

# City of York Local Plan

## Phase 4 Hearing Statement

### *NHS Property Services Ltd*

Matter 1 – Green Belt Boundaries

Matter 6 – Development in the Green Belt

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# 1 Introduction

## Introduction

- 1.1 JLL is instructed by NHS Property Services ('NHS PS' or 'our client') to provide representations to the examination of the emerging City of York Local Plan.
- 1.2 NHS Property Services owns or controls a wide range of assets across York and Yorkshire including Lime Trees (also 'Limetrees') at Shipton Road, York. NHS PS is tasked with the management of real estate assets on behalf of the NHS, facilitating patient care, ensuring the safety of staff, improving sustainability across the estate and where surplus land and buildings are identified, the disposal of sites and the reinvestment of capital receipts into the NHS<sup>1</sup>.
- 1.3 The site is owned by NHSPS and was previously occupied by Tees, Esk and Wear Valleys NHS Foundation Trust to provide Child and Adolescent Mental Health Services (CAMHS). The Trust has now relocated to a new purpose built facility within the city. The site owner has investigated alternative potential healthcare occupiers for the site however following large scale rationalisation of mental health provision in the city, including the new Foss Park facility, no alternative healthcare occupiers have been found. Furthermore, the site is made up of a mix of differing sized buildings of varying but ageing quality, thus no longer fit for purpose to meet occupier expectations.
- 1.4 Lime Trees is shown to fall within the Green Belt in the Publication Draft of the Local Plan. An excerpt of CD004A - City of York Publication Draft Local Plan Policies Maps – North showing the site in red is included below and a detailed Site Plan included at Appendix 1 of this document.



Figure 1 - Site Location

<sup>1</sup> <https://www.property.nhs.uk/services/strategic-property-management/property-disposals/>

- 1.5 JLL was instructed by NHS PS in 2021 following the site becoming surplus to requirements and being vacated by previous occupiers. Representations were submitted to the Council in June 2021 in response to the Council's New Local Plan Proposed Modifications and Evidence Base consultation, specifically in relation to EX/CYC/59c Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4 (submission reference: 197816 & Reps Volume 4 SID 350 - 375 representation 366i).
- 1.6 The site is currently under offer, having become surplus to NHS PS' requirements as a healthcare facility and JLL has been engaged by the prospective purchaser to continue to make representations on its behalf. At the time of submission, these representations are being made on behalf of NHS PS however should the purchase complete during the examination process, JLL will inform the Inspectors via the Programme Officer and confirm the details of the new owner.
- 1.7 NHS PS is providing representations on the following matters at Stage 4 of the York Local Plan examination process:
  - Matter 1 – Green Belt Boundaries; and
  - Matter 6 – Development in the Green Belt
- 1.8 The responses made within this document are based on the revised Phase 4 Matters, Issues and Questions (MIQs) for the Examination document dated issued on 1<sup>st</sup> August 2022 (ref (EX/INS/42a)).

## 2 Matter 1 – Green Belt Boundaries

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- 2.1 The following chapter sets out NHS PS’ response to the Inspectors’ MIQs for the Examination in relation to Matter 1 – Green Belt Boundaries.

*1.1 Are the inner Green Belt boundaries (Topic Paper 1 Addendum Annex 3 – Sections 1-4) reasonably derived?*

- 2.2 No. As set out in previous representations, NHS PS contends that the Council has applied its own methodology for determining the inner Green Belt boundaries inconsistently and has provided insufficient evidence for doing so.

