

Ros Greensmith (Myles Greensmith MRTPI (Rtd))  
Mill Road Depot Site R10  
May 2016

Matter CC2 –CC2F/1534  
CCC Rep No 26254

**LOCAL PLAN EXAMINATION  
CAMBRIDGE CITY AND SOUTH CAMBRIDGESHIRE**

**Matter CC2 - CAMBRIDGE CITY LP CITY CENTRE AND AREAS OF  
MAJOR CHANGE  
CC2F Policy 23 Mill Road Opportunity Area Sites R9, R10, R21**

**2F3 ALLOCATION OF SITE R10 MILL ROAD DEPOT CAMBRIDGE**

**PREPARED BY**

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**ON BEHALF OF ROSEMARY GREENSMITH**

**14<sup>th</sup> MAY 2016**

## **INTRODUCTION**

This statement is prepared on behalf of Rosemary Greensmith. It should be read in conjunction with previously submitted written representation CCC 26254. Our comments relate to the inspector's questions (i) (ii) (iii) and are summarized by the view that the Local Plan is not supported by sufficient evidence to justify the allocation of land at Hooper St garages as part of site R10 or to satisfy the inspector that there is a "reasonable prospect" of this part of the sites coming forward within the plan period.

The Local Plan is contrary to paragraph 182 of the National Planning Policy Guidance and fails on at least three tests of soundness rendering the allocation of this part of the site unsound.

### **1.0 MATTER CC2F.3 SITE R10 MILL ROAD DEPOT AND ADJOINING MILL RD PROPERTIES**

#### **i) "Are there any constraints which would negate the reasonable prospect of the site being developed within the lifetime of the plan?"**

##### **1. Garage Ownership**

The rear of site R10 constitutes a separate block of 40 garages on 0.1ha site accessed independently from Hooper Street. 34 of these garages are held on long leasehold tenancies lasting to at least 2062. We lease garage No17 from the Council on a 75-year lease with 46 years remaining. The other 6 garages are rented out by the Council on a weekly basis.

All garages are actively used and there is a waiting list for any vacancies which might come up. Most leaseholders we have spoken to do not wish to relinquish their leases and have objected along with other residents to the loss of the garages in the Submission Plan.

Whilst the position on the future of the Council's waste operation is noted in the Statement of Common Ground RDS/SCG/150 this part of the site has not been the subject of such changed circumstances and remains a significant constraint. The Council's Planning Service continue to claim that all of the constraints are capable of mitigation by the development management process.

This belies the fact that the Local Plan should not be allocating this part of the site in the first place if there are legal and ownership constraints on its development that are unlikely to be resolved in "planning terms" during the lifetime of the plan.

This long standing constraint was first acknowledged in an earlier development brief considered by the Council's Environment Committee in June 1990 following the St Matthews Local Plan which also allocated the

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Depot site for housing. It was concluded that the garages could either be left where they are, incorporated in the site or bought back.

Furthermore, the Council have failed to recognize assurances given to tenants at that time regarding the future of garages and their retention or relocation within the site. No such assurances have been offered this time and even the Council's proposed plan modifications don't acknowledge that the garage leases are any kind of constraint in the development of the site.

Alternative parking could be provided within the redeveloped site or on other Council land and car parks in the vicinity. Garage parking could be provided under the proposed open space in a similar way to nearby Ravensworth Gardens. The Council have not been forthcoming on any of these options.

The Council as freeholders find themselves being judge and jury on this site. The high land values associated with developing the site for residential uses along with possible long-term income appear to be causing them to turn a blind eye to the issues associated with the loss of the garages. The issue looks as though it is being taken far less seriously than it was in 1990.

The leasehold interests and the large number of garages therefore represents a significant constraint on any development coming forward on this part of the site during the lifetime of the plan (2031).

## **2.National Planning Policy Guidance (NPPF) May 2012 (RD/NP/010)**

The government, through the National Planning Policy Framework (NPPF) Paragraph 47 require that all local planning authorities identify sufficient specific deliverable sites to provide five years' worth of housing against their development plan requirement. For sites to be included they must be considered **deliverable**; sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.... "

In addition, Councils can identify other longer term sites likely to be developed between 5-15 years "To be considered **developable**, sites should be in a suitable location for housing development and there should be a '**reasonable prospect**' that the site is available and could be viably developed at the point envisaged. On the basis of the above there isn't "a **reasonable prospect**" of the site coming forward. The plan therefore contradicts national policy guidance and is unsound.

