

## UTT/17/2352/FUL – (BIRCHANGER)

(Called in by Cllr Terry Farthing on highway safety grounds)

**PROPOSAL:** Creation of new HGV exit onto A1250 and associated works

**LOCATION:** Welcome Break Service Station, Dunmow Road, Birchanger

**APPLICANT:** Mr R McKie

**AGENT:** Mrs J Smith

**EXPIRY DATE:** 26 October 2017 – EOT 11 May 2018

**CASE OFFICER:** Karen Denmark

---

### **1. NOTATION**

1.1 Metropolitan Green Belt.

### **2. DESCRIPTION OF SITE**

2.1 The application site forms part of the motorway service area known as Welcome Break - Birchanger Green. The majority of the land is currently the car park to Days Inn hotel. There is a thick band of hedging adjacent to the highway verge onto the A1250.

### **3. PROPOSAL**

3.1 The proposal relates to the creation of a new exit point onto the A1250 for HGVs. This would involve the revision to the layout of the Days Inn hotel car park, alterations to the internal road layout to create the new exit point, together with the removal of the boundary hedging and alterations to the road layout and markings on the A1250.

3.2 The junction would be signalled from the motorway service area (MSA) onto the A1250. The engineering operation required to deliver this consists of removing a small amount of landscaped earth and planting and the surfacing of the area between an existing internal road and the A1250 (approximately 25 metres). The exit will be for HGVs only and will not be used during less busy periods.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## 5. APPLICANT'S CASE

5.1 The application is accompanied by a Transport Assessment, Planning Statement and Biodiversity Questionnaire.

5.2 Conclusions of Planning Statement:

- A new location for a second exit has been determined following discussion with Essex County Council. This avoids the creation of a new exit onto the A120 and does not create direct access onto the motorway over-roundabout at Junction 8, M11. The application has now held detailed discussions over the period since 2014 in creation to the revised timing of signals onto the Junction 8 roundabout. Highways England have confirmed that they are not able to give the MSA any additional green time to alleviate queuing and congestion within the site. Welcome Break sought planning permission in 2014 for the widening of the exit lanes onto Junction 8 to create additional capacity at the exit to the site. This approach was also rejected by Highways England and Essex County Council but the local planning authority (LPA) did approve internal alterations including revised signage and lane marking in an attempt to create additional capacity within the site. Welcome Break have implemented these changes, and have found that traffic queuing within the site has not been alleviated. Congestion remains, and it still results in an hour long queue to exit the site at peak times.
- It is this impact on highway safety as a result of the MSA not fulfilling its function that forms the basis for the 'very special circumstances' case if the LPA do not consider that the application can be considered as appropriate development under Paragraph 90 of the NPPF. The applicant argues that the development should first be considered under Paragraph 90 either as an engineering operation or a local transport proposal where there would be no impact on the openness of the Green Belt due to the size of the development and its location in respect of existing development. The proposed development would not conflict with the main purposes of the Green Belt. If the LPA consider that the proposal is inappropriate development, then the applicant considers that the 'very special circumstances' have been demonstrated that would overcome the normal presumption against development in the Green Belt. The harm caused by the scheme would be very limited, and the proposed benefits in terms of the improvement to traffic circulation and highway safety function of the MSA would outweigh any harm. The Transport Assessment that forms part of this planning application concludes that any impact on the existing junctions would only occur in 2033 when they would be operating marginally beyond their theoretical thresholds. With the proposed changes to these location junctions, this development would not impede those developments.
- As such the applicant considers that the development is acceptable in all respects, and requests that the planning authority issues planning permission accordingly.

5.3 Summary and conclusions of Transport Assessment:

- The second exit is required to alleviate pressure on the existing exit that fronts on to the M11 Junction 8, which currently causes significant delays to motorists leaving the site. Whilst Welcome Break is private entity and has a commercial interest in securing the second exit, it should be noted that the MSA offers a rest area for motorists travelling along the strategic road network. The level of

delays experienced at this site is deemed to be severe enough to discourage motorists from using this as a rest stop, potentially resulting in drivers' exceeding their recommended driving time, which could ultimately pose a road safety risk.