*Introduction*

- 2.3 The Inspectors will be aware of representations submitted by JLL on behalf of NHS PS in response to the consultation exercise undertaken in April 2021 following publication of further evidence relating to the inner and outer boundaries of the York Green Belt. Specifically, representations were made in relation to Topic Paper 1: Approach to defining Green Belt (Addendum) January 2021 – Annex 3 Part 1 Sections 1-4 (ref: EX/CYC/54a).
- 2.4 The representations (ref: PM2:SID366i) set out our client’s objections to the inner Green Belt boundary where it related to the Lime Trees site. Our representations included a crude sketch plan based on aerial photography to illustrate our proposals and has been included at Appendix 1 of this document. In addition, since the 2021 consultation exercise, NHS PS has undertaken pre-application advice discussions with the Council. These discussions were supported by an Outline Landscape Visual Impact Assessment (LVIA) which was prepared for the Council. Although this document was prepared in support of a pre-application advice request which sought the Council’s views on the redevelopment of the site based on four development options, the findings of the Outline LVIA are relevant to this matter and as such are included at Appendix 2 of this document.
- 2.5 Matters relating to the Council’s methodology for determining Green Belt boundaries were discussed in detail during the Phase 2 hearings with significant concerns being raised by a number of parties. The Inspectors have not provided interim findings on this issue and as such it is not clear whether the Council’s approach to setting Green Belt boundaries has been accepted however the points raised below are considered relevant, whether or not the Council’s methodology requires further amendments.

*Assessment of Evidence*

- 2.6 The Council sets out its evidence relating to the proposed Green Belt boundary at the Lime Trees site as part of Boundary 1a of Section 4 of the Green Belt Topic Paper. This section of the inner boundary runs northwards from 27 Shipton Road (on the west of Shipton Road) northwards, first excluding existing development on Shipton Road from the Green Belt (i.e. the boundary falls to the west of existing development) before moving eastwards and using the western extend of Shipton Road as the Green Belt boundary approximately 450m northwards to the Clifton Hospital site.
- 2.7 This approach proposes setting the boundary in such a way that residential dwellings and gardens fall outside the Green Belt but the buildings of York Sports Club and Lime Trees medical facility will fall within the Green Belt. There is no clear justification for this included within the Council’s evidence. The revised boundary ends abruptly.
- 2.8 The Council suggests that the justification for excluding the Sports Club buildings is that their use is ‘*fundamentally linked to the outdoor sports and recreation uses to the south west and west*’. This is not the case. While the buildings form part of the sports club, they include private hire and conference space and accommodate the squash courts for the Club. Neither elements are fundamentally linked to the use of the

playing fields. The buildings in question are set back the same or less distance from Shipton Road as the adjacent residential dwellings and the Sports Club buildings are not meaningfully screened from view. The developed area extends to the boundary hedgerow along Shipton Road.

- 2.9 The Council set out that Lime Trees should also be included in the Green Belt. This is on the basis that the buildings are set back from the road and include mature vegetation screening. While the Lime Trees buildings are set back from the road, they are not set substantially further back from Shipton Road than the Sports Club or residential buildings in the area and are not set further enough back from the road that the character of the site is meaningfully different. Residential dwellings to the east of the road are set further back and the Sports Club and residential dwelling to the south are less screened, if screened at all. Lime Trees' use is not fundamentally linked to the Green Belt.
- 2.10 The Council appear to have determined that because of a difference in the use of the Sports Club and Lime Trees sites, that these sites should be included in their entirety in the Green Belt. When in reality, these sites represent part of the existing development footprint of York along Shipton Road. This approach is inconsistent with the proposed Green Belt boundary elsewhere in the City; the boundary at Section 4 Boundary 10 at the Burton Green School a short distance to the north-east of Lime Trees is to be excluded from the Green Belt despite 'jutting out' from the linear footprint of Burton Green and Burton Stone Lane. It is noted that the boundary here is drawn around the school and some elements of playgrounds and parking despite these areas currently being open and more in keeping with the Green Wedge designation which surrounds them. Similar examples include Westfield Primary School (Section 1 Boundary 8) and St. Peter's School (Section 3 Boundary 9). The Lime Trees site also benefits from considerably stronger 'defensible boundaries' than for example the Burton Green School site which is bounded only by a palisade-type fence as opposed to a significant boundary of mature vegetation.
- 2.11 With regards to the Sports Club and Lime Trees, the Council contends that *'If these buildings were excluded from the Green Belt it would start to erode the Green Wedge in this location and risk harm to the open historic setting and views of the compact form of the city'*. However, the sites in question are already developed and the boundary of the Green Belt falling to the east or west of these sites would not change that. Excluding the sites from the Green Belt would not 'start to erode' the green wedge as the sites are already substantially developed. To suggest that including these sites within the Green Belt would somehow enhance the effectiveness or function of the green wedge compared to the current baseline, which includes substantial buildings, car parking, access etc. is incorrect.
- 2.12 A building on the site of Lime Trees is shown on the 1932, 1946 and all subsequent Ordnance Survey plans for the area with development of the Sports Club having occurred in the interim. The Sports Club and Lime Trees form a clear urban edge to the west of Shipton Road. Including these sites within the Green Belt will not change this. By including Lime Trees and the Sports Club buildings to check development or sprawl which has already occurred is not appropriate. Taking this approach, much of the city should be included within the Green Belt.
- 2.13 The suggestion that excluding these sites from the Green Belt would somehow lead to the undeveloped element in between Lime Trees and Clifton Hospital is not clearly reasoned or justified. As proposed, the parcels to the north of Lime Trees are undeveloped and clearly form rural parkland type settings or are connected with sports and recreation. The removal of the parcels to the north of Lime Trees from the Green Belt once it is set would be difficult to justify. The purpose of this exercise is to set the boundaries of the York Green Belt for the first time and the fear of the very low risk of future development on an inappropriate site should not mean that Lime Trees and the Sports Club buildings should therefore be included in the Green Belt.
- 2.14 Travelling south along Shipton Road, the western boundary is formed by dense, mature vegetation which cannot easily be seen through, certainly in the summer when vegetation is in leaf. On reaching the Lime Trees site, however, there is a clear change in the boundary with car parking up to the pavement of Shipton Road