## **3.Housing and Economic Land Availability Assessment Guidance (RD/NP/020)**

In 2014 the government updated its previous SHLAA guidance with the Housing and Economic Land Availability Assessment Guidance.

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Paragraph 20 lists factors which should be considered when assessing availability. "A site is considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are **no legal or ownership problems, such as unresolved multiple ownerships**, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome.

Paragraph 22 states that where constraints have been identified that impact on suitability, availability and achievability, the guidance suggests the assessment should consider **what action would be needed to remove them (along with when and how this could be undertaken** and the likelihood of the sites being delivered). The council's evidence base (SHLAA,) the Submission Plan and the Statement of Common Ground RDS/SCG/150 all fail to do this rendering the plan unsound.

#### **4.SHLAA May 2013 (RD/Strat/140)**

Following the publication and consultation on the draft SHLAA in 2011 the Council have produced two versions of its SHLAA in 2012 and 2013.

The SHLAA assessment has to test whether sites are :-

**Available** - there are no legal or ownership constraints to development, and the site is not used for an existing use that is likely to continue;

**Achievable** - there are no cost, market or delivery factors that may prevent the site coming forward in the next five years

**Suitable** – the site is in a suitable location for housing development and is free of known planning constraints.

The 2013 SHLAA May 2013 concluding assessment of Site 102 Mill Rd Depot was that the site is **not deliverable** but that it **could be developable** in 10-19 years. The assessment mentions the relocation of the depot use and the long leases on the garages as a legal constraint. Both score only an amber constraint however.

A similar site was evaluated at Derwent Close in the SHLAA (Site 63). The Council concluded that this site should be removed from the SHLAA because of the difficulties of leasehold and freehold interests on the site and land assembly difficulties without willing landowners. The redevelopment would also result in on street parking problems, and environmental issues, Members decided to remove the site from the SHLAA as the complexity of ownership

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and opposition from some of the landowners suggests that the overall site is not likely to become available for development during the plan period.

The Council therefore seem to be operating dual standards in planning terms between the two sites without good reason.

ANNEX 2 of the SHLAA lists 570 small sites comprising lock up garages and similar with a capacity of under 10 dwellings which were not taken forward in SHLAA because of unrealistic expectations as to ease of development. This part of Site R10 should be similarly treated in our view.

The number of and length of leases mean it is unlikely in planning terms that this part of the site will ever be deliverable as the land supply is rolled forward over time. The plan is therefore unsound in that it contravenes National Policy Guidance and best practice guidance on preparation of SHLAA's.

### **5.Submission Local Plan Site Assessment (RD/LP/260 Doc B)**

The Local Plan Issues and Options Technical Assessment of the Mill Road depot site R10 takes the SHLAA assessment one stage further in assessing whether the site is suitable for allocation within the Local Plan. The assessment can be found on page 173 of core document CD RD/LP/260 B.

This assessment is also flawed in that the site is coded RED against known legal issues because of the multiple ownerships on the site but then it proceeds with an amber score only at its level 1 conclusion. The overall conclusion is rated amber as well (site has potential with some constraints). Multiple ownership is mentioned again though it doesn't feature in the constraints listed in the Local Plan Proposals schedule or any amendments to same. Trees are similarly miscoded in the assessment as trees on Hooper St frontage and at the front of the site are protected by virtue of the Conservation Area status as we pointed out in our representation on the SHLAA Rep 6122.

### **6.AMR 2015 (RD/AD/470)**

The 2015 Local Plan Annual Monitoring Report (AMR) sets out a trajectory for housing provision as required by paragraph 47 of the NPPF. Site R10 has been **brought forward** to commence earlier in 2022/23 and be built out over 5 years as opposed to commencing in 2026/7 in the 2014 Annual Monitoring report. The AMR trajectory includes 3 columns which indicate the site is available, suitable and achievable/viable as defined in paragraph 47 of the NPPF. These are all ticked as being complied with even though the SHLAA and the Local Plan site assessment score the site differently.

### **7.Lack of Consultation**

Although the Council have published a Statement Of Community Involvement in 2013 (RD/Sub/C/140) and consulted local residents generally over the

future of the depot site they have continually failed to specifically consult garage leaseholders on this site as part of the plan making process. Paragraph 4.8 of the SCI states that “the Council will consult other consultation bodies” such as “landowners”. In paragraph 4.12 they state the methods they will use.

