

York Local Plan Examination Hearing Statement

Our ref 50794/01/MHE/AJk
Date November 2019

Subject **Matter 3 Hearing Statement on behalf of NHS Property Services – Green Belt: principles and the approach to defining the Green Belt boundaries**

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of NHS Property Services and responds to Question 3.5 set by the Inspector in relation to Matter 3.
- 1.2 This Hearing Statement should be read in conjunction with our representations submitted to the consultation on the City of York Publication Draft Local Plan (PDLP) on behalf of NHS Property Services (Lichfields representor ID: 359).
- 1.3 NHS Property Services manages, maintains and improves a portfolio of 3,500 buildings, representing around 10% of the entire NHS estate. When local commissioners indicate property is no longer required for the delivery of services, NHS Property Services ensure that best value is achieved through the disposal process for reinvestment back in to the NHS. NHS Property Services has a number of potential disposal sites in the York area which it looks forward to releasing for residential development, working cooperatively with the Council.
- 1.4 One such site comprises part of Clifton Park Hospital on Shipton Road in York, and discussions have been held with officers at the Council over the last 12 – 18 months regarding the potential conversion of part of the Clifton Park Hospital site to residential use.

2.0 Context

- 2.1 The Clifton Park Hospital site is located approximately 2.7km north of York City Centre to the west of Shipton Road. The land within NHS Property Services' control comprises both occupied and redundant hospital buildings and areas of car parking and hardstanding. Access into the site is taken via Fylingdale Avenue and Blue Beck Drive from Shipton Road.
- 2.2 The proposals map of the York Development Control Local Plan (YDCLP) shows that the site falls within the Green Belt and is part of a Major Developed Site in the Green Belt (policy GB10). This major developed site includes the current hospital site as well as the housing and business park to the south, on land which was historically occupied by the hospital before its redevelopment. The PDLP Proposals Map shows the site as still being located within the Green Belt but there is no 'Major Developed Site in the Green Belt' designation.

Figure 1 Site Location Plan



Land within control of NHS Property Services edged in red; wider Clifton Park Hospital site edged in blue; land proposed for redevelopment annotated with star

- 2.3 Formal pre-application discussions were held with the Council between late 2018 and early 2019 regarding potential options for the conversion of Blue Beek House within the hospital site (comprising the Wheelchair Centre and adjacent cottage building and marked with star on above plan) and development of the immediate surrounding land for residential use (see Figure 2).

Figure 2 Indicative Layout Plan



- 2.4 Officers concluded that redevelopment of the area around Blue Beck House would be acceptable in principle providing the proposal did not impact on openness or the purposes of including land within the Green Belt.
- 2.5 It is considered that the Clifton Park Hospital site, and the existing residential area and business park to the south, does not perform any of the Green Belt purposes set out at paragraph 80 of the 2012 version of the National Planning Policy Framework (NPPF). This area of land should therefore fall within the main urban area of York in the emerging Local Plan and not be designated as Green Belt.

3.0 Response to Question 3.5

Overall, 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?

Weight given to Green Belt Purposes

- 3.1 Paragraph 133 of the NPPF states that:

*'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land **permanently open**; the essential characteristics of Green Belts are their **openness** and their **permanence**.'*

(Lichfields' emphasis)

- 3.2 Although "openness" is not defined within the NPPF, it is considered to mean a general absence of development and recent appeal decisions have established that openness can have both a

visual and spatial dimension¹. In other words, an essential characteristic of Green Belt land is its sense of visual and physical openness resulting from a lack of built form and/or an apparent sense of openness from a visual perspective. The land at and adjacent to Clifton Park Hospital does not benefit from either of these characteristics.

3.3 In the context of the above fundamental aim, paragraph 134 of the NPPF sets five purposes of Green Belts. These are:

- 1 to check the unrestricted sprawl of large built-up areas;
- 2 to prevent neighbouring towns merging into one another;
- 3 to assist in safeguarding the countryside from encroachment;
- 4 to preserve the setting and special character of historic towns; and
- 5 to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.4 The NPPF does not explicitly specify whether any of the above purposes are to be given greater weight than another, or whether the purposes are listed in order of importance. However, it is noted that paragraph 134 states that the fundamental aim of Green Belt policy is to prevent urban sprawl.