with substantial buildings beyond, screened only by a modest hedge. The same is true of the adjacent Sports Club. A person stood at the entrance to Lime Trees may observe the buildings to be set slightly further back from the road and are clearly visible but it could not reasonably be suggested that Lime Trees or the Sports Club are any less part of the urban form than residential dwellings further south or on the east side of the road.

- 2.15 It is not disputed that the protection of the area to the west of Lime Trees and the Sports Club is of great importance to the city insofar as it protects the setting and the special historic character of York, as well as providing flood protection infrastructure, flood storage, recreation areas, open space and ecological benefits. However, the wider parcel formed by the proposed Boundary 10, Clifton Hospital and the River Ouse is predominantly open and undeveloped with the exception of isolated individual buildings. The evidence provided is robust and well justified insofar as the majority of the area described above is concerned however the Lime Trees and Sports Club buildings are materially different in nature to the majority of the remainder of the parcel being considered and should be treated as such.
- 2.16 As set out in the introduction to this document, an Outline Landscape Visual Impact Assessment (LVIA) was prepared in support of pre-application advice discussions with the Council. This document, included at Appendix 2, demonstrates that Lime Trees is well screened from views from within the proposed Green Belt and could be developed without impacting on the special historic character of York, would not contribute to sprawl (as the site is already developed) and is well screened from all sides. It is acknowledged that this document was prepared for a different purpose than that being considered by the Inspectors with regards to Phase 4 Matter 1 however this document is considered useful in demonstrating many of the points outlined above. It is also noteworthy that the LVIA was undertaken during winter and shows the site to be well screened when trees and hedges are not in leaf.
- 2.17 In summary, the Lime Trees site and Sports Club buildings are contiguous to the urban form of Shipton Road in this area, are already developed and offer strong external boundaries. The proposed inclusion of these sites in the Green Belt is considered to be inconsistent, illogical and not justified. As set out in previous representations, our client proposes that the Green Belt boundaries be set to the west and north of the Lime Trees i.e. that the Lime Trees site, along with the Sports Club buildings, be excluded from the Green Belt.
- 2.18 Any future developments proposed on these sites in the future may be adequately and appropriately controlled by normal development management policies including matters such as design, heights, massing, layout and loss of vegetation. It is also noted that these sites are adjacent to designated open space and the Clifton Conservation Area and any future development would also be required to demonstrate that it would not have a detrimental impact on or undermine these designations. The control of development already completed should not be the concern of parties wishing to establish the boundaries of a new Green Belt. Paragraph 82 of the National Planning Policy Framework (NPPF) 2012 sets out that in considering setting Green Belt boundaries, LPAs should '*demonstrate why normal planning and development management policies would not be adequate*'. The Council has not adequately met this requirement in this instance.
- 2.19 As discussed during Phase 2 hearings, developed sites which are contiguous with the existing urban form of the city, with strong defensible boundaries, such as the site in question, should not be included in the Green Belt without good reason. Including such sites within the Green Belt adds an unnecessary policy barrier to redevelopment without good reason.
- 2.20 Excluding such sites from the Green Belt does not mean the site is allocated for any other purpose. The majority of the Submission Draft policy maps show most of the city to be 'white lane' i.e. subject to no specific designation. Excluding developed sites such as Lime Trees from the Green Belt does not mean the site will be allocated for development. Such sites would be subject to other development management policies within the plan. Lime Trees and other such sites should not be subject to additional restrictive policies without clear justification. A site falling within 'white land' would, however, allow the future redevelopment of a site to meet

