

Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Out of Borough consultation for outline application for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath with all matters reserved, comprising vehicular access from the M25, a controlled vehicular access from the A4007 for staff and emergency vehicles only, facilities buildings, Drive-Thrus, fuel filling stations, electric vehicle charging, hotel, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, a Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction.

LBH Ref Nos: 39707/APP/2021/177

Drawing Nos:

Date Plans Received: 15/01/2021 **Date(s) of Amendment(s):**
Date Application Valid: 15/01/2021

1. SUMMARY

This application is being reported to the Major Applications Planning Committee so officers may issue an objection on behalf of the London Borough of Hillingdon (LBH) to Buckinghamshire County Council (BCC) relating to ref: PL/20/4332/OA for:

"An outline application for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath with all matters reserved, comprising vehicular access from the M25, a controlled vehicular access from the A4007 for staff and emergency vehicles only, facilities buildings, Drive-Thrus, fuel filling stations, electric vehicle charging, hotel, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, a Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction."

The application site lies entirely within the administrative boundary of BCC and the site itself is located approximately 500m to the west of Uxbridge, whilst the site is not in the Borough, the proposal has the potential to impact LBH.

The proposed Motorway Service Area (MSA) is not listed as a main town centre use. The application incorporates a number of town centre uses within the proposal without providing evidence of their need. Further evidence is needed to demonstrate that the scope and scale of the commercial development has not been exceeded.

The proposal is inappropriate development in the Green Belt for which Very Special Circumstances need to be demonstrated. The proposal would also harm the openness of the Green Belt both spatially and visually. It is also noted that this is the third MSA application for this section of the M25, there are two undecided applications also being considered by Three Rivers District Council and Buckinghamshire Council. It is recommended that none of the applications are decided until a strategic approach is taken by the relevant authorities to identify the need for an MSA and allocate a suitable site

through the local plan process.

The proposal includes significant earthworks to be carried out for minerals extraction. There is significant policy support for the use of sites within the Green Belt for the purposes of mineral extraction providing it does not result in significant harm to its openness. It is unclear from the information submitted how the proposal would minimise its impact on the Green Belt during extraction and following extraction how the site is proposed to be restored and how much material would need to be imported to achieve the levels proposed.

There is an objection to the use of the A4007 which is proposed to be used to provide access for staff and emergency vehicles which would impact the local highway network into LB Hillingdon (LBH).

For the reasons outlined within this report, it is recommended that an objection is raised to the application and a request is made to BCC that the application is refused. If further information is provided by the Applicant on the matters raised, it is requested that LBH is consulted on the additional information.

2. RECOMMENDATION

That delegated powers be given to the Deputy Director of Planning and Regeneration to issue the following response to BCC:

OBJECTION.

1 NON2 Objection:

The London Borough of Hillingdon objects to the application which is an inappropriate development within a large area of the Green Belt requiring very special circumstances to be robustly justified. The Applicant has failed to provide evidence that there is a need for commercial development to the scale proposed. It is requested that further detail is provided on the need for the scale of scope of commercial development and traffic routing for the construction. Further information is required in relation to the minerals extraction work and the importation of inert material for site restoration. The London Borough of Hillingdon should be consulted on the additional information provided. Further details relating to construction traffic is also required.

It is recommended that a strategic approach is taken by Buckinghamshire Council and Hertfordshire County Council in consultation with relevant authorities to identify the need for an MSA and allocate a suitable site through the local plan process.

3. CONSIDERATIONS

3.1 Site and Locality

The Application Site comprises approximately 46 hectares (ha) of primarily agricultural land located immediately adjacent to the M25 motorway, between junctions 15 and 16. The Site lies within the administrative area of Buckinghamshire Council. The Site lies within the Metropolitan Green Belt, is part of a Biodiversity Opportunity Area and falls within the Colne Valley Regional Park. Uxbridge lies approximately 500m to the east. The Site also lies within a mineral safeguarding area.

