



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 20TH JUNE 2011
AT 2.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 24)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

20th June 2011

This page is intentionally left blank

Agenda Item 4

Bromsgrove District Council Planning Committee

Committee Updates 20 June 2011

Application Ref No	Update
11/0238/DK	<p>Comments received from WH (10.06.2011). No objection.</p> <p>Comments received from Tree Officer (10.06.2011) as follows: Although the application proposes the loss of a small number of trees, these are of limited amenity, screening and biodiversity value. The proposed development offers ample opportunity for new planting to mitigate both the loss of existing trees and the increased environmental impact of the larger building and associated traffic. I therefore have no objection to the proposal subject conditions</p>
11/0345DK	<p>Members should note that a Draft S106 Agreement has been prepared and the Heads of Terms have been agreed in respect of public open space and education provision. The only outstanding issue is signing and sealing by the interested parties.</p>
11/0353/DK	<p>Objection from Barnt Green Parish Council, received 19.05.2011 as follows:</p> <p>This is the first proposal for back land development in Sandhills Road, will create a precedent for future applications should it be approved. The Design and Access Statement is incorrect when it states that there is a 'similar recent new build scheme of 2 houses abutting the rear boundary'. This reference is to a development of 4 houses accessed off Bittell Lane. The land was previously occupied by an orchard and the present 4 houses on the land were built as a single development in the 1990s.</p> <p>Additional Plan and letter received from applicant 08.06 in respect of the boundary fence with No. 37. The red line is slightly amended on the west side of the application site.</p> <p>2 additional letters received summarised as follows:</p> <p>Objection, inappropriate backland development, contrary to established policy.</p> <p>Additional comments from Tree Officer received: 10.06.2011:</p> <p>It would be possible to achieve the build on the site without adversely affecting the health of the major mature trees to be retained within the proposal accepting that the excavation work required can be done from within the footprint of the buildings. However this is a very tight development site and due to the size and vigour of the major mature</p>

	<p>trees to be retained even accepting the Ash would be crown reduced by 25% they will undoubtedly heavily affect the amount of natural light to the rear of both properties either immediately or in future. This is likely to put these valuable trees at an increased risk of being pruned which will adversely affect their habit, form and quality. There are also a high percentage of reasonable quality ornamental trees of an acceptable size in there current setting that will be lost. These trees do offer some habitat value to the area, screening and amenity value to neighbouring properties.</p> <p>Therefore I am still not in favour of this development.</p>
11/0413/RL	<p>For reference, this application has been called into Planning Committee for determination by Councillor Grant-Pearce.</p> <p>One letter received on 7/6/11 from neighbouring property commenting that:</p> <ul style="list-style-type: none"> • No objections to the alterations required for the purpose of disabled use. • Clause 3 of the D & A statement is incorrect-no copies of plans have been provided to the author and no meeting has taken place and no indication that the author stated 'I was happy with the plans' as stated within the D & A statement. • The block plan submitted is incorrect. The works proposed still directly affect the garage wall adjacent which should be preserved and there has been no explanation as to why the annexe roof needs raising. • There has been substantial delay to the project according to the Remedial Works Construction Programme. • The application in its current form should be rejected as it stands due to the design and height of the current roof. <p>Responses from applicant and agent received 7/6/11 in response to the above:</p> <ul style="list-style-type: none"> • With regard to the roof, the revised proposal is no higher at any point than the existing roof and retains the original ventilator feature. • None of the delays relating to the reinstatement of the dam are due to other reasons not relating to the annexe. • The applicant states that this neighbour was visited prior to the submission of the planning application and she stated that she had no objection to the proposed alterations as it would have no impact on her and she would not see it from her property. <p>3 letters of support received 2/6/11 11 letters of support received 3/6/11 4 letters of support received 6/6/11 5 letters of support received 7/6/11 4 letters of support received 9/6/11 13 letters of support received 10/6/11</p>

	<p>7 letters of support received 13/6/11 1 letter of support received 14/6/11 2 letters of support received 15/6/11</p>
11/0426/RL	<p>Application DEFERRED at the request of the Head of Planning and Regeneration in order to obtain further information on site selection from the applicant.</p>
11/0431/DMB	<p>Wythall Parish Council – views received 13.06.11:</p> <ul style="list-style-type: none"> • Objection – reiterating previous comments relating to access, querying whether the road is large enough given the number of cars that will be involved. • We would refer to the “theoretical” survey (forming part of two additional Reports now submitted by the Applicants) and refer to the fact that we are aware of more figures from West Mercia Police Authority that confirm a greater number of non-fatal accidents, in addition to those Worcestershire County Council were aware of, and it is still the Parish Council’s considered opinion that the road is unsafe and further work is needed in order to improve the situation • The Parish Council requests a site visit by the Bromsgrove Planning Committee as this is a “new “ application • With regard to the “pedestrian way”, the Parish Council asks that residents on either side be considered in respect of security of their properties with suitable fencing and, if possibly, lighting <p>Views of applicant’s agent received 17.06.11 in response to the views of Wythall Parish Council (detailed above):</p> <ul style="list-style-type: none"> • I note within the response that the Parish Council make reference to accident figures from West Mercia Police Authority that confirm a greater number of non-fatal accidents in the local area. • We have undertaken some investigations into this matter and respond to this point below. • Worcestershire County Council (WCC) obtains Personal Injury Accident (PIA) data from the Police Authority in order to assess safety on the highway network and in turn this data can be obtained by developers and consultants for use in their Transport Assessment, accident appraisals etc. • The data outlined in our Transport Assessment is dated to the end of January 2011 and does not highlight any significant concerns in the local area and this has been verified by WCC. • WCC obtain this data on a quarterly basis from the police and therefore as another quarter has passed we have undertaken some discussions with the Accident Studies team at WCC to confirm if there have been any changes on the highway network. The Accident Studies team has confirmed that no further accidents have been recorded along Lea Green Lane in the vicinity of the site between the period of February 2011 and May 2011.

- We do not have access to the data which is referred to by the Parish Council and are therefore unsure what additional accidents they refer too. As highlighted, PIA data is obtained as this is the key data as the purpose of accident studies is to limit and reduce the number of casualties on the road.
- Other accidents such as Non PIA's do occur on the network but this is not accurately recorded and not considered to be of significance when considering safety on the highway network as agreed with WCC.
- Highway safety has been considered robustly as part of our Transport Assessment work and completed to the satisfaction of the Highway Authority.

