and special character of historic towns</p> | <p>The redevelopment of The Retreat site will preserve the setting and special character of the City of York.</p> <p>The setting and special character of the City of York is formed by the medieval Strays which provide green 'wedges' which extend from the surrounding countryside into the City Centre. These are an essential part of the character of the City. The Walmgate Stray wraps around the eastern, southern and western boundaries of the site and is protected from any future development. This green setting to the City will not be affected by the development of the Retreat Site, particularly given the historic nature of the site where the potential for effects on the setting of the listed building will be a key consideration.</p> <p>The site forms part of The Retreat/Heslington Road Conservation Area and includes three grade II listed buildings and an ancient scheduled monument. It forms part of the wider conservation area which sits outside of the current draft Green Belt comprising Fairfax House to the west of The Retreat.</p> <p>The development of the site can be designed and planned to ensure the significance of the site – not only the listed buildings but also the character and appearance of the conservation area – can continue to be preserved. The requirement for planning permission and/or listed building consent provides a degree of control of development with which the Council will have tight control. The boundary of the Site is tightly defined (and constrained) with surrounding walls and railings which will provide a natural limitation on the potential extent for development and already provides a distinction between the surrounding green area associated with the Stray and within the Green Belt and the development of the site.</p> <p>It must also be noted that there is a distinctly different character between the Stray and the Retreat Site. The character of the Walmgate Stray is one of a managed pastureland with roaming animals and is widely used by local residents for walking, indeed, there are a number of footpaths and bridleways throughout the Stray. The landscape associated with the Retreat Site (i.e. that area enclosed within the surrounding red brick boundary walls) has a very different character, comprising sports fields and a very heavily managed landscape, with a team of gardeners maintaining the landscape. There is significant management of the landscape. There is already a distinctly different character between the areas and, as such, the application site is not an element that contributes to the setting of the City of York. This same relationship can be maintained through an appropriately designed scheme which reflects the heritage significance of the Site.</p> <p>The Retreat is a 24/7 operation which is integrated with its surrounding urban setting and is similar to other sites such as Terry's Chocolate Factory, which also includes historic buildings, but sits adjacent to the Green Belt and, indeed, overlooks the York Racecourse which is included within the Green Belt.</p> <p>The Retreat site can be redeveloped to provide a new hospital whilst the significance of the listed building and the conservation area can be preserved through sensitive design within the planning process by way of future listed building consents and planning permissions.</p> |

| Purpose | Assessment |
|---|---|
| | <p>The special character of the Walmgate Stray (which contributes to the setting and special character of the City of York) would not be affected by the redevelopment of the Retreat site given the distinctly different character between the two areas. The Site's historic character can be controlled within its strong defined boundaries without forming part of a future Green Belt.</p> <p>Overall conclusion:</p> <p>Development of the site would have no significant adverse effect on the significance of the setting and special character of the historic town.</p> |
| <p>5. Assist in urban regeneration by encouraging the recycling of derelict and other urban land</p> | <p>The site is partly brownfield and includes a number of listed buildings. If the current hospital facility ceases to function, the existing buildings are at risk of falling into disrepair. To protect the longevity of those buildings the wider site requires redevelopment to maintain and protect the built fabric and indeed to provide a new hospital facility. Development of the site including new housing will release funds for a new hospital to be built and the conversion of the existing buildings at the site so they can remain in active use.</p> <p>The overall development will therefore protect the long term future of existing jobs at the site, allow for improved mental health care to serve the local and wider community, allow for alternative use of the existing buildings, and create new housing to contribute to local housing need objectives for the City. Recycling existing land and buildings at The Retreat would contribute to the Council's objectives for housing and employment growth meeting urban regeneration and ultimately sustainable development objectives.</p> <p>The Site is surrounded by established urban development on three sides with housing and educational facilities along an accessible road therefore development would be compatible with surrounding uses. The Retreat itself is an established health facility. The Retreat's location is largely urban.</p> <p>Overall conclusion:</p> <p>Development of the site would contribute to its regeneration which can take place outside of draft Green Belt boundary.</p> |

- 6.10 The assessment undertaken by JLL demonstrates that the Site exhibits attributes which do not fit with the primary purposes of the Green Belt, therefore should be considered for removal to assist in meeting future development needs. The release of the site from the draft Green Belt would not harm the Key Purposes.
- 6.11 Importantly, the proposed allocation would deliver sustainable development, given the site's location. The site is within an established local community with residential, primary and further education, and health care uses which present a sustainable location.
- 6.12 Overall conclusion from assessment against the five purposes of Green Belt and essential characteristics of openness and permanence:
- Development of the site has low potential to lead to unrestricted sprawl.
 - Development of the site would not result in the merging of settlements
 - The site does not perform an important role in safeguarding the countryside from encroachment.

