

Report of the Strategic Director (Services)

NEWMARKET CONSERVATION AREA APPRAISALS

Synopsis:

This report considers representations received during the consultation on the Draft Conservation Area Appraisal for Newmarket, proposes appropriate changes, and seeks adoption of the resulting document.

Commentary:

1. The Planning Committee meeting of 3 June 2009 agreed a public consultation draft of a Conservation Area Appraisals for Newmarket.
2. The public consultation took place between 29 June and 7 August 2009. Statutory consultees and key community organisation were sent a copy of the draft documents. A press release was issued and the documents could be viewed on the Council's website, or obtained from the Planning Department if requested.
3. 10 separate organisations and individuals responded making a significant number of written comments which have been summarised below, and a suggested Council response is given for Members consideration. Full copies of the responses to the consultation can be obtained from the Forward Planning Section of the Planning Department if requested.

Newmarket Town Council

- i. The draft is a most informative and potentially useful document and would like to thank all those who took so much trouble to produce it.
- ii. The last paragraph of page 1 which sets out the purpose of the document should be more prominent.
- iii. Although this document is supposed to act as a guide to future planning decisions, nowhere does it state the weight that should be attached to it.
- iv. It is hoped we would have the chance to comment on the final draft before final adoption.
- v. Bury Road. Comment: Heath Cottage is likely to be demolished as part of a re-development of the old garage site on the Clock Tower round-about; the new building must be suitable for that pre-eminent location within the town and Conservation Area.

- vi. Bury Road. Plans to improve safety at the horse crossings should be in keeping with the surrounds.
- vii. Bury Road. The building of a new sports pavilion on The Severals adjacent to the War Memorial probably precludes the removal of the fencing round the memorial gardens, which we would wish to see retained.
- viii. Bury Road. Review street lighting and introduce stricter speed limit enforcement.
- ix. Bury Road. Hedges and grass verges should be replaced / restored where appropriate.
- x. Strict control of tree preservation should be retained.
- xi. The conversion of large gardens into houses and flats should be discouraged.
- xii. High Street. Every effort should be made to encourage more attractive and appropriate shop fronts.
- xiii. It is agreed that street clutter should be reduced on the High Street.
- xiv. The advertisements should be removed / reviewed at the junction of Rous Road and the High Street.
- xv. The unsightly scaffolding at Queensbury Lodge and Stables should be removed as it blights the main entrance to the town.
- xvi. The new plaza created at the Clock Tower is a most useful public open space and should be retained for use by the town's residents.
- xvii. Market Street. The small shops should be retained.
- xviii. The replacement of windows or doors with uPVC should be discouraged or even forbidden.
- xix. Consideration should be given to replacing wheelie bins on roads that have terraced housing with communal bins.
- xx. Keep all open green spaces.
- xxi. Black Bear Lane. Comment: Streetscape enhancement and redevelopment opportunities will be dictated by the outcome of development plans for Queensbury Lodge and Fitzroy Stables; current plans include a residential home, sheltered housing and a small racing yard alongside Black Bear Lane. The potential developer should be encouraged to include the enhancement of the lane in his plans, while preserving the flint wall as far as possible.
- xxii. The need to find a viable use and the necessary funding for Palace House Stables should be reinforced even more.
- xxiii. Boundary Revisions. The area of Victorian terrace off Black Bear Lane is supported; however the inclusion of the Church of our Lady of the Immaculate and St Etheldreda is less convincing.
- xxiv. Before publication the document should be updated to include recent developments including the clock tower, Vet's surgery in Fordham Road, the approved hotel and retail units at the clock tower and Fordham Road junction, trainers' car parking on Bury Road, and enhancements in the Avenue.