future needs within the previous use e.g. healthcare or as a windfall site for another use. However it is reiterated that issues such as massing, design, scale and landscaping would be adequately and appropriately controlled by other development management policies.

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

2.21 NHS Property Services does not wish to make representations on this matter at this stage.

1.3 Are the Green Belt boundaries of 'Other Densely Developed Areas' (Topic Paper 1 Addendum Annex 4) reasonably derived?

2.22 NHS Property Services does not wish to make representations on this matter at this stage.

1.4 Are the outer Green Belt boundaries (Topic Paper 1 Addendum Annex 2) reasonably derived?

2.23 NHS Property Services does not wish to make representations on this matter at this stage.



## 3 Matter 6 – Development in the Green Belt

3.1 The following chapter sets out NHS PS' response to the Inspectors' Matters, Issues and Questions for the Examination in relation to Matter 6 Development in the Green Belt.

### 6.1 Does Policy GB1 accord with national policy?

3.2 Policy GB1 sets out the instances in which development in the Green Belt may be permitted. The first section of the policy sets out criteria for all development in the Green Belt and the second part sets out that any development must be for one of 13 reasons.

3.3 The National Planning Policy Framework (NPPF) 2012 sets out equivalent policy at Paragraphs 89 and 90. Rather than incorporating the wording of the NPPF into Policy GB1, the Council has chosen to re-word, paraphrase or alter the wording of the policy.

3.4 One instance in which the NPPF permits development in the Green Belt is '*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'.

3.5 The equivalent exception in Policy GB1 is '*development of existing developed sites where this would lead to an overall improvement in the character and appearance of the Green Belt without compromising openness*'.

3.6 This inconsistency unnecessarily complicates matters and leads to a clear inconsistency between the NPPF and the Local Plan. Such inconsistency unnecessarily introduces a conflict between the proposed development plan and the Framework it was drafted under and is to be considered against. The Council's proposed wording adds a greater burden on sites within the Green Belt insofar as the new development must provide an overall 'improvement' in the character and appearance of the Green Belt. In order to determine whether a proposed development would lead to an improvement in the character or appearance of the Green Belt would require a subject judgement by applicants and Officers and is likely to lead to conflicts and impasses.

3.7 The NPPF sets out that most development in the Green Belt is inappropriate and harmful. This is reiterated in Policy SS2 of the Plan. Set against this, the wording in policy GB1 presents a circular argument; a proposal in the Green Belt is inappropriate and harmful apart from in certain circumstances, including where a proposal leads to an improvement in the character and appearance of the Green Belt. It is not clear the development can be both harmful and to result in an improvement.

3.8 This issue would be resolved by Policy GB1 incorporating the exact wording including in the NPPF rather than unnecessarily paraphrasing and altering established policy wording.

3.9 The Council should consider using the wording set out in Paragraph 89 of the NPPF 2012:

*'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.