- The proposed second exit would be positioned on the MSA's north western side and connect with the A1250 Dunmow Road by way of a traffic signal controlled junction. The exit lane will route to the south of the Day's Inn Hotel, through the hotel's parking area. A revised car park would be positioned to the south of the exit lane and the overall provision would remain policy compliant.
- The signalised junction will incorporate pedestrian crossing facilities across the exit arm and the A1250 Dunmow Road (northern arm), offering improved crossing facilities to a bus stop positioned on the carriageway's northern side.
- A speed survey was undertaken at the proposed exit location, which confirmed the 85<sup>th</sup> percentile speeds were 35.7mph westbound and 30.3mph eastbound. Subsequently, the signalised junction has been designed based on a 40mph 85<sup>th</sup> percentile speed, and whilst the proposed junction is located on a section of carriageway that is subject to the national speed limit, no speed reduction measures are deemed necessary.
- Through liaison with ECC, it was agreed that the second exit would serve local traffic and HGVs only. Appropriate signage will be positioned across the site to ensure drivers are directed towards the correct exit.
- Highway capacity assessments have been undertaken to assess how the reassigned traffic from the MSA would impact on neighbouring junctions. The assessments have utilised approved junction models obtained from ECC and have been examined using traffic flows extracted from ECC's strategic traffic model.
- The assessments have illustrated that the development proposals would not have a material impact on the local highway network, but that by 2033 under the baseline traffic flow scenario both the A120 / A1250 Dunmow Road and M11 Junction 8 roundabouts would be operating marginally beyond their theoretical thresholds.
- The Council have provided plans which demonstrate their proposals to upgrade the A120 / A1250 Dunmow Road roundabout and widen the A120 western approach to the M11 Junction 8. The modelling results presented within this TA, have confirmed the Council's proposals will improve these junctions capacity and that the proposed second exit junction would not impede the proposed improvements.
- It is therefore considered that the local Highway Authority and Highways England should have sufficient information to conclude that in line with the National Planning Policy Framework the development proposals would 'not have a detrimental effect on highway safety and capacity'.

## **6. RELEVANT SITE HISTORY**

6.1 Whilst the MSA has a lengthy planning history it is considered that the following applications are of relevance:

- UTT/1125/10/FUL: Construction of new exit from Birchanger Green Service Area onto A120 roundabout. Additional 84 no. car parking spaces. Refused on basis of inappropriate development in Green Belt, detrimental to highway safety, doesn't satisfactorily demonstrate need for development.
- UTT/14/3699/FUL: Re-arrangement of part of MSA car and caravan park to provide new parking and the widening of the existing internal circulation road. Approved 25 May 2015.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

- 7.1 Policy S6 – Metropolitan Green Belt  
Policy GEN1 – Access  
Policy GEN4 – Good Neighbourliness  
Policy GEN7 – Nature Conservation

### **National Policies**

- 7.2 National Planning Policy Framework  
Planning Policy Guidance  
Department for Transport Circular 02/2013, The Strategic Road Network and the Delivery of Sustainable Development

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Opposed for following reasons:

- Will not improve traffic flow to justify invasion of Green Belt
- Will only benefit a few lorries travelling west on A120
- Too much traffic already uses Junction 8
- More routes need to be directed away from junction with underpasses or another services on other side of roundabout
- A1250 subject to long delays at peak times
- Another set of traffic lights will only exacerbate the existing situation
- UDC should reject this scheme
- Disagree strongly with conclusion that proposed changes will have no material impact on the local highway network
- Model based on 2011 and updated in July 2014 when traffic will be quieter
- Significant amount of new housing built in surrounding area which does not appear to be in baseline assessment
- Not clear whether various large settlements which are planned to be built are included in model assumptions
- Concerns proposals will result in more delays to local traffic
- Amount of green light time should be increased when delays occur
- Models should be accurate and up to date
- Will not help with driver safety or any economic arguments made by applicant

## **9. CONSULTATIONS**

### **Highways England**

- 9.1 20.9.17: The formation of an exit would appear contrary to policy laid out in DFT Circular 02/2013. We are in the process of raising this with DFT and we will not be able to formally respond until we have had a decision on whether or not the policy applies or the minister approves the proposal. I would hope this will take no more than a few weeks and therefore formally request you do not make a formal decision upon the application until the 3 November 2017.

