

**CITY OF YORK LOCAL PLAN
EXAMINATION IN PUBLIC**

**STATEMENT OF CASE
PHASE 3 HEARINGS**

**PREPARED ON BEHALF OF
NORTHMINSTER BUSINESS PARK**



Prepared By:
Kathryn Jukes BA (Hons) DipTP MRTPI
23 Victoria Avenue
Harrogate
HG1 5RD

Tel: 01423 525456
Mobile: 07908 666530
Email: k.jukes@directionsplanning.co.uk

05 July 2022

MATTER 6 – NON- RESIDENTIAL STRATEGIC SITES

6.2 Is the allocation and associated Policy SS23 relating to ST19 soundly based?

We wish to offer our support in principle for the allocation of additional land at Northminster Business Park to provide 49,500sqm of predominantly B1c, B2 and B8 employment floorspace under reference ST26. Northminster Business Park is an established commercial and employment hub located on the west side of York. There is established demand for expansion of the business park from both existing and new businesses, which the allocation of land will further support.

We are, however, concerned that insufficient land has been allocated to meet demand from businesses to locate at the Park over the life of the Plan. The location of the Park within the general extent of the Green Belt means that historically demand has been artificially constrained by planning policy. In turn, historic build rates reflect the impacts of the policy throttle rather than market demand for land.

Despite the Green Belt constraint, several applications have been made over the last few years for development adjacent to the existing Park, but within the general extent of the Green Belt, by businesses needing space ahead of the Local Plan being adopted. The Council has recognised the very special circumstances of the businesses, which has recently allowed DPD Ltd to relocate from Clifton Moor under application 21/00796/FULM to enable expansion of their facilities and a move to use of a fleet of electric vehicles. This latest permission (location plan included at Appendix One), along with others granted in recent years, means that a good proportion of the allocation has already been developed ahead of the Local Plan being adopted. The area where permission has been granted has been to allow for the expansion of existing businesses within York rather than to enable new businesses to locate into the district. We therefore believe that in order to address future demand, and to allow for actual expansion of the economy through inward investment, then the allocation of site ST19 needs to be extended. To this end, we have made various representations through the Local Plan process involving different options, including site 907 and also the extent of land that the Council chose to safeguard, as illustrated under Appendix Two below.

In relation to the wording of Policy SS23, we feel that criteria (i) and (ii) are too general to provide any real guidance at the planning application stage. Criterion (i) simply repeats the premise behind the actual allocation of the land. The Policy already states how much space is to be allocated and the Use Classes to be permitted, so what do *"provide for a sustainable Business Park to help meet the City's employment needs..."* and *"...ensuring that its composition reflects the economic vision of York"* add to the listing of land uses to be allowed? In order for the Policy to be found sound then the criterion either needs to be rewritten to make clear what is actually meant or else deleted because it does not add any real guidance to help inform the drafting of a planning application, and so it will not be effective.

Likewise, criterion (ii) also lacks any substance that is useful to shaping development. What exactly does *"develop a comprehensive scheme which is linked to the existing Business Park"* actually mean? Is it in reference to the land use, site layout, a masterplan or something else? The explanation in support of the Policy provides no hint as to the meaning either. We would therefore suggest the criterion should be deleted given it is unhelpful, and the Policy is currently ineffective as drafted.

The Business Park is within walking distance of the Park & Ride, and there is already a pavement linking the Business Park to the Park & Ride, so we are of the opinion that criterion (iv) is superfluous

and unnecessary within the existing circumstances. Employees at the existing Business Park already walk to the Park & Ride or else Poppleton train station, and the proposed development will have access to the same walking route, so there really is no need for this criterion. Also, other policies in the Plan encourage the provision of cycle parking, so we believe the criterion should be deleted in order for the Policy to be found sound. It should be noted that the NPPF would require a transport assessment or statement to accompany any planning application so there is no need for the national policy requirement to be repeated within Policy SS23.

In addition, the purpose of criterion (iv) is repeated by criterion (v), which also addresses sustainable modes of transport.

In relation to criterion (v), as written, it is unclear what it is attempting to secure as the wording suggests routes a lot more onerous than are actually necessary. Why not just say '*pedestrian, cycle and vehicle routes will be provided on the allocated land to compliment the present Park network*'? The meaning of this criterion, just as with previous criterion within the Policy, is lost due to the way they have been written. Please also note that the permission for DPD's facility included improvements to the footpaths through the Park and also up to the A59 so any works are now secured and this criterion is obsolete.

With regard to criterion (vi) there appears to be a tension between "*mitigate and screen the development*" and "*providing an appropriate relationship with the surrounding landscape*." If screening is provided then it usually severs any relationship with the surrounding area, so how is it possible to screen the development and provide an appropriate relationship with the surrounding landscape at the same time? For the Policy to be found sound, the criterion should be rewritten in order to make clear the meaning or simply deleted given a landscaping scheme would accompany a planning application irrespective of any criteria within Policy SS23. Furthermore, this criterion is likely to be superseded by future requirements for net biodiversity gain that will influence the nature of any boundary treatment. This is because any landscaping scheme will primarily need to provide for compensatory habitats which will heavily influence the range of species that might be planted.