FHDC Response

- i. Noted and welcomed.***
- ii. Noted. Insert paragraph 10 after paragraph 3.***
- iii. Once adopted the document will become a material consideration to be taken into account as guidance when considering planning***

- applications. The Saved Local Plan, or emerging Local development framework will however be the primary planning policy document.*
- iv. A further round of consultation is not envisaged. The document will be regularly reviewed and further comments can be made at that time.*
 - v. Noted this will be stressed in the Streetscape Enhancement section.*
 - vi. Reword first sentence of 'Landscape Enhancement to read 'Ensure that alterations to race horse crossings are appropriately designed for their location, and any visual intrusion is mitigated''*
 - vii. Noted. Delete sentence.*
 - viii. These issues are beyond the remit of this document being County Council and Police matters respectively.*
 - ix. Noted. However this is beyond the Council's planning powers to enforce, and in effect can only be controlled on land in its ownership.*
 - x. Noted.*
 - xi. Noted. The spacious sylvan setting of large houses is noted as a characteristic of Bury Road.*
 - xii. Noted. A shop front design guide will be prepared by the Council once all the District's conservation areas have been appraised.*
 - xiii. Noted and welcomed. The High Street would benefit from a 'Clutter Audit' and this issue will be addressed in the management plan.*
 - xiv. The Council's Enforcement Officer will be asked to investigate unauthorised signage.*
 - xv. Noted. These buildings are registered as buildings at risk and the scaffolding should be retained until an acceptable scheme is put forward for their preservation.*
 - xvi. Noted. This area is shown as open space to be retained on the High Street map.*
 - xvii. Noted. However it is considered that the appropriate redevelopment of some of the small shops in Market Street would enhance the environmental quality of the street.*
 - xviii. Noted. The introduction of article 4 directions removing permitted development rights will be investigated once all the District's Conservation Areas have adopted appraisals.*
 - xix. This suggestion will be passed to the Councils waste management section.*
 - xx. The open spaces that contribute to the character of the conservation area have been identified on the map as 'open space to be retained'.*
 - xxi. Amalgamate Streetscape Enhancement and Redevelopment Opportunities. Reword text to clarify that to be acceptable any proposal to develop Fitzroy paddocks would have to meet the Council's conservation and horse racing objectives.*
 - xxii. The need to find a viable use for Palace House Stables is adequately reflected in the redevelopment opportunities section.*
 - xxiii. It is considered both areas have sufficient historical and architectural interest to be included in the conservation area, and a description / justification will be added to the text.*
 - xxiv. The entries for the clock tower and The Avenue will be updated to reflect recent works; however it would be unwise to include proposals that are not yet constructed in case they do not come to fruition.*

Mr Glen Edge

- i. A number of typos, punctuation and formatting errors are drawn to the Councils attention.
- ii. Page 4, Para 2. It would be helpful to explain the grades of listed building.
- iii. Page 5, Para 9, Line 7. Explain Limekilns?
- iv. Correct title of fig 4 to 'Plan of Newmarket by John Chapman pub in 1787'
- v. Fig 7. Amend title to read '... towards Warren Hill'
- vi. Review page numbering so numbers run consecutively through document.
- vii. Page 12, Para 1, line 4 delete 'of the western end', lines 5/6 delete 'Public House' replace with 'Restaurant'.
- viii. Black Bear Lane. Comment: Streetscape enhancement and redevelopment opportunities will be dictated by the outcome of development plans for Queensbury Lodge and Fitzroy Stables; current plans include a residential home, sheltered housing and a small racing yard alongside Black Bear Lane. The potential developer should be encouraged to include the enhancement of the lane in his plans, while preserving the flint wall as far as possible.
- ix. Bury Road. Comment: Heath Cottage is likely to be demolished as part of a re-development of the old garage site on the Clock Tower round-about; the new building must be suitable for that pre-eminent location within the town and Conservation Area. Plans to improve safety at the horse crossings should be in keeping with the surrounds. The building of a new sports pavilion on The Severals adjacent to the War Memorial probably precludes the removal of the fencing round the memorial gardens. Review street lighting and introduce stricter speed limit. Replace hedges and grass verges where appropriate. Maintain strict control of tree preservation. Discourage conversion of large gardens into houses and flats.
- x. Rayes Lane. The buildings marked as making a positive contribution to the Conservation Area (PC) do not correspond between the map and table.
- xi. Update The Avenue Streetscape Enhancement to reflect recent resurfacing and replanting.