Wythall Residents Association – views received 13.06.11:

- The Association wishes to object strongly to the above application in respect of land at Selsdon Close.
- Our objection is basically the same as for the original application ie. that we are most concerned about the access to Lea Green Lane and the capability of Lea Green Lane and its junctions to cope with the extra traffic

Letter sent to all Members by applicant 14.06.11 with the following content:

- Taylor Wimpey submitted an outline planning application for the development of land off Selsdon Close for up to 76 dwellings in September 2010. This application site is identified as an Area of Development Restraint (ADR) in the Adopted Bromsgrove Local Plan. This effectively means that the site is reserved for future development and unlike the land around it, is excluded from the Green Belt.
- In January 2011, Bromsgrove District Council published their draft Core Strategy which includes details of potential housing allocations to meet the District's housing need to 2021. The Selsdon Close site is identified in the draft Core Strategy as a development site for housing.
- The September 2010 planning application received the support of Bromsgrove District Council Planning Officer's and Worcestershire County Council Highway Officers and was therefore presented to Planning Committee on the 7th March 2011 with an Officer recommendation for approval. The application was refused by Members of the Planning Committee as there was concern about the potential impact of the development on Selsdon Close, despite the Highway Authority confirming that they had no objection.
- Taylor Wimpey has lodged an appeal with the Planning Inspectorate against this decision, however clearly their preference is to seek to resolve this matter at a local level. For

this reason, a new planning application has been submitted to Bromsgrove District Council to seek to overcome the previous concerns of Members. The application is identical to the previous application in terms of the overall quantum of development, however two new pieces of information have been submitted to provide additional information on the potential access to Selsdon Close:

1. Vehicle Autotrack

We have included a plan showing a vehicle auto-track turning into Selsdon Close and leading into the development site. This plan plots the route an emergency vehicle and a refuse vehicle would take when accessing the site and shows how they would navigate the road. For completeness, in producing this plan, we have assumed that cars will be parked along Selsdon Close and this plan demonstrates that even in this situation, Selsdon Close is of sufficient width to allow both refuse and emergency vehicles to safely access the site.

2. Safety Audit Report

An independent Stage 1 Road Safety Audit has been undertaken by Acorns Projects, which incorporates the proposed site access, the existing length of Selsdon Close and the Selsdon Close/Lea Green Lane T-junction. The independent audit does not highlight any problems and confirms that Selsdon Close is safe and that no further works are required to be undertaken as part of this proposal. The site access arrangement is therefore considered safe and suitable to serve the site.

- Worcestershire County Council as Highway Authority has already provided their consultation response on this planning application and supplementary information and their Officer's have confirmed that they have no highway objection to the development.

Additional views received from applicant's agent 14.06.11:

- Reference to public transport provision and recent changes to this provision
- Worcestershire County Council have reviewed a number of services across the County and this included some amendments to the services at Wythall
- These changes are detailed in the attached document.

Summary

- It is acknowledged that bus service provision has changed
- Accessibility to Redditch has reduced
- Improvements to the service provision to Solihull have been made
- An error in the Transport Assessment regarding the train destination in Birmingham has been noted (stated at Birmingham New Street whereas the correct destination is

	<p>Birmingham Moor Street and Birmingham Snow Hill). However this still provides good accessibility to the City Council</p> <ul style="list-style-type: none">• It is noted that WCC do not object to the development proposals• In a statement prepared in February 2011, WCC acknowledge the proposed development site seeks to make the best use of what is available by providing a footway/cycleway link to gain access to the nearby stops and through measures outlined in the Travel Plan• WCC also state that the site is well located to take advantage of Wythall Railway Station which provides a connection to Birmingham and the strong transport links that are available from there onwards• WCC suggest the close proximity of the site to the railway station offers significant opportunity for modal shift away from car trips <p>Representation received from Wythall South Residents Action Group 17.06.11 raising a number of issues, with emphasis on the submitted Transport Assessment (full copy of the representation appended to this update)</p> <p>Views received from applicant's agent 20.06.11 in relation to the comments received from the Wythall South Residents Action Group (full copy of response appended to this update).</p> <p>Views received from Worcestershire Highways 17.06.11 in relation to the comments received from the Wythall Residents Group referred to above:</p> <ul style="list-style-type: none">• With reference to the residents association's comments I would like to make the following comments in reply.• I will respond as per the Residents Association have to the points made in the sequence of the Transport Assessment.• A transport assessment is unashamedly a technical report and is intended to demonstrate the impact of a development in order to do this it will use technical tools to analyse junction capacity and trip generation, it will involve language which is common place within the industry. The document does provide a summary as well which outlines any issues and required mitigation. It is the statutory function of the Highway Authority to review planning applications and scrutinise transport assessments on behalf of the public as a whole and it is right for members of the public and the planning committee to rely on this advice.
--	--

1.3 The Transport Assessment has been refreshed, but as it is a separate application and the assessment is only considered against that, updates are not highlighted and the whole document should be read as a standalone piece of work for this application.

1.4 There is a national document which sets the standard on how a traffic survey should be undertaken. The results of the survey produced do not seem unreasonable and there is no reason to suggest that the data is not a true reflection especially recognising that that on a day-by-day basis there will be some variance in traffic flows.

4.2 This is not significant and is considered to be nothing more than a mistake. The variance of 1 dwelling has no meaning alteration of traffic flow or on the design standard of the junction or access road. Therefore I do not consider there to be any additional validation of the data to be necessary due to this minor issue.

4.3 The phase used here is to do nothing more than indicate the general environment and it would be impractical and unnecessary to provide metre by metre measures of road width to show something which is easily measurable and visible so if there is a pinch point or local widening this can be looked at if it is considered to be problematic. It is not reasonable to refuse an application on the grounds of an existing situation of perceived pedestrian safety unless it can be demonstrated that the developments impact will worsen this situation. The transport assessment has correctly assessed the appropriateness of the access against 85th percentile speeds rather than the speed limit and the available visibility exceeds the requirements of the recorded speeds and the speed limit. The issue of motorists exceeding the speed limit is a police enforcement matter and not relevant to the applications determination as suitable visibility splays have been provided.

