

York Local Plan Examination Phase 4: Hearing statement

31 August 2022

Banks Property c/o Joe Perkins

The comments in this this statement are in addition to the previous representations submitted by Banks Property in relation the Local Plan Examination.

Matter 1 – Green Belt Boundaries

1.2 Are the inner Green Belt boundaries (Topic Paper 1 Addendum Annex 3 – Sections 5-7) reasonably derived?

The inner Green Belt Boundary (section 5 32-35) has not been reasonably derived. The Council's assessment of this section of Green Belt Boundary is flawed and they have failed to select clear defensible and permanent boundaries hence the plan is discordant with paragraph 85 of the NPPF (as quoted in the Council's own Green Belt assessment paper). The existing boundary is formed by the rear gardens of existing residential properties along Ferguson Way, Morritt Close, Barfield Road and Sefton Avenue. Section 5 Boundary 32-35 of the Green Belt Boundary should be amended to New Lane and Malton Road in order to meet the requirement of NPPF 85. Annex 1 to this hearing statement clarifies the ways in which the Council have failed to properly consider amending the boundary in this location.

Annex 1

1 Compactness

1.1 Does the land need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape?

Section 5 Boundaries 32-35 abut the back garden of residential properties, which can be viewed easily from the wider landscape. The site is therefore viewing within the context of an urban (residential) backdrop and serves little purpose in relation to openness. The Council have erroneously assessed this Green Belt boundary as being on the cusp of the wider countryside; this notion is flawed as a main intersects the field approximately 200m to the east. The relationship with the wider countryside is also interrupted by: Mobile Motors Garage, Thornfield Campsite, Chowdene Campsite, Woodcock Used car dealership, and Monks Cross (Vangarde) shopping centre .

The Council's assessment against this point states that the land to the south of Malton Road is within a green wedge, the land to the north of Malton Road does not constitute part of this wedge. No statement was made to clarify that land to the North of Malton road is private and is not accessible. The assessment of the existing Green Belt boundary is weak, describing the built edge as being able to be appreciated in 'glimpses due to the substantial amount of tree planting around the periphery of parts of the land and the lines of trees which can run across it.

1.2 Does the land need to be kept permanently open to maintain the scale or identity of a compact district or village?

No. The land currently contributes very little to the compactness of the City of York due to the way in which boundary 32-35 is perceived from Malton Road. The land to the east is well screened by existing vegetation. The site does not fall within an area allocated as existing open space and is currently not accessible to the public, therefore only offers a negligible contribution to the Green Wedge, which lies mostly to the south of Malton Road. The Stray lies to the south of Malton Road, a busy road that separates the land to the north of the road. The land to the north of Malton Road therefore offers little in the way of a contribution to the identity of a compact district.

1.3 Does the land need to be kept permanently open to constrain development from coalescing or by maintaining a connection to open or historic setting?

No. The Council refer to 'the green wedge and the stray' however the supposed rural character of this field is already diluted by the weak (rear garden) boundaries of existing properties along Ferguson Way, Morritt Close, Barfield Road and Sefton Avenue. There are no listed buildings or Conservation Areas within close proximity to this Green Belt boundary therefore it serves no real purpose with regards to heritage assets. The next clear and defensible boundary is actually New Lane / Malton Road and the boundary should be amended accordingly. This is reiterated by the Council's response to Question 3.2 in relation to setting.

2 Landmark Monuments

2.1 Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument

No. Council confirmed.

2.2 Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?

2.3 Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?

No. Council confirmed.

3 Landscape and Setting

3.1 Does the land need to remain permanently open to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches?

No. The Green Belt boundary in this location is weak and ambiguous as it is formed by the back gardens of properties along Ferguson Way, Morritt Close, Barfield Road and Sefton Avenue. This residential area to the west is visible from Malton Road/ New Lane hence already detracts from the openness and the closest logical boundary would be the adjacent roads, not the residential gardens.

3.2 Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?

No. Council Confirmed.

4 Urban Sprawl

4.1 Is land connected to or within proximity to the urban area and therefore relevant for sprawl?

Yes, however a clear defensible boundary lies to the east and south (New Lane and Malton Rd). The connection to the urban area is implicit in all urban extension sites; this is due to urban extensions usually constituting the most sustainable locations for growth because of their connections to existing local services. The alternative approach would be to allocate disconnected land for housing in the open countryside, which would not be a sustainable approach.