- Development of the site would have little effect on the setting and special character of historic towns.
- Development would contribute to the urban regeneration of the site and surrounding area.

7 City of York Methodology

7.1 JLL has also assessed the site against the Methodology set out in its Preferred Sites Consultation July 2016 which the Council has used in considering sites to be put forward as allocations for housing and employment.

7.2 Based on the information available to The Retreat, JLL has set out its findings based on the Council's Methodology below.

7.3 Criteria 1: Protecting environmental assets (including Historic Character and Setting, Nature Conservation, Green Infrastructure assets and functional floodplain)

Criteria 2: Protecting existing openspace

Criteria 3: Avoiding areas of high flood risk (Greenfield sites in flood zone 3a)

Criteria 4a: Sustainable access to facilities and services

Criteria 4b: Sustainable access to transport.

Criteria 1

7.4 The site sits within an area of historic character, ie within The Retreat/Heslington Road Conservation Area and comprises listed buildings (grade II*) and a scheduled ancient monument. The site is at risk of becoming vacant if it is not redeveloped for a fit for purpose, modern hospital facility. The current building stock no longer lends itself to modern health care practice. Redevelopment of the site for a new housing will help fund the conversion of the existing historic buildings so they remain in active use. The historic buildings can therefore contribute to providing new housing within the City of York.

7.5 Additional new build housing is also required within the site to cross fund the development of a new hospital. The new housing can be designed sensitively to ensure the character of the site is maintained whilst contributing to the City's housing supply.

7.6 There are no known nature conservation designations within or neighbouring the site.

7.7 The site is surrounded by the Walmgate Stray on three sides but is clearly separated by strong physical and natural boundaries within The Retreat Site. Any development within The Retreat Site will not impact on the function or environmental quality of the Walmgate Stray.

7.8 The site sits within flood zone 1 therefore is suitable for housing development.

Criteria 2

7.9 Within the site are areas of open space which are used as a bowling green and cricket pitch. The bowling green is well used and the cricket pitch benefits from limited use and forms a small part of the site. An area of open space which once occupied tennis courts has not been used for several years and is not in a condition that can be used. The surface is mossed over in larger areas and tarmac has cracked and lifted in many areas too.

7.10 Redevelopment of the site in areas which include open space can be designed to ensure that open space is planned into the site to benefit users. It is understood on reviewing the City of York Playing Pitch Strategy 2013 Consultation Draft that there is a surplus of 20 cricket pitches across the City at present and a surplus of 6 pitches

once population growth is taken into account. Therefore any loss of this facility is not harmful to open space provision across York.

Criteria 3

7.11 The site sits within flood zone 1 as set out above therefore is at low risk of flooding. The site is therefore suitable for housing development as well as redevelopment for a new hospital facility.

Criteria 4a

7.12 The site sits within an existing hospital facility. Whilst its function is to care for specialist mental illnesses it still provides an essential facility to the local community.

7.13 The site sits opposite the St Lawrence’s CE Voluntary Aided Primary School which is 170m within walking distance of the site; and abuts the University of York.

7.14 In summary the following facilities are located closest to the site:

| Facility Type | Facility Name | Distance from The Retreat |
|--------------------------|---|---------------------------|
| Primary School: | St Lawrence’s CE Voluntary Aided Primary School | 170m |
| Secondary School | Archbishop Holgate School | 1,600m |
| Higher Education | The Higher Education Academy | 1,300m |
| Further Education | University of York | 480m |
| Health Centre/GP Surgery | Park View Surgery | 640m |
| Convenience store | One Stop, Heslington Road | 480m |
| | The Co-operative Food - Hull Road | 800m |
| Children’s play areas | Hull Road Park Play Area | 1,120m |
| Sports Centres | York Sports Village | 3,900m |
| Leisure facilities | The Barbican Centre (theatre & venue) | 800m |
| Restaurants/bars | Range in City Centre | 900m |
| Shops general | York City Centre (Coppergate) | 960m |
| | Foss Islands Retail Park | 900m |

7.15 The Council’s Open Space Study shows that on a city-wide basis, there is an in-principle deficit of Parks & Gardens, Childrens’ Sites, Teenagers’ Sites, Outdoor Sports areas and Allotments and a surplus of Natural/Semi-Natural areas and Amenity spaces. However, the site is located adjacent to many existing facilities including the Outdoor Sports facilities at the University of York which are open to the public on Heslington Lane to the south

and south east of the site; natural areas provided by the Walmgate Stray immediately to the south of the site; and the Low Moor Allotments to the south west of the site.