Whilst many leaseholders live in the ward the nature of the leasehold tenancies mean several leases have been assigned to other users who live locally and others who do not. No site notices were erected on the garage site and no attempts were made to contact garage owners by the planning service or the property service as part of the consultation on the Submission Plan. A letter posted under the garage door or a site notice could have rectified this.

The Plan is therefore unsound as it is not based on a robust and credible evidence base involving participation with the local community and others having a stake in the area.

### **8. Displaced Parking Demand caused by loss of garages**

The Council as landowner and developer are similarly ignoring the potential impact of displacing the 40 cars currently occupying the garages onto the adjoining streets which are controlled by a residents’ car parking scheme covering the Petersfield area.

A recent committee report on Cambridge’s on street parking (Cambridge City Joint Area Committee 26<sup>th</sup> January 2016) remarked at paragraph 5.3 “The increasing demand on parking within many residential parking schemes is reaching unsustainable levels. With only 3,138 designated resident parking bays, 3,147 valid resident permits and **31,188** valid visitor permits competition for space has never been greater and a day today challenge for many residents.”

Scheme	No spaces	Valid resident permits	Valid Visitor Permits
Riverside	288	253	2182
Brunswick	104	109	1151
Castle Hill	356	437	3939
Benson Road	235	156	932
De Freville Ave	595	565	4624
Guest Road	65	69	682
<b>Petersfield</b>	373	352	2937
Kite	257	373	4584
Newtown	182	193	2472
Park Street	54	40	1208
Regent Terrace	8	5	166

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Shaftsbury	28	13	81
Tenison Road	494	538	5829
W. Cambridge	99	44	401
<b>Grand Totals</b>	<b>3,138</b>	<b>3,147</b>	<b>31,188</b>

The Petersfield area Table 1 Appendix 1 covers an extensive area between East Road, Mill Road and New Street. Two road closure separate areas off Mill Road and streets off East Road/ New St.

Overall the number of resident permits already exceeds the number of available spaces in six city parking zones. Adding 40 more cars on local streets from the depot site along with associated visitors will add Petersfield to the list of oversubscribed zones.

The current parking situation in streets adjoining the Depot are already a complete nightmare. There are frequently no spaces to park in in the evening after 5pm. There is very little turnover of spaces in the day. Cars frequently have to park overnight on double yellow lines which causes additional danger to cyclists and motorists. On pavement parking effects pedestrians, the disabled and mothers with push chairs. Pedestrians frequently resort to walking in the road. The loss of 40 garages will further aggravate this situation for all residents living either side of the road closures.

It would indeed be quite reckless and irresponsible of the Council to force 40 more cars back on to the streets given the existing problems. Even if the Depot development itself was virtually car free it will still attract visitor parking in adjoining streets.

### **Nearby On Street Parking Spaces**

<b>Street</b>	<b>Spaces</b>
Gwydir St south	21
Kingston St	28
Hooper St west	7
Hooper St east	12+5
Sturton St south	13
Ainsworth St south	25

Appendix 1 includes a number of photos of current parking pressures at different times of day in adjoining streets along with Table 1 streets in the Petersfield zone.

**iii)“Would there be planning merit in requiring a masterplan to guide the redevelopment of the site?”**

### **1.Mill Road Depot Supplementary Planning & Development Brief**

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In November 2015 the Council commissioned consultants Allies and Morrison to develop an SPD for the Depot site.

Two community workshops have been held since and an emerging brief has for the first time identified the garages as a key constraint. See Appendix 2.

The consultant's illustrative plans for the site include a preferred option of excluding the garage site and an alternative option of developing the garages at a later stage if needed. The plans show the 40 garages as only having potential for approximately 6 dwellings. It would appear therefore that the garage site is not that essential to achieving the required dwelling numbers on the overall site.

The Council and their consultants have also suggested adding the Women's Resource Centre off Hooper St to Site R10 although the Council have not proposed any formal modification to this effect.

Given the higher densities possible against the railway and on the Women's Resources Centre site, it seems retaining the garages would not have a very significant impact on overall dwelling numbers.

On the other hand, removing the garages would force 40 cars back onto the surrounding streets resulting in a significant planning dis-benefit.

The Council are planning to consult on these proposals in May June 2016.

Our view is that the Council shouldn't have allocated this part of the depot site in the first place.

If the Inspector finds in favour of retaining the allocation however, a detailed masterplan should be submitted and agreed as part of any outline planning application.

### **Conclusions and Soundness**

The Plan does not accord with paragraph 182 of the NPPF and fails on the second third and fourth tests of soundness in respect of this allocation.

