

Report of the Director of City Strategy

## **Nestlé South – Revised Draft Development Brief**

### **Summary**

1. The Nestlé South Draft Development Brief was presented to Members in January 2007, where it was approved for consultation purposes. The Draft Brief set out the Council's aspirations for the redevelopment of the Haxby Road site; highlighted the key planning issues for prospective developers to consider and identified opportunities for adopting sustainable development principles, good design, layout and links to surrounding areas.
2. This report describes the consultation process carried out between February and April 2007, and presents the revised Draft Development Brief for Nestlé South (Appendix 2), which has been compiled through a cross Directorate Project Team in response to concerns and suggestions received by various groups, organisations and individuals. The consultation representations received are set out, with Officer responses and recommendations, in Appendix 1 of this report.
3. Members are recommended to approve the attached revised Draft Development Brief as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan as a basis for negotiating an appropriate scheme to redevelop the site and for considering planning applications.

### **Background**

4. In September 2006 Nestlé Rowntree announced the loss of over 600 jobs from their 2,400 strong workforce. In order to remain in York, a massive capital investment is needed in order to upgrade and improve facilities on the more modern northern part of the site, allowing redevelopment opportunities on the older, southern part of the site closest to the city centre.
5. Whilst the site is not allocated in the City of York Development Control Local Plan (April 2005), Policy E3b - Existing and Proposed Employment Sites - states that sites currently or previously in employment use will be retained within their current use class. Planning permission for other uses will only be given where:

- there is a sufficient supply of employment land to meet both immediate and longer term requirements in both quantitative and qualitative terms; and
  - unacceptable environmental problems exist; or
  - the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
  - the use is ancillary to an employment use.
6. The site is therefore identified as an employment site, but consideration will be given to the wider benefits of an employment/ residential mixed use in terms of providing a re-investment opportunity for this major city employer, and its potential to add to the range and quality of employment use in York through redevelopment.
7. The site lies to the north of the City Centre on the edge of the built up area between Haxby Road and Wigginton Road. It is bounded to the south by the Sustrans cycle route, to the north by the existing Nestlé site – which will be modernised and upgraded – and, to the north of the factory, by the company sports fields which open out into Green Belt. The area subject of this planning brief covers approximately 40% of the Nestlé Rowntrees works (7.9 hectares/ 19.5 acres) and comprises the original factory buildings, which have been altered and extended in more recent years.

## **Consultation**

8. The Draft Development Brief was presented to Planning Committee and approved for consultation purposes in January 2007. The document was then put on deposit for 8 weeks of public and statutory consultation between February and April 2007. The comments are set out, with Officer responses and recommendations, in Appendix 1 of this report.
9. Copies of the Draft Brief were sent to a statutory list of consultees including Yorkshire Forward, the Environment Agency, CABI and English Heritage. Officers attended meetings for groups which had an interest in the document including Clifton Ward Committee, the Conservation Area Advisory Panel and the Environment Forum.
10. Press articles including details of the consultation on the draft brief featured in the York Press in February and March. Copies of the Draft Brief were made available in all local libraries, in the reception of 9 St Leonard's Place and on the Council's website. The Nestlé South webpage included details of how to submit comments on the Draft Brief and a downloadable response form. The Draft Brief also featured on the Council's online Consultation Finder, which allows members of the public to submit comments electronically.

## **Main Issues**

11. The main issues raised in the consultation on the Draft Brief have been in regard to potential development uses, traffic and design. Generally the

draft brief has been well received, and there has been broad support of the Vision and 19 Key Objectives.

12. The Nestlé Rowntrees factory site has played a key role in providing employment in York for over a century. The brief confirms that this role should continue and aim to meet current and future demand for employment uses that are central to the long-term success of the York economy. There is significant demand from both inward investors and indigenous businesses for premises for a range employment uses in the city. This includes creative and digital industries, manufacturing, artists' workspace, live/ work units, and accommodation for start-up companies.
13. A number of comments were received on the objective to create new employment opportunities, particularly for creative technology based industries. A number of consultees supported the provision of space for Small and Medium Enterprises (SMEs) in live/work units, creative clusters and studio space. Comments were also received which challenged the aim to replace the 625 jobs recently lost at the site. The creation of some 600+ new and safeguarded jobs is well within the capability of the redevelopment principles that are established in the brief.
14. English Heritage support the intention to examine the local area as a possible Conservation Area (comment 57). This is acknowledged and it is suggested that the brief is updated to explain the process of identifying and designating a Conservation Area.
15. There was broad support for the sustainable development objectives set out in the document. A number of respondents questioned whether the objective of providing energy from onsite sources should be higher than the proposed 10%. The figure of 10% is in accordance with regional economic and planning strategies, and also tested cases in other Local Authorities. The figure is a minimum and therefore allows for greater on-site energy provision.
16. A number of conflicting comments were received on the proposed through route between Haxby Road and Wigginton Road. Some respondents commented that Wigginton Road and Haxby Road would become more congested without a through route for private vehicles, whilst others felt that a route for private vehicles would reduce site security, detract from the site's community principles and only serve as a temporary fix until congestion returned to present levels.
17. The Revised Draft Brief states that the proposed route should be for the priority of pedestrians, cyclists and public transport users. It also states that should traffic modelling reveal that the Ratio to Flow Capacity (RFC) of the local network would exceed 0.90, or that there would be decrease in the quality of the local environment, then the proposed through route would be for pedestrians, cyclists and public transport users only. This approach is consistent with the Council's Local Transport Plan.