Criteria 4b

- 7.16 The site is located on Heslington Road and Thief Lane, with access to University Road. It is easily accessible by foot on established public footpaths to local facilities.
- 7.17 A number of cycle routes run close to the site including a local route running along Heslington Road and along the minor road bisecting the site. In addition National Cycle Route 66, which runs from central Manchester to Spurn Head via Bradford, Leeds, York, Beverley, and Kingston upon Hull, passes through Walmgate Stray to the south of the site.
- 7.18 A bus stop sits immediately outside the site at Heslington Road. The number 44 and 66 services provide frequent services between the site, the University and the city centre. The bus service is considered to be excellent. The "Cityzap" service links Leeds and York on a flexible route to avoid traffic delays where possible, the closest Cityzap stop is on Stonebow, 1,600m from the site. The train station can be accessed by the 44 and 66 routes as detailed above.
- 7.19 The site is a short distance (3.7km) from the A64 ring-road to the south which provides good connections to the national road network including the A19 and the A59. The A1(M) can be accessed at Bramham Crossroads 25km to the south-west.

Summary

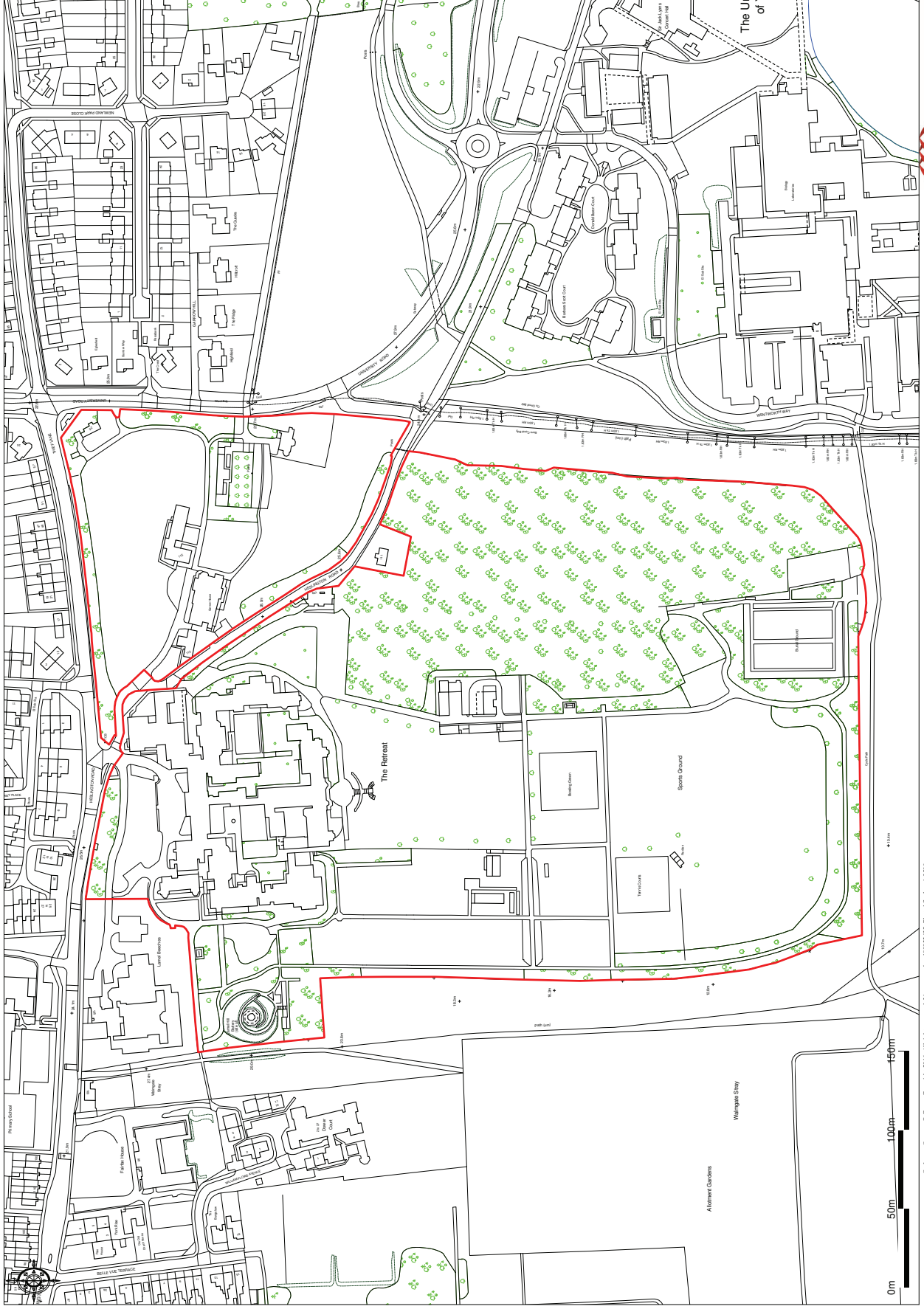
- 7.20 The site is located in a mixed use area with residential properties and educational facilities located on three sides of the site. The site is part brownfield. The existing buildings provided an opportunity for conversion which would secure active use of the listed buildings on the site thus protecting them in the long term.
- 7.21 Part of the land is currently used for grazing but has the opportunity to be redeveloped to provide the long term use of The Retreat Hospital. The site sits within a Flood Zone 1 area which is suitable for residential development.
- 7.22 There are no known protected nature conservation designations at the site. A variety of open spaces are identified within the site some of which are no longer fit for purpose, eg the tennis courts; whilst others are underused eg the cricket pitch.
- 7.23 The site benefits from most local amenities within close proximity, many by foot, including local convenience stores and the local primary school. Local bus services which connect the site to the City Centre and the University are located immediately outside the site's entrance.
- 7.24 Due to the surrounding local amenities and excellent provision of public transport access, the site is considered to be a highly sustainable location. Local services are easily accessed by bus, foot and bicycle and the site forms part of a wider urban area.