3.5 The Council has decided to place greatest weight on the fourth Green Belt purpose - to preserve the setting and special character of historic towns (paras 4.5 – 4.6, Green Belt TP1 Addendum, EX/CYC/18). The decision to place emphasis on this fourth Green Belt purpose is considered to be **unsound** as it has been done so without any justification in the NPPF.

The Clifton Green Wedge

3.6 The Clifton Park Hospital site falls within a ‘Green Wedge’ (assigned the reference C6 in Annex 3 of the Green Belt Topic Paper Addendum (EX/CYC/18a)) and shown on Figure 3 in document EX/CYC/18 as well as on the 2003 Green Belt Appraisal North Map (SD107B). Document EX/CYC/18a also notes the site as being adjacent to Green Belt Boundary 1 of Section 4 of York’s Inner Green Belt.

3.7 The 2003 Green Belt Appraisal (SD107A) describes the Green Wedges of York as large tracts of undeveloped land which largely extend from the countryside into the City. It states that the “Ings Farmland” at Clifton has an ‘open grassland character, pattern of ditches and a history of seasonal flooding which remains an important feature of the Ouse floodplains’. It also states that the Ings provides value in terms of its open aspect and open views which it affords, as well as its separation of urban form.

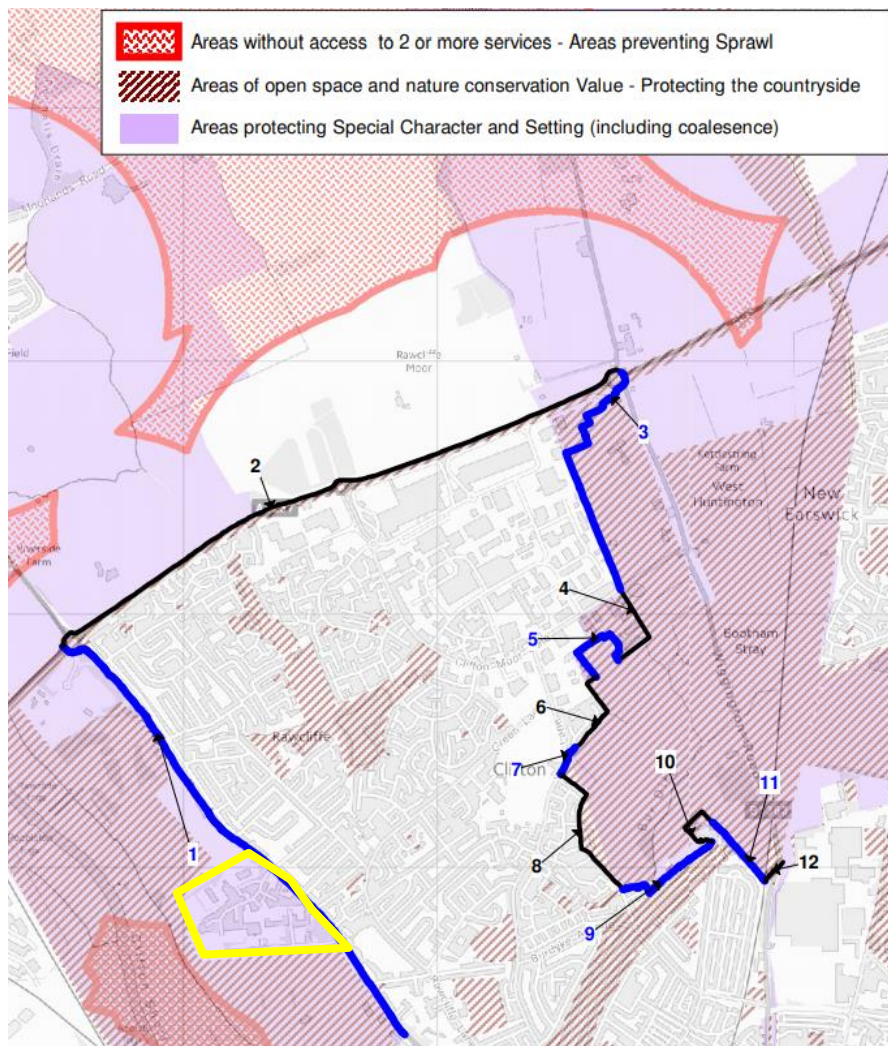
3.8 Document EX/CYC/18a provides further discussion on the history of the Ings Farmland at Clifton in its review of Green Belt Boundary 1 of Section 4 of York’s Inner Green Belt (Boundary Name: Shipton Road, see Figure 3 below – Clifton Park Hospital site and surrounding development edged in Yellow). It states that land to the south-west of the Shipton Road boundary falls within a green wedge which allows an open aspect and important views. It also states that the land has largely remained open as small semi irregular fields defined by straight hedges which maintain fragmentary legibility to historic strip fields.