## Conclusions

18. The Revised Draft Brief for Nestlé South builds on the helpful comments received during the consultation period to provide an up-to-date document that will guide any future development options and proposals for the site. The amendments also aim to clarify the objectives, and policy requirements and wider aspirations of the Council, in terms of guiding good planning applications for the development of the land.

## Options

19. Option 1:

Approve the Development Brief, as proposed in this report, as the basis for negotiating a masterplanned approach to the redevelopment of the site and considering planning applications for the site.

20. Option 2:

Do not approve the Development Brief and request a new Development Brief is drafted with an alternative approach.

21. Option 3:

Do not approve the Development Brief and use the policies of the Development Plan (the Regional Spatial Strategy and the Structure Plan) and the Development Control Local Plan, 2005 as the basis for negotiation and considering applications.

## Analysis

22. In terms of the options set out above, approval of the Brief (Option 1) is recommended to Members. It would provide a clear and consistent basis for negotiating with potential developers, for progressing a comprehensive masterplan for the site and for considering planning applications.

23. It has been through a comprehensive and statutory consultation process, and has been compiled in accordance with national and regional guidance and good practice.

24. Option 2 is not recommended as the Brief follows previous Council decisions to progress strategic sites in York through public consultation, before any planning application. The vision, objectives and potential development uses set out in the Brief have been developed in the context of existing national, regional and local planning policy.

25. Option 3 is not recommended. The level of information contained in a Development Brief can better address the complexity of the site and respond more pertinently to the local constraints and opportunities. Further negotiation and detail progressed through planning applications can be consistently tested against the vision, objectives and detailed guidance set out in the approved Brief.

## **Corporate Priorities**

26. The redevelopment of the site at this time represents a major opportunity for the York economy and a significant opportunity to forward a number of the City's economic aims, including the Community Plan objective of a "Thriving City" and the Council's Corporate Aims which seek to "strengthen and diversify York's economy", provide "improved employment opportunities for residents", and improve "quality and sustainability, creating a clean and safe environment".
27. The Brief highlights the importance of sustainability and has a section dedicated to sustainable development. This seeks to further the Community Strategy Objective of a Sustainable City – that "York should be a model sustainable city with a quality built and natural environment and a modern, integrated transport system", together with the Corporate Aim to "Take pride in the city by improving quality and sustainability, creating a clean and safe environment".
28. Of the 13 priorities of the Corporate Strategy Objectives, the following are directly addressed within this brief:
  - Increasing the use of public and other environmentally friendly modes of transport
  - Improving the quality and availability of decent, affordable homes in the city

## **Implications**

29. Financial - The costs of printing the Brief and other incidental costs will be met from the existing internal budget.
30. Human Resources (HR) - No HR implications.
31. Equalities - Equalities considerations have been taken into account in the preparation of the Brief.
32. Legal - No Legal implications.
33. Crime and Disorder – The Safer York Partnership were consulted on the draft brief.
34. Information Technology (IT) – There are no IT implications.

## **Risk Management**

35. There are no known risks.

## Recommendation

36. It is recommended that Members approve the revised Draft Development Brief for Nestlé South as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan.

37. That the approved brief be used as a basis for masterplanning and negotiating an appropriate scheme to redevelop the site and for considering future planning applications.

38. Reason:

The redevelopment of the site is an opportunity to provide quality accommodation for a range of employment uses that will support the York economy and a Development Brief is considered the most appropriate approach for the Council to set out a clear and consistent vision, with objectives and clear guidance for a new sustainable live / work community.

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**For further information please contact the author of the report**

## Appendices

- Appendix 1 - Nestlé South Development Brief: Comments from Consultation
- Appendix 2 - The Nestlé South Revised Draft Development Brief, together with all appendices and plans.

All amendments to the Draft Brief have been highlighted with tracked changes. Amendments can be cross referenced to the relevant comment and officer comment from Appendix 1 of this report using a number within square brackets (e.g. [21] refers to comment 21 from Appendix 1). Other amendments to the Brief are general grammatical changes and updates.