3.11.17: The provision of a rear access is considered against policy laid out in DFT Circular 02/2013 and we are currently seeking a departure and until this

process is completed and DFT have given a decision I am unable to give a formal response.

12.2.18: Offer no objection.

### **Department for Transport**

- 9.2
- The Secretary of State has seen the proposal for the new 2<sup>nd</sup> exit from Birchanger Green services at junction 8 on the M11.
  - He has considered whether there is a case for a Departure based on the fact that the proposal is for a restricted rear exit from the MSA. The Circular does not allow connections to the motorway and while this is an exit there is still a physical link to the motorway albeit one way.
  - He has determined that the exit does constitute a connection to the motorway. As the exit does not fall within the restricted categories set out in the Circular at paragraph B 23, the case for a Departure must be made.
  - He has looked at the intention of the policy and the need to maintain the safe and efficient running of the motorway.
  - He has considered the impacts and benefits the exit would have on the operation of the M11 motorway and at the junction 8 roundabout connecting the M11 with the A120.
  - He has also taken into account the wider scheme led by Essex County Council which includes other works to improve the operation of this junction in conjunction with the new exit. This scheme has demonstrated that it would improve the access and exit to the services, allowing traffic to flow through the site, reducing tailbacks at the junction and on the M11 exit slips.
  - He has also taken into consideration that Highway England have also assessed the potential impacts of the proposed new exit and that they support the proposal as it has an overall benefit for the motorway.
  - On balance he considers that a Departure from Circular 02/13 allowing the new exit as set out in the proposal would benefit the safety of drivers and operation of the motorway at this junction.

### **Essex County Council Highways**

- 9.3
- This application has been thoroughly assessed by the Highway Authority in relation to the current operation of Junction 8 M11 and a future proposal for capacity improvements at this junction. The application will not adversely impact on those capacity improvements and the Transport Assessment is considered to be robust in its analysis. The proposal has been subject to a safety audit and adjustments to the design were made in response to this and to the initial specialist comments from Essex Highways and these are now reflected in the revised submitted plans.

The application is directly on the border with Hertfordshire and the comments made by that Authority in terms of the impact on the town centre have been taken into account in the recommendation. This is in the form of an obligation to monitor the junction and make adjustments as required if the impact on the town centre is greater than expected. These adjustments could include banning of the left hand turn or limiting it to HGV egress only and would be implemented (if necessary) following the assessment of the data. In addition, Essex Highways will control the signals as part of the local network to ensure its efficiency.

From a highway and transportation perspective the impact of the proposal is

acceptable to the Highway Authority subject to mitigation and conditions.

### **Hertfordshire County Council**

- 9.4 Although Hertfordshire County Council is not the Highway Authority for this application, it is noted that the application will involve vehicles from the MSA leaving onto the A1250. To the south-west the A1250 provides a link into Bishop's Stortford (which is within East Hertfordshire District Council). HCC would have some concern with additional traffic travelling into Bishop's Stortford on the A1250, in particular passing through the Hockerill junction, the latter which experiences air quality and congestion issues.

It is noted that the proposal is purely to assist access from the MSA junction. At M11 junction 8, the main impact is an improvement in capacity and reduction in queuing and delay at the MSA exit. However, the operation of the A120/A1250 junction is reduced in performance.

HCC has examined the modelling work presented within the TA and are content that it appears robust in terms of the inputs and findings.

Of particular interest to HCC is that the TA assumes that all HGVs would exit the MSA and then turn right towards the A120 junction, whereas other vehicles are deemed to be local trips and would turn left towards Bishop's Stortford.

There are predicted to be around 30 vehicles turning left in the AM peak and 50 turning left in the PM peak. The Hockerill junction which is an AQMA is at capacity in the future year on both A1250 arms. The TA assumes that these are trips which would have previously turned left at the A120/A1250 junction so that they would not be additional trips on Dunmow Road itself. However, there is a risk that by opening up a new 'through route' through the MSA site additional traffic could be attracted to run through it (to avoid delays at the A120/A1250 roundabout) and there will need to be careful design within the wider MSA site to prevent this happening.