6.2 Is Policy GB2 a sound approach to development in settlements in (washed over by) the Green Belt?

3.10 NHS Property Services does not wish to make representations on this matter at this stage however reserves the right to comment on reviewing the LPA's and other third party hearing statements in advance of the hearings.

6.3 Does the approach of Policy GB3 to the re-use of buildings an appropriate one?

3.11 As set out above, our client considers it inappropriate for developed sites which are contiguous to the built form of the city with strong defensible boundaries should be included in the Green Belt arbitrarily.

3.12 Should such sites require redevelopment either for the same use or as a windfall site, proposals would be considered against Policy GB3. Such a policy is unnecessarily prescriptive and restrictive when considered against previously developed sites in the urban area of York, such as Lime Trees.

3.13 NHS Property Services does not wish to make further representations on this matter at this stage beyond drawing the Inspectors' attention to our response to Matter 1. Our client however reserves the right to comment on reviewing the LPA's and other third party hearing statements in advance of the hearings.

6.4 Is Policy GB4 that deals with exception sites in the Green Belt in accord with national policy?

3.14 NHS Property Services does not wish to make representations on this matter at this stage.

6.5 Does Policy SS2 properly reflect the role of York's Green Belt?

3.15 As set out in our response to Policy GB1, Policy SS2 aligns with the NPPF insofar as it sets out that development in the Green Belt is by definition harmful. It is not clear, therefore, that the redevelopment of a site in the Green Belt can ever be permitted under Policy GB1 as the redevelopment of sites is only permitted where an improvement to the Green Belt can be demonstrated. It is not clear how development can be both harmful and result in an improvement.

3.16 This is not a matter for Policy SS2 to resolve however the reiteration that development in the Green Belt is harmful reiterates the issue highlighted in our response to Question 6.1.

3.17 The final paragraph of Policy SS2 refers to the requirement, set out in Paragraph 83 of the NPPF, that Green Belt boundaries should be set in such a way that they endure beyond the plan period. In order 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.

3.18 As raised during earlier phases of the EIP, we do not believe that the plan achieves sufficient allocated land for development so and as such the Plan is inconsistent with the final paragraph of Policy SS2 and Paragraph 83 of the NPPF. To ensure the permanence of the York Green Belt up to 2038, the plan would need to offer confidence that the methodology for setting Green Belt boundaries and the final boundaries are fully appropriate, consistent and justified. This has not been appropriately justified in the Council's evidence and its approach to defining the Green Belt and as we have considerable doubts regarding whether the Green Belt as currently proposed would endure throughout the plan period. The addition of a further five years is also not achievable and should be removed from Policy SS2.

