

18/0076/OUT | Outline application for mixed use development to provide town centre facilities comprising retail units (food and non-food) (Use Class A1) and restaurant units with ancillary drive-throughs (Use Class A3), together with associated access, access roads, service yards, car parking, infrastructure and landscaping (all matters reserved except access). | Land North Of Honiton Road And West Of Fitzroy Road Honiton Road Exeter EX1 3RS

22nd February 2018

To: Matthew.Diamond@exeter.gov.uk

Cc: Lloyd.Orriel@devon.gov.uk;

Dear Matthew

Thank you for consulting Exeter Cycling Campaign on this planning application.

Exeter Cycling Campaign **object** to the proposed development for the following reasons:

- Non-compliance with the adopted Local Plan, particularly in relation to CP1, CP8, CP9 and CP17;
- Non compliance with the adopted Monkerton and Hill Barton Masterplan;
- Negative impact on air quality in an Air Quality Management Area;
- Negative impact on the safety of vulnerable road users, contrary to paragraphs 32 and 35 of the NPPF.

The reasoning behind our reasons for objection are set out in full below.

Non Compliance with the adopted Local Plan

The proposed development conflicts with multiple policies and provision of the Local Plan on a range of issues.

Core Strategy Policy CP1

Policy CP1 constitutes the spatial strategy that underpins the entire Local Plan. It states that provision for growth in the city over the period 2006 – 2026 is based on

“promoting the City Centre as the sustainable heart of the city to include...around 3,000sq metres net retail convenience floorspace, and up to 37,000 sq metres net retail comparison floorspace” (point ii); and

“promoting the land to the east of the outer by-pass (within the city) at Monkerton/Hill Barton...as comprehensively planned and fully integrated mixed-use urban extensions” (point iii).

The proposed development fundamentally conflicts with both provisions ,and therefore with the Spatial Strategy as a whole.

To take point ii, It is clear that the proposals are not consistent with promoting the city centre as the sustainable heart of the city, or delivering on the planned retail growth in the city centre. The letter from Chase and Partners (24th Jan 2018) states that retail development is no longer viable in the city centre, which they claim is evidenced by the decision of Crown Estate and TH Henderson Real Estate (JV Partners) to not progress with their proposals to extend Princesshay shopping centre. However, the decision of the JV Partners not to progress with their scheme does not mean that retail development in the city centre is not viable in any circumstances. On the contrary, the current development being undertaken by Mace Developments on Belgrave Road (16/0405/FUL) demonstrates that ground and first floor retail development, when combined with higher density residential development above , can be viably delivered. Such development is a more efficient, sustainable use of land, allowing more people to live close to where they work and shop, using active modes of travel like walking and cycling. Chester, Sheffield and Hull are amongst other UK cities currently pursuing large scale city centre redevelopment schemes incorporating a substantial element of retail. Some of these have more challenging market conditions than Exeter.

The decision of the JV Partners to pursue a lower density scheme that failed to maximise the economic value of the site was regrettable, but explains why that particular scheme was not viable. However, there is nothing to suggest that a development incorporating a substantial element of retail, along with other uses, cannot be viably delivered on the Bus Station with a different development partner over the next 5 years.

The Chase and Partners letter states that ECC has no plan for the Bus Station Site following the JV partners decision. While Exeter Cycling Campaign cannot speak on behalf of the council, we believe that ECC's ownership of the Bus Station site, and the unambiguous provisions of Policy CP1 (along with Policy CP8), provide a clear direction for the future of the site. In the context of the 20 years that it has taken to get the Bus Station site proposals to this point, the 5 month period between the JV partners decision and now is not a considerable period of time, and certainly not long enough to judge whether a credible plan is in place or not. There is therefore no reason to believe that the retail floorspace targets at point ii of policy CP1 should simply be dismissed as 'unviable', or that the city centre is not a sequentially preferable site.