4.4 WCC has considered this junction in great depth. Whilst it is acknowledge that the geometry is unusual from observation and accident data there is no vehicle to vehicle conflict, speeds are naturally reduced due to alignment and there is no accident history. The report pays respect to this junction and WCC have scrutinised with our own resources as well. Historic increases in traffic does not necessarily make the junction more dangerous.

5.1 WCC are fully aware of the bus services in the area. At the time of this committee the results of a bus service review are still to be published, but some services which have commercial backing have been amended to ensure the long term provision of the service. Whilst the transport assessment does not have the most up to date information, this service was only altered in April 2011 and when the route passing the site and destinations are considered, there is little difference with the former and current service. On this basis WCC

	<p>does not consider this change to be a noticeable alteration for the TA to be updated and the impact analysed.</p> <p>5.2 The locations of the bus stops and their relationship to the site are obvious from site observation. The omission in appendix D does not change the accessibility of the site to the public transport network.</p> <p>5.3 This is a minor issue and has not impact on the analysis of the transport assessment. In reality there is still a frequent train service to Birmingham which at destination is easily accessible to New Street Station as a principle transport hub.</p> <p>5.9 The error in Appendix D is unfortunate, but WCC have good local knowledge of this area and where the local amenities are. This is reflected in the Section 106 requirement which seeks to improve connection to these local destinations.</p> <p>5.10 As per the above, WCC has knowledge and site observation allows for an assessment of local facilities regardless of the content of the transport assessment. This does not effect the way WCC considers the application.</p> <p>5.11 The bus services allows access to major conurbations such as Solihull and access to Birmingham can easily be made using the railway station which is very close to the site or by changing bus services at the Maypole. The X50 services does provide access to Birmingham Moor Street.</p> <p>6.3 and 6.4 As detailed above, this is a technical report, it has been produced by transport professionals for transport professionals. The terms are industry standard terms and there is no need to explain what these are within the transport assessment. The outcomes of the models are not fact, but they have been tried and tested for many years, they are the industry standard tools and are used by the Department for Transport, Highway Authorities and Transport consultants. They provide a strong indication of the impact of a development.</p> <p>6.9 and 6.10 This information has been validated by WCC who are independent and have interest in the sites development or not. The forecasting is considered to be appropriate and no further testing is necessary.</p> <p>6.11 and 6.12 I strong disagree with the belief of the residents association. The TRIC's analysis estimates the number of movements in the peak hours, this data is collected from other sites across the country and is reviewed based on geographic proximity to communities and scale of the site. The transport assessment provide a good indication of movements and the residents groups assumptions</p>
--	--

	<p>are not based on any data. This is the best reflection of impact on the network.</p> <p>6.13 to 6.15 This indicates movement patterns which presently occurs, it also suggests a likely movement pattern of future residents. It assists in understanding movement distributions.</p> <p>7.2 This is misleading. You must consider accidents relative to the local environment and there is an accident history at Houndsfield Lane this should be looked at in isolation, when considering this application WCC considered the accident rate at Houndsfield Lane and does not consider the extra movements to worsen this situation. Near the site access there are 2 incidents this is supported by the data the residents association has acquired from the police. When considering developments normally 3 years of accident data is reviewed and on occasions 5 years the transport assessment correctly reviews the accident record in the area. Also WCC's accident studies team has considered the site and do not consider there to be any problems associated with this development.</p> <p>8.4 The pedestrian cycle link accesses onto Lea Green Lane at the existing field access close to Three Oaks Road. This is shown on several of the application drawings. The section 106 contributions will aid the local community and through the planning process there is community involvement. This level of contribution and purpose has been considered against Government Circular 05/2005 and the Community Infrastructure Levy Regulations 2010. Contributions towards improving pedestrian and cycle access are not a flavour of the month and reflect national policy.</p> <p>8.5 It is important to point out that it is not a requirement to undertake a safety audit and this is over and above the requirements. The audit has identified no issues which is not surprising and it agrees with the conclusions of WCC.</p> <p>8.6 This is a useful exercise but only reinforces the point that there is not issue for emergency access or the refuse vehicle. The road has appropriate width and complies with WCC's guidance and also when considering Manual for Streets (A national design document) there is clearly adequate road width for vehicles to pass whether or not 1 is stationary. Access for construction vehicles is not a consideration as part of the application, but I have no concerns about the space available to allow construction traffic to access the site.</p> <p>8.7 The relationship between speed limit and recorded speeds is not relevant. Access proposes are assessed only against recorded 85th percentile speeds and the required visibility splay for these speeds are easily provided.</p>
--	--

9.2 The new footway/cycleway link will reduce walking distances to amenities and public transport. This is clearly of benefit.

9.3 By ensuring crossing points are in appropriate locations and cycle routes are clear to all road users this will encourage people to use them instead of using the car. There is community benefit from reduced car activity and safe walking routes.

9.4 This would be managed through a construction phase site management plan. This is a issues for the applicant and contractors and is not material in the consideration of the access to the highway authority as it is a short term arrangement.

9.6 This is good industry practice and there is no suggestion of the termination of the bus service. Such packs do not only provide information on bus timetables but a whole host of information on the local community to the home owner is educated on the availability of local services rather than travelling by car to more distance destinations.

9.7 If there was no model shift the applicant has demonstrated no adverse impact on the highway network, therefore any changes to people travel patterns should be considered to be a benefit. This idea is relatively new and there is little evidence to support the position, but it is still considered to be good practice.

- Large infrastructure projects in this area are not necessary. Any significant projects would form part of WCC's adopted local transport plan 3. Current practice is to make better use of existing infrastructure rather than creating new capacity, especially when the network is proven to function without it. Historic requirements are not relevant and only the identified projects of the current local transport plan should be considered to be material, and there is no requirements in the current publication.
- The transport assessment is considered to be appropriate and the few minor errors have no impact on the consideration of the application. WCC's own assessment agrees with the report and consider where there is impact on the network it is modest can is offset by the section 106 contributions.
- **I cannot see any point made by the residents association which throws doubt onto the reports validity.**
- **I am happy to maintain my recommendation of no objection subject to conditions and the signing of a section 106 agreement.**

Additional 16 letters received objecting to the scheme with reasons as detailed in Report.