In respect to criterion vii and viii, these are standard requirements of any planning application and we therefore question how they are site specific or why they need to be mentioned given their general nature covered by other policies. Most applications within York have to be accompanied by an archaeological survey due to the rich history of the city. Furthermore, protecting amenity and preventing nuisance is a basic requirement of any development proposal.

Overall, we consider the Policy as currently drafted to be ineffective and potentially open to misinterpretation due to the ambiguous nature of the criteria. It appears a site-specific policy has been drafted simply to say there is one rather than because it serves any real purpose, a matter borne out by the fact that the Policy was not referred in the determination of the application for DPD Ltd, which was instead determined with reference to general policy matters. We therefore believe the Policy needs to be amended as per our comments in order for it to be found sound or else simply deleted given it serves no real purpose. Alternatively, the Council should review the determination process associated with DPD's application and the others recently granted and think again about what matters are actually pertinent to development on the Park.

6.4 Where relevant, are the Green Belt boundaries of these sites reasonably derived?

In respect of the extent of allocation ST19, as shown on the Proposals Map, the boundaries of the allocation are reasonably derived, because they rely upon existing physical boundaries, including development to the north, roads to the east and south, and existing field boundaries to the west. The consequence is that the allocation will 'squared off' the business park where the extent of development is contained to a regular shape.

However, the existing boundaries are not particularly distinct or defensible, particularly to the west and north. Of particular note is how the business park is located in close proximity to the Poppleton Park & Ride immediately to the north. The business park forms a visual backdrop to the parking facility when viewed from the A59 so that the land on the north side of the Park is visually enclosed and distinct from the wider open countryside.

This land, along with land to the west of the business park was to be excluded from the general extent of the Green Belt and referenced as allocation SF8 in the Pre-Publication version of the Draft Local Plan. A copy of a map showing the extent of the site is included under Appendix Two. The extent of allocation SF8, which was to be safeguarded for future development, incorporates land that has now been included within allocation ST19. Originally, the Council intended to allocate a much smaller area of land for development within the Plan period under reference E17 and then safeguard land to the west and north. However, the Council subsequently removed all safeguarded land from the Plan and instead allocated the extent of land under ST19.

The Council's previous views of the land around Northminster Business Park and the Poppleton Park & Ride suggest that the land does not need to be kept permanently open as development would not harm the purposes of Green Belt if it were needed for development beyond the Plan period. This is made clear within the evidence base, as in relation to the extent of SF8, the Council's Safeguarded Land Technical Paper (June 2013), states "*The site is immediately south of a new Park and Ride proposal which will form the northern boundary of the site. The site does not impinge on any areas of primary constraint.*" Consequently, the statement confirms that excluding the extent of allocation SF8 would not conflict with the five purposes of Green Belt.

The NPPF makes clear how land should not be included within the Green Belt where it is unnecessary to keep it permanently open. Additionally, boundaries are expected to be based upon physical features that are readily recognisable and likely to be permanent. As such, earlier decisions taken by the Council raise the question as to how opinions can change in relation to the need to keep land permanently open when the character of the land has remained unaltered during the same period of time. If the evidence base suggests there would be no harm to the purpose of Green Belt policy by excluding land from the general extent, then surely that conclusion should not alter unless there is a change of circumstance in respect of the visual quality of the land. We understand that decisions taken by the Council can alter, but the findings of the evidence base should not change, and this is where the problem lies. We see no reason why SF8 cannot continue to be safeguarded on the basis of the evidence collated by the Council and as the NPPF requires the Green Belt to exclude land that does not need to be kept permanently open.

It also needs to be kept in mind that land between Northminster Business Park and the Park & Ride is currently undesignated land that is excluded from the general extent of the Green Belt within the Upper

and Nether Poppleton Neighbourhood Plan. As such, a planning application could be forthcoming where Green Belt should not be a material consideration, because the Neighbourhood Plan defines a statutory inner boundary for the Green Belt to the north of the Park.

We therefore believe that if the Plan is to be found sound then the land included within the area of the previous allocation under reference SF8 should be excluded from the general extent of the Green Belt and safeguarded, taking into account how the Council has previously determined there to be no reason for the land to be kept permanently open.

CITY OF YORK LOCAL PLAN EXAMINATION
 STATEMENT OF CASE PHASE 3 HEARINGS
 PREPARED ON BEHALF OF NORTHMINSTER BUSINESS PARK

APPENDIX ONE: LOCATION PLAN FOR APPLICATION 21/007966/FULM FOR DPD LTD



APPENDIX TWO: ALLOCATION SF8 IN THE PRE-PUBLICATION VERSION OF THE LOCAL PLAN