The announcement this week that Halfords are closing their outdated city centre branch on Sidwell Street – including a bike hub – is proof that the city centre needs more modern retail units for comparison goods in order to compete. A failure to provide these will lead to a self-fulfilling prophecy on the city centre's absolute

and relative decline as a retail destination for Exeter and Devon. . This will only lead to more out of town retail and unsustainable, car-centric developments on the outskirts and around the M5.

Moving to point iii. of policy CP1, it is also clear that the proposed development is contrary with the requirement for development at Monkerton/Hill Barton to be 'comprehensively planned and fully integrated'. This is set out in further detail in the 'Adopted Monkerton Masterplan (2010) and Core Strategy Policy CP17' section on page 3 of this response.

Core Strategy Policy CP8

The retail provisions of policy CP1 are given further expression in Policy CP8. In particular, policy CP8 states that:

"Retail development outside the City Centre should be located in the district or local centres.... In all cases proposals must be accessible by public transport and other sustainable modes, and be appropriate in scale and character to the role and function of the proposed location. Local retail facilities will be required as part of the community provision at the Monkerton/Hill Barton and Newcourt urban extensions"

The Plan defines Local Centres as *"Small group of shops and services generally serving the immediate local area. Usually comprises a newsagent, a general grocery store, a sub-post office and, occasionally a pharmacy, a hairdresser and other small shops of a local nature."*

The type and scale of development proposed as part of this retail park, with an emphasis on 'warehouse style' units for comparison goods and drive through cafes and restaurants, is not in accordance with this policy.

Adopted Monkerton Masterplan (2010) and Core Strategy Policy CP17

The Monkerton Masterplan was adopted by ECC in November 2010, and formed an important part of the Evidence Base for the Core Strategy, including Policy CP17 (Monkerton/Hill Barton Urban Extension). Figure 5.1 of the Masterplan defined the character areas of the area, with the site of the proposed development falling with the 'Sowton' area. The Vision for Sowton reads as follows:

"Sowton will be a high quality employment area, building on the established identity of Exeter Business Park. Some business community facilities such as a creche, small gym and local shop will provide a centre/focus to the area serving both the proposed development and the wider business community at Sowton Industrial Estate and Exeter Business Park. 3-4 storey development will create a well defined, consistent and high quality frontage onto Honiton Road, recognising and reinforcing this as one of the main entrances into the city."

It is evident that the proposed retail park does not accord with this Vision, and by extension, is contrary to the requirement for Policy CP1 that development in this area should be *“comprehensively planned and integrated”*. Specifically, the proposed retail park:

- Will be an out of town retail park providing some jobs, rather than a dedicated employment area;
- Will primarily provide comparison goods and ‘drive thru’ fast food for passing trade and people outside Exeter, not the local crèche, gym, small local convenience stores and cafes that the Masterplan envisages. We note that the applicant has tried to present Lidl as a ‘small local store’. We would not completely agree with this definition when the store is accompanied by a large car park (unlike car-free city centre Lidl’s seen in Germany and elsewhere in Europe). In any event, we note that Lidl have categorically stated they are not interested in the site, further tilting the balance towards comparison goods;
- Will not provide a consistent and high quality frontage to Honiton Road. It will consist of a large surface car park, with the generic warehouse style retail units set far back from the road, and drive-through café units lacking any interaction with Honiton Road at street level.

More broadly, the proposed retail park does not accord with the detailed Aims set out at Section 4.1 of the Monkerton Masterplan, including:

- create a place focused on encouraging sustainable movement to facilitate and encourage walking cycling and use of public transport as the primary means of movement in Exeter;
- Create a high quality urban environment;
- Create a place with a strong identity.

The Masterplan specifically states development in the area should *“actively encourage a modal shift away from the use of the private car”*, and *“ensure easy, safe and convenient access by foot, bicycle and public transport to and from the city centre and other key destinations”*.

These aims are reinforced in Policy CP17 of the Core Strategy, which states that development at Monkerton/Hill Barton will *“be oriented on the sustainable movement network and designed so as to reduce the dominance of vehicles within the public realm”*. It goes without saying that the proposed retail park, centred around a 408 space car park, is anathema to the strategy of achieving modal shift away from private car use and reducing the dominance of vehicles on the public realm. Its development would therefore be contrary to Policy CP17 of the Core Strategy.

