



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY 31ST OCTOBER 2019
AT 6.00 P.M.

PARKSIDE SUITE / COMMITTEE ROOM, PARKSIDE, MARKET STREET,
BROMSGROVE, WORCESTERSHIRE, B61 8DA

PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE / COMMITTEE ROOM IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. 16/1132 - Outline Planning Application for: Site A (Land off Whitford Road) Provision of up to 490 dwellings, Class A1 retail shop (up to 400 square metres), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and Site B (Land off Albert Road) - Demolition of Greyhound Inn Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage - Land at Whitford Road/Albert Road, Bromsgrove - Catesby Estates Limited and Miller Homes Limited (Pages 1 - 74)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

23rd October 2019

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a summary of the responses received from

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website www.bromsgrove.gov.uk. Recent consultee and third party responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- Confidential / Exempt Business

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 15 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to 15 minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the

Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Pauline Ross, Democratic Services Officer, at p.ross@bromsgroveandredditch.gov.uk, or telephone (01527) 881406

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- A contribution towards either North Bromsgrove High School or South Bromsgrove High School based on the cost per open market dwellings as per the following tariff:
 - £867 open market 2 or more bedroom flat
 - £2,168 open market 2 or 3 bedroom dwelling
 - £3,252 open market 4 or more bedroom dwelling
- (v) **Off-site teen and adult play and sports facilities and play pitch improvements in Sanders Park, Bromsgrove: £154,592**
- (vi) **The improvement of the Scout and Guide Huts on Kidderminster Road, Bromsgrove located adjacent Sanders Park: £20,612**
- (vii) **Waste Management Contribution**
Waste and recycling bins calculated as follows:
 - £25.49 per 240 litre standard capacity grey receptacle (waste)
 - £26.75 per 240 litre standard capacity green receptacle (recycling)
 - £252.43 per 1100 litre communal usage receptacle
- (viii) **Planning Obligation Monitoring Fee:**
Financial figure to be confirmed

And:

- (ix) **The securing of a 40% provision of on-site affordable dwelling units**
- (x) **The provision and future maintenance in perpetuity of the SuDs facilities**
- (xi) **The provision and future maintenance in perpetuity of the on-site play space and open space provision**

And:

- (c) **That DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the report**

Consultations

Worcestershire Highways

Consulted – final views received 1 October 2019

- No objection subject to Conditions and financial obligations.
- The applicant has submitted additional reports to address matters of clarity from comments of third parties. These reports are titled *Transport Technical Note 4* and *Cumulative Assessment Report* dated 7 May 2019.
- These reports seek to provide comfort and sensitivity testing of the transport assessment to determine that mitigation schemes could be implemented to the A38 corridor to address the impact of the development should the Highway Authority's major scheme improvements not come to fruition.
- These additional reports do not alter the conclusion of the Highway Authority nor change the recommendation previously submitted in terms of the suggested conditions or planning obligations. The comments previously submitted by WCC on 29 May 2018 therefore remain.

- This planning application has been assessed alongside the Perryfields Road application to ensure a holistic approach has been taken to assessment.
- The full benefits will only materialise if both applications are consented, however the evidence base for this application as a standalone proposal provides sufficient mitigation to address the developments impact and critically it provides it in advance of when it would be required.
- Previous issues identified in the appeal relating to 13/0479 and the use of the Highway Authority's strategic model has been resolved. A comprehensive mitigation package has been provided addressing access to the site by all modes which include major junction reconfigurations and planning obligations. The application addresses local and national policy requirements and it helps to enable network wide improvements to the A38 improvement project.
- The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.
- Suggested Conditions and Obligations:

Conditions:

- The development hereby approved shall not be occupied until the following works have been constructed and completed:
 - Site access arrangements to serve Site A
 - Site access arrangements to serve Site B
 - Roundabout at junction of Fox Lane/Rock Hill
 - Signal controlled crossing on Whitford Road
- The 100th dwelling shall not be occupied until the following highway improvements/off-site works have been constructed and completed:
 - Signal controlled crossing on A448 Kidderminster Road near junction of Dawson Road
 - Signal controlled junction Kidderminster Road/Whitford Road/Perryfields Road
- The 250th dwelling shall not be occupied until the following highway improvements/off-site works have been constructed and completed:
 - Roundabout Improvements at the Junction of Charford Road/Rock Hill/Worcester Road

Planning Obligations:

• **Highway Infrastructure**

- Market Street/St Johns Street:] Combined total:
- St Johns Street/Hanover Street/Kidderminster Road:] £744,681.79

Triggers:

- 1/3 prior to first occupation
- 1/3 prior to the occupation of 129th dwelling
- 1/3 prior to the occupation of 258th dwelling
- A38 route enhancement works: £1,312,706.93 to consist of:
 - A38/Birmingham Road
 - A38/A448 Oakalls
 - A38/New Road
 - A38/Stoke Road/Charford Road
 - A38/Golden Cross Lane/Braces Lane

- A38/M42 Junction 1

Triggers:

- Prior to the occupation of the 258th dwelling
- **Sustainable Infrastructure**
 - Cycleway between Whitford Road and Kidderminster Road via Sanders Park: £560,000.00
 - Town Centre active travel infrastructure: £148,252.55

Triggers:

- Prior to the occupation of the 62nd dwelling
- Public transport services: £223,822.71 (up to £350,000.00)

Triggers:

- Prior to the first occupation of any dwelling
- No later than the 4th year anniversary of the contribution being made, a bus service review is held between the applicant/Highway Authority. This will consider other contributions from nearby sites, build rates of the Whitford Road development and the patronage/ finances of the service at that time. If the result of the bus service review is that additional support is needed then further contributions will be provide up to a value of £126,000 (combined maximum of £350,000).
- If agreement cannot be reached an arbitrator will be provided to resolve the position, at the expense of the applicant.
- Personal Travel Planning: £101,000

Triggers:

- 25% prior to first occupation
- 25% prior to the occupation of the 129th dwelling
- 25% prior to the occupation of the 258th dwelling
- 25% Prior to the occupation of the 386th dwelling

Mott Macdonald (MM)

(Acting as Transport Planning Advisors to Bromsgrove District Council)

Multiple documents submitted. Final comments received 28 August 2019:

- As a result of our comprehensive audit of all submitted documents MM conclude that there are no grounds for an objection on highways and transport related matters in respect of the application.

Stand Alone Assessment

Stourbridge Road/Barnsley Hall Road

- WSP has corrected input errors assigned in the WSP model, which is now addressed and the results are accepted by MM. The resulting report on the 'standalone assessment' for the Whitford Road scheme highlights that the junction has sufficient capacity to accommodate traffic from the Whitford Road scheme. Therefore, the junction would continue to operate within capacity with minimal queueing observed in the peak hours.

Perryfields Road/Stourbridge Road

- This junction will be fundamentally changed should the Perryfields site gain planning approval and an alternative mitigation scheme will be provided. A cumulative assessment of the impact of both schemes on this particular layout is not appropriate as a consequence and is accepted. The standalone impact of Whitford Road development trips demonstrate that the junction would continue to operate within capacity with minimal queueing and delays observed in the peak hours.

A38 Junctions

- Assessments relating to the impact of the Whitford Road scheme on the proposed A38 improvements demonstrate that:

A38/A448/Regents Park Road Roundabout

- The roundabout exceeds capacity in both future year scenarios; with and without development and assessments demonstrate queueing and delays on the southern and western arms of the existing junction. The mitigation options identified by WCC as part of the improvement works to the corridor show that the realigned roundabout improves capacity through more efficient traffic circulation and can accommodate the additional traffic generated by the Whitford Road development.

A38/New Road Junction

- The capacity of the existing layout is predicted to exceed acceptable limits in the future baseline scenario (i.e. without development) and whilst development of the Whitford Road scheme does not have a significant impact, this position would worsen if not improved and warrants mitigation. Junction capacity assessments demonstrate that the mitigation proposed by WCC considerably improves this position, such that additional traffic generated by the Whitford Road scheme can be accommodated.

A38/Charford Road Junction

- The capacity of the existing junction is predicted to exceed acceptable limits in the future baseline scenario (i.e. without development) and whilst development of the Whitford Road scheme does not have a significant impact, this position would worsen if not improved, particularly in the AM. The mitigation scheme proposed provides some additional capacity and can accommodate development related traffic and provides a better than nil-detriment solution.

TAA Junction Review

Kidderminster Road/ Hanover Street

- This demonstrates that the overall impact from the Whitford Road site is small, and the junction will operate within recommended thresholds. The mitigated scheme is accepted as offering a marginal improvement in both peak periods.

Rock Hill/Charford

- The revised modelling results reflect a slight worsening in performance of the junction. MM accept that the assessments provided by WSP proposal are appropriate and the mitigation put forward by WSP is reasonable given the constraints.

Kidderminster Road/Perryfields Road

- The capacity of the proposed junction traffic will experience delay and queuing, notably in the AM Peak, although the PM peak results are marginally better. Signalisation as part of the mitigation package to support development on the Whitford Road site provides a marked improvement above the existing arrangement and the proposed arrangement and is accepted.