It is unsound because it is **not justified** by the evidence before the inspector. The leased garages represent a significant legal constraint which the Council continue to ignore and is unlikely to be resolved in planning terms during the lifetime of the plan. Removing the garages will cause parking havoc in adjoining streets.

The Council have been inconsistent in assessing the site in their SHLAA, their Submission Local Plan Site Assessment and Annual Monitoring Report. They have not taken other factors into account or considered reasonable alternatives. They have failed to demonstrate what actions might be needed to remove constraints or when and how this could be undertaken.



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The Plan is also unsound and not justified because of its failure to properly consult the local community and others having a stake in the area, specifically the garage leaseholders.

The plan is also unsound because it is **not effective** in contributing deliverable growth over the plan period.

Finally, it is unsound because the allocation of this part of the site is **inconsistent with national policy** in the NPPF because there is “no reasonable prospect” that the site is available or could be viably developed at the point envisaged.

### **Changes Sought**

The plan’s proposal map should not identify 0.1ha (area of garages excluding protected trees on Hooper St frontage) constituting the Hooper St garages area as part of site R10 as there is no reasonable prospect of the site coming forward in planning terms within the plan period.

2936 words

**Appendices**

- 1. Photos of parking demands in adjoining streets (7).....P11**
- 2. Table 1 Streets Within Petersfield Resident Parking Zone..... P18**
- 3. Allies And Morrison Draft SPD Jan 2016.....P19**

**Appendix 1 –Photos Of Parking Demands in Nearby Streets**



MKG 1 Gwydir St evening parking

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MKG 2 Sturton St evening parking

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MKG 3 Hooper St evening parking