## Appendix 1 – Lime Trees Site Plan

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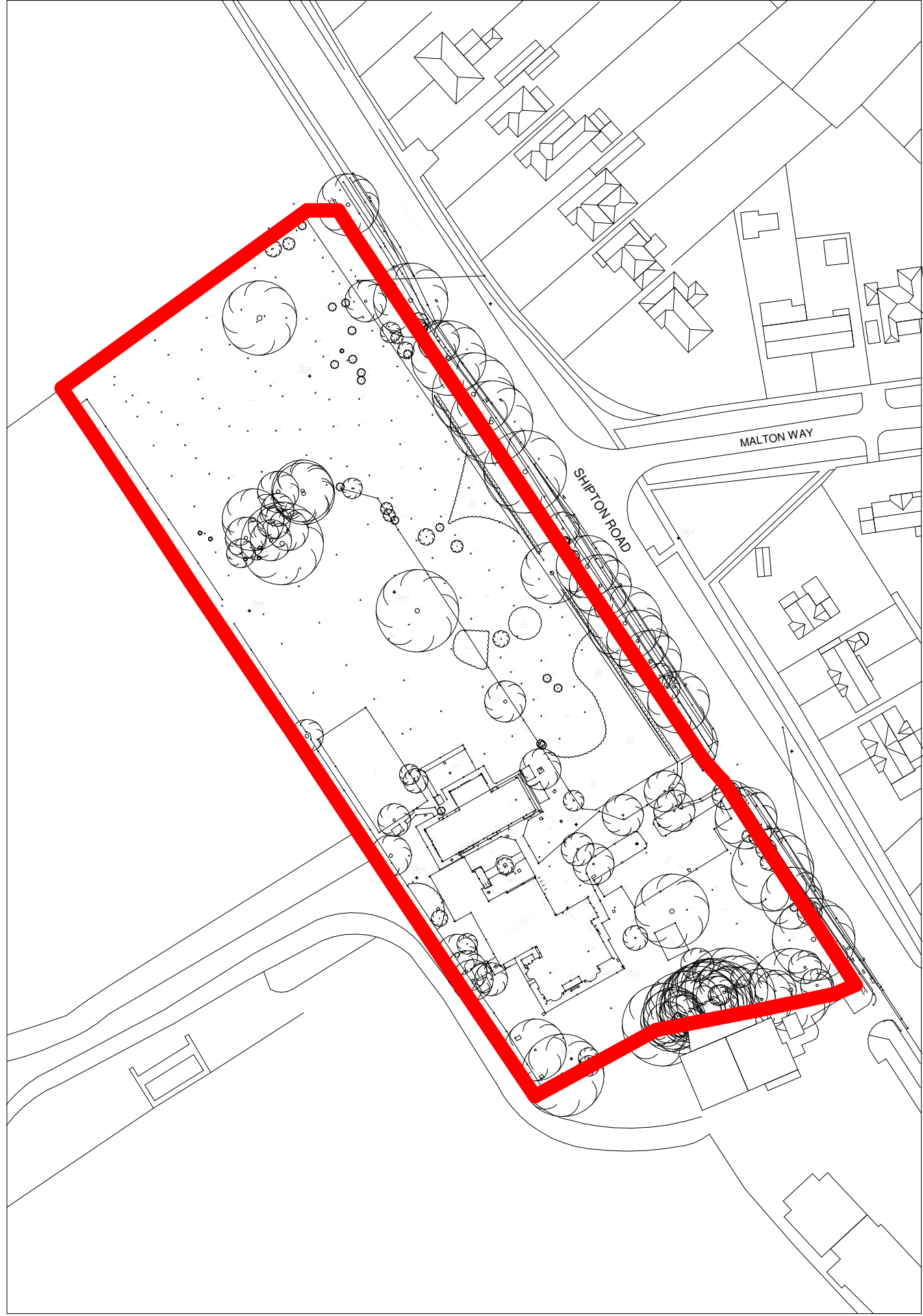
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LOCATION PLAN IS ONLY INDICATIVE AND REQUIRES FURTHER SURVEY INFORMATION.

 **Site Boundary**  
(To be confirmed following further survey information.)



P01	CS	Indicative red line boundary applied.	02/03/20
Rev	By	Description	Date



The Cruck Barn, Duxbury Park, Chorley, Lancashire. PR7 4AT  
t: 01257 260070 f: 01257 260071

Client Name:  
**The Disabilities Trust**

Site Name:  
**Limetrees, Shipton Road, York**

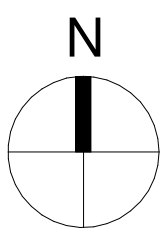
Project Name:  
**Manhattan House**

Drawing Title:  
**Location Plan**

Project No: <b>8327</b>	Sheet Size: <b>A3</b>	Scale: <b>As indicated</b>
Drawn by: <b>CS</b>	Checked by: <b>TGR</b>	Approved by: <b>TGR</b>
		Revision: <b>P01</b>

Suitability: <b>Initial Status or WIP</b>	Status: <b>S0</b>
Drawing Number: <b>YOHABI-GDA-V3-S1-DR-A-05_20-3001</b>	

**1** Location Plan  
1 : 1250



## Appendix 2 – Outline Landscape Visual Impact Assessment

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**Landmark**

One Oxford Street  
Manchester  
M1 4PB

**Joanna Gabrilatsou**  
Director

**Landmark**

One Oxford Street  
Manchester  
M1 4PB

**Tom Robinson**  
Associate

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