Overall then, the proposals are in conflict with policies CP1, CP8 and CP17 the adopted Core Strategy (along with more general sustainable transport provisions of policy CP9).

Negative Impact on Air Quality

The Inspector in the original appeal on this site noted that the environmental effects of the development would be negative. Notwithstanding the effect on carbon emissions and global warming, it also poses serious questions regarding air quality. Honiton Road is within the Air Quality Management Area (AQMA) and suffers from poor air quality. The Environmental Health Officer has already noted that air quality will worsen as a result of the proposed retail park, notably on East Wonford Hill and through the Heavitree corridor. Heavitree is a residential area popular with young professionals, families and their children. In addition to living there, many also use the local shops and services at the district centre which is directly on the traffic route out of the city towards the proposed retail park.

The announcement that Next will vacate their premises at Exe Bridges Retail Park to move to the proposed retail park is proof that in addition to attracting new vehicle trips, existing traffic will be redistributed and funnelled through the city centre inner bypass, Heavitree corridor and up Honiton Road. The same traffic will make the return trip. The effects of the extra air pollution generated by the proposed retail park will be felt by local residents, including future generations. The shift to electric cars will take a number of years, and start from a very low base. Notwithstanding the continued congestion and road safety issues caused by cars, electric or otherwise, the eventual shift to electric by 2040 will do nothing to mitigate the years of air pollution exceedances and worsening health impacts the proposed development will contribute to.

Exeter is currently consulting on its Air Quality Action Plan for the 5 year period up to 2023. If that strategy is to stand any chance of being effective, and we are to reduce air pollution and improve health outcomes, retail park development such as that proposed must be refused in favour of walkable retail destinations centred around active travel networks and high quality public transport.

Negative Impact on Road Safety and relevance of NPPF Paragraphs 32 and 35

The proposed development will generate a significant amount of traffic, containing as it does a large element of comparison retail and being centred around a 408 space car park. This will inevitably attract residents from elsewhere in the city and outside.

The Design and Access Statement (DAS) makes general assertions such as 'Exeter has excellent cycle links', and notes the presence of cycleways along Honiton Road and up Fitzroy Road. However, this is misleading. As stated as section 3.3 of the Transport Statement, Honiton Road is bound by footways only, on which cycles are

legally prohibited. Even if a 'shared path' did exist, this could not be called high quality on a major commuter route such as Honiton Road, which connects the city centre and Sowton with residential areas in between. This is particularly true in the context of the fully segregated E4 route that has begun phase 1 construction on Cumberland Way, which sets a new benchmark for the city.

It is true that the path to the north of the site, running from Fitzroy Road to Hill Barton Road, is a reasonably good shared route that provides a traffic free environment. However, the proposed development makes no effort to connect into or improve accessibility to this route. On the contrary, the addition of a substantial amount car traffic onto the local network will degrade the cycle network by making it more difficult for cyclists to move between the few paths that do exist.

The Devon Collision Map, providing data up to December 2016, shows multiple collisions along the length of Honiton Road, and in particular to the west of the proposed development in the vicinity of the railway overbridge and roundabout. Not all of the collisions recorded involve cycles. However, it is clear that Honiton Road – and indeed the Heavitree corridor which will be affected more broadly – is already a collision hotspot where it is particularly unsafe and unattractive to cycle on the road. The lack of quality, connected, off-road cycle routes means that less confident cyclists or parents cycling with children are not likely to cycle to the proposed development. This will further increase car usage, while putting vulnerable road users on Honiton Road and the Heavitree Corridor at greater risk.