Given the above concern, that exiting trips from the MSA may turn left towards Bishop's Stortford (as a through route or short cut), HCC recommend that the Highway Authority consider a planning condition which monitors the operation of the proposed junction. HCC would not wish to see a through route established which could lead to trips routing into Bishop's Stortford via the A1250, as opposed to the A120 from the M11. As such, HCC request that the planning authority give consideration to monitoring the proposed exit junction, including potential inclusion in a s106 agreement. Although HCC is presently content with the modelling work used to evidence the operation of the proposed changes, should it become apparent that the junction is being used as a through route for traffic travelling towards Bishop's Stortford, it may be necessary to consider a banned left-turn movement.

### **East Herts Council**

- 9.5 Object. It is considered that the proposed access would encourage vehicles to turn left and travel along Dunmow Road and through the centre of Bishop's Stortford, rather than round the town using the A120 ring road. This would result in increased traffic movements along Dunmow Road and through the centre of Bishop's Stortford which already experiences congestion at peak times. The proposal would also increase traffic using the Hockerill junction which is

designated as an air quality management area (AQMA). I can find no reference in the documents submitted with the application to the AQMA and the impact of the increase in traffic on this area. The only identified way to improve air quality at this junction is to reduce the amount of traffic that passes through it. The proposal would therefore be in direct conflict with the actions identified in the 2017 Air Quality Annual Status Report and Policy EQ4 of the emerging District Plan.

#### **Environmental Health Officer**

- 9.6 No noise report has been submitted with this application, however, based on the proposals and location one is not considered necessary. The area where the proposed exit is situated is a mixture of commercial and industrial premises with residential units a little more distant on the A1250 in East Herts District Council area. Environmental Health raised no objection to the previous proposed scheme. I therefore have no objections to the proposals.

#### **NATS Safeguarding**

- 9.7 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

#### **London Stansted Airport**

- 9.8 The proposed development has been examined for aerodrome safeguarding and, as the construction phase may result in large areas of earthworks for a short time, this may provide an attractive exploitable food resource for hazardous birds such as corvids and gulls. Therefore, we request a Bird Hazard Management Plan (BHMP) for the construction period to minimise the attraction to hazardous birds.

The details supplied make no mention of any SUDS provision or landscaping associated with the scheme. It may be that there are none planned, or that these features will be determined later. Any SUDS feature or landscaping at this distance from the airport have the potential to provide an attraction for hazardous birds, and thus to impact on the birdstrike risk at Stansted so we request sight of these as soon as possible.

#### **Environment Agency**

- 9.9 We have reviewed the application and supporting documents and would advise the Council we would have no objection to the development proposal.

### **10. REPRESENTATIONS**

- 10.1 Thirty five letters of representation have been received making points as follows:

Diverts traffic to secondary road network  
Dunmow Road is heavily congested in AM and PM peaks  
Roads in Bishop's Stortford subject to weight restrictions  
Concerned proposals will encourage more drivers to take this route as a short cut rather than using A120 bypass  
Will make worse air pollution at the Hockerill crossroads AQMA  
Any new exit should join A120 and not A1250  
Will result in westbound traffic backing up to M11 interchange and probably

gridlock the roundabout  
 Will affect employees, members and guests trying to access Golf Club  
 Seriously affect the operation of companies in Woodside Industrial Estate and the  
 GU factory in Dunmow Road  
 Serious impacts on road safety particularly into areas of school children  
 Ask you to refuse on health, environmental, traffic and safety issues  
 No proof proposals will improve driver's safety  
 Traffic regularly speeds in this area  
 Commercial interests of service station should not outweigh the negative impact  
 on traffic, pollution and safety  
 Proposal disregards other approved development in the area that will add further  
 impact traffic on Dunmow Road  
 Services should be "moved" north or south of junction 8  
 Inaccurate description of development – does not include the pedestrian crossings  
 and relocation of bus stops  
 Benefits of pedestrian crossings overstated  
 Will be used as a cut-through during peak times  
 Assumptions in relation to LGVs not substantiated  
 Requires delivery of other road infrastructure improvements  
 Contrary to Policy GEN1 and paragraph 32 of the NPPF

10.2 Bishop's Stortford Town Council object.

1. Result unnecessarily in increased HGV traffic on Dunmow Road, which is already congested
2. Encourage HGVs unnecessarily to use narrow streets in the Town in preference to the bypass
3. Encourage HGVs to travel unnecessarily through the AQMA at Hockerill lights, the pollution levels at which exceed legal limits.