Cumulative Assessment

- WSP have provided a comprehensive cumulative assessment as a sensitivity test, accompanying their 'standalone' assessment of the Whitford Road scheme, addressing requests from Mott Macdonald between late October and mid-December 2018, thorough to summer 2019.
- The cumulative assessment demonstrates that the Whitford Road development and its consequent mitigation measures, will not prejudice the delivery of the Perryfields site and Mott Macdonald confirm that on this basis there are no matters for objection to the Whitford Road scheme on the grounds of cumulative impacts.

- MM note that there are ongoing discussions with WCC and the two applicant teams for the Perryfields and Whitford Road sites in respect of financial contributions to highways and transport schemes required to mitigate the various impacts of development. BDC / MM will need to seek confirmation from WCC that contributions to deliver the required mitigation measures have been agreed and therefore that the delivery of the highway improvements which are relied upon is assured.

Conclusions

- Following the withdrawal of BaRHAM a robust approach was taken and agreed by all parties to enable the TA and sensitivity tests for the Whitford Road scheme to be completed to a satisfactory level.
- Formal scoping discussions were held with the applicant which involved Bromsgrove District Council (the Planning Authority), Worcestershire County Council (the Highway Authority) and MM (in their role as transport planning advisors to Bromsgrove District Council). Subsequent sensitivity tests were agreed to test the standalone and cumulative impact of the proposals and these were subsequently signed off by all parties and MM confirmed that we were satisfied by the overall approach taken.
- Following the submission of TTN4 and TTN5 and technical review of the associated models, the applicant has demonstrated the extent of development impacts on the A38 corridor and where their impacts were significant, appropriate mitigation measures have been put forward.
- These mitigation measures were comprehensively audited, and MM were satisfied that all of the issues raised were satisfactorily addressed.

Highways England

Consulted – views received 21 December 2016:

- No objection

Environment Agency

Consulted – views received 9 January 2017:

- No objection
- It is noted that the application now includes land off Albert Road (Site B) in addition to the previously refused Site A but that Site B is not covered by the Environmental Statement. We would have no comment to make on Site B and would offer the following comments and conditions with regards Site A.
- The site falls within Flood Zone 1 on our Flood Map which is defined in Table 1 of the NPPF Technical Guidance as land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The Battlefield Brook runs in an easterly direction to the north of the site on the opposite side of Timberhonger Lane.
- As the site itself is safe in flood risk terms, the key flood risk issue is to ensure that surface water drainage on site is dealt with in a sustainable manner to ensure that third parties are not impacted upon, particularly as sites of this size have the potential to increase run-off rates dramatically, both post development and during construction.
- We have no objection in principle to the proposal to utilise infiltration techniques for surface water drainage. However, these systems must be carefully located, designed and maintained in order to ensure the protection of the underlying principal aquifer and nearby potable water abstractions.
- Conditions:
 - Construction Environmental Protection Plan

- Site investigation scheme based on the Preliminary Risk Assessment and Environmental Site Assessment

North Worcestershire Water Management

Consulted – views received 4 January 2017:

- No objection subject to Conditions relating to:
 - A scheme for foul and surface water drainage
 - Finished floor levels
 - The use of porous surfaces for driveways and any private access roads
 - The use of silt traps are fitted to all highway gullies, and that oil interceptors are fitted to any car parking areas in order to maintain water quality
 - SuDs management plan, which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework

Severn Trent Water

Consulted - views received 19 January 2017:

- No objection subject to condition relating to the following:
 - Drainage plans for the disposal of surface water and foul sewage

Worcestershire Regulatory Service: Air Quality

Consulted – views received 30 December 2016:

- No objection
- WRS are satisfied with the findings of the report and we have no adverse comments
- Suggest informatives on any outline consent granted to promote the inclusion as conditions on any subsequent Reserved Matters application:
 - Domestic electric vehicle charging points
 - Secure cycle parking
 - Low emissions boilers

Worcestershire Regulatory Service: Noise

Consulted – final views received 18 June 2019:

- No objection
- For all parts of the development, detailed noise modelling [at the Reserved Matters stage] will be required giving precise detail of noise levels in private amenity areas and detailing glazing and ventilation requirements.
- I would recommend that in the Miller Homes part of the site a further noise assessment, to include further noise measurements, should be undertaken as part of any Reserved Matters application.
- Due to the close proximity of existing residential properties to the proposed development care should be taken during the construction phase to reduce any adverse impacts caused to local residents. I would therefore recommend that the applicant follow Worcestershire Regulatory Service's Code of Best Practice for Demolition and Construction Sites.

Worcestershire Regulatory Service: Contaminated Land

Consulted - views received 30 December 2016:

- No objection subject to the following Conditions:
 - Submission of full standard tiered risk assessment

- Submission of further ground gas monitoring

Waste Management

Consulted – views received 4 October 2019

- No objection at this outline stage
- Full details of bin storage facilities and bin access arrangements (including Site B) will be scrutinised at the detailed Reserved Matters stage

Building Control

Consulted - views received 8 December 2016:

- No objection subject to condition relating to the following:
 - Full engineering design solution of the specification, extent and methodology details of the cut and fill works
- We are aware of subsidence having been experienced in both Quarry Lane and Fox Lane however these incidents are some 300m or more away from the site and local to a known area of quarrying. We are not aware of any quarrying local to or within the bounds of the application site. We did have significant subsidence issues around 10 years ago in Fox Lane however that was due to a fractured 300mm diameter water main. We do know of very poor ground conditions within the Paget Close area on the Kidderminster Road side of Battlefield Brook however we suspect this is because the spoil from the Friarscroft Estate appears to have been dumped in that locality prior to Paget Close estate being built rather than natural issues.
- The reports submitted are quite comprehensive and based on trial holes and bores (not just a desk study). The reports conclude traditional foundations would be acceptable which is what I would expect in the area. My own experience of projects on the opposing side of Whitford Road confirms the reports assertion that undisturbed good bearing ground and sandstone is present
- Given the contents of the documents submitted and our local knowledge I do not consider subsidence to be an issue on this site. Naturally one would expect geotech designs to accompany a building regulations design package.

North Worcestershire Economic Development and Regeneration

Consulted – views received 19 January 2017:

- No objection
- The proposed reduction in retail floorspace from 1,500sqm to 400sqm continues to highlight that the proposed function of the retail element is ancillary to the development as a whole.
- It remains under the threshold identified in the NPPF for considering retail impact and we are satisfied this part of the proposal would not have an adverse impact on the main town centre of Bromsgrove and would provide a useful local facility for the new residents of the area.
- It is understood that the demolition of the Greyhound Inn Public House is part of the revised proposal is proposed in order to facilitate suitable highways infrastructure and unlock the wider strategic site.
- Whilst it is always disappointing to lose any facility that has the potential to provide jobs, this needs to be considered in the wider context of the potential benefits that the strategic site will bring. It is also worth noting that the building in question is currently closed and therefore isn't currently providing any economic benefit for the town.

- In addition, it is anticipated that the jobs that were lost when the public house closed will be compensated, to some extent, by the retail facility proposed in the wider development site.

Strategic Housing

Consulted – views received 22 February 2017:

- No objection subject to compliance with the following:
- Policy compliant provision of 40%
- Proposed Mix & Tenure:
 - **Social Rented (60%)**
 - 10% x 1 bed flats - own entrances, no communal staircases)
 - 10% x 1 bed 2 person houses
 - 40% x 2 bed 4 person houses
 - 30% x 3 bed 5 person Houses
 - 10% x 3 bed 6 person houses.
 - **Shared Ownership (40%)**
 - 50% 2 Bed houses
 - 50% 3 Bed houses

West Mercia Constabulary Crime Risk Manager

Consulted - views received 6 January 2017:

- No objection

Urban Designer

Consulted – views received 21 December 2016:

Site A

- Although only access is being considered in detail, the application contains a substantial amount of information on the proposals for site development, including an illustrative site layout plan.
- Assuming a development of 490 dwellings, the proposal represents a residential density of 21 dwellings/hectare. This is a low figure, which does not represent sustainable development. However, the illustrative site layout does contain a substantial amount of open space. If this is excluded, the density calculation would be significantly higher.
- Highways considerations restrict the formation of vehicular access to that part of the site boundary bounded by Whitford Road (about one quarter of the total). There are two access points designated. The consequence of this is that, in order to connect all parts of the site, the proposed movement pattern is very indirect, which will necessitate an excessive amount of vehicle movement.
- Paragraph 5.3.7 of the Design and Access Statement proposes that the land form in some parts of the site should be regraded, with cut and fill producing a less pronounced topography. It is suggested that this is necessary in order to produce adoptable street gradients. I am surprised if this is so, and it would be regrettable, as the existing topography is distinctive, and if approached with imagination in the placement of houses and the selection of house-types, is capable of contributing towards equally distinctive placemaking.
- The shop is proposed to be located on the edge of the development next to Whitford Road, making it accessible to residents of existing development. This is sensible.