4.2 Does the land have an increased risk of sprawl occurring through the presence of low-density, agricultural or recreational structures such as farms, isolated buildings or small clusters with a strong sense of openness, or the possibility of creating ribbon development?

No. There are buildings in the vicinity of the site however the strong clear defensible boundaries of New Lane/ Malton Road provide a clear restriction that would prevent future urban sprawl .

4.3 Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl?

No. The land to the east of section 5 borders 32-35 is constrained on all boundaries by either built form or existing roads. The existing boundaries need to be amended to New Lane / Malton Road which would prevent sprawl due to the permanent physical nature of the road.

5: Encroachment

5.1 Is the land characterised by an absence of built development or urbanising influences?

No. This has been incorrectly assessed by the Council the land to the east of border 32-35 includes Mobile Motors Garage. The relationship with the wider countryside is interrupted by: Thornfield Campsite, Chowdene Campsite, Woodcock Used car dealership, and Monks Cross (Vanguard) shopping centre.

5.2 Does the land function as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters?

No. This has been incorrectly assessed by the Council. The land to the east of sections 32-35 does not comprise any Public Rights of Way and is not physically connected to the Stray or Green Wedge, which lie to the South of Malton Road. Whilst the land is currently used for agricultural purposes, this is against the backdrop of the residential back garden boundaries.

5.3 Does the land contribute to the character of the countryside through openness, views or accessibility

No. Views from Malton Road towards sections 32-35 is interrupted by vegetation and is terminated by the gardens of houses along Ferguson Way, Morrith Close, Barfield Road and Sefton Avenue. The land is privately owned and is hence inaccessible.

d) Permanence: boundary definition

8.41 The NPPF confirms that the importance of ensuring the permanence of Green Belt boundaries (see paragraph 79) and advises at paragraph 85 that local planning authorities should “define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.

8.42 In order to make boundaries recognisable it is important that they utilise to existing features. Ideally these should be ones which are identifiable both on a map and on the ground (SP13).

8.43 Hard landscaping and major infrastructure can be argued to provide more permanent features, due to their expense and resistance to natural erosion and processes. However, features which are more natural but have long been established and therefore have already stood the test of time, also offer a type of permanence.

8.44 Further, it is relevant to consider any recent planning permissions when determining detailed boundaries, in order that the boundary provides longterm certainty and does not need to be updated.

8.45 The strongest Green Belt boundaries are those which take all of the above into consideration and can offer the greatest resilience to change or erosion thereby playing a greater role in supporting the purposes of Green Belt. One feature of resilience are those boundaries which layer more than one feature or attribute in the same location as they create a greater likelihood of enduring through change. Another is, where possible, for boundaries to follow the most continuous ‘regular’ or ‘consistent’ line, as irregular or softer boundaries can be more vulnerable to misinterpretation and erosion and therefore, would be less likely to restrict growth within the Green Belt.

8.46 As previously highlighted, the distinction between the urban and rural environments through clear defendable Green Belt boundaries has a role in preventing sprawl and coalescence as well as protecting the countryside from encroachment and encouraging urban regeneration. The Heritage Topic Paper Update (2014) [SD103] explains the importance of preserving the city’s compactness (accentuated by its containment within the York Outer Ring Road) as well as its landscape and setting (particularly the close proximity of the historic core and perimeter countryside and views of landmarks as well as the rural edge setting of the city viewed from the surrounding ring road). Where there is a clearly identifiable existing urban edge which can also form an acceptable Green Belt boundary, linking these two features can help to support all of the Green Belt purposes and importantly maintain the compact city and its important rural edge.

8.47 In this context, the following questions are asked in respect of detailed boundary identification:

1. Does the boundary offer Recognisability?

- I. Are there recognisable features which can be associated with the Boundary?

2. Does the boundary offer Permanence?

- I. How long has the boundary already existed?
- II. Are there features such as infrastructure (such as main roads and railway lines) or landform/prominent physical features (such as watercourses, ridgelines or protected woodland/hedge) which provide a boundary that is likely to be permanent?
- III. Are there any consented and not yet built planning applications in the area?

3. Does the boundary offer Strength?

- I. Are there multiple layered boundaries which can offer greater resilience?
- II. Is there existing development with strongly established, regular or consistent boundaries or is there weak or irregular boundaries.

8.48 Further to the above: a. the boundary should follow the curtilage of properties except where large areas that extend up to existing countryside and are not encompassed by built form and contribute to openness; b. Metalled surface of roads being determined as urban only when they are in proximity to other urban uses. c. Connectivity to the urban area of the land is also an important consideration.