## 11. APPRAISAL

The issues to consider in the determination of the application are:

- A Green Belt (ULP Policy S6; NPPF)
- B Highway safety (ULP Policy GEN1; NPPF)
- C Noise and disturbance (ULP Policy GEN4)
- D Ecology (ULP Policy GEN7; NPPF)
- E AQMA issues (NPPF)

### A Green Belt (ULP Policy S6; NPPF)

11.1 The site is located within the Metropolitan Green Belt. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. Substantial weight is required to be given to any harm to the Green Belt. Paragraphs 89 and 90 of the NPPF set out exceptions for types of development that may be considered appropriate to the Green Belt. This includes, at Paragraph 90, the provision of *"local transport infrastructure which can demonstrate a requirement for a Green Belt location"*.

11.2 The service station has been constructed within the Green Belt and the surrounding area is covered by this designation. Previous proposals for the



creation of an additional exit have been considered inappropriate development in the Green Belt. The application submitted under reference UTT/1125/10/FUL was for an additional arm onto the roundabout resulting in substantial works in the area. This was considered under the now defunct PPG2: Green Belts which set out similar criteria to the current NPPF.

- 11.3 The applicant argues that the proposed development represents an exception to the presumption against inappropriate development in that it relates to local transport infrastructure which, due to the location of the MSA within the Green Belt, requires a Green Belt location. The need is said to arise as a result of significant delays within the MSA due to vehicles not being able to exit onto the strategic road network. The reasons for the delays are volume of traffic, the slowness in HGVs leaving the site and the lack of available “green time” on the traffic lights.
- 11.4 The proposed development would create a separate vehicular exit point for HGVs which would require the removal of a 15m stretch of a landscape bund. The majority of the exit slip road would be created within the existing MSA network and part of the Days Inn car park. The additional length of hardstanding to form the exit road would be approximately 15m in length. The proposed exit point would be into an area currently forming a bus stop on the A1250.
- 11.5 The proposals have been considered by Highways England, Essex County Council Highways Authority and the Secretary of State for Transport and are considered to be necessary in order to alleviate congestion. The Secretary of State, in their response of 9 February 2018, states, “This scheme has demonstrated that it would improve the access and exit to the services, allowing traffic to flow through the site, reducing tailbacks at the junction and on the M11 exit slips.” On this basis, it is considered that the proposals do constitute an exception to inappropriate development as set out in Paragraph 90 of the NPPF.
- 11.6 Therefore, it is necessary to assess whether the proposals preserve the openness of the Green Belt and do no conflict with the purposes of including the land within the designation. The majority of the works within the MSA would be related to the reconfiguration of hard surfaces, although there would be the loss of some vegetation to provide appropriate swept paths for HGVs. However, this would result in negligible impacts on the openness of the Green Belt.
- 11.7 The reconfiguration of the car park for Days Inn would be restricted to the existing hardstanding area. This would result in a loss of parking spaces for the hotel but given the location of the site and other parking availability it is not considered that this would be detrimental.
- 11.8 The location of the exit slip road has been chosen to have the minimal impact on the openness of the Green Belt. Any harm to the Green Belt is inappropriate and therefore it is necessary to consider if there are very special circumstances to justify approving the development.
- 11.9 As set out in paragraph 11.5 above, it is considered that the proposals constitute appropriate development in the countryside. DfT Circular 02/2013 states in Paragraph B2 that all proposals for roadside facilities will be “considered in the context of the National Planning Policy Framework and, in particular, the statement that it includes regarding the primary function of roadside facilities being to support the safety and welfare of the road user”. This will be discussed in greater detail in Section B of the Planning Considerations. However, briefly, the

proposals have been considered acceptable by the statutory consultees as being necessary and appropriate to support the safety and welfare of highway users. On this basis, the proposals are considered appropriate to the Green Belt and in accordance with Policy S6 and the NPPF.