Additional 794 identical letters submitted 17.06.11 containing the following statement:

As local residents we support the detailed representations made by our representative body, Wythall South Residents Action Group. We hereby submit our objections to the proposed development of the site located in Selsdon Close.

And containing the following points:

Our objections are as follows:

- We are concerned that brownfield sites are available for residential developments (eg Cofton Hackett) and these appear to have been overlooked
- This development will be an encroachment on the surrounding Greenbelt land
- The traffic impact of increased housing in the area on already overused narrow roads will lead to further congestion for existing residents, increased noise and air pollution, parking issues and increase risk of accident
- Local services such as Doctors and Schools would be overstretched and any development would have implications for services such as the local Police who currently have a very limited presence in the area
- There would be long term inconvenience for residents during any building work in the form of noise and air pollution and housing on this land will drastically change the character of the area. The Dickens Heath development is testament to that
- Housing on the land would change the character of the area and have adverse implications for all the current residents who have chosen to live here because of the semi-rural nature and the fact that the land was originally Greenbelt
- We understand the need for new housing in the Bromsgrove area, however we believe that this has been overstated by the response to FOI given by Bromsgrove DC.

Additional views received from Worcestershire County Council (Schools Information and Planning Section: Directorate of Children's Services) 15.06.11:

- The issue of Section 106 Agreement education contributions has now been resolved and provided that the Agreement is signed there would be no objections to the site being progressed from Children's Services.
- The agreement is that contributions will be made on the basis that additional places are added at the primary school; if the places are added on a temporary basis then only 50% of the contribution would be made.

	<p>Plan submitted 20.06.11 denoting the level of on plot car parking available for each existing property at Selsdon Close</p> <p>On this basis: Amend description to: (as augmented by plan received 20.06.11)</p> <p>A draft Section 106 Agreement has been submitted for consideration.</p> <ul style="list-style-type: none"> • Discussions have taken place with the applicant and the Head of Leisure Services regarding the geographical location for off-site contributions arising from the Section 106 Agreement • These are ongoing and the requested delegated powers from Members will permit a resolution for such locations and provision to be agreed between all parties.
11/0444/RL	<p>Application DEFERRED at the request of the Head of Planning and Regeneration in order to obtain further information on site selection from the applicant.</p>

The Strategic Planning Team
Planning & Regeneration
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA
17th June 2011

Re: New Planning application 11/0431-Selsdon Close

This submission is on behalf of the residents of Wyrthall South and is produced by our representative body, Wyrthall South Residents Action Group. It is supported by 793 signed letters from residents of Wyrthall which reflects the views of local residents.

We consider the actions of the developer in submitting a new application, to run in parallel with their existing appeal, a cynical and aggressive act. They are undoubtedly seeking to put pressure on the resources of the council and the community and are seeking to raise the threat of increased costs if the council should have the audacity to refuse their application. It is of course consistent with the evident contempt in which they hold the views of the local community and the democratic process. We fully anticipate that officers will advise the committee that they MUST accept the new application for fear of incurring further costs and/or damages. This is tantamount to bullying. The first obligation of the officers and the council is to us, the community. We are the residents, the council tax payers and the electorate. There may be a cost in refusal and defending the decisions of the democratically elected members but there is a cost in bowing to this obscene pressure. The cost is the likely destabilisation of a settled and established community. We call on the committee to withstand this pressure and act in the interests of the community they serve.

We are aware that this is a new application but is substantively the same application made by the developer previously (10/0920) This is currently at appeal stage and is due to be heard by the Planning Inspectorate in August. We believe that there is no material difference to the actual application. We have been advised by Mr Dale Birch that the change that has been made to this application is in regard to the Transport Assessment, a safety audit, and vehicle auto track. These changes should not merit a new application. Our advice is that new applications have to be materially different to the original, not merely adding more information to it. As such we call on the council to reject this application as it has already been considered and refused. The developer will have the opportunity to present the additional traffic data at the appeal.

In the event that the Council does not reject it, as we fear and suspect they won't, we will raise all of our objections to the application. Mr Birch has indicated that the considerations should only be about traffic matters as this was the grounds of the original refusal. However if the applicant chooses to submit, and the council accept, a new application, then we will consider it as such and raise all pertinent objections. We expect the planning committee to receive and give full consideration to all of the points we raise.

We represent the view of the majority of residents of Wyrthall South and we raise the following objections to the application.

Traffic Implications.

We note that there is some new evidence in the new application. We have reviewed the traffic assessment in great detail and would make the following observations. This section cross references the traffic assessment report numbering.

Firstly we remain concerned that this assessment is being relied upon by the County Council (WCC) as the sole source of evidence of the traffic impact of this proposed development. This in turn means that the WCC expressed to the Planning committee is sourced entirely from the developers appointed consultant. We acknowledge that WCC will have issued instructions and guidance on what the traffic assessment (TA) should include. However this does not mean that they have in any way validated the information contained within this report. We believe the report has to be treated as not being independent or impartial as it has been commissioned and paid for by a developer who has a vested interest in the conclusions. Similarly MEC may rely upon Taylor Wimpey for much of its business and is unlikely to produce something that would jeopardise their future commissions.

As a consequence of this we have been able to source an independent traffic consultant. We have provided the Council with the person's details. He is an engineer and specialist in traffic assessments and has over 38 years experience. We have done so because the Council told us that they had been unable to get anyone, particularly with regard to the impending planning appeal. We would expect the Council to have the independent consultant analytically review all of the data and carry out whatever surveys and evaluations they feel necessary to either validate or dispute the traffic assessment.

We now address the many flaws within the assessment. We have to acknowledge that this is an exercise undertaken by lay members of the public. The report contains significant technical language and data and we are offered no assistance to attempt to understand this. This means that matters are heavily loaded against the community and residents who are the most affected by the proposals. This is obviously an entirely unfair balance. We therefore rely on officers of both WCC and planning department, and the Planning committee to ensure this information is subjected to rigorous scrutiny.

Our comments on specific sections of the traffic assessment are presented below. We have identified the relevant sections in the transport assessment to which the comments relate:

1.3. The consultant states that they have amended the TA as a result of the comments from WCC to the last application (10/0920). However we do not know what those comments are. Surely there is a requirement for transparency in this process?