Site B

- The submitted Heritage Statement concludes that The Greyhound has limited heritage value, insufficient to justify its retention. I see no reason to depart from this conclusion.
- The loss of a large part of the site in order to create a larger traffic junction restricts the choices of site layout which are possible. A single cranked row of buildings, facing Fox Lane and the junction, is probably all that is possible, and this is what is shown on the indicative site layout.
- 15 dwellings on a site of 0.277 hectares produces a residential density of 54 dwellings/hectare, which is a very respectable density. The largest proposed mass, of three-storey flats, is appropriately located facing the junction.
- The one problem is that with the only feasible vehicular entrance point being on Albert Road, all of the 15 dwellings will be approached from the rear. For the two buildings containing ten flats shown on the indicative site layout, this is not a problem. But the five houses shown on the plan need to have their front doors facing Fox Lane.
- Therefore there needs to be pedestrian access points, of an attractive design, connecting the car park with Fox Lane, in order to connect backs and fronts, and enable convenient and legible pedestrian movement.

Leisure Services

Consulted - views received 21 December 2016:

- No objection
- An offsite payment to be made towards adult/teen provision in Sanders Park to an agreed financial value and a further contribution of an agreed financial value towards sport pitch improvements. The provision is not to be specific in terms of equipment to give us flexibility in to alter provision on a residential needs basis.
- The trigger point for payment of the above should be prior to occupation of an agreed number of dwellings, due to time lapse in consultation, member approval, procurement and installation, in order to ensure provision is in place allowing for residential use/benefit.
- Although we are not yet at detail design stage of the POS, Leisure Services would like to ensure that the on-site linear park is of sufficient quality provision. We would request that we have final approval/input of the on-site scheme/design to ensure it conforms to other Bromsgrove Play Designs and appropriate to the size of the development. We would be happy to be involved in the designing of the scheme.

Sport England

Consulted – views received 21 December 2016:

- No objection subject to securing the required contributions to help to meet the demand created by residents of the proposed development

Worcestershire Wildlife Trust

Consulted - views received 23 February 2017:

- No objection subject to the following Conditions:
- A CEMP. This should cover the matters raised in Chapter 11 of the ES including pollution control, tree and hedge protection, dust suppression, construction lighting and traffic etc. It will be particularly important to make sure that the significant cut and fill required on site does not mobilise silt or other contaminants which are then able to enter the Battlefield Brook.
- A LEMP. This will be essential ensuring that retained and created habitats persist into the future and that the management is suitable for the biodiversity enhancement

proposed. Mechanisms to secure funding and other resources will be essential and should be covered by heads of terms at the outline application stage. Interpretation of the habitats retained and created on site will be important and demonstrating why integration of biodiversity into the site-wide GI (drainage, access and recreation space etc.) is of value to the public should be captured in the LEMP and site literature so as to help promote understanding amongst new residents.

- SUDS. This is a fundamental part of the application and it is imperative that a suitable drainage strategy is brought forward, both to provide onsite flood attenuation and important landscaping but also to ensure appropriate flow and water quality improvements for the receiving watercourse. Careful consideration should be given to design exceedance as well as the standard attenuation requirements so that we can be sure that any failure of the system will not lead to significant adverse effects on the Battlefield Brook. Long term management of the SUDS will be required and it would be sensible to link this to the open space management covered by the LEMP above.
- Lighting. Careful attention should be paid to the lighting strategy for the site so that dark corridors can be maintained for bats and badgers. This should be incorporated into the site wide LEMP with clear statements about where dark corridors will be retained and how features such as 'hop-overs' (mentioned in the ES) will be used to allow continued foraging and commuting route for bats in particular.

Additional comments received 11 June 2019:

- We note the additional information submitted and in particular the findings presented in the ecological update by FPCR. With small exceptions it seems that there has been very little change on site since the last series of surveys and our resulting response.
- Accordingly, we are content to reiterate the comments we submitted in February 2017, with the additional proviso that appropriate commentary in relation to the badger sett and demonstration of biodiversity net gain (now reinforced by guidance in the revised NPPF – see paragraph 170 for example) will need to be included in the recommended CEMP and LEMP.

Landscape and Tree Officer

Consulted – views received 19 January 2017 and 23 February 2017:

- No objection subject to Conditions relating to:
 - Tree and hedgerow protection measures during construction phase
 - Full topographical and design details are submitted for the installation of the roundabout road feature at the junction of Fox Lane and Rock Hill
 - Development on Site B in accordance with the submitted Arboriculture Method Statement

Worcestershire County Council Landscape Officer

Consulted - views received 13 January 2017:

- No objection subject to a Condition relating to:
 - A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (other than small, privately owned, domestic gardens)

Conservation Officer

Consulted – views received 16 February 2017:

- Objection

Plan reference

- I cannot support the loss of this heritage asset and would prefer to see the scheme amended to retain this building.
- The existence of the Greyhound from at least the early part of the 19th century, with its original form and later development being reasonably discernible, would clearly indicate that the building is a heritage asset
- It is a historical survival from a time when Rock Hill was sparsely developed, and clearly outside the town of Bromsgrove. It marks a clear boundary between the earlier and later character of Rock Hill

Worcestershire County Council Archaeological Service

Consulted - views received 22 December 2016:

- No objection
- Suggested conditions:
 - The submission of a programme of archaeological work
 - Written scheme of investigation

Hereford and Worcestershire Earth Heritage Trust

Consulted - views received 12 December 2016

- No objection

Worcestershire County Council Minerals and Waste

Consulted – views received 13 January 2017:

- No objection
- Suggested condition:
 - Details of how excavated materials, especially subsoils produced during construction, will be managed to ensure that "landscaping" does not become an inappropriate disposal of waste in subsequent Reserved Matters applications.

Worcestershire County Council Countryside Service

Consulted - views received 14 December 2016:

- No objection
- Bromsgrove footpath BM-587 runs just outside the red line site for Site A, adjacent to the southern boundary and is marked on the submitted plans. There are no existing public rights of way on the definitive map within the red line boundary of/or directly adjacent to Site B.

Ramblers Association

Consulted – views received 21 December 2016:

- In respect of Site B we have no comments to make.
- In respect of Site A you will recall that Ramblers commented on application 13/0479 in 2014. As far as we are concerned changes between that application and the present one are not sufficiently different for us to change the nature of our response.
- Relevant sections of our letter of the 24th July 2014 are quoted for your convenience, as follows:
- "We note that the site is included for residential development in the District Local Plan and we are therefore not concerned by the principle of development."
- "Public Footpath BM-587 passes along the southern boundary of the site of the development but outside its confines so that the path is not physically affected by the proposal. Visually it will be affected but for the better. We are particularly pleased to

see that the master plan shows a landscaped area along that boundary with residential access drives beyond and dwellings facing towards the footpath. For walkers using the path this will ensure that their outlook will be pleasant and that the houses will provide an element of surveillance. If the dwellings had backed to the footpath, outlook and safety would be reduced considerably. We know that master plans are only indicative but we hope that you will ensure that this feature carries through to the reserved matters stage. If it does then we believe the quality of this footpath and its usage will be improved."

- "We are also pleased to see that the Master Plan incorporates two major footpaths within the site. We see these as important assets for walkers and hope you will secure their provision by the imposition of suitable conditions. We also wonder whether the applicants could be prevailed upon to enter into creation agreements with the Council to dedicate the footpaths as public rights of way. Both of these footpaths provide access to Footpath BM-587 at the south east corner of the site. This will enhance the value and usage of the existing footpath as a link between the town and the countryside for recreational walking."
- "The more westerly of the new footpaths will provide access to Timberhonger Lane from Footpath BM-587 and the new residential area. This will ensure easy links to the extensive footpath network in Dodford and Grafton Parish. It will also facilitate circular walks back using Footpath BM-587. The other footpath provides ready access to Sanders Park and then to the Town Centre. In our view this development will enhance walking links between the town centre and residential areas and from the town to the countryside."
- "The link to the town centre across Sanders Park could be further improved if the path near the stream through the Park (not a Public Right of Way) could be provided with an all-weather surface of some sort. People walking into town for work, shopping or social reasons will be deterred by the poor conditions underfoot after heavy rain. Perhaps you could talk to the Park managers and see if this would find favour and if it does seek a Section 106 Agreement to fund the work. This would be a very sustainable link encouraging people to leave their cars at home."

Worcestershire County Council Education Service

Consulted - views 16 August 2017:

- The proposed development will sit in the catchment area of Millfields First School, St Johns CE Middle School Academy and South Bromsgrove High School.

First School Phase

- A contribution towards first school infrastructure will be requested. As a result of further housing development in the area the contribution from this development site will be based on a percentage of the build cost of a new build 2 form entry first school and nursery (equating to a new 60 place (per year) First School.
- The total build cost for a 2FE first school and nursery is currently estimated to cost £5.9 million. A contribution of 9/60^{ths} will be sought. It has been agreed that uplift as at November 2016 will be applied.