8 JLL Commentary and Summary

- 8.1 JLL summarises the benefits of the proposed allocation for The Retreat site setting out why the Council should allocate the site as a Mixed Use Site for Health Care (Use Classes C2 and D1) and Housing (Use Class C3) delivering circa 250 homes.
- 8.2 The site is 16 ha (40 acres). It provides an essential, important health facility specialising in mental health illnesses. The existing buildings are no longer fit for purpose. The Retreat has explored options to provide a modern fit for purpose facility. The only credible, viable option is to build a new hospital facility to future proof this important service. The site is sufficiently large enough to accommodate a new facility and avoids the need to purchase new land elsewhere which will add to the costs of delivery. The Retreat therefore requires to relocate to a new facility within the existing site. In order to deliver the site, The Retreat requires cross funding through creating higher values elsewhere within the site.
- 8.3 To deliver a new hospital facility it is proposed to allocate The Retreat Site for hospital use and housing which will allow redevelopment to cross fund the new facility.
- 8.4 The proposed allocation will protect circa 400 jobs and deliver circa 250 new homes comprising a mix of conversion and new build properties. The allocation will also allow the listed buildings to remain in active use.
- 8.5 The site is largely contained and does not spill into the open countryside to the south such that it's level of enclosure, strong boundaries and the topography of the site do not serve green belt purposes.
- 8.6 The site sits within walking and cycling distance of local amenities; it has immediate bus stops fronting the site with frequent services between the city centre and the University. Whilst no traffic assessments have taken place at this stage, the site is located on an established network already used by The Retreat hospital. The site sits in a mixed use area with compatible proposed uses. Agricultural land within the site is used for grazing only. There are no nature conservation designations within or close to the site and there are no concerns regarding flood risks. The site can be developed sensitively to complement the surrounding area and character of the site.
- 8.7 JLL has set out that the site provides a sustainable location which can deliver a sustainable development meeting NPPF objectives.
- 8.8 Most importantly, the proposed allocation will allow this important residential institution to continue to operate within York whilst retaining jobs, retaining and preserving the listed buildings, and creating much needed new housing.

Appendix 1
Site Location Plan

Site Ownership Plan



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