1.4. The documents at Appendix B of the TA are an exchange between WCC and the consultant in June 2010. The officer at WCC acknowledges that they do not have their own data (traffic count) for Alcester Road/Hounsfild Lane. How much other data did WCC not have? This means that WCC are relying significantly, if not entirely, on the evidence that the developers consultant will produce. Thus the planning committee do not get an objective assessment from WCC.

4.2. In this section the contractor correctly states that Selsdon Close has 10 existing properties. Later in the report at 6.9 they state that there are 11 properties and assess some of the traffic data on that number. This number differential may not be significant in traffic analysis (although it is a 10% error level) but it does bring into question the veracity of the report. As we will demonstrate this report is littered with errors and omissions. If they can't get the count of existing properties right why should we trust that they can count traffic or apply more complex formulas? We believe the planning committee cannot rely on this report without some further validation.

4.3. We consider this whole paragraph to have been heavily slanted away from a number of realities. The 2nd sentence states that the carriageway of Lea Green Lane is approximately 5.5m wide. We consider it inadequate and unacceptable to estimate the width of the carriageway. We know the carriageway thins dangerously in places. The way the 3rd sentence is written does not emphasise the fact that there is only a footpath on one side of the road between Selsdon Close and Three Oaks Road and on to Hounsfild Lane due to the narrowness of the carriageway. It does not measure that footpath which is an issue as pedestrians are regularly put at risk due to the difficulties vehicles have passing each other on this narrow stretch. This single side footpath continues on the one side (east) down from Selsdon Close to Hounsfild Lane and is narrower and more dangerous down the hill. There is reference to the fact that the speed limit is 30mph but the consultant chooses not to highlight the fact that their own evidence proves that vehicles consistently exceed this limit.

4.4. Once again we see a highly slanted impression given by the consultant. The junction of Lea Green Lane/Station Road/Norton Lane is very dangerous. It has the station on one side and a retail unit on the other (currently unoccupied). Norton Lane falls away dramatically from this junction and vehicles can only be seen when they are virtually on top of the junction. Similarly Station Road bends a few metres up from the junction so the oncoming traffic can only be seen late. This junction has seen massive increase in traffic in recent years since the new development of the Dickens Heath estate the residents of which use this as the “rat run” to South Birmingham or the M42. There have also been 63 units of “infill” building off Station Road and Lea Green Lane that will have added to this increased traffic flow. How can we rely on the objectivity of the consultant’s report when they choose to skip over salient facts?

5.1. This application was submitted on 23rd April. It is astonishing that the developer and the consultant have such a lack of awareness of the area that they make no mention that the bus routes they refer to ceased to run from 25th April. Since 26th April the 175 and 177 that used to run along Station Road and Lea Green Lane have been replaced by the S7. This runs to Solihull. There is no longer a service to Birmingham from these locations. The 177 and 179 did not service this area anyway as can be evidenced by the appendix D that clearly shows that 177 does not service these roads. The consultant omits to include 179. These services also ceased and were replaced on 26th April by the X50. This only runs between Birmingham and Redditch, there is no longer a service along the Alcester Road to Solihull. The nearest bus stop for the X50 to Birmingham is 1.2 miles from the development site on the Alcester Road, opposite the White Swan. This also makes the 5.11 Table 3 invalid and incorrect. It should be noted that the S7 only has funding until October after which under current plans it will cease to operate. The fact that the consultant and developer are not aware (or if aware are not addressing it in the report) suggests to us that we are simply another development site and that they do not know or care about our community.

5.2. The consultant states that the nearest bus stops are shown on their plan Appendix D. They are not. Another inaccuracy (or deliberate omission?).

5.3. The consultant states that we have an hourly train service to Birmingham New Street. We do not. The train runs to Moor Street and Snow Hill. From there you would have to walk to New Street if you need to make a connection. Whilst in itself it is not a critical issue it is yet another example of the consultant’s report being shoddy and not to be relied upon. If they can’t get such simple details right then can we really trust their other more technical data?

5.9. The consultant claims that the plan at Appendix D shows a number of facilities but it doesn’t. They have already claimed that it shows the bus stops but it doesn’t. Nor does it show the Secondary School. It states it shows a dentist. There is no dentist where the map indicates. There is however a commercial cosmetic dentistry and cosmetic surgery establishment further down Station Road. This is misleading at best.

5.10. Table 2. Accessibility assessment
Throughout this table, in the column headed Passenger Transport it should be clearly understood that the bus S7 that does currently run along Lea Green Lane (being the nearest bus stop to the development site) ceases to run after October 2011.

There is reference in the table to Meadow Green School but not Coppice which is in fact nearer to the development site. There is reference to the Station Road GP surgery but not Beadesert which is now used as by many residents near the development site due to the oversubscription at Station Road. There is reference to “limited parking” at Meadow Green school and Station Road surgery. What the consultant has not reported is the long standing and concerted complaints to the Council about the problems that residents have with parking for these sites. This will increase if these facilities have to increase their capacity to respond to the new development, particularly as there won’t be a public transport alternative.

5.11. Table 3. The bus service information is entirely incorrect. As stated the nearest bus service to Birmingham is 1.2 miles from the development site.

6.3 And 6.4. We have had to research what TEMPRO, NTM, ARCADY, PICADY mean. Bromsgrove Council should ensure that the community can comment on all aspects of an application. That is the essence of the concept of consultation which should be designed to be accessible to the whole community. We should not be expected to have to undertake research to understand acronyms or pay for consultants and advisors. The Council have a stated objective in your sustainability assessment (item 3.120 page 51) the Council states “**The Council is committed to the full engagement and involvement of the public in policy formulation and ensuring the community has a say in the future of their District. Involving the community in the planning system will provide many benefits for both the Council and the community and is a key part of a planning system which is open and transparent. The Council is receptive to embracing and innovative methods of public involvement in the planning process and the formulation of sustainable plans which reflect locally defined needs and aspirations.**” It has to be questioned whether this objective can be achieved when something as critical as a development proposal of this nature is presented in a way that means the community cannot engage meaningfully. What we have been able to determine is that these acronyms relate to software packages used to forecast traffic impacts. They are endorsed by the Department of Transport and used extensively in Government planning. However the outcomes are still forecasts and not to be relied upon as absolute fact, and are dependent upon correct information being loaded in. We would want to see the core data audited and validated.