Middle School Phase

- Wider analysis of middle school pupil numbers has identified that there will be sufficient capacity at neighbouring middle schools within an acceptable distance to accommodate in area pupil numbers and absorb the likely impact of the development.
- No contribution will be sought for the middle school phase of education.

High School Phase

- A project will be sought to support a Form Entry expansion at either North Bromsgrove High School or South Bromsgrove High School to mitigate the impact of this development.
- The contribution for the high school phase is requested on a cost per open market dwelling basis and will reflect the housing mix submitted to the planning authority at the Reserved Matters stage.

Additional comments received 29 August 2019:

- The planning application came forward before the adoption of the new Education Planning Obligations Policy Worcestershire 2019, therefore the tariff as previously agreed at the 2016/2017 rate will remain. Agreement has already been made to uplift the costs in line with inflation as at the base date of the tariff.

NHS Redditch and Bromsgrove Clinical Commissioning Group

Consulted – final views received 29 July 2019:

- The development would have an impact on primary healthcare provision in the area but this is containable within existing provision at BHI Parkside (Churchfield and St John's Surgeries).
- In its capacity as the primary healthcare commissioner, Redditch and Bromsgrove CCG has identified that the development will not give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- The above refers only to capacity within primary care premises and does not take account of needs arising from the development in the NHS Acute Hospital Trust or the Health & Care Trust which will respond separately if they have identified a requirement.
- Assuming the above is considered in conjunction with the current application process, Redditch and Bromsgrove CCG would not wish to raise an objection to the proposed development.

Worcestershire Acute Hospitals NHS Trust

Final views received 20 September 2019

- Request a total development financial contribution of £399,534. The money will be spent to meet the marginal costs of direct delivery of healthcare for the additional population. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables and equipment.
- Most emergency demand within Worcestershire flows into Worcestershire Royal Hospital and the Alexandra Hospital. It is highly likely that demand from new housing development will follow these patterns.
- Worcestershire Acute Hospitals NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.
- It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term.
- The Trust is paid for the activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical

service development and predicted population growth (this does not include ad-hoc housing developments).

- The following year's contract does not pay previous year's increased activity. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined below, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without the contribution, the development is not sustainable and should be refused.

Additional views received 7 October 2019:

Paragraph 3:

- To say that the Trust does not relate to the land or it is trivial is wholly unfounded, without evidence and misleading.
- The evidence provided in the consultation and in the Trust's subsequent documentation clearly explains how the population of the new development will create an impact on the Trust as follows:
- The Trust holds its own statistics for each activity that takes place in the Trust. This activity is related to each patient's address. Each activity has a standard cost that is used to invoice commissioners. The Trust has taken an average figure for each activity type. The first three columns in Appendix 1 of the evidence demonstrate the total activity and costs per annum in the Trust catchment area. The cost is then related to the specific LSOA of the development. The following columns reflect the activity and the total costs of the activity in the specific LSOA area to get the potential costs and activity for the new development. The last column shows the pressure on the non-elective services.
- The evidence provided is not trivial. The evidence provided is substantially more what the Council relies on when it seeks other contributions, like education contributions.

Paragraph 4:

- The legal advisor has wholly misunderstood what s 106 Obligation is all about? It is absolutely nothing to do with 'benefit sought' as put by the Council's legal advisor.
- The issue is, as explained in the consultation response and in the subsequent documentation, that the new population of this development will create a direct impact on the acute and non-elective services.
- A Section 106 obligation is to mitigate the impact that the development will create. The development will create extra pressure on the Trust's services as explained in the very detailed responses. The Trust provides the care for the new occupants of this development. The impact is carefully calculated and demonstrated.

Paragraph 5:

- The Trust is not seeking financial obligation to make up a revenue shortfall. The Trust is seeking a contribution to mitigate the impact created by the new population of the residential development in the same way as new population increases the pupil numbers in schools.
- The information provided clearly links the occupiers of this development to the Trust. The evidence provided to the Council is detailed and based on clear statistical evidence base as explained above. To say otherwise is wholly irrational.
- Paragraph 6-8:

- The alleged relationship with the development is insufficient because of the funding model. This is nothing to do with the increased new population creating an impact on the Trust's services.
- The gap in the funding is for the purposes of calculation of a suitable contribution to mitigate the direct impact on the acute and non-elective services that the development will create.

The Trust's position in summary is as follows:

1. The CCG commissions planned and emergency healthcare from the Trust and agrees a service level agreement, including activity volumes and values on an annual basis. Contract volumes are negotiated based on historical contract performance. Each year's CCG allocation reflects last year's allocation as stated, with an uplift which is currently determined for growth:
 - a) Growth reflects the increasing costs of delivering health care, including inflation, growth in demand for certain medical technologies;
 - b) Local population growth feeds nationally into CCG's target allocations. This is derived from ONS data. However this process takes 3 years to affect growth allocations to CCG;
 - c) Until this population growth is added to CCG allocations, it does not form part of the contracts between commissioners and the Trust;
 - d) The Trust does not receive funding retrospectively;
 - e) The Trust does not get allocated population growth;
 - f) However, as the properties are occupied, the population growth manifests as a requirement on the Trust to treat more people and thus there is an overspend incurred in treating a larger population than that for which treatment is commissioned. This overspend is wholly within the Trust's balance sheet.
2. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s;
3. If the Trust fails to meet its performance targets it is penalised through withdrawal of the Provider Sustainability Fund (previously known as Sustainability Transformation Fund) and/or withdrawal of certain income received through the Commissioning for Quality and Innovation payment funding;
4. The increased activity level will affect the standard of service provided;
5. It is not possible for the Trust to predict when planning applications are made and delivered. The commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective development. It does not take into account housing land supply, housing need or housing projections;
6. The Trust cannot influence this aspect of the way the commissioning contracts are created between CCG and the Trust;
7. The Trust's hospitals are now at full capacity;
8. The only way the Trust can maintain 'on time' service delivery without compromising quality of care and comply with the NHS quality requirements is that the developer mitigates impact by contributing towards the cost of providing the necessary capacity for the Trust to maintain service delivery during the first to third years of occupation of each dwelling. However, the Trust considers that to request a contribution only for the first year keeps the levels of contribution reasonable;
9. The Trust is an independent legal entity and the Trust is left bearing the cost of actions to mitigate the impact that the development creates until such times as the CCG funding allocation catches up and feeds through into contract values. CCG does not treat people and is not directly involved with the care of the people.

Paragraph 8:

- To say that the Trust has no reason why funding model should not take account projected growth including growth arising from the development is a sweeping statement without any further evidence or expertise to show contrary and is wholly misleading. Please see above explanation from the Trust.

Paragraph 9:

- The Contribution sought to mitigate the impact has absolutely nothing to do with the paragraph 7 of NHS Constitution. The Trust's accountability has nothing to do with s 106 obligation. The education authority, highway authority, local planning authority have all similar accountability requirements.
- The adverse impacts created by the development will negatively affect the ability of the NHS Trust to discharge its statutory obligations.

Paragraph 10:

- If this logic is followed then there would be no contribution towards education, highways and/or social housing to name a few. This is not about funding the Trust but is about mitigating the adverse impact that the development creates like any other impact. More over the approach of the Trust has been endorsed in various appeal decisions including those of the Secretary of State which have been provided to the Council.

Paragraph 11:

- The impact created by a private developer will hinder the Trust in providing the service it is required to deliver. It would be wholly unreasonable that the tax payer would have to subsidise a private developer when it creates a direct impact on the Trust's ability to provide required service. The development will create an adverse impact on the health and wellbeing of the population of the development contrary to the NPPF and local policies.
- To contend that the proposed contribution would not serve a legitimate planning purpose is manifestly absurd.
- There is a total lack of legal reasoning behind paragraphs 9 to 11.

Paragraph 12:

- This paragraph has no relation to the issue in hand. CCG does not treat the occupants of the development. The Trust does. The impact is on the Trust as explained above.

Paragraph 13:

- The CIL analysis based on Counsel's legal advice and statements made is irrational and appears to be absence of proper legal, evidence or policy justification.
- The contribution requested does meet the CIL tests as previous Inspectors have concluded because:
- The contribution is necessary to make the development acceptable in planning terms because, without it, the population increase will be accessing NHS Trust services without any corresponding funding for (at least) one year which will adversely affect the standard of service that can be provided leading to an adverse impact on the health and wellbeing of the population of the Trust's area at large contrary to the NPPF and local policies.
- The contribution is directly related to the development because it is based on the new population of the development's population who will be using the Trust's services. In particular the calculation is based on LSOA for that specific area and type of housing to be developed.

- The contribution is fairly and reasonably related in scale and kind to the development. As above, it is linked to the size of the new population and the particular characteristics of that population.