It should also be noted that the proposed development gives zero priority to pedestrians and cyclists as the main junction onto Fitzroy Road, and within the development. This will degrade provision for cyclists travelling along Fitzroy Road, and increase the likelihood of collisions both at the site entrance and within the expansive car park. In 2016, almost two thirds of collisions involving fatalities or serious injury to cyclists occurred at junctions (ROSPA Cycling Accident Factsheet 2017), and 80% of all collisions involving people cycling occur during daylight hours (i.e. during store opening hours).¹

Paragraph 32 of the NPPF requires that:

- Safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

There is no definition of 'severe' in the NPPF, and it is usually down to professional judgement to determine what is or is not severe. However, the High Court case of *Mayowa-Emmanuel v Royal Borough of Greenwich*

¹ <https://www.rospace.com/road-safety/advice/pedal-cyclists/facts-figures/>

(2015)² provides a precedent in how paragraph 32 should be interpreted and the criteria to which the severity clause applies. The case established (at paragraph 29) that the second bullet point of Paragraph 32 of the NPPF relates to highway capacity and congestion, rather than road safety in itself:

*“ In my judgment, paragraph 32 of the National Planning Policy Framework that the Claimant relies on under this ground 2 is addressing matters of highway capacity and congestion. It is not concerned with highway safety considerations in themselves. It cannot be, **because it cannot be the case that the Government considers anything other than severe impact on highway safety would be acceptable**, which would be the implication of the Claimant's argument.”*

The effect of this interpretation means that even if the proposed development is not considered to have a ‘severe’ impact on the highway network in terms of traffic modelling and junction capacity, refusal can still be justified if there is a ‘less than severe’ impact on the actual safety of road users. This would include vulnerable road users such as pedestrians and cyclists. The court’s interpretation of Paragraph 32 was recently invoked by a planning inspector in relation to a scheme in Shropshire, where the appeal was dismissed³. While the context of that appeal was slightly different, the principle - particularly in terms of of paragraph 32s interpretation and the relevance to road safety and vulnerable users - remains applicable. This is relevant considering the proposed development in light of the road safety and network issues outlined above, and the requirements of Paragraph 35 of the NPPF.

Paragraph 35 states that developments should:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;

The proposed development very obviously does not give priority to pedestrians and cyclists, and does not create a safe and secure layout that minimises conflicts between traffic and pedestrians or cyclists. It will also have a negative impact on the safety of vulnerable users along Fitzroy Road, Honiton Road, and the wider Heavitree corridor between Sowton and the city centre, by virtue of increased traffic volumes and lack of segregated cycle infrastructure.

The effect of this extra traffic, both in terms of the actual additional risk of collisions and the perceived risk of collisions, could easily be described as ‘severe’ by vulnerable road users themselves, or negative at best. Either

² <http://www.bailii.org/ew/cases/EWHC/Admin/2015/4076.html>

³ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3159207>

way, there is a clear justification to refuse the proposals on highway safety grounds in light of Paragraphs 32 and 35 of the NPPF and the legal precedent set by *Mayowa-Emmanuel v Royal Borough of Greenwich* (2015).

Section 106 in the event of permission being granted

Exeter Cycling Campaign believe that the proposed development represents a fundamentally unsustainable development typology and should be refused. However, in the unfortunate event that permission is granted, it is essential that the access design is revised to prioritise pedestrian and cycle movements.

It would also be essential to secure significant financial contributions to help mitigate the road safety and air quality impacts of the proposed development, through provision of new segregated cycle infrastructure and safer junctions along the routes most affected. This includes along the length of Honiton Rd and Heavitree Rd towards Exeter city centre, where there is currently no safe provision, and to employment sites at Sowton Industrial Estate.

It must be born in mind that Monkerton train station is unlikely to progress in this plan period. The allocation of this site for employment and a local centre was only made on the basis of its proximity to the proposed train station. Existing bus routes along Honiton Road are not sufficient alone to meet sustainable transport aspirations for the area, and this will have been factored into the original allocation and Masterplan design.

In the absence of the station being delivered, it is essential that the level of contribution to sustainable transport is sufficient to deliver at least the scale of modal shift that the train station was intended to have. Therefore, contributions must be based on the delivery of high quality active travel infrastructure that segregates cyclists from pedestrians and vehicles and meets the latest design standards⁴.

