

**8. Site SA6(b) Land at Black Bear Lane and Rowley Drive junction - To investigate possibilities of an agreed position with the three parties: Historic England, FHDC, and the site owners, in relation to wording the policy so that all 3 are satisfied, including consideration of indicative capacity.**

A meeting took place on 7<sup>th</sup> November 2017 at Unex House, Church Lane, Stetchworth, Newmarket between the 3 main interested parties, a note of which is set out below:

**Present:**

C. Campbell – Historic England  
N. Gates – Historic England  
W. Gredley – Unex Group  
S. Walsh – Unex Group  
M. Smith – FHDC  
B. Nicholas - FHDC

**Unex** welcomed attendees and outlined the background and need for the meeting:

Unex were broadly in support of the allocation of Site SA6 (b) as contained in the Submission Site Allocations Local Plan. Historic England (HE) had lodged a late objection to the extent of the site requesting that some of the paddock be removed from the allocation. This led to FHDC and HE signing a Statement of Common Ground before the hearings which left the site area as originally allocated but altered the policy wording to restrict development on the paddocks. (MM3)

At the hearings the Inspector questioned why the policy did not specify a quantum of development for the site and why the land owner had not been involved in the discussions leading to the Statement of Common Ground.

The Inspector requested that the site owner / developer, HE and LPA meet to try to reach agreement regarding the capacity of the site and policy wording.

**FHDC & Unex** confirmed that it had been agreed at the EIP hearings that the word '**highly**' be deleted from the 3<sup>rd</sup> sentence of the second paragraph of the policy to read '**...the significant contribution Fitzroy Paddocks makes as a significant feature...**' to reflect the Newmarket Conservation Area Appraisal. (**NG** later confirmed this would be acceptable to **HE**).

**FHDC** stated that the typo stating '**Design brief required**' in the indicative capacity column of the policy table would be corrected to '**Development brief required**'. This was highlighted by **NG** and had also been raised at the EIP as a proposed modification.

**Unex** tabled the scheme put forward in the Unex Matter 4 hearing statement and talked through the main elements of the proposal.

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**FHDC** suggested looking at each element of the site in turn to see what areas of common ground could be established.

**Unex** stated that the site is in 3 ownerships and that the owners of the paddock would not see any benefit in a minimum amount of development being permitted on their land to facilitate the restoration of the listed buildings.

### **Former Swimming Pool and Public House**

**FHDC** stated as a brownfield site within the settlement boundary on the High Street at the edge of the town centre the site could come forward for a number of commercial or residential uses. The site had no major constraints other than the need to be sensitive to the setting of the conservation area on its NE boundary. The site could accommodate some 17 dwellings, possibly more if flats / apartments.

**Unex** stated offices and restaurant use on the public house site and a 99 bedroom hotel on the former swimming pool site was proposed. A use for young people such as the 'MyGo' training and employment facility in Ipswich was also being considered for the ground floor.

### **Queensbury Lodge Cottage and Stables**

**Unex** proposed a mixture of residential, restaurant / café and possible care home uses on the site. The suggested use for the Lodge was a restaurant / café / meeting place. The cottage could be a residential use with new build flats in the centre of the site and on the High Street frontage. The ground floor could be for older people with general residential above. 'Multigenerational homes'. The central part of the stable range is retained and adapted with the demolition of some boxes to the SW and new build to either side of the retained central section. The site can provide 24 dwellings.

**FHDC** had concerns regarding the affect the bulk of the proposed new building in the centre of the yard would have on the setting of the listed buildings, and about the demolition of elements of the listed stables. The LPA consider the optimum viable use for the site is for its return to a race horse training yard, but it is recognised that other uses might achieve the LPAs main objective of sympathetically repairing the listed buildings and returning them to a viable use. Residential or hotel / restaurant / café uses might achieve this. Some new build on the site could be acceptable if of a suitable scale along the NW and NE borders of the site where buildings were previously lost to fire. New build of the scale proposed was unlikely to be supported. E.g. of Strattons boutique hotel in Norfolk where stables had been used as a boutique hotel – web link to be circulated. In terms of residential capacity the Lodge could be subdivided into 2 dwellings, the cottage restored to one dwelling and approximately 4 new dwellings constructed on the NW and NE border. Sympathetic conversion of the stable range is challenging and would depend on acceptable designs being achieved.