Council for the Protection of Rural England (CPRE)

Consulted - views received 11 January 2017:

- No objection to the principle of development.
- CPRE always deplores the loss of green fields. However, in view of the housing land situation in the district accepts that this site, lying as it does between the town and M5, is one whose development is less of a loss than many others.
- We welcome the apparent proposal for the developed area to stop slightly below the ridge line so that the development is not visible from south of Breakback Hill, an area of unspoilt countryside that is the setting for the listed Grafton Manor House.
- The findings of the Inspector at the appeal into the refusal of the previous application for this site make junction improvements at the east end of Fox Lane inevitable. If so the loss of the Greyhound Pub is also inevitable. We understand that, when it was operating, the pub appeared to be busy and ought to have been profitable, so that it ought not to have needed to close, save for other reasons (such as the need to alter the junction). However, we wonder whether the loss could be mitigated by a new pub being provided as part of the development at site A.
- Nevertheless, Fox Lane is relatively narrow and winds somewhat, so that the Planning Committee will need to be satisfied that the roads have sufficient capacity, and that the effect of the junction alteration will not merely be to move the traffic jam down the road.
- We are also concerned that proposed development at Site A (Whitford) does not have sufficient community facilities. With 490 houses, this development is likely to become a community of 2000 people, which is larger than some villages that typically have at least a pub and a community hall, whereas the developer only proposes a single shop. The proximity to the western end of Sanders Park should mean that Open Space provision is rather less necessary than in some other cases, this should mean that the developer is more able to afford to provide other facilities. Providing a pub should not affect the viability of the scheme, except in that the space required for one would probably mean a slight reduction in the number of houses to be built. However a Community Hall would require funding of a kind that s.106 is able to provide.
- The developer proposes junction improvements at the cross-roads between Kidderminster Road and Whitford and Perryfields Roads. The last plans we saw for the Perryfields development appeared to show Perryfields Road being closed and a new exit on to Kidderminster Road slightly west of the present crossroads. We questioned that in our comments on that development, as the present line (with a cross-roads) will provide a good link (or spine) road providing a route between northern and western suburbs of the town, reducing the pressure of traffic on congested junctions near the town centre.
- You will also recall that we have advocated a link road from Barnsley Hall Road to somewhere near Lickey End, to provide an exit from the north and west of the town towards M42. Your council ought to be seeking funding from developers for such a road. It is appreciated that this is a considerable distance from this proposed development, but such a road would in fact serve it well.
- This is formally an objection to the present proposal, but (as stated) we are not objecting to the principle of development, only to the detailed description of what is proposed.

Bromsgrove Society

Consulted – views received 19 January 2017:

- It is the Society's intention to lodge a formal objection to the above planning application.
- We are currently examining pertinent documents accompanying the application with a view to preparing a reasoned rebuttal of the developer's resubmission.

Publicity

- 359 letters sent 8 December 2016 (expired 29 December 2016)
- Additional letters sent 22 January 2018 (expired 12 February 2018)
- Site notices posted 8 December 2016 (expired 21 December 2016)
- Press notice published 16 December 2016 (expired 30 December 2016)

29 representations **supporting** the scheme on the following principal issues:

- Affordable housing is required for those families to stay in the town they have grown up in
- The scheme provides easy access to the town and is in walking distance. This is important for those without transport
- Bromsgrove needs more housing and this is the perfect location for houses to be sited
- The site is the right area to build on and will prevent building on the Green Belt
- The development will help develop the town centre by bringing investment and people to use the town shops and businesses
- Traffic is not a problem in Bromsgrove

421 representations received **objecting** to the scheme on the following **principal** issues:

Principle

- Site is unsuitable for housing development
- The site is not sustainable
- New development will have a negative impact on Bromsgrove
- Bromsgrove has already had its share of housing with additional sites coming forward
- Development will result in a loss of Green Belt land
- The land should remain arable for farming

Loss of the Greyhound Inn Public House

- The Greyhound Inn Public House is an Asset of Community Value and should be retained
- We are losing too many heritage properties [Public Houses] to housing developers and restaurants
- Local communities require local pubs with history and character

Form of Development

- The design and layout is underwhelming

Air Quality

- The development will exacerbate the problems currently experienced by the Town Centre AQMA (Air Quality Management Area)
- Concerns regarding the increase in air pollution in the AQMA
- Perceived health issues arising from poor air quality

Highways and Access

- Development will add to the already congested roads in this area and through Bromsgrove
- The increased traffic associated with the seven local schools will simultaneously cause extra traffic daily
- Impact on All Saints Road
- Long queues at the Kidderminster Road junction
- Long queues at the Rock Hill junction
- Rat running to avoid the queues at Rock Hill
- Increased traffic and parking on Highfield Road
- High traffic speeds
- Increase in road traffic accidents
- Increased traffic will turn smaller roads into rat runs
- The road surfaces on Millfield Road, Shrubbery Road and Brook Road are already poor and require complete resurfacing. The increase in traffic levels resulting from the development will accelerate the deterioration
- Pedestrian safety concerns (particularly with regard to school children crossing the road and walking along narrow footpaths to get to school)
- Lack of footpath provision on Whitford Road
- Lack of adequate footpath provision on the lower section of Millfield Road
- Concerns regarding waste collection access to Albert Road
- Loss of parking bay in Albert Road
- Increased on road parking on Albert Road
- Loss of layby and parking provision currently serving the shop on Rock Hill
- The roundabout will be less safe for cyclist than the current Rock Hill/Fox Lane junction

Noise and Disruption

- Concerns regarding the increased noise from traffic and development
- Concerns regarding the disruption during development from site traffic and work

Drainage and Flood Risk

- Drainage in the area is not adequate for the development
- Development will increase the risk of flooding in Sanders Park and the Brook Road area

Biodiversity and Trees

- Concerns regarding the removal of tree and hedgerows and the effect this will have on the ecology of the site and wildlife
- Destruction of wildlife habitat
- Impact on protected species, with direct reference to the water vole population in the Battlefield Brook

Infrastructure

- There is a general lack of infrastructure to support the development
- Concerns about the additional number of children seeking places at local schools
- Concerns about the increase in waiting times at dentists and doctors
- Lack of public services

Other Matters

- Subsidence concerns
- Development will increase crime rates
- Loss of grit bin on Albert Road

Whitford Vale Voice

The following documents have been submitted:

- Comments & Observations on the Worcestershire County Council Feasibility Assessment for a Bromsgrove Western Distributor Road: July 2016
- Comments on the Execution of the Traffic Surveys Undertaken for Worcestershire County Council during May 2017
- Comments on the Worcestershire County Council Survey Specification for Tenders to Undertake Traffic Surveys in Bromsgrove: May 2017
- Outline Planning Application Number 16/1132 for: • Site A (Land off Whitford Road) and • Site B (Land off Albert Road) Comments on Noise Impact Assessments for Site A: August 2017
- Technical Note WVV 1 Analysis of the WCC May 2017 Bromsgrove Traffic Surveys: September 2017
- Whitford Vale Voice Objection to Planning Application 16/1132 Land off Whitford Road, Bromsgrove & Land off Albert Road, Bromsgrove (April 2018)
- Planning Application 16/0335 Technical Note WVV2 Perryfields Paramics Traffic Model: January 2018
- Letter dated 18 April 2019: WVV are aware that Axiom Traffic Limited have been using cameras and recording equipment to conduct a traffic survey at the Parkside junction. We believe this is the first attempt since the Local Highway Authority and BDC commissioned surveys at this junction in 2017 to provide a snap shot of traffic flows following the delivery of subsequent growth and regeneration projects. WVV welcome the survey and look forward to the release of the data into the public domain by the commissioning client. However, WVV wish to place on record the context under which the Axiom traffic survey data has been collected as our analysis may be of assistance to Mott MacDonald as they provide support to BDC on planning applications.
- Copy of Bromsgrove Paramics Local Model Validation Report (August 2019) relating to 16/0335
- **Technical Note WVV BDC 1 Perryfields Road Through Traffic: June 2018**
 - This Technical Note presents the WVV position on the use of Perryfields Road by through traffic.
- **Technical Note WVV BDC 2 Whitford Road/Fox Lane and Millfields Residential Area Through Traffic: June 2018**
 - This Technical Note presents the WVV position on through traffic using the Whitford Road / Fox Lane Link and the Millfields Residential Area. This complements Technical Note WVV BDC1.
- **Technical Note WVV BDC 3 Use of the Friarscroft Estate as a Proxy for the Distribution of Traffic from the Proposed Whitford Road Town Expansion Site: June 2018 (Version with Appendices submitted 1 October 2019)**
 - This Technical Note discusses the distribution of vehicular traffic from the proposed Perryfields and Whitford Road Town Expansion Sites (TES).