## **B Highway safety (ULP Policy GEN1; NPPF)**

11.10 Paragraph B4 of DfT Circular 02/2013 states:

*“Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.”*

11.11 Paragraph 31 of the NPPF states that, *“The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.”* The concerns raised are that the current layout and the lack of available “green time” at the traffic lights on the exit to the A120/M11 roundabout is resulting in significant congestion problems. This is likely to result in drivers failing to stop and rest. Furthermore, frustrations in attempting to leave the MSA, with delays of up to an hour are considered to adversely impact on the quality of the rest and the onward journey by drivers, potentially restricting the distance they can travel before being required to stop and rest again.

11.12 This proposal has been considered by Essex County Council Highways, as the local highway authority, Hertfordshire County Council Highways, as the immediately adjoining highway authority, and Highways England due to responsibility for the strategic highway network. All three parties raise no objections to the proposals, although it is noted that Hertfordshire County Council has raised some concerns which will be addressed below.

11.13 Unlike previous proposals, this scheme has the support of the relevant highway consultees. Due to limitations set out in DfT Circular 02/2013 Highways England is unable to raise no objections to the proposals without authority from the Secretary of State. The Secretary of State has considered the proposals and has concluded that a Departure from Circular 02/2013 allowing a new exit would benefit the safety of drivers and operation of the motorway at this junction. On this basis, it is considered that the proposals would improve highway safety and are in accordance with Uttlesford Local Plan Policy GEN1.

## **C Noise and disturbance (ULP Policy GEN4)**

11.14 The proposed development would increase noise levels around the Days Inn hotel area given the fact that traffic does not currently pass this part of the hotel. However, given the nature of the site, its location, and the fact that the exit will not be operational outside of peak times, it is not considered that the proposed development would give rise to significant noise and disturbance as to warrant refusal. The proposal therefore complies with Policy GEN4.

## **D Ecology (ULP Policy GEN7; NPPF)**

11.15 Policy GEN7 and paragraph 118 of the NPPF require development proposals to

aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

- 11.16 The application is accompanied by a biodiversity questionnaire. This does not identify any potential risks for protected species or biodiversity. The proposals therefore comply with Policy GEN7 and the NPPF.

## **E AQMA issues (NPPF)**

- 11.17 Concerns have been expressed by East Herts District Council, Hertfordshire County Council and in the representations about potential impacts on the Hockerill AQMA. There is concern that no AQMA Assessment has been submitted with the application.

- 11.18 It is the argument of the applicant, supported by Essex County Council Highways Officer, that the traffic modelling shows the proposed development will not increase traffic on the local roads, rather it will reassign existing traffic to junctions. In response the applicant states:

*“The intention of the new junction is to reduce queuing at the exit to the MSA by removing HGVs from the queue. HGVs will be signed towards the new junction and directed to leave to the north (to the right) and not directed towards the town centre. The comments of East Herts DC are irrational in respect of traffic routing - first, HGVs mainly will want to return to the strategic road network (which they will have left) in order to complete their journey (if they travel towards Bishops Stortford it is likely that this is the journey that they are taking in any case); and secondly, due to the likely delays incurred when travelling through Bishops Stortford, traffic would take the quicker (easier) route which is to turn right from the MSA and re-join either the motorway or use the A120 around Bishops Stortford. The purpose of the MSA is to provide drivers with an opportunity to stop and rest. HGV drivers especially have strictly controlled driving times and are limited to driving for 8 hours a day. They therefore want to re-join the strategic road network as quickly as possible to ensure they maximise their driving time. Any time spent queuing reduces over all driving time, and has large economic consequences (recent studies suggest that traffic jams cost the economy more than £9 billion a year).*