**HE** would like to see the site returned to use as a racing yard as this would be the best use for the buildings but would accept other alternative uses if they resulted in the buildings being restored. The Lodge and Cottage would be suitable for residential use as this was essentially the original use and what they were designed

for. It may be possible to sympathetically convert to a café or restaurant use and a gallery or a modest retail use might also work on the site. There is scope for some new build, but it needs to be sensitive in scale and not detrimentally affect the character and relationship of the existing buildings. The level of new build in the proposed scheme is a concern and is unlikely to be supported. Although an application to delist the stables is currently being considered all the buildings on the site are currently listed. If the stables were delisted they would be considered an undesignated heritage asset in the conservation area.

### **Fitzroy Paddocks**

**FHDC** would like to see the paddocks retained as open space but accept that given the equine character of the conservation area a training yard would be an acceptable use on the paddock. The proposed yard – some 80 boxes on some 1.1ha is towards the upper limit of what would be acceptable in terms of development. The northern side of the paddock should be kept as paddock / open space to retain an element of its original character. Any development would alter its character even if the public cannot currently see into or access the site.

**Unex** views into the paddock area are very limited and people are not aware if it is developed or not. The proposed scheme includes an 80 box training yard, 21 x 3 storey properties and 24 apartments in a 3 and 4 storey block. It is not considered possible to use the existing Queensbury Lodge Yard in conjunction with any new yard because of the distance between the two facilities and the poor location of the historic yard.

**HE** feel the paddock has value as open space and although views into the site from the public realm are limited there is an awareness that the space has not been developed. Consideration would be given to a proposal for a yard which retained a significant element of open space. It would be a judgement as to if any proposal retained the areas character. The level of development on the paddocks in the proposed scheme causes concern.

### **Site Capacity**

**Unex** proposed a total residential capacity of 73 units on the site: 21 x 3 storey properties and 28 flats on the paddock, 21 new apartments + the Cottage and 2 dwellings in the Lodge on Queensbury Stables. This is at the lower end of the proposed SHLAA capacities for the paddock site.

**FHDC** explained the SHLAA dwelling nos. just show potential capacities at a range of set densities without taking into account all constraints and therefore could not be taken as an indication of what would be acceptable on a site. A possible approach might be to look at the existing permission for 7 units in the existing public house and the SHLAA capacity of 10 units for the unconstrained swimming pool site as a minimum capacity for the site.

### **Policy Wording**

**Unex** proposed that the policy wording would be acceptable if the sentence ‘Any development on Fitzroy Paddocks will be limited to what is necessary to secure the restoration and appropriate reuse of the listed buildings’ be deleted. It is considered that the policy offers enough control via the development brief without this sentence and that the sentence potentially clashes with the requirement to retain a horseracing related use on the site later in the policy. An indicative capacity of ‘up to 73 dwellings’ was suggested. It was felt the insertion of the phrase ‘non equine’ still unduly restricted development.

**FHDC** consider that the wording as proposed in MM3 is appropriate and the phrase ‘limited to what is necessary’ gives scope for the developer to make the case for a range of viable schemes. It was suggested that the potential contradiction in the policy wording could be addressed by adding the words ‘non equine’ between ‘any’ and ‘development’ to read ‘Any non-equine development on Fitzroy Paddocks will be limited to what is necessary to secure the restoration and appropriate reuse of the listed buildings.’

**HE** did not specifically support the inclusion of ‘non equine’ into the policy wording but would be sympathetic to an amendment which clarified the LPAs equine position and requested more time to consider further amendments.

### **Post Meeting Actions**

The LPA circulated notes of the meeting to attendees on 8<sup>th</sup> November 2017. Responses were circulated to all attendees setting out each parties position on the 9<sup>th</sup> and 10<sup>th</sup> of November 2017 (See Appendix 1 below).

From the above the following areas of common ground and disagreement can be drawn:

### **Areas of Common Ground**

- The word ‘**highly**’ be deleted from the 3rd sentence of the second paragraph of Proposed Main Modification 9 (MM9) to policy SA6 Site (b) to read ‘**...the significant contribution Fitzroy Paddocks makes as a significant feature...**’
- Amendment of ‘**Design brief required**’ in the indicative capacity column of policy table SA6 to ‘**Development brief required**’. (MM7)
- The former swimming pool and public house elements of the site would be suitable for appropriate commercial or residential uses.
- That appropriate uses other than a horse race training yard may be acceptable in Queensbury Lodge, Cottage and Stables (To be acceptable to HE and FHDC any scheme should secured a viable use and the buildings conservation).

### **Areas of Disagreement**

- Agreement could not be reached on a residential capacity for the site.
- The scale of new development appropriate on the Queensbury Lodge, Cottage and Stables.

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- Whether it is possible to return Queensbury Lodge, Cottage and Stables to return to a racehorse training yard.
- Suitable uses and the amount of new development appropriate on Fitzroy Paddock.