- **Technical Note WVV BDC 4 Hanover Street – Worcester Road Queue Survey: June 2018**
 - This Technical Note discusses use of fixed cameras to collect queue length survey data.
- **Technical Note WVV BDC 5 Modal Shift: June 2018**
 - This Technical Note presents the WVV position on modal shift
- **Technical Note WVV BDC 6 Development Vehicle Trip Distribution & Assignment: June 2018**
 - This Technical Note presents the WVV position on the issues of development vehicle trip distribution and assignment.
- **Technical Note WVV BDC 7 Impact of Development Traffic in Catshill: June 2018**
 - This Technical Note presents the WVV position on the impact of development traffic in Catshill. It identifies the sources of development vehicle trips that will add to existing traffic flows in Catshill and highlights the absence of assessments of the impact of this development traffic on the local highway network.
- **Technical Note WVV BDC 8 Trip Rates: June 2018**
 - This Technical Note presents the WVV position on non-residential trip rates, applicable to the Perryfields and Whitford Road Town Expansion Sites (TES).
- **Technical Note WVV BDC 9 Double Counting the Benefit of Travel Plans: June 2018**
 - This Technical Note presents the WVV position on the double counting of the benefit of Travel Plans.
- **Technical Note WVV BDC 10 Internalisation of Development Vehicle Trips: June 2018**
 - This Technical Note presents the WVV position on the internalisation of development vehicle trips.
- **Technical Note WVV BDC 11 Committed Development: July 2018**
 - This Technical Note presents the WVV position on committed developments.
- **Technical Note WVV BDC 12 TEMPro Growth Forecasts and the Bromsgrove District Plan: July 2018**
 - The position of WVV in relation to how the National Trip End Model (NTEM) and the Trip End Model Presentation Program (TEMPro) deals with the growth and regeneration identified in the Bromsgrove District Plan (BDP) for the period 2023 to 2030.
- **Technical Note WVV BDC 13 Accounting for Growth Planning Application 16/0335 Land at Perryfields Road: July 2018**
 - In this Technical Note WVV discuss how Planning Application 16/0335 (Land at Perryfields Road) accounts for growth in vehicle trips across the local highway network arising from committed developments and adopted Local Plan allocations.

- **Technical Note WVV BDC 14 Accounting for Growth Planning Application 16/1132 Land off Whitford Road and Land off Albert Road: July 2018**
 - How the Transport Assessment (TA) and Transport Assessment Addendum (TAA) account for growth in vehicle trips across the local highway network arising from committed developments and adopted Local Plan allocations. The Applicant's TA and TAA deal only with the traffic generation arising from the proposed Whitford Road site.
- **Technical Note WVV BDC 15 Reconciling the Perryfields Development Vehicle Trip Generation: July 2018**
 - WVV are unable to reconcile the number of development vehicle trips through the site access junctions and the Applicant's total development vehicle trip generation. This technical note outlines the WVV position on this matter.
- **Technical Note WVV BDC 16 Perryfields Spine Road: July 2018**
 - This outlines the WVV position on the proposed Perryfields spine road.
- **Technical Note WVV BDC 17 Queue Survey Methodology and Junction Model Validation: July 2018**
 - This technical note outlines the WVV position on the issue of the methodology used to measure queues at junctions and the use of such surveys to validate junction models.
- **Technical Note WVV BDC 18 Whitford Road TES Site Access Road Safety Audit: July 2018**
 - This technical note outlines the WVV position on the absence of a Road Safety Audit for the proposed site access junctions for Site A (Land off Whitford Road) of Outline Planning Application 16/1132 Site A (Land off Whitford Road) and Site B (Land off Albert Road).
- **Technical Note WVV BDC 19 Bromsgrove Town Centre South Cluster of Junctions: July 2018**
 - This technical note outlines the WVV position on the vehicle interactions at the cluster of junctions in the South of Bromsgrove Town Centre.
- **Technical Note WVV BDC 20 Modelling the Waitrose Junction: July 2018**
 - This technical note refers to the modelling of the A448 Kidderminster Road/A448 St John Street/B4091 Hanover Street (Waitrose) mini-roundabout and discusses further the Manual Classified Counts (MCC) undertaken at this junction and junction modelling.
- **Technical Note WVV BDC 21 Rat Running in the Millfields Residential Area: July 2018**
 - This technical note provides a summary of the WVV position on the issue of rat running in the Millfields residential area.
- **Technical Note WVV BDC 22 Rat Running in All Saints Road and Victoria Road: July 2018**

- This technical note provides a summary of the WVV position on the issue of rat running on All Saints Road and Victoria Road.
- **Technical Note WVV BDC 23 Peak Hour/Residential Trip Rate Review: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that the applicants have made different determinations of the time periods for the weekday peak hour when assessing the impact of development vehicle trips on the local highway network. This technical note provides the WVV position on the weekday peak hour issue.
- **Technical Note WVV BDC 24 B4091 Rock Hill/Fox Lane Junction Design Matters: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that both applicants propose a mitigation strategy at the B4091 Rock Hill/Fox Lane junction that replaces the current priority T-junction with a hybrid roundabout. This technical note provides the WVV position on the design of the roundabout.
- **Technical Note WVV BDC 25 B4091 Rock Hill/Fox Lane Junction Road Safety Issues: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that both applicants propose a mitigation strategy at the B4091 Rock Hill/Fox Lane junction that replaces the current priority T-junction with a hybrid roundabout. This technical note provides the WVV position on the road safety issues at the proposed B4091 Rock Hill/Fox Lane roundabout.
- **Technical Note WVV BDC 26 B4091 Rock Hill/Fox Lane Junction Modelling: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that both applicants propose a mitigation strategy at the B4091 Rock Hill/Fox Lane junction that replaces the current priority T-junction with a hybrid roundabout. This technical note provides the WVV position on the modelling of the proposed B4091 Rock Hill/Fox Lane roundabout.
- **Technical Note WVV BDC 27 B4091 Rock Hill/Fox Lane Junction Loss of Parking Spaces: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that the applicants have made different determinations of the time periods for the weekday peak hour when assessing the impact of development vehicle trips on the local highway network. This technical note provides the WVV position on the loss of parking spaces at the B4091 Rock Hill/Fox Lane (with specific reference to the layby adjacent the existing junction).
- **Technical Note WVV BDC 28 Site B Land off Albert Road Site Access & Parking: August 2018**

- This technical note provides a summary of the WVV position on the issue of site access and parking at Site B (land off Albert Road).
- **Technical Note WVV BDC 29 Identifying Total Delays at a Reconfigured Perryfields Crossroads Junction Cluster: August 2018**
 - This technical note provides a summary of the WVV position on the identification of total delays at a reconfigured arrangement of junctions at the existing Perryfields Crossroads.
- **Technical Note WVV BDC 30 B4091 Rock Hill/B4091 Worcester Rd/Charford Rd Roundabout Design Matters: August 2018**
 - This technical note provides a summary of the WVV position on the design of the proposed mitigation scheme at the B4091 Rock Hill/B4091 Worcester Road/Charford Road junction.
- **Technical Note WVV BDC 31 B4091 Rock Hill/B4091 Worcester Rd/Charford Rd Roundabout Junction Modelling: August 2018**
 - This technical note provides a summary of the WVV position on the modelling of the proposed mitigation scheme at the B4091 Rock Hill/B4091 Worcester Road/Charford Road junction.
- **Technical Note WVV BDC 32 B4091 Stourbridge Road/Perryfields Road Modelling the Existing Junction: August 2018**
 - WVV have examined the transportation submissions for planning applications 16/0335 (Land at Perryfields) and 16/1132 and note that the applicants have made different determinations of the time periods for the weekday peak hour when assessing the impact of development vehicle trips on the local highway network. This technical note provides the WVV position on the modelling of the B4091 Stourbridge Road/Perryfields Road junction.
- **Technical Note WVV BDC 33 Whitford Road Town Expansion Site Modelling the Site Access Junctions: August 2018**
 - This technical note provides a summary of the WVV position on the modelling of the site access junctions for the proposed Whitford Road Town Expansion Site.
- **Technical Note WVV BDC 34 Walking & Cycling Strategy Safe Walking Route to Proposed Perryfields First School & Nursery: August 2018**
 - This technical note provides a summary of the WVV position on the provision of a safe walking route from the proposed Whitford Road Town Expansion Site to the proposed new Perryfields First School and Nursery (planning application 16/0335).
- **Technical Note WVV BDC 35 Accounting for the Impact of Greyhound Inn Development Traffic: August 2018**
 - This technical note provides a summary of the WVV position on the impact of Greyhound Inn Public House development traffic.
- **Technical Note WVV BDC 36 Review of the Bromsgrove Paramics Model Addendum Report: September 2018**