¹ Turner v. SSCLG [2016] EWCA Civ 466

3.9

The Clifton Park Hospital site and the developed land to the immediate south does not contain such legibility to the historic use of the land and the extensive coverage of buildings does not allow for any important open aspect views of the historic core of the City or the open countryside to the north. For this reason, it is considered that the site does not contribute to preserving the setting and special character of the historic City of York. Its inclusion within the Green Belt as a result of its role in performing the fourth Green Belt purpose is therefore **unsound**.

Figure 3 York Inner Green Belt Section 4 Boundaries



Source: Annex 3, Green Belt Topic Paper Addendum

Inclusion of Clifton Park Hospital site within the Green Belt

3.10

Annex 4 of the Green Belt Topic Paper Addendum (ref: EX/CYC/18c) provides an analysis of the urban areas which the Council is proposing to include within the Green Belt in the context of paragraph 86 of the 2012 NPPF (note - Paragraph 86 of the 2012 NPPF has now been superseded by paragraph 140 of the 2019 NPPF however the wording remains the same) i.e.

'If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.'

3.11 The main report of the Green Belt Topic Paper Addendum states that the Council has considered major developed sites in the Green Belt on two grounds in accordance with the above policy test; whether the urban area has an open character, and secondly, whether this open character makes an important contribution to the openness of the Green Belt.

3.12 The Council has assessed whether an urban area has an open character by taking into account the following factors:

- density of built/residential development as a whole and how this differs (or not) across the village area;
- extent of developed land;
- scale and form of development and how this changes (or not) across the village area taking into account types of dwellings, plot sizes and building heights;
- extent of open space or gaps in frontages;
- distinction between the built-up character of the village and surrounding open land; and
- topography and the presence of trees and hedgerows

3.13 The assessment then takes into account the following additional considerations to determine whether the open character contributes to the openness of the Green Belt:

- the relationship between open or private amenity areas on the edge of or within the village and the surrounding Green Belt – for example whether open countryside comes in to the village and whether open areas within the village are continuous with surrounding open agricultural or recreational land;
- the open/rural aspect of dwellings/buildings within the village; and
- views into and out of the village along its periphery and whether views in/out are restricted and/or obscured.

3.14 Following a review of the Clifton Park Hospital site, the Council concludes at page 57 of document EX/CYC/18c that:

The Clifton Park Hospital area includes Clifton Park Business Park which offers high specification business accommodation within mature landscaped grounds. The majority of occupants of the business park and residents in low density properties to the north have a rural aspect. The landscaped grounds, large gardens and grassed verges add to the open nature. To the north of the residential development is Clifton Hospital which also has a rural aspect and is set within landscaped grounds giving the development an open nature. This area is detached from the main urban area, being separated by the strong and recognisable boundary of the A19 carriageway.

This urban area exhibits a high degree of openness, and contributes to the openness of Green Belt. It is recommended to be included within the Green Belt.

3.15

NHS Property Services fundamentally disagrees with these findings and considers that the site exhibits an enclosed urban character which does not contribute to the openness of the Green Belt. To demonstrate this, a revised assessment of the site has been undertaken in Table 1 based on the same criteria as used by the Council in its assessment.