6.9 And 6.10. We see no reason why we should accept this data. This information has not been independently validated and therefore we have no reason to believe that it is accurate. We have been able to conduct research and now know what TRICS is. Once again this is a forecasting programme. In any event the consultant has based this data on there being 11 existing dwellings, but there are only 10, so the data has to be incorrect. This forecast therefore has to be re-done.

6.11 And 6.12. The figures stated in Table 8 estimate the number of extra journeys from the new homes. This cannot be scientifically or empirically based. Our belief is that there would be c150 vehicles on this new development so the number of journeys would be double that estimated by the consultant. Our estimate has no less validity than the consultants so we would expect the planning committee to view this information with great caution.

6.13-6.15, Trip distribution data. This all looks very interesting but CANNOT be anything than a projection and pure speculation. As such we believe the planning committee should disregard the data.

7.2. Whilst the developer has provided extra information about accidents at Appendix K, we have identified serious and important errors or mis-representations. The report states at Table 12 that there have only been 2 accidents on Lea Green Lane. We have evidence from West Mercia Police and WCC that shows this to be totally untrue. The figures recorded by each agency are 15 accidents (WCC), and 11 accidents (West Mercia Police). We believe that this makes a material difference to the soundness of the proposals and the claim made by the developer, and regrettably the County Council, that the development would have a minimal impact on traffic in the area is seriously challenged by this oversight.

8.4. We are unable to understand the plans supplied at Appendix L. We cannot see where the intended pedestrian and cycle enhancements would actually be. As residents we consider the WCC call for £40k investment in such enhancements, and the belief that they will mitigate the impact of the increased traffic, to be naive and frivolous. We suspect that we are having this forced on us by some other policy agenda and pursuit of a “flavour of the month” target. Section 106 benefits should aid the affected community and as such the community should be consulted. As the representative body we can state categorically that these ideas have been met with not only derision but also frustration. Given that we believe that the cycling/pedestrian enhancements wouldn’t be effective and that the public transport is not what the consultant has claimed the mitigation is negated.

8.5. Road Safety Audit. We consider this audit to be worthless. From their offices in Bedfordshire the agency (Acorns projects) have conducted a forensic audit of data and documents supplied to them by the consultant and developer. They have “highlighted no problems or recommendations” ~~that~~ ~~is~~ ~~not~~ ~~correct~~ if the data and the documents are correct.

As we have demonstrated the TA is proliferated with errors. The auditor has not undertaken any validation or independent checking and as such we believe that this report should be disregarded.

8.6. Auto tracking. We also believe this new report should be disregarded. The auto tracking displayed is not the “worst case” scenario as claimed by the consultant. It is assuming that car owners will park their vehicles considerately at consistent intervals so that a fire appliance could “slalom” through. The actual worst case is where parking is not like this and where, as we regularly experience, even small cars can’t get through. As it is impossible to park on Lea Green Lane people habitually park in Selsdon Close. It is astonishing, and frankly unbelievable, that the consultant claims that there were no vehicles observed. We find that just a little too convenient. We have extensive photographic evidence, taken over a period of time that demonstrates these parking issues. This clearly is a factor if the development were to proceed but also during construction.

8.7. We find it astonishing that the consultant, having found some damaging evidence (Table 18) seeks to dismiss the persistent and consistent speeding along Lea Green Lane as being “slightly higher” than the speed limit. If the average is between 31.1 and 33.6 mph and between 37 and 38.2 miles based on the 85th percentile (whatever that is) the bottom line is cars speed on narrow, winding and poorly lit roads, with narrow footpath(s) and the developer wants to put 80-150 more vehicles directly onto those roads.

9.2. We cannot understand where and how the proposed pedestrian improvements would be made. The footpaths are very narrow and with no capacity to expand.

9.3. As previously stated we cannot see how the proposals for Section 106 benefits will deliver the “modal shift” and consider the proposals nonsensical and not in tune with the aspirations of the community.

9.4. Whilst there is reference here to remedying the damage done by construction plant, to the road surface at Selsdon Close, there is no mention of the impact that there would be during construction on the lives of local residents. No proposals to mitigate impact or to manage the problems that will occur. This reinforces the view that the developer is keen to provide customer care to their new paying customers, but have no regard to the existing and adversely impacted community.

9.6. We note the welcome pack and the proposals to encourage alternative transport uses. Of course by this time there won’t be any buses any more. We find it hard to believe that in reality, in a house buying slump, and the need to sell to recoup investment and make a profit, that this will be anything other than a cosmetic exercise.

9.7. Yet another subjective statement from the consultant who considers that the welcome pack and sales approach will lead to “some” modal shift. We would welcome seeing the evidence for this assumption and the precise amount of modal shift that will be achieved. This is a pertinent consideration for the planning committee as the level of modal shift has a direct bearing on the traffic issues.

Other matters of concern in regard to traffic issues

Apart from the TA issues we are aware that there have been planning applications in the past. In the 1990’s, during consideration of a similar proposal, there was a requirement for a relief road to alleviate the pressure on Selsdon Close and Lea Green Lane. There was recognition at that time by WCC and BDC that there was not the capacity in the existing highway structure. We would expect that both WCC and BDC will have access to archive records related to this. We would have expected that this former recognition would be part of the considerations for this and future applications.

We are aware that Taylor Woodrow, later to become Taylor Wimpey, readily acknowledged this matter. Whilst pursuing a similar planning application (which was refused based on traffic issues) they recognised that the roads could not cope with the additional demands that the development would place upon them. They also acknowledged that having Selsdon Close as the only vehicular access point was unacceptable. In 2003 they wrote to a number of residents in Lea Green Lane asking if they could buy their homes, above market price, to allow a new access point to the development

site (see attachment). The traffic issues are now worse than at this time, particularly since the construction of the huge development at Dickens Heath.

We are alarmed that these errors have been re-iterated and compounded by the Planning officers report to the committee. The officers of both WCC Highways and BDC Planning use affirmative statements that the additional information "demonstrates" site accessibility and road safety. As our earlier comments show we dispute this. The vehicle auto track is highly dependent upon street parked vehicles being uniformly parked at regular intervals. This rarely happens in reality. The safety audit is entirely conditional upon the accuracy of the data entered into the software packages.