- WVV have previously examined the Bromsgrove Paramics Model Specification Report dated September 2017, provided to support planning application 16/0335 (Land at Perryfields). WVV have subsequently reviewed the Applicant's Bromsgrove Paramics Model Addendum Report dated 8 August 2018. In this technical note, WVV provide comments on the Addendum Report.
- **Technical Note WVV BDC 37 Funding of Proposed Parkside Junction Improvements: September 2018**
 - This technical note is provided in response to the Worcestershire Highways Section 122 Compliance Statement for Planning Applications 16/0335 (Land at Perryfields Road) and 16/1132.
- **Technical Note WVV BDC 38 Funding of Proposed Junction Improvements: September 2018**
 - This technical note is provided in response to the Worcestershire Highways Section 122 Compliance Statement for Planning Applications 16/0335 (Land at Perryfields Road) and 16/1132.
- **Technical Note WVV BDC 39 A38 Bromsgrove Major Scheme Package 1: October 2018**
 - This technical note is provided in response to the Public Reports Pack provided for the Worcestershire County Council Cabinet meeting held on 27 September 2018.
- **Technical Note WVV BDC 40 Fox Lane and Whitford Road Delays: December 2018**
 - It is the considered opinion of WVV that due to the limitations of the WCC fixed camera traffic survey methodology the one-day data sample reported by WCC for 17 May 2017 understates actual queue lengths and delays at key locations in Bromsgrove. This technical note sets out the position of WVV on this issue.
- **Technical Note WVV BDC 41 Millfields ANPR Analysis: December 2018**
 - In this Technical Note WVV examine data from the Worcestershire County Council (WCC) Automatic Number Plate Recognition (ANPR) traffic survey of 16 May 2017 to examine the behaviour of existing residents that represent a proxy for the behaviour of future residents of the proposed Whitford Road TES.
- **Technical Note WVV BDC 42 Site A Land off Whitford Road Development Vehicle Trip Assignment: December 2018**
 - In this Technical Note WVV examine vehicle trip assignment data and provides an update to technical note WVV BDC 6. WVV revisit the applicant's distribution of development vehicle trips for the purpose of travel to work and provide an alternative assignment of such development vehicle trips to local Middle Super Output Area (MSOA) destinations, assign development vehicle trips for purposes other than travel to work within local MSOA's to the local highway network and revisit the applicant's assignment of development vehicle trips for the purpose of travel to work to a place of employment to the east of Bromsgrove.
- **Technical Note WVV BDC 43 Site A Land off Whitford Road Access to Bus Services: January 2019**

- In this technical note WVV comment on the accuracy and quality of the applicant's TA and TAA statements on existing bus services and discuss the potential for modal shift from single occupancy peak period development vehicle trips to bus travel.
- **Technical Note WVV BDC 44 Site A Land off Whitford Road Development Vehicle Trip Assignment – Cumulative Assessment: June 2019**
 - In this technical note WVV comment on the assignment of development vehicle trips from the proposed Perryfields TES that is provided within WSP Transport Technical Note 5 (TTN5) – Perryfields Rd Cumulative Assessment dated 7 May 2019 as evidence for the Whitford Road TES.
- **Technical Note WVV BDC 45 Site A Land off Whitford Road Traffic Study Area Review: June 2019**
 - In this technical note WVV identify the extent of the study area initially agreed for the assessment of the impact of development vehicle trips on the local highway network, document the changes made to expand original study area, identify and discuss new evidence supplied by the applicant and make the case for a further extension of the study area.
- **Technical Note WVV BDC 46 Whitford Road TES Assessing the Impact of Development Vehicle Trips at the Parkside: June 2019**
 - In this technical note WVV note the latest evidence on the performance of the A448 Market Street/B4091 Stourbridge Road/Birmingham Road/A448 The Strand – Stratford Road (Parkside) Junction, note the applicant's assignment of development vehicle trips from Site A to the local highway network, provide a critique of the applicant's assignment of development vehicle trips from Site A to the local highway network and note the applicant's addition of the Parkside Junction to the study area where the applicant is required to assess the impact of development vehicular traffic and promote appropriate mitigation strategies.
- **Technical Note WVV BDC 47 Bromsgrove Western Distributor Road: September 2019**
 - In this technical note WVV state the purpose of a Western Bromsgrove Distributor Road, provide a chronological review that demonstrates recognition for significant and long term investment in the local highway network to ensure it is fit for the purpose of delivering growth and regeneration and provide an analysis of the indicative routes and costs given in the Worcestershire County Council (WCC) Bromsgrove Western Distributor Road Feasibility Assessment.
- **Technical Note WVV BDC 48 Development Impact on Catshill: October 2019**
 - Whitford Vale Voice (WVV) have examined the Mott MacDonald (MM) Technical Note – Development Impacts on Catshill dated 21 August 2019 and in this Technical Note, WVV set out to:
 1. Reiterate the WVV position on the MM “Stourbridge Road 100” rule;
 2. Identify the development traffic percentage impact threshold used by the applicant for application 16/1132 (Land off Whitford Road and Land off Albert Road) to trigger a full assessment of the impact of development vehicle trips at a junction using industry standard junction modelling software;

3. Provide an alternative methodology for the assignment of development vehicle trips to viable multiple routes across the local highway network in Catshill accessed from B4091 Stourbridge Road;
4. Apply the WVV alternative Catshill multiple route assignment to provide a summary of the impact of proposed Whitford Road Town Expansion Site (TES) development vehicle trips;
5. Provide a Catshill multiple route summary of the impact of Whitford Road TES plus Perryfields TES development vehicle trips

- **Technical Note WVV BDC 49 TEMPro Growth Logic Check: October 2019**

- In this Technical Note Whitford Vale Voice (WVV):
- 1. Provide an overview of National and Regional policy on how Transport Assessments are required to account for the impacts on the highway network of committed developments and Local Plan allocations;
- 2. Provide a summary of the progress with committed development and Local Plan allocation construction projects during the period of Local Highway Authority traffic surveys undertaken in May 2017.
- 3. Identifies how for Planning Application 16/1132 (Land off Whitford Road and Land off Albert Road) the Applicant has chosen to account for the impacts on the highway network of committed developments and Local Plan allocations;
- 4. Provide a logic check to test the validity of the Applicant's methodology used to account for the impacts on the highway network of committed developments and Local Plan allocations.

- **Letter dated 12 October 2019**

Whitford Vale Voice (WVV) has undertaken a comprehensive review of:

- The Applicant's transportation submissions
- The transportation submissions for Planning Application 16/0335 (Land at Perryfields) in so much as they impact upon the Whitford Road / Greyhound Inn cumulative impact assessment and school sensitivity test;
- Submissions from Worcestershire County Council (WCC) in their role as Local Highway Authority (LHA); and;
- Submissions from Mott MacDonald (MM) acting in their transportation and highway advisory role to Bromsgrove District Council (BDC). WVV have submitted to the Local Planning Authority (LPA), Bromsgrove District Council (BDC), a series of 49 detailed Technical Notes outlining key aspects of our concerns regarding the Whitford Road/Greyhound Inn application on transportation grounds. This letter provides a summary of the key reasons why WVV consider that the Whitford Road/Greyhound Inn application should be refused, namely:
 - 1. Whitford Road site access
 - 2. Greyhound Inn site access
 - 3. Journeys through the Town Centre to the M42 and the M5 at Lydiate Ash
 - 4. Ignoring Pupil Escort Trips by Car
 - 5 Ignoring Vehicle Trips to the South East Bromsgrove & Stoke Prior Employment Areas
 - 6 Assessment Scenarios and Ignoring Vehicle Trips
 - 7 Traffic Survey Concerns
 - 8 Accounting for Committed Developments and Local Plan Allocations
 - 9 Suppressing Vehicle Trips Generated by Development at Perryfields

- 10 Proposed Rock Hill / Fox Lane Roundabout
- 11 Charford Road Roundabout
- 12 Millfields
- 13 Perryfields Crossroads
- 14 Bromsgrove Town Centre
- 15 Stourbridge Road/ Perryfields Road Junction
- 16 Catshill
- 17 A38 Improvement Scheme
- 18 Whitford Road Bus Service
- 19 Western Distributor Road

Conclusions

- It is the considered opinion of WVV that insufficient information has been provided to convince ourselves and the local community that the impact of development at the Whitford Road and Greyhound Inn sites on highway safety, ease of movement and congestion will not be severe, a test specified in the National Planning Policy Framework (NPPF).
- In respect of transport and highways WVV consider that the proposed developments at Site A (Land off Whitford Road) and Site B (Land off Albert Road) do not comply with Government Planning Policy. The NPPF does not support schemes that would have severe transport impacts, nor those whose impacts have not been fully assessed.
- With regards to Site A (Land off Whitford Road);
 - 1. The Applicant has failed to meet the requirement of NPPF Paragraph 108(b) to ensure that safe entry to and egress from the Site for pedestrians and vehicular traffic can be achieved;
 - 2. Development will have unacceptable impacts on highway safety, a severe cumulative impact on traffic congestion and ease of movement, and conflicts with Paragraph 109 of the NPPF; and;
 - 3. Development fails to meet the requirements of Policy BDP5A.7(d) for the guaranteed provision of bus services.
- With regards to Site B (Land off Albert Road otherwise known as the Greyhound Inn) the Applicant's proposals;
 - 1. Have not been shown to meet NPPF Paragraph 108(b) requirements to ensure that safe entry to and egress from the Site for vehicular traffic;
 - 2. Do not meet the minimum onsite parking requirements specified in the WCC Streetscape Design Guide; and;
 - 3. Do not satisfy the requirements of the BDC High Quality Design Supplementary Planning Document in terms of adequate amenity levels for future occupiers. Consequently development at the proposed Greyhound Inn development is likely to result in increased competition for the existing on-street parking amenity and a detrimental impact on ease of movement and highway safety.
- **WVV Technical Note Summary: October 2019**
 - This document provides a summary of the Technical Notes listed above, with responses received from other parties.
 - The responses are colour coded using the following key:
 - Green: Matters where there is broad agreement between WVV and other parties. Such matters may be material to the WVV conclusion that insufficient information has been provided to convince ourselves and the local community that the impact

of development at the Whitford Road and Greyhound Inn sites on highway safety, ease of movement and congestion will not be severe.