3.2 Proposed Scheme

The proposal includes the following components:

- A main amenity building, with a floorspace of up to 4,500 sq.m, containing hot and cold food offers, a shop, lavatories, shower and seating / resting areas. This building would sit under an innovatively designed, environmentally sensitive roof which would assist with minimising the environmental impact of the building on the Site.
- A three-storey hotel building comprising 150 bedrooms with an overall floorspace of up to 6,000 sq.m.
- A separate stand-alone fuel filling station with 15 islands (30 filling points), for cars, vans and small commercial vehicles, located beneath a standalone canopy, with a kiosk building and ancillary shop. The kiosk building would comprise an overall floorspace of up to 500 sq.m.
- A separate stand-alone fuel filling station with 4 islands (5 filling points) for Heavy Goods Vehicles (HGVs) and coaches.
- A separate HGV amenity building, with a floorspace of up to 1,210 sq.m.
- A separate stand-alone drive-thru coffee shop, with a floorspace of up to 300 sq.m.
- A separate stand-alone drive-thru food offer, with a floorspace of up to 290 sq.m.

The MSA facility would be located entirely on the western side of the M25 but would service both directions of travel on the motorway via a new, dedicated junction with slip roads and an overbridge.

3.3 Relevant Planning History

Comment on Relevant Planning History

Whilst there is no relevant planning history relating to this site, there are currently 2 other live Planning Applications for Motorway Service Stations at a relatively short distance from each other which are summarised below:

Under planning ref: 19/0646/OUT, an Outline Application is being considered by Three Rivers District Council for the construction of new Motorway Service Area (MSA) to comprise: amenity building, 80 bedroom lodge, drive-thru coffee unit, fuel filling station with retail shop, together with associated car, coach, motorcycle, caravan, HGV and abnormal load parking, alterations to the A41 including construction of a new roundabout and vehicular access, works to the local highway network and at Junction 20 of the M25 motorway. Provision of landscaping, signage, infrastructure and ancillary works. (Outline Application accompanied by an Environmental Statement with matters of Appearance, Landscaping and Scale reserved) | Land South Of Junction 20 Of M25 And West Of A41 Watford Road Hunton Bridge Hertfordshire.

Under planning ref: PL/19/2260/OA, an Outline Application is being considered by Buckinghamshire Council for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, up to 100 bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works. at Junctions 16 and 17 Of The M25 Near Chalfont St Peter Buckinghamshire.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Sequential Test / Impact Assessment

Paragraph 86 of the NPPF (2019) outlines that applications for main town centre uses neither in an existing centre nor in accordance with an up-to-date plan should be subject to a sequential test. The Glossary of the NPPF (2019) provides a definition of 'main town centre uses', which states:

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

The proposal includes the following components:

- A main amenity building, with a floorspace of up to 4,500m², containing hot and cold food offers, a shop, lavatories, shower and seating / resting areas. This building would sit under an innovatively designed, environmentally sensitive roof which would assist with minimising the environmental impact of the building on the Site.
- A three-storey hotel building comprising 150 bedrooms with an overall floorspace of up to 6,000m².
- A separate stand-alone fuel filling station with 15 islands (30 filling points), for cars, vans and small commercial vehicles, located beneath a standalone canopy, with a kiosk building and ancillary shop. The kiosk building would comprise an overall floorspace of up to 500m².
- A separate stand-alone fuel filling station with 4 islands (5 filling points) for Heavy Goods Vehicles (HGVs) and coaches.
- A separate HGV amenity building, with a floorspace of up to 1,210m².
- A separate stand-alone drive-thru coffee shop, with a floorspace of up to 300m².
- A separate stand-alone drive-thru food offer, with a floorspace of up to 290m²

The applicant outlines in Paragraph 3.3.12 of the planning statement that the proposed development is not considered to represent a main town centre use. There is no attempt to qualify this statement.

A Motorway Service Area (MSA) itself is logically not listed as a main town centre use. They need to be located adjacent or near to a motorway and therefore their locational requirements are largely fixed. However, there needs to be an understanding of what are the necessary components of a MSA. Without this, an applicant could simply incorporate a series of main town centre uses alongside essential roadside facilities and avoid the scrutiny of a sequential test and impact assessment. As a result the proposed MSA with ancillary facilities could be harmful to nearby town centres, as the scale of the uses could attract those who would otherwise utilise town centre or edge of town centre sites.