On page 72 the Council planning officer repeats the errors in regard to public transport. They quote the 177,178 and 179 buses (but not the 175?) but do not report that they have been withdrawn. They compound the mis-representation of the position. Astonishingly the planning officer claims that there is an hourly service from Wythall to London Paddington. This is categorically UNTRUE. Even the developer hasn't attempted to make this outrageous claim. The officer repeats the consultant's error by quoting that trains from Wythall run to New Street, they do not.

Conclusion

We believe that we have demonstrated that there are serious flaws to this TA that mean that the Planning Committee cannot possibly rely upon it to inform their decisions. The proliferation of errors leads one to question the integrity of the information. **As such we would expect the Planning Committee to once again refuse the application due to the false claims made with the TA.** We feel that any other decision made at this time would be arrived at under a false premise and therefore un-sound. We believe that the basis of the refusal of 7th March stands and that;

By virtue of using Selsdon Close as the access to the development, the insufficient width of this road and the subsequent conflict with parked cars is still an issue that has not been addressed to any degree of certainty.

The proposals would lead to unacceptable traffic implications and perpetuate a traffic hazard in the locality. The evidence presented distorts the reality by overstating the mitigation.

Housing need

Previously the strategic housing officer stated that the need for affordable housing in Wythall is strong. By affordable we assume they mean the new generic description of social housing. Under a freedom of information response (Ref 15538) the council have confirmed that there is no waiting list for the area as they run a choice based lettings scheme. They cannot identify or evidence any declared demand for social or affordable housing. Further information from the same FOI request shows that for social housing lettings in the period May 2009 to 2011, in excess of 30% allocations went to people outside the Bromsgrove district and only half of lets went to people from within the parish or bordering parish. This information was not available to us at the time of the previous planning application but it was available to the council and should have been reported to the Planning committee. It means that the case for housing is overstated. We expect the officers to report the lack of evidence for demand for housing in full to the committee.

Crime and safety

We feel that insufficient weight was given to the Police's stated objection. They are rightly concerned at the creation of a "rat run". We expect that you re-visit your obligations and duties under the Crime and Disorder Act (1998) Section 17 which states that LPA's will have a duty "to exercise its various functions with regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area." The Crime Risk manager and West Mercia Police both clearly state that the design of this development breaches this duty. We fully expect account to be taken of this objection.

Health Services

We expect to see evidence of full consultation with the two local health centres (Station Road and Beaudesert Road) is a matter of serious concern. We are aware that both are oversubscribed and have a significantly higher patient to doctor ratio than should be the case. This is pertinent information. **Page 11** should be presented to the committee. We will expect

to see evidence of the current doctor: patient ratio and information from the clinics how they will increase their capacity to cope with this significant increase in potential patients.

Educational Services

There are two primary schools (Meadow Green & the Coppice) and one secondary school (Woodrush Community High School) within the catchment area for this development. No evidence has been given that these schools have been contacted to ensure they can meet any increased demands on pupil submissions. We expect the planning committee to be furnished with the projections on pupil numbers and how the schools plan to cope with the influx of new students.

ADR status and land release

We believe that the council would be premature in accepting development on this site ahead of the adoption of the Draft Core Strategy. Under the terms of the existing local plan this site is an ADR but is afforded green belt protection within the life of the plan which is still current. Whilst the core strategy recommends the site become a development area the strategy itself is subject to consultation and that consultation was running during the period that this application was originally considered. It is quite wrong to enter into consultation but presume the outcome. There have been 534 protests at the recommendation for Selsdon Close to be designated a development site and we await further consultation. We would expect therefore that council should be minded to refuse until the Core Strategy was adopted.

It also need to taken into account that since the current local plan was adopted in 2004 there has been in fill building off Lea green lane and Station Road, in excess of 50 new homes. We have not objected to these developments. However no account appears to be being taken of them in the current strategic and planning considerations. Sustainability issues We are concerned that in the report on the original application the commentary of the presenting officer (page 22/23) was highly subjective. There is a description of infrastructure but no analysis at all of the impact. This is repeated in the officer's report this time. The committee should be provided with meaningful information upon which to make proper decisions. Under the Councils adopted development principles CP3 it is stated that development should take into account **"The capacity of the infrastructure providers to accommodate growth"**. There is no evidence that this has even been explored.

Impact on amenity of adjacent occupiers

BDC's development principles (CP3) state **"Development should integrate into existing settlements without any undue adverse impact on existing communities"**. There will be significant adverse impact if this development is agreed. To do dismiss this issue as not being a planning consideration would be disregarding the council's broader policy objectives.

Traffic and Highways

We have already addressed the road traffic issues. Once again the council's development principles state that account will be made to **"Accessibility to public transport options and the ability of the local road network to accommodate additional traffic"**. As previously stated we dispute the claim that the roads will accommodate the additional traffic.

In conclusion we expect that the planning officers will provide the committee with a complete and accurate analysis of all of the issues raised. We call on the planning committee to give full account of all the issues we have raised. We believe that when all of these issues are properly and fully considered that the application will be refused. The committee were poorly served previously and appear to have been again. This means that the previous reason for refusal was on narrow, but correct grounds. If the officers provide the members with the proper and complete technical and professional advise we are confident that they will see the breadth of flaws to this application and will refuse it.

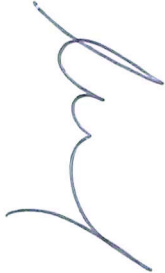
We trust that these views will be given full consideration and would ask that we are given the opportunity to address the planning committee on 20th June when this matter is heard.

Yours

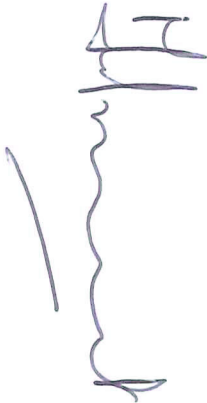
Terry Coney
Chairman



Kevin Lowry
Secretary



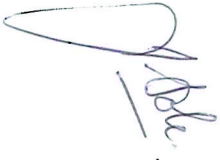
Frank Smart
Treasurer



Helen Meakin
Communications



John Sole
Vice-treasurer



20th June 2011

Your Ref: 11/0431
Our Ref: AB/20045

BY EMAIL ONLY

Mr. D. Birch
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Wellington House
Leicester Road
Ibstock
Leicestershire LE67 6HP

Tel: 01530 264 753
Fax: 01530 588 116
ibstock@m-ec.co.uk
www.m-ec.co.uk

Dear Dale,

**SELSDON CLOSE, WYTHALL
PLANNING APPLICATION REF: 11/0431**

We are in receipt of comments received from the Wythall South Residents Action Group which refers to our Transport Assessment and Travel Plan submitted as part of the Planning Application. I therefore write to provide a response in relation to the key points raised and our responses are numbered to correspond to the information provided (which use the numbers in our reports).