Table 1 Clifton Park Hospital Openness Assessment

Criteria	Lichfields Findings
Density of built/residential development as a whole and how this differs (or not) across the village area	Whilst it is acknowledged that the business park is set within landscaped grounds, the context is clearly not 'rural', and the significant screening of views from the tall trees reduces the sense of openness. The residential properties have been developed at a typical approximate density of 30 dwellings per hectare (dph). By contrast, the dwellings opposite the site on Shipton Road are approximately 26 dph. The site is therefore not low density.
Extent of developed land	The wider site is almost entirely developed. The southern edge of the site adjacent to the business accommodation is undeveloped but is predominantly wooded. The beer garden of The Dormouse pub provides a small open area at the south-east corner of the site. Overall, the extent of developed land is consistent with the main urban area of York.
Scale and form of development and how this changes (or not) across the village area taking into account types of dwellings, plot sizes and building heights	The site contains a variety of building and plot sizes, including two-storey residential, three storey office accommodation, hotel and care home with associated car parking and three storey hospital buildings. The scale and form are commensurate with the main urban area of York.
Extent of open space or gaps in frontages	The site is largely screened by trees on Shipton Road with the only real gaps at road junctions. This screening reduces sense of openness. There is limited separation in frontages between buildings and very little open space at the site. Grassed verges and large gardens are typical of the suburban development to the east of Shipton Road.
Distinction between the built-up character of the village and surrounding open land	Whilst the A19 (Shipton Road) forms a boundary between the urban area to the east and open land to the north and south of the site, the site itself is of a similar open character to the main urban area of York.
Topography and the presence of trees and hedgerows	Tall trees and landscaping reduce sense of openness and limit any views out of or across the site. The site reduces the openness of the wider Green Wedge and Green Belt.
The relationship between open or private amenity areas on the edge of or within the village and the surrounding Green Belt – for example whether open countryside comes in to the village and whether open areas within the village are continuous with surrounding open agricultural or recreational land	Due to the extensive landscaping and screening from the substantial tree belts which surround the site, and the presence of built development at the northern, eastern and western edges of the site, there is a very limited relationship with the adjoining Green Belt land.

The open/rural aspect of dwellings/buildings within the village	The Council claims that the residential properties and hospital buildings have an open and rural aspect. This is disputed, and it is considered that the dwellings are typically suburban in character, and the hospital buildings and car parking have an enclosed and urban character.
Views into and out of the village along its periphery and whether views in/out are restricted and/or obscured	Views into and out of the site are restricted by trees which screen views and the presence of buildings.

- 3.16 Based on the above assessment, the Clifton Park Hospital site, including the remaining hospital buildings, residential area and business park and commercial area, does not have an open character and makes very little contribution to the openness of the adjacent Green Belt.
- 3.17 As stated in the Context section of this Hearing Statement, the site was identified as a Major Developed Site in the Green Belt in the YDCLP – clearly recognising its urban form and unsuitability to form part of the Green Belt. Paragraph 5.54 of the YDCLP states that the site contains two remaining buildings that have been identified as suitable for redevelopment for employment and residential uses. The York Designer Outlet was also identified as a Major Developed Site in the Green Belt in the YDCLP, however, following the assessment of that site in document EX/CYC/18c, the Council found that that site has a low degree of openness and the Council now proposes to remove the site from the Green Belt. It is considered that the Clifton Park Hospital site has an even lesser degree of openness than the Designer Outlet site, and, given the Council’s previous intention to see part of Clifton Park Hospital redeveloped further, it is difficult to comprehend its decision to include the site within the Green Belt in the emerging Plan.
- 3.18 To illustrate the lack of openness at the site further, the below images show the scale of development, enclosed urban character and absence of views across or out of the site to the adjacent Green Belt land. This will become abundantly clear on a site visit to the area.

Figure 4 Remaining Hospital Buildings



Figure 5 Area of site redeveloped for housing



Figure 6 Business Accommodation



Summary

- 3.19 In summary, it is considered that the Green Belt boundary at the Clifton Park Hospital site has not been appropriately defined and the approach taken by the Council in establishing Green Belt boundaries in the Plan is not consistent with national policy. Significant weight has been given to the forth Green Belt purpose without justification in the NPPF, and, following on from this, the Council has attributed undue significance to the role the Clifton Park Hospital site now plays in preserving the setting and special character of the City of York.
- 3.20 The Clifton Park Hospital site does not perform any of the Green Belt purposes set out at paragraph 134 of the NPPF and an assessment of the site using the Council's methodology for assessing major sites in the Green Belt has demonstrated that the site does not pass the policy test set at paragraph 140 of the NPPF. On this basis, the Clifton Park Hospital site should not be included in the Green Belt and the Plan is considered to be **unsound** as currently drafted.