The planning statement makes reference to the DfT Circular 02/2013, which covers roadside facilities for motorways in Annex B. In relation to 'retail activities', it notes that the scope and scale is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. It also notes that local planning authorities should have regard to the primary function of roadside facilities, which is to support the safety and welfare of the road user. From this, one would infer that the scope and scale should be restricted to that necessary for the MSA to maintain its primary function to support the safety and welfare of the road user. The proposal includes a significant quantum of what is now Class E uses, without sufficient qualification as to why this is indeed necessary for the safety and welfare of the road user. Of particular note is the inclusion of two separate stand-alone drive-through units, which are specifically listed as main town centre uses in the Glossary of the NPPF (2019). LBH request that evidence should be provided to demonstrate that the scope and scale of the commercial development has not been exceeded.

In relation to 'Hotels, Conference Centres and Business Centres', the DfT Circular 02/2013 outlines that such development will be a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. Hotels are also listed as main town centre uses in the Glossary of the NPPF (2019), with the default position being that these should be directed towards main town centre and edge of town centre sites to ensure the continued vitality of these places. Evidence should therefore also be provided to demonstrate that the hotel and its scale are essential to the primary function of a roadside facility. It is also of note that a hotel exists at the MSA at Beaconsfield Services and therefore the the need for additional facilities outside of town centres is likely to be limited, if any. This further emphasises the need for a adequate sequential test and impact assessment to cover all surrounding town centres.

Green Belt

The site is located within the Green Belt. The site has not been allocated for Green Belt release within an emerging local plan, nor has it been allocated for use as a MSA. The Chiltern and South Bucks Plan to 2036 was submitted for examination in September 2019, but was withdrawn in October 2020. This plan included the release of Green Belt sites for new strategic site allocations near to the London Borough of Hillingdon, to which Hillingdon Council provided comments following on from Duty-to-Cooperate discussions. Officers were not made aware of this site as part of this process and were not aware of an ongoing wider search for a new site for a MSA along the western section of the M25.

The site area is stated to be approximately 46 ha and would consist of a significant quantum of new hardstanding, roads and buildings in part of the Green Belt which is currently almost entirely free of development. The site is larger than most site allocations that were progressed through the recently withdrawn Chiltern and South Bucks Plan and the approval of this development would in practice result in the permanent release of the

site from the Green Belt. Paragraph 15 of the NPPF (2019) is clear that the planning system should be genuinely plan-led and Officers consider that the local plan process is the most suitable mechanism for progressing such a scheme, particularly in light of the comments below about comparing sites.

Officers would agree with the position reached by the applicant that the scheme is inappropriate development in the Green Belt and requires very special circumstances. However, the applicant has sought to re-assess the purposes of including this land within the Green Belt, despite the fact that this work has already been undertaken as part of the South Bucks and Chiltern Green Belt Assessment: Part 1 (2016). This concluded that the site (#87) was categorised as 'strong', when the purposes of including land within the Green Belt was assessed, based on a scale of strong, medium and weak. The strong performance of this site did not warrant it being looked at further in Part 2. The applicant has therefore failed in identifying VSC.

The applicant has sought to assess the harm to the openness caused by the proposal. In terms of the spatial impact, it outlines that the proposal would result in the loss of circa 21 hectares of currently open, agricultural land (Grade 3b) in the Green Belt. It is unclear how this relates to the approximation given elsewhere that the site would be 46 hectares. Regardless, both figures are substantial and the applicant has concluded that there would undoubtedly be harm to the openness of the Green Belt. This is described as 'an incremental impact', however the proposal is significant and an abrupt change to the existing landscape.

In terms of visual impacts, the LVIA outlines that significant visual effects would occur at six of the eleven viewpoints that were assessed and it would appear that the proposal is heavily reliant on planting to mitigate this impact, which would not be present in the short term. Indeed, the planning statement concludes that there would be loss of openness.