The UK Government-backed 'Propensity to Cycle' tool shows that on the 'Go Dutch' scenario, Monkerton and surrounding areas can achieve a modal share of 21% cycling, up from 6% at the 2011 Census.⁵ Once the growing availability of e-Bikes is factored in, this rises to 32%. In this context, securing anything less than the best active travel infrastructure in this and surrounding areas would be failing to maximise opportunities for sustainable transport in line with the NPPF.

Yours sincerely

Seb James

for and on behalf of:

EXETER CYCLING CAMPAIGN

exetercyclingcampaign.org.uk

Twitter: [@ExeterCycling](https://twitter.com/ExeterCycling)

⁴ <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2>

⁵ <https://www.pct.bike/m/?r=devon>



Figure 1: Devon Collision Map, showing numerous collisions along Honiton Road up to December 2016, including to the west of the site on the main route between the city centre and Sowton. Collisions are recorded along the full length of the Honiton Road/Heavitree corridor.



Figure 2: Example of a low-car 'Local Centre' in Crediton, where a surface car park was replaced with a new community square. Vehicle movement is restricted around the edge, there are shops/cafes around the perimeter, and space in the middle is for the community to gather and hold markets, events etc. The Monkerton/Hill Barton area is lacking any such community focal point, and Policy CP17 and the Monkerton Masterplan clearly envisaged the application site as a location for this Local Centre. The proposed retail park development will not serve this purpose.



Figure 3: Visual for the 'Tramhaus' scheme on the old Funari US air base in Mannheim, Germany. The concept was to re-define suburbia in an out-of-town location, through creating a largely car-free suburb, with parking accommodated underground. The Monkerton Masterplan and policy CP17, while allowing for car-use, clearly envisaged a type and scale of development closer to this, with active travel and high quality public space at the heart of the Local Centre, and the impact of the private car minimised. The proposed retail park development will not deliver this.

<https://www.dezeen.com/2016/04/14/mvrdv-us-army-barracks-mannheim-germany-traumhaus-affordable-low-cost-housing/>

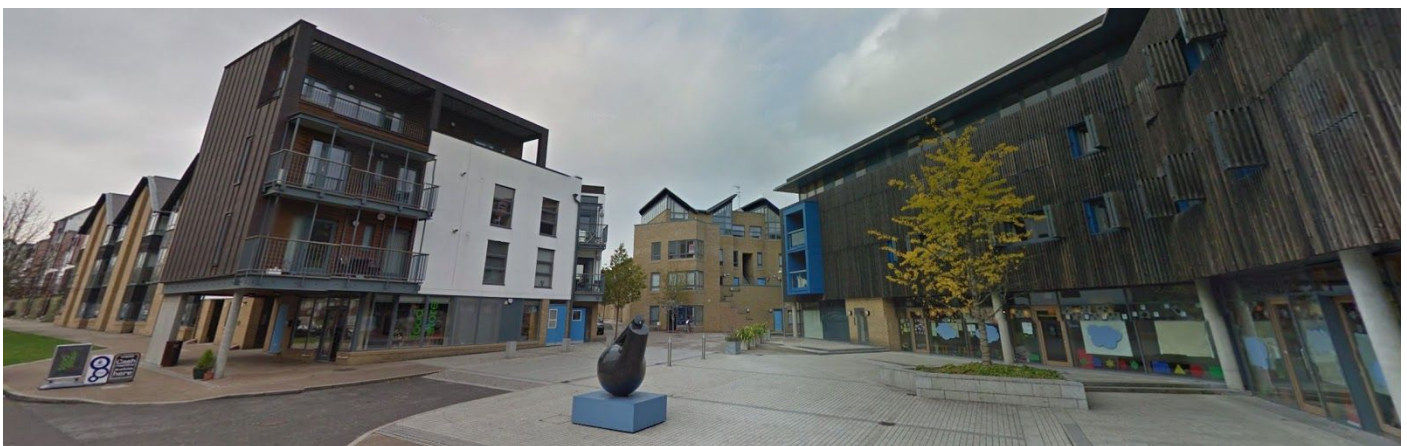


Figure 4: Local Centre with small-scale retail, community use and reduced vehicle dominance at The Chase, Newhall development in Harlow, Essex.