FHDC Response

- i. ***Noted and welcomed. The document will be amended as appropriate.***
- ii. ***Accepted, amend as appropriate.***
- iii. ***The Limekilns is the geographical area between A1304 and B1506 to the NE of the town. No change necessary.***
- iv. ***Amend as appropriate.***
- v. ***Amend to add reference to Warren and Long Hills.***
- vi. ***Page numbers will run consecutively if technically possible. The a-z street section may be numbered on a stand alone basis.***
- vii. ***Amend as appropriate.***
- viii. ***Amalgamate Streetscape Enhancement and Redevelopment Opportunities. Reword text to clarify that to be acceptable any proposal to develop Fitzroy paddocks would have to meet the Council's conservation and horse racing objectives.***
- ix. ***Noted. See Town Council response above.***
- x. ***The buildings will be resurveyed and the map / table amended accordingly.***
- xi. ***Change wording and photos as appropriate.***

Mr and Mrs A Innes, and Mr D Notley

- i. The draft appraisal is welcomed, especially in relation to the emphasis on retaining the paddocks and other essential elements of the landscape in the Snailwell Road and Fordham Road area.

FHDC Response

- i. ***Noted and welcomed***

Mr Douglas Soper

- i. The clarity of vision shown in the document is to be congratulated, and its recommendations supported especially in relation to the Snailwell and Fordham Road Areas.

FHDC Response

- i. ***Noted and welcomed***

Mr John Moore

- i. The proposed development of 400 acres just outside the town would increase traffic and parking problems in the Town Centre and spoil the unique character of the town.

FHDC Response

- i. ***The proposed development of any greenfield urban extension will be considered through the Local Development Framework process. The effect of an increase in traffic and its impact on the conservation area will be one of the issues taken into consideration.***

Jockey Club Estates

- i. The document emphasises how important the horseracing industry is to the history, character and environment of Newmarket. There are numerous comments on stables, horsewalks, horse crossings and the gallops. In order to continue to thrive, the industry must be allowed to keep its facilities up to date and the document seems to recognise this fact. Jockey Club Estates looks forward to working with FHDC to ensure that the racing industry of today prospers whilst maintaining, as best we can, the history which has made Newmarket what it is today.

FHDC Response

- i. ***Noted and welcomed.***

Mr P Crossley

- i. Living in Letchworth the worlds first garden city I am fully aware of the benefits in preserving areas of special interest and character. Might I suggest it would do no harm if the Police and Highways Agency could get their act together with regards the Newmarket bypass (A14) to ensure that every time there was an accident on this road they did not close it for hours and hours on end and create an almighty traffic jam in your special town.

FHDC Response

- i. ***Noted.***

Tattersalls

- i. When considering planning applications outside the conservation area their affect on the conservation area itself should be a material consideration. E.g. the impact of traffic and traffic flow.
- ii. Is the building to the rear of 123 High Street listed?
- iii. The designation of 'open space to be retained' is unduly restrictive and does not facilitate the release of land to meet the requirements of the sales complex. It is requested that the following wording is 'Any area marked as open space may be redeveloped for a use related to the Tattersalls Sales complex provided the new use is in accordance with other relevant planning policies.'
- iv. Is the strip of land to the south of the No. 1 drain in the conservation area as illustrated?
- v. Tattersalls is the largest bloodstock auction house in Europe.
- vi. The site area is 43 acres and the facilities also include restaurants.
- vii. The wall boxes in the photos on page 1 and 2 of the Tattersalls section have been demolished and reconstructed in a different configuration.
- viii. Delete the apostrophe from Tattersalls page 1 paragraph 3, and bullet point 7 page 7.
- ix. Queensbury Road is a private road owned jointly by Tattersalls and the occupants of the properties on the road. This could be clarified in the text.
- x. High Street. Page 7 entries should read 'Queensberry' not 'Queensbury'.
- xi. The Avenue. Page 1 refers to the Tattersalls Sale Rooms; it would be more appropriately worded 'the Tattersalls Sales Complex'.