*Any traffic that does turn left from the new junction is likely to undertake this journey in any event. This was discussed in pre-app with Essex CC Highways. The original proposal was for a right hand only junction arrangement and Essex suggested that a left turn could also be made because this is likely to involve limited numbers of vehicles leaving the site. Anyone who knows the MSA and the local area knows that due to congestion within the site, and the low speed of vehicles, it is likely to be quicker to reach the A1250 via the A120 rather than through the site. As a result, the left hand lane was introduced to allow existing local traffic to use this route.”*

- 11.19 It is recommended that the junction be monitored so that an accurate picture can be established as to what happens with traffic on leaving the new exit point. If it is found that the modelling is incorrect and that more traffic than anticipated turns towards Bishop’s Stortford and the Hockerill AQMA then mitigation measures can be incorporated into the scheme, which could include banning left hand turns. This can be secured by way of condition if planning permission is granted.

## **F Other issues**

- 11.20 Concerns have been raised in the representations that the description of the proposed development is incorrect in that it does not detail all of the proposed works. Of particular concern are the works relating to the provision of crossings and the moving of bus stops. It should be noted that these elements are works within the public highway and therefore can be carried out under permitted development rights by or on behalf of the statutory undertaker, the Highway Authority. Therefore, these are correctly omitted from the description as they are works not requiring planning permission.

## **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The site is located within the Green Belt and the proposed development relates to works associated with local transport infrastructure which is a form of development which is not inappropriate in the Green Belt, as set out in Paragraph 90 of the NPPF. The impacts would be minimal to the character of the area and are considered to be appropriate.
- B** The proposals are designed to improve highway safety and have the support of the Highway Authority, Highways England and the Secretary of State.
- C** There would not be any significant impacts arising from noise and disturbance.
- D** There would not be any adverse impacts on protected species or biodiversity.
- E** It is not envisaged that there would be an increase in traffic travelling towards Bishop's Stortford and in particular the Hockerill AQMA. Nevertheless, it is recommended a condition be imposed which seeks to monitor the proposed exit point and appropriate remediation measures implemented should this not be the case.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until a Bird Hazard Management Plan has been submitted and approved in writing by the local planning authority. The submitted plan shall include details of the management of the site to avoid attraction to hazardous birds such as corvids and gulls. The Bird Hazard Management Plan shall be implemented as approved during the construction works.

REASON: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

3. No development shall take place until a comprehensive internal signage strategy for the motorway service area has been submitted to and agreed by the local planning authority. The agreed strategy shall be implemented in full before the first use of the new access.

REASON: To ensure appropriate use of the access in the interest of capacity of the local and strategic network and highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. Six months after the first use of the access hereby approved, a review of the operation of the access arrangements shall take place. This shall be repeated at Year 1 and Year 2 after first use and the results submitted to the highway authority within 4 weeks of each review. The methodology of the review shall be agreed in writing with the highway authority prior to first use of the access and will determine the usage of the junction, and impact on Junction 8 and the local highway network. If deemed necessary by the highway authority a package of measures shall be put in place at the expense of the applicant to include any appropriate Traffic Regulation Orders (TROS), to control traffic movements. The agreed measure(s) shall be implemented within 3 months of the decision for necessary action being made by the highway authority.

REASON: To ensure that operation of the junction functions as predicted in the interest of highway capacity and safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. Prior to first use of the access hereby permitted an informal crossing facility shall be provided within the site to facilitate customers crossing from the carpark to the hotel.

REASON: In the interest of pedestrian safety as identified in the submitted Stage 1 Safety Audit and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

6. Prior to first use of the access hereby permitted the vehicle parking area indicated on the approved plans for use by customers of the adjacent hotel (Days Inn) shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the hotel unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN8 (adopted 2005).