Prior to responding directly to the comments I note a number of references to the validity of the work which has been prepared by M-EC and our sub consultants which include Road Date Services and Acorns Projects. I would like to stress that we are professional organisations who provide impartial evidence and we do not falsify or seek to manipulate this information to deceive. We are members of Chartered and professional organisations who have a strict code of conduct which we must adhere to. Our information must be prepared accurately in order to satisfy statutory bodies which in this case include Worcestershire County Council and Bromsgrove District Council.

Intro The majority of developments are required to provide either a Transport Statement or Transport Assessment to support the development proposals. These documents are prepared based on national guidance published by the Department for Transport. A Transport Assessment is a recognized mechanism for considering development impact and should be completed by the developer for submission to the Highway Authority. The Highway Authority will then review this data and either request changes or validate the information if they consider it to be accurate and acceptable. We have produced our reports accordance with the guidelines as stated by Worcestershire County Council and it has been completed to their satisfaction.

1.3 Our Transport Assessment has been amended to reflect the comments of Worcestershire County Council. The previous Transport Assessment document is available to the public having previously been submitted and therefore a comparison exercise can be easily undertaken. Worcestershire County Council comments will also be available to the public. This process is therefore transparent.

1.4 It is not uncommon for the council to not hold traffic data for junctions and indeed it can be considered rare to obtain data from a council. Traffic counts were obtained by an independent party and not M-EC and the results have been verified by Worcestershire County Council.

- 4.2 The report states that Selsdon Close has 10 existing dwellings which we consider correct however a property fronting Lea Green Lane has a driveway access onto Lea Green Lane and Selsdon Close although we would not consider the house to be part of Selsdon Close. However as the access is available the road has the potential to serve 11 dwellings and not the 10.
- 4.3 We have accurate topographical survey data that proves the road width maintains a 5.5m wide standard along its entire length.
- 4.4 The description of the Lea Green Lane/Norton Lane/Station Road is considered accurate and the accident data and traffic impact analysis confirms this. Our description is not disputed by the Local Highway Authority.
- 5 (all) We have responded to you separately on the issue of public transport and it is accepted that changes to the services have been made. However the site is still sustainable and within close proximity of the train station. It should be noted Worcestershire County Council are changing bus services across the County and this is not limited to Wythall. We have reviewed Worcestershire County Council's further proposed changes to bus services in response to the budget cuts and see no indication of service S7 being removed.
- 6.3 & 6.4 The assessment programs we use are industry standards tools are nationally recognized and require use to consider highway impact. The impact data is available within the Transport Assessment and has been considered acceptable by Worcestershire County Council. The data is therefore considered to be validated.
- 6.9 & 6.10 The traffic data collected for Selsdon Close has been completed by an independent consultant and has been validated by Worcestershire County Council. The data shows trip rates to be significantly higher than those generated in TRICS and therefore TRICS has not been used in this Transport Assessment. As highlighted in 4.2 Selsdon Close has the ability to serve 11 dwellings.
- 6.11 & 6.12 Trip generation for the site is accurate. It should be noted people do not leave the house at the same time and movements will be spread over a period of time therefore you do not get 150 cars on the network all at the same time. The purpose of the Transport Assessment is to assess the busiest 1 hour period i.e. when the highest frequency of movements occur. This is 08.00 – 09.00 and 17.00 – 18.00. However some people will leave for work at 07.30 and come home at 18.30 and therefore fall outside this busy period. This is how trip rate factors are determined.
- 6.13 & 6.15 The trip distribution is based on existing movements from Selsdon Close and on the highway network. It is reasonable to assess the development distribution on this basis as new residents are likely to follow similar patterns.
- 7.2 We have responded to you on the issue of accident data separately. It should be noted we are not required to consider accident for 10 years as changes on the network will have occurred – 5 years is more than reasonable. Damage only accidents and not considered relevant and do not form the basis for our assessment. For information the email from Paul Hobday at the police (attached to back of their response) concurs there have been 2 personal injury collisions on Lea Green Lane between June 2005 – 2010, which is what is stated in the Transport Assessment.

- 8.4 The contribution requested by Worcestershire County Council is considered reasonable and will be put towards a scheme they have devised. It is for Worcestershire County Council to consult residents if they consider it necessary. Worcestershire County Council have maintained their request despite the alteration in public transport provision.
- 8.5 The Safety Audit is completed by a competent and independent consultant and this fully complies with nation guidance (HD19/03). Regardless of the company location in the country a site visit has been completed and the highway assessed accordingly.
- 8.6 We maintain the stance that on street parking is not a problem on Selsdon Close. Our tracking plan is considered to be an accurate representation and uses agreed and accepted software which clearly shows sufficient width is available even if parked cars were present. A 5.5m wide road is an acceptable to serve residential developments.
- 8.7 Speeds are not considered excessive and average speeds are only slightly higher than the subjected speed limit. Visibility splays from Selsdon Close are more than sufficient and in excess of County Council requirements.
- 9.2 & 9.3 See 8.4 above
- 9.4 We would expect Planning Conditions to be imposed by the District Council to limit the impact of construction traffic on local residents. This will include hours of operation etc.
- 9.6 & 9.7 Welcome Packs are an accepted means of helping to promote sustainable transport.

We note the residents summarize in reference to previous planning applications from the 1990's. These applications are not considered relevant and our assessments have been undertaken against current policy objectives.

We trust the above provides you with a sufficient response to the issues raised but should you have any queries please do not hesitate to contact me.

Yours Sincerely



Alexander Bennett Bsc(Hons) MCIHT
Director
alex.bennett@m-ec.co.uk

enc

cc S. Milward – Taylor Wimpey UK Ltd
K. Ventham – Barton Willmore

This page is intentionally left blank