FHDC Response

- i. ***Para 4.14 of PPG15 advises that the desirability of preserving and enhancing a conservation area should be a material consideration when handling planning applications which affect its setting, or views into or out of the area.***
- ii. ***The building is likely to be listed by virtue of s.1(5) of the Planning – Listed Building and conservation Area Act 1990 which states that any object or structure fixed to the listed building shall be treated as part of that building. A site visit will be made to confirm this opinion and the plan amended if appropriate.***
- iii. ***Add wording to the Tattersalls 'Open Spaces' text to state 'A limited amount of development, to meet the requirements of the sales complex,***

which preserves or enhances the character of this open space may be permissible, subject to other relevant planning policies’.

- iv. The Adopted Forest Heath Local Plan 1995 shows this piece of land to be in the Conservation Area.*
- v. Noted. Amend green heading text to reflect this.*
- vi. Noted. Amend as appropriate.*
- vii. The photos will be changed, or captions amended as appropriate.*
- viii. Noted. Amend as appropriate.*
- ix. Noted. Insert the word ‘private’ in the first sentence.*
- x. Noted. Amend as appropriate.*
- xi. Noted. Amend as appropriate.*

Barton Willmore on behalf of Unex Group and TAP Investments Ltd.

- i. Black Bear Lane. The Conservation Area Appraisal should be amended so that the Unex site in Black Bear Lane (Paddocks to the rear of Fitzroy Stables) is not classified as an important open space, or as contributing to the character of the locality of the town. The site is not used by the nearby racing stables, and is not owned by the stables, and so its designation as open space will not contribute to the viability of the racing industry in the town. It should not therefore be classified as open space for these reasons. The site is not in public use and being private land any public use will be prevented. The site should be identified in the Local Plan as an opportunity for redevelopment.
- ii. The plan shows an extension to the east of Queensbury Cottage, and a stable range to the east of the site which have been demolished, can the plan be amended to reflect this.
- iii. Links around the town centre are poor in comparison to other towns in the area; the High Street in particular suffers from a high volume of fast moving traffic. This needs to be addressed with appropriate traffic measures that also enhance the Conservation Area.
- iv. The quality of the public realm is not high enough in terms of the quality and state of repair of the materials, and the street furniture.
- v. Shop fronts should be better designed and signage controlled to improve the quality of the town centre environment. A design guide should be produced.
- vi. An Article 4 direction should be used to control development in the Conservation Area.
- vii. The Conservation Area should be extended to include the area around the Guineas shopping Centre and Waitrose.

FHDC Response

- i. It is considered that the paddocks to the rear of Fitzroy Stables do make a contribution to the character and appearance of the conservation area irrespective of their current ownership, public accessibility or current use. It is the juxtaposition of the open spaces and buildings relating to the historic development of the horse racing industry overlaid on a traditional market town with a medieval layout that make up the unique character and townscape of the Newmarket Conservation Area. Furthermore case law has found that private open spaces such as gardens can be a feature of a Conservation Area that it is desirable to preserve and enhance. There are a number of current policy barriers that prevent the development of the site.*

Any changes to existing policies will be delivered through development of the LDF, which requires the provision of appropriate supporting evidence and consultation with stakeholders.

Amalgamate Streetscape Enhancement and Redevelopment Opportunities. Reword text to clarify that to be acceptable any proposal to develop Fitzroy paddocks would have to meet the Council's conservation and horse racing objectives.