### **Conclusion**

Agreement could not be reached by all 3 parties on suitable uses and a residential capacity for the site or on the deletion of wording from proposed MM9 limiting development on Fitzroy Paddocks to what is necessary to secure the restoration and appropriate re-use of the listed buildings.

The Council believe that Policy SA6(b) as amended by MM6, MM7, MM8 and MM9 is sound. Some areas of common ground were established and the Council is committed to work with both Unex Group and Historic England on the preparation of a development brief to achieve an acceptable scheme for the site. It is considered a development brief is the most appropriate mechanism to establish suitable uses, their location and any residential capacity on the site.

## **Appendix 1: Post meeting correspondence.**

### **Historic England - Email of 9<sup>th</sup> November 2017.**

*Dear All,*

*My apologies for the delay in replying. It was extremely useful to meet on Tuesday and it was positive to see the number of areas where we do have common ground.*

*As we explained in the meeting, Historic England's role is to provide advice on the historic environment aspects of the site; it is for the Council to take these into account alongside the other planning considerations which are not part of our remit.*

*It is worth reiterating that our primary interests in the site are the Queensbury Lodge Stables and Fitzroy Paddocks parts of the site allocation.*

*With Queensbury Lodge Stables, as listed buildings at risk, we advise that any site allocation policy should facilitate the restoration and reuse of the listed buildings. We consider that the use for this part of the site as part of a race horse training yard would be most appropriate. We recognise that there are alternative uses and would not object to conversion if it would secure a viable use which is consistent with the buildings conservation. We also understand that it might be demonstrated that a restoration may require a modest amount of new build.*

*Fitzroy Paddocks make a significant contribution to the conservation area owing to their openness, historic character, and importance to the horse racing industry. These Paddocks, along with Queensbury and Fitzroy Stables, form part of an historic equine landscape in the heart of the town which is still legible. This is why we have advised, from an historic environment perspective, that any development which is brought forward on Fitzroy Paddocks should be focussed on what is necessary to secure the restoration and appropriate reuse of the listed buildings and to retain as much of the open character of the Paddocks as is possible. We would advise that any scheme proposed for the site allocation should incorporate the identified attributes and retain a high proportion of open character of the Paddocks.*

*We understand that in the circumstances that Queensbury Lodge Stables were not kept in equine use and through this site allocation brought forward, for example, as residential that Forest Heath's policy is to make sure there is no net loss of stabling within Newmarket. At the meeting, Forest Heath suggested an amendment:*

*"Any **non-equine** development on Fitzroy Paddocks will be limited to what is necessary to secure the restoration and appropriate reuse of the listed buildings."*

*Whilst our advice on the Paddocks remains as set out above, we understand the wider considerations that they, as the planning authority, have to take into account and given the historic equine use of the Paddocks we would not object*

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*in principal to an amendment which clarifies the Council's equine policy. However, the specific amendment above suggested at the meeting raises further questions which, given there is an equine policy, may be adding unnecessary layers of complication and potential amendments. Therefore, we recommend this suggestion is not pursued.*

*As we identified in the meeting, we would be happy to consider proposed amendments or alternative wording which clearly sets out how the Paddocks openness and historic character will be maintained whilst allowing appropriate development to come forward.*

*Comments on the meeting notes*

*On page 4 Historic England did not specifically support the inclusion of 'non-equine' but indicated it would be sympathetic to such a type of amendment which clarified the Council's equine policy. In a situation where a suitable amendment is proposed, Historic England would neither support nor object.*

*Whilst I am out in meetings all tomorrow, I will be picking up email and phone messages intermittently and will be happy to look further at any suggestions for a way forward.*

## **Unex Group - Email of 10<sup>th</sup> November 2017**

*Dear Marie,*

*So that we are clear as to what Unex's position is, I would confirm the following;*

*(A) In terms of a description of the potential mixed-use elements to be added to the draft policy we are requesting the following;*

- 1. A racehorse training yard on circa 1 ha of land.*
- 2. Up to 73 dwellings.*
- 3. A hotel or office on the former swimming pool site.*
- 4. A restaurant or office in the former public house.*

*(B) In terms of the proposed main modification we are requesting the following amendments;*

*( i) The omission of the sentence which reads "Any development on Fitzroy Paddocks will be limited to what is necessary to secure the restoration and appropriate re-use of the listed buildings".*

*(ii) The omission of the word "highly" from in front of "significant contribution Fitzroy Paddocks makes...." (you have already agreed to this point ).*

*Regards*

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