MKG 4 Ainsworth St evening parking



MKG 5. Kingston St evening parking



MKG 6. Kingston Street pavement parking evening

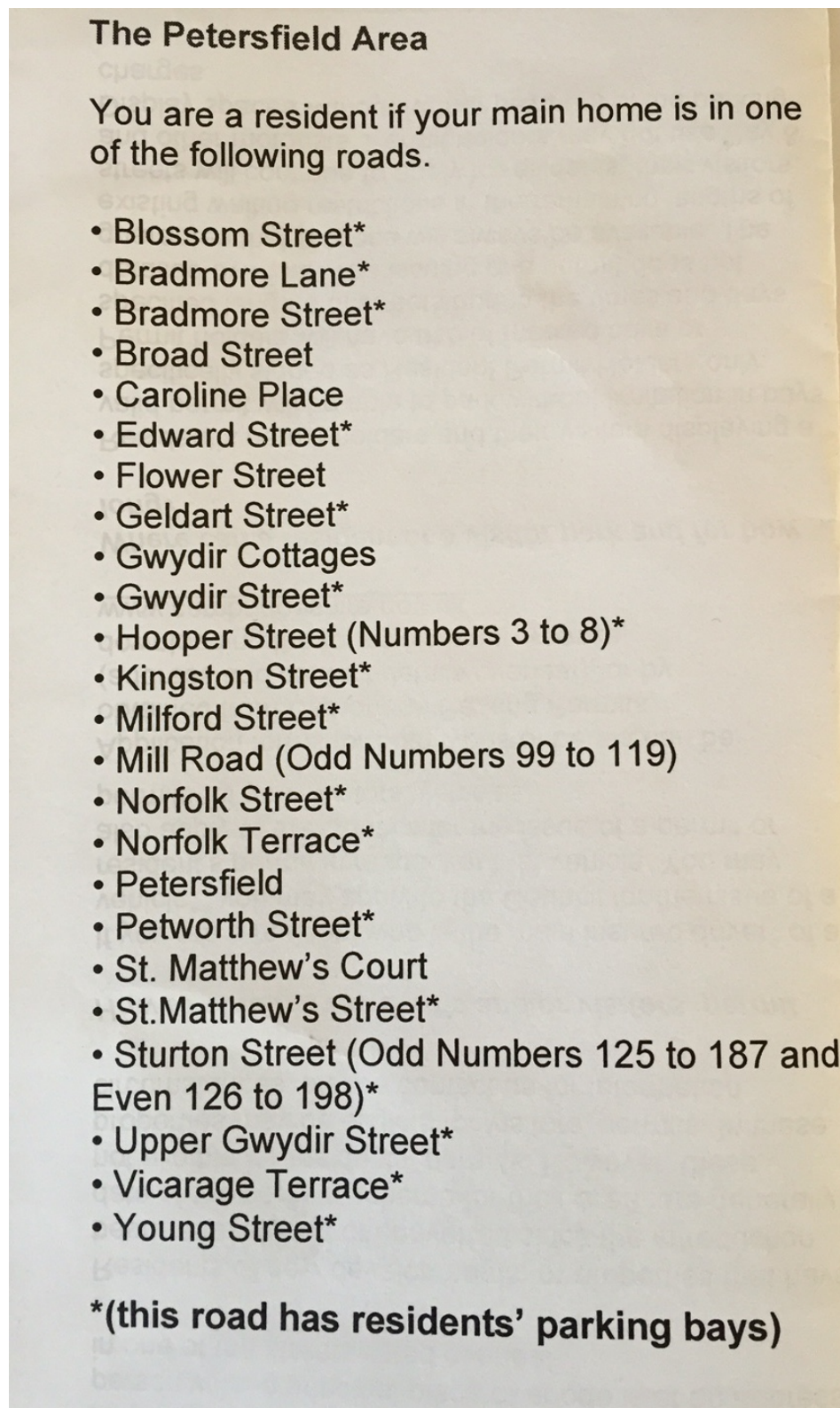


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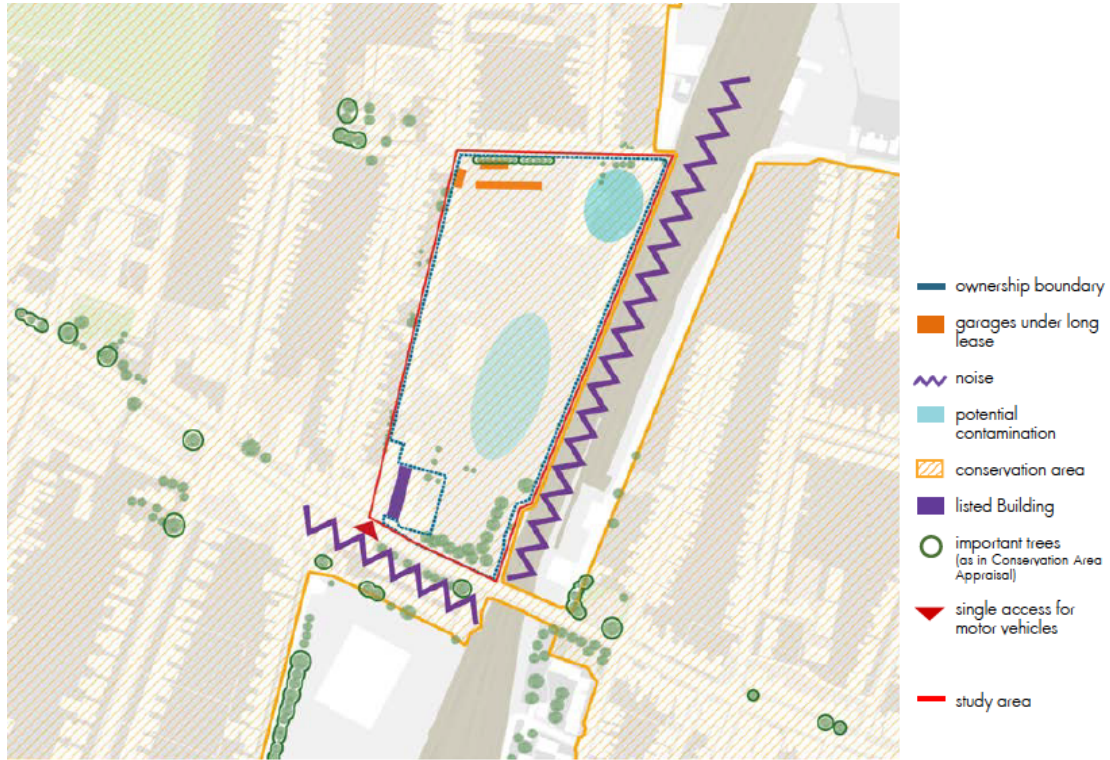


MKG 7. Gwydir Street beyond Hooper Street evening

**Table 1 Streets Within Petersfield Resident Parking Zone**



Appendix 2 Allies & Morrison Draft SPD



**Key constraints**

Allies & Morrison Draft SPD Jan 2016-Key Constraints



Allies & Morrison Draft SPD Jan 2016-Illustrative Sketch Plan



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Allies & Morrison Draft SPD Jan 2016 Alternative Scenario



**Illustrative parking options**

Allies & Morrison Draft SPD Jan 2016 -Parking Options