- ii. Amend the listed building overlay and base map as appropriate.***
- iii. The high volume of traffic in the High Street and its affect on pedestrian movement and safety is noted in the 'Intrusion and Damage' section. The need for appropriate traffic measures to address this will be added to the management plan and Streetscape Enhancement sections.***
- iv. The potential to widen pavements, remove clutter and coordinate street furniture is noted under the High Street 'Landscape and Streetscape Enhancement' section. This issue will also be addressed in the management plan.***
- v. Noted. A shop front design guide will be prepared by the Council once all the District's conservation areas have been appraised.***
- vi. Noted. The introduction of article 4 directions removing permitted development rights will be investigated once all the District's Conservation Areas have adopted appraisals.***
- vii. The area containing the Guineas shopping centre and Waitrose does not have the appropriate level of historical and architectural interest to be included in the Conservation Area.***

Save Historic Newmarket Action Group

- i. A number of typographical, punctuation and formatting errors are drawn to the Councils attention.***
- ii. Page 5, paragraph 7. Training establishments are in the south east as well.***
- iii. Page 6, paragraph 2. Devil's Dyke not 'Ditch'***
- iv. Page 11, paragraph 2. All areas around the Clock Tower should be in the Conservation Area, why is one view from the Clock Tower less important than another.***
- v. Prezzos and the Bath Store area should be included in the Conservation Area.***
- vi. SHNAG and The Newmarket Local History Society contact details could be added to the useful address list at the end of the document.***

FHDC Response

- i. Noted and welcomed. The very thorough and professional comments will be incorporated into the document and add much to its presentation. For the sake of brevity minor changes of this nature are not reported individually.***
- ii. Noted.***
- iii. The 1:50,000 OS map names the feature Devil's ditch. However it is accepted that it is more commonly know locally as Devil's Dyke. Amend accordingly.***
- iv. The views listed are those which are thought to be of key importance in highlighting the different characters of the Conservation Area. The area will be resurveyed and appropriate views from the Clock Tower added.***

- v. ***This area will be researched / resurveyed and included in the Conservation Area if it is considered to have sufficient architectural or historic interest.***
- vi. ***Noted. Add contact details to list.***

Finance/Budget/Resource Implications

- 4. There are likely to be on-going revenue, and possibly capital funding implications from the ongoing management of the Conservation Area. The Appraisals were carried out utilising Planning Delivery Grant funds gained from central Government.
- 5. Any boundary change has to be advertised in the London Gazette and local press, which will incur a fee.

Environmental Impact and Sustainability

- 6. The adoption of Conservation Area Appraisals will assist the preservation and environmental enhancement of the Conservation Area.

Policy Compliance/Power

- 7. There is a statutory requirement for the Council to preserve and enhance its conservation areas.

Performance Management Implications

- 8. This work is carried out and monitored under Best Value Performance Indicator BVPI 219 a-c, and falls within the Forward Planning Service Plan objectives.

Legal Implications

- 9. No direct implications. Issues may arise from the implementation of Management Plans.

Human Rights Act and Diversity Implications

- 10. No direct implications.

Crosscutting Implications

- 11. The appraisal process may contribute in some instances, particularly in relation to environmental enhancements and improvements to the Public Realm. Appraisals also contribute towards planning control and other economic and community development agendas.

Risk Assessment

- 12. Failure to progress appraisals may result in criticism of poor performance in audit and CPA inspections and impede the Councils development control functions in the Conservation Area.

Council Priorities

13. The conservation appraisal process forms part of the LDF programme. Community engagement and communication. Economic Regeneration, Street scene and environment and Transport.

Recommendation:

- 14. It is recommended that Members approve the amendments to the Draft Newmarket Conservation Area Appraisal suggested above and adopt the resulting document as planning guidance for development control purposes.**

Nigel McCurdy
Strategic Director (Services)
14 September 2009

BACKGROUND PAPERS

1. The draft Conservation Area Appraisals for Newmarket is available on the Council's website. A printed version of the Draft Appraisal and the full text of comments received can be provided on request.

CONTACT OFFICER

Boyd Nicholas