7. Prior to first use of the access hereby permitted the forward visibility distances to the signal heads as shown on drawing NTH 178 SK006 P1 shall be provided with a clear to ground visibility, this may require the relocation of advance directional signs, vegetation clearance and/or profiling of the highway adjacent to the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate visibility on the approach to the junction in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

8. Prior to the first use of the access hereby approved, the provision of the signalised junction, pedestrian crossing, footway and shared footway/cycleway as show in principle on drawing NTH 178 SK001 Rev 5 to include, but not be limited to, appropriate road reconstruction, high friction surfacing, signing, lighting and queue detecting equipment, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

REASON: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

9. Prior to the first use of the access hereby permitted the provision of the signalised junction, pedestrian crossing, footway and shared footway/cycleway as show in principle on drawing NTH 178 SK001 Rev 5 to include, but not be limited to, appropriate road reconstruction, high friction surfacing, signing, lighting and queue detecting equipment, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

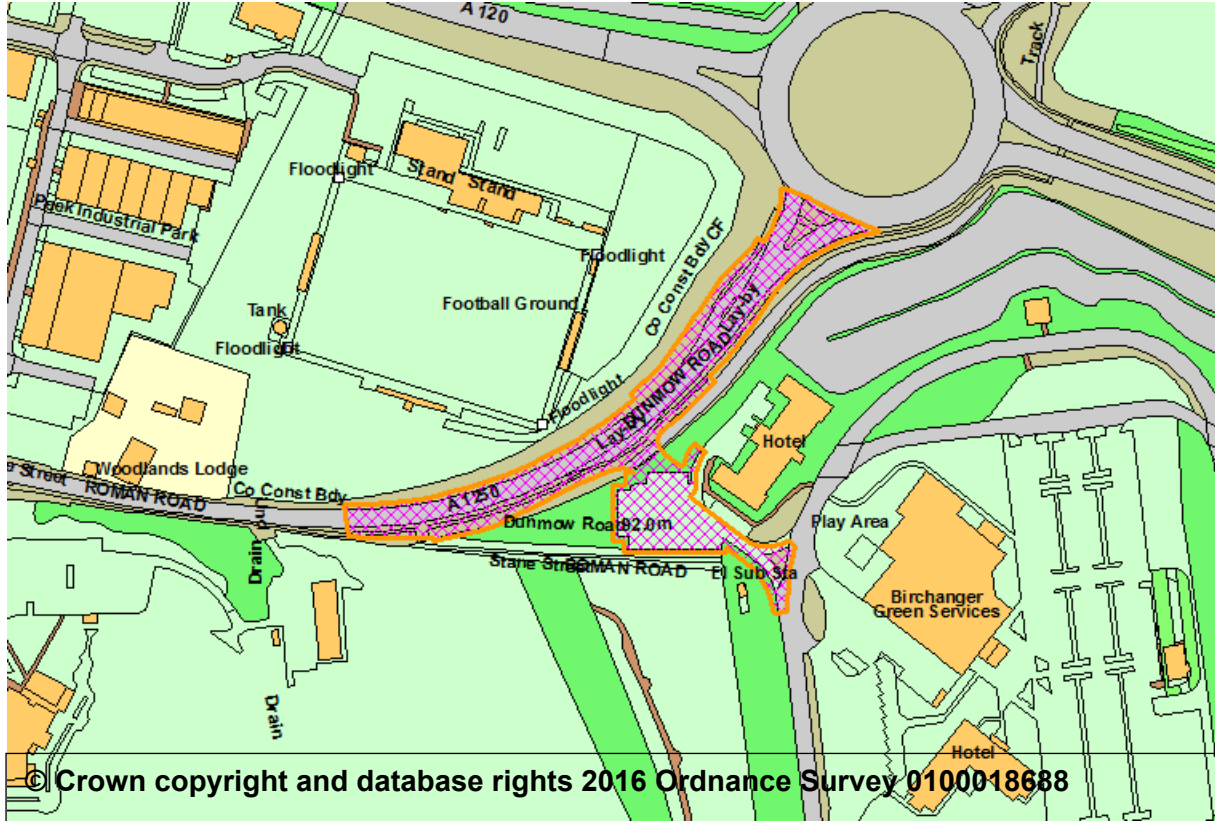
REASON: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

10. Prior to first use of the access hereby permitted the relocation and upgrading of two bus stops, as shown in principles in drawing NTH 178 SK001 Rev 5, which shall comprise (but not be limited to) the following facilities: shelter; seating; raised kerbs; laybys, bus stop markings; flag and timetable casing, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

REASON: To provide convenient access to bus services in accordance with DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application: UTT/17/2352/FUL

Address: Welcome Break Service Station, Dunmow Road, Birchanger



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018