- Yellow: Matters where no response has been received from another party. Such matters are material to the WVV conclusion that insufficient information has been provided to convince ourselves and the local community that the impact of development at the Whitford Road and Greyhound Inn sites on highway safety, ease of movement and congestion will not be severe.
- Red: Matters where WVV are not in agreement with the response received from another party. Such matters are material to the WVV conclusion that insufficient information has been provided to convince ourselves and the local community that the impact of development at the Whitford Road and Greyhound Inn sites on highway safety, ease of movement and congestion will not be severe.

Members are directed to these documents in full, available on-line via Public Access.

At the time of writing, a response from Mott Macdonald is currently awaited in relation to the latest submissions from WVV (WVV Technical Note 48, WVV Technical Note 49, WVV letter dated 12 October 2019 and WVV Technical Note Summary (October 2019)). Following receipt of a response, this information will be uploaded onto the District Council's website and Members provided with a link. An update will be prepared and Members will be advised of this.

Representation from Hill Top Ward Councillor Luke Mallett

Views received 24 December 2016:

- I write to categorically object to this application as the County and District Councillor for the area covered by the proposed Whitford Road development. It is my view that this application would impact on traffic and roads across Bromsgrove, leaving a severe cumulative impact on our roads, contrary to the NPPF.
- Accordingly, due to the complex nature of the highways evidence please accept this as a holding objection, I will likely wish to submit additional evidence in objection once a detailed analysis of the application is completed by the residents and groups I represent.

Overall Development Context and Sustainability

- Whilst many I speak to recognise the need for housing in Bromsgrove this cannot be at the cost of traffic gridlock. It seems perverse that the Council's previous and emerging local plans earmark the West of Bromsgrove for the majority of development whilst the improvements to road and transport infrastructure are being made to the East of the town.
- The SHLAA assessment carried out to identify this site is now clearly flawed, and were it re-run today the site would have been red flagged on the basis of that same sustainability assessment.
- Following initial discussion with the residents and groups I represent I would make the following early observations - these are subject to a full review of the TA and potential additional traffic analysis:

General Points

- Between 2013 and 2030 WCC expect the number of vehicles on our roads to grow by 13.7% during the morning rush hour and 15.3% during the evening rush hour. That's before adding in any extra traffic from new housing anywhere in Bromsgrove.

- In 2030 WCC forecast that the total length of all the traffic queues across Bromsgrove and Redditch will increase above 2013 levels by 99% in the morning rush hour and 95% in the evening rush hour. These are an average across both towns. The growth in queues will be greatest where new housing is built. That's the West of Bromsgrove.
- BDC has to deliver 7000 new homes by 2030. They don't know yet where they are going to build 2400 of these homes but they want to put most of them in Bromsgrove.
- The Homes and Communities Agency want to build homes on the former Barnsley Hall Hospital site and land on the west side of the Stourbridge Road between Bromsgrove and Catshill is earmarked for housing too.
- WCC's plans for junction improvements are to cope with the first 4600 of the 7000 homes that Bromsgrove needs to build. They have no strategy or plans for how the West of Bromsgrove will cope with the traffic from a further 2400 homes.
- To meet its needs for new homes and jobs Bromsgrove needs a new road to distribute traffic around the west of the town and the only viable route is across the Whitford Road site. Allowing a new estate at Whitford Road would be bad planning and short termism of the worst kind. Build at Whitford Road and you can never have the new road infrastructure Bromsgrove needs for all its 7000 new homes.

The Whitford Triangle

- Even though we have long queues in Fox Lane each morning we all know that it is quicker to get from the Perryfields Crossroads to Rock Hill along Whitford Road and Fox Lane rather than going past the new Waitrose in Town. WCC and the Whitford Road developer know this is true because they kept telling us so during the first Whitford application. However WCC's new traffic model claims the opposite is true. Quite simply any road improvement schemes in the Town Centre and the West of Bromsgrove based on forecasts from the new traffic model cannot be trusted.

Rock Hill /Fox Lane Issues - Greyhound and Local Shop/Junction Alignments

- The Greyhound is an Asset of Community Value.
- Traffic flows in the new model through the junction do not accurately replicate what happens at the moment.
- The proposed roundabout still only has one lane on the approach when travelling south. Drivers will now have to give way to traffic from the right coming out of Fox Lane. Queues in Rock Hill will get longer and are likely to block the Charford Road roundabout. Charford Road roundabout is the start of the Worcester Road AQMA.
- The Fox Lane approach to the roundabout goes from one lane of queuing traffic to two making it more dangerous to cross the road here.
- As you walk down Rock Hill towards town on the Greyhound side of the road when you get to Fox Lane and try to cross traffic coming into Fox Lane is approaching from behind you making it more dangerous to cross here.
- When the light controlled crossing is activated traffic will block the roundabout,
- Loss of parking spaces in front of the shop will mean loss of business and potentially risk the viability of a key community asset in the form of the shop because passing motorists will have less chance of finding a parking space.
- Loss of parking spaces on the east side of Rock Hill may mean buses are unable to pull into the layby due to parked cars thereby blocking back to the roundabout may occur.
- Roundabout does not meet DfT design standards for visibility.

Millfields

- At the Planning Inspection, the Inspector said "Some of the roads through that area are narrow, without footways, and are used by children attending the Primary School

at Swift Close. Any significant increase in traffic through this area would therefore be likely to have adverse impacts on pedestrian safety and residential amenity."

- WCC have told the developer that after improvements at Rock Hill they think 56 drivers from the new development will rat run through Millfields each morning and 27 each evening. But they have chosen to ignore these rat runners through Millfields and are not offering any mitigation at all.

Perryfields Crossroads

- Turning movements at the junction in the new model do not replicate the current situation.
- The error in the model about Perryfields to Rock Hill travel times means the model understates the amount of traffic turning into and out of Whitford Road.
- Junction improvements based on the new model cannot be trusted.
- It is likely that eastbound traffic queuing at the new Whitford Road lights will block the proposed new Perryfields roundabout.

Whitford Road

- The proposed junction alignments near Deansway are not safe and risk accidents at this location.

Members are encouraged to review all submitted documentation, including the third party letters summarised above. A number of representations have been accompanied by photographs to illustrate traffic and drainage concerns. All submitted information is available to view in full on the District Council website via Public Access.

1.0 The Site and its Surroundings

1.1 The application consists of two sites.

1.2 Site A (Land at Whitford Road)

1.2.1 Site A is currently used as agricultural land and consists of 23.54 hectares.

1.2.2 The site lies on the western side of Bromsgrove. Its eastern boundary is formed by Whitford Road. Between Whitford Road and the town centre are mainly urban land uses, including the Deansway and Millfield housing areas, and Sanders Park, a large area of public open space.

1.2.3 To the south, the site adjoins housing around Sunningdale Road. To the north is Timberhonger Lane, a minor country lane, where there are also two existing dwellings and a pumping station. To the west, there is open countryside and the M5 motorway.

1.2.4 The topography is undulating, and the site is visually contained by the ridgeline on its western boundary. There are some established hedgerows, including one that crosses the site from east to west, but no other features of note. A public footpath runs from Sunningdale Road, alongside (but outside) the site's southern boundary, and gives views over the site.

1.2.5 To the north, Whitford Road joins the main highway network at Kidderminster Road (the A448), forming an uncontrolled staggered cross-roads with Perryfields

Road. To the south, Whitford Road becomes Fox Lane, which reaches the main network at Rock Hill (B4091), in an uncontrolled T-junction.

1.2.6 In the adopted Bromsgrove District Plan, Site A is identified as a Bromsgrove Town Expansion Site in Policy BDP5A. Site A is designated as BROM3.

1.3 **Site B (Greyhound Inn Public House: Albert Road/Fox Lane/Rock Hill)**

1.3.1 Site B amounts to 0.277 hectares. This contains a now closed and vacant Public House, garden area and associated car park.

1.3.2 The site has a frontage and an access onto Fox Lane, with a mix of residential properties including terraced and semi-detached houses and bungalows to the north and east. The public house is located at the junction of Fox Lane and Rock Hill. There is a separate frontage onto Albert Road which also includes a now disused point of