Paragraph 001 of the NPPG on Green Belt also notes that, when considering the potential impact of development on the openness of the Green Belt, the duration of the development and the degree of activity likely to be generated (such as traffic generation), should also be assessed. The proposal would be permanent and there are no proposals to return the land to its original state or equivalent. The proposal would also introduce a significant degree of new activity, with a substantial number of vehicle movements expected on a 24-hour basis because of its new use as a MSA.

It is clear that the proposal would cause significant harm to the openness of the Green Belt, which has already been defined as being 'strong' when compared to the purposes of including it within the Green Belt.

In terms of the very special circumstances, it is noted that the proposal is one of three that are currently being determined, which all seek to meet the same identified need for a MSA on the western section of the M25. There may be other proposals also being drawn up, that will be soon be presented as planning applications or emerging site allocations. The Planning Statement is conclusive that the approval of only one site is necessary. Therefore, determining the most appropriate site for a new MSA would require a clear comparison between all of the potential sites, including their ability to meet the identified need, their harm to the Green Belt and any other harm resulting from the proposal. Logically, such a comparison would be best achieved through the plan-making process.

The proposal would cause significant harm to the openness of the Green Belt. This section

of Green Belt has been identified as performing strongly in the most recent Green Belt review. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances for this development exist for this development. It is considered the proposal does not overcome the substantial weight that must be given to any harm to the Green Belt.

The proposal includes significant earthworks to be carried out for minerals extraction. There is significant policy support for the use of sites within the Green Belt for the purposes of mineral extraction providing it does not result in significant harm to its openness. It is unclear from the information submitted how the proposal would minimise its impact on the Green Belt.

It is also unclear how the site is proposed to be restored and how much material is required to be imported to achieve the land levels to enable to MSA . Further information is required from the applicant on this matter so the impact of this on LBH.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Access arrangements

Access for staff/emergency services would be via the access road off the A4007 (Slough Road) and would include the provision of a control gate and two further access security gates to prevent any authorised vehicles from accessing the site.

Hillingdon object to the provision of a vehicle access from the A4007 and feel all vehicles accessing the site should use the slip roads from the motorway. Hillingdon has concerns about this vehicle access as it will encourage staff to use more local rather than strategic roads to access the site. The local roads in this area of Hillingdon are already impacted by high vehicle use to the industrial estates and residents in the area ready have a reduce residential amenity due to traffic in the area.

The A4007 is also one of two keys routes between Uxbridge and the Iver Heath, Langley and Slough, meaning it is already a very busy route. Hillingdon has concerns that any access from the A4007 will increase congestion on this key route and impact those trying to travel to and from Uxbridge. Hillingdon feel that focus should be on providing sustainable travel connections into the site from the local transport network such as improve cycle provision or public transport connections.

Minerals Extraction

The submission indicates minerals extraction forms part of the proposed works, however insufficient information is provided with regard to the quantum of extraction and the subsequent routing of vehicles. The extraction has the possibility to significantly impact the local highway network of LBH and objection is raised to the works until such time as details are provided to ensure the works do not have a detrimental impact on the LBH highway network.

Construction Access

It is understood from the Planning Statement that a construction access will be taken from Slough Road (A4007). It is unclear from the documents and illustrative plan submitted how the access arrangements will take place.

Hillingdon request that the applicant should justify the reasoning why all construction

cannot be taken from the M25. If this is not the case, and routing of construction traffic will be required through the Borough of Hillingdon. LBH would seek a comprehensive Construction Traffic Management Plan (CTMP), with agreed daily maximum HGV movements and routing agreed to minimise the impact on local road users and the residents of LBH, which should be submitted at application stage for the Councils consideration.

Traffic Assessment

Given the proposed development will only be accessed from the M25, the LBH acknowledges that the main impact from the proposed development will be potentially from construction traffic, therefore, as set out above a comprehensive CTMP is required to be submitted to for the Councils consideration prior to the determination of the application.

Other considerations

LBH has also been consulted on HS2 and proposals for Heathrow third runway, such proposals will add traffic on to the M25 and local roads and should be accounted for. The M25 J10-16 Smart Motorway project would also affect future traffic growth which needs to be factored into a traffic assessment.

10. CONCLUSION

For the reasons set out in this report, Officers request the Major Applications Planning Committee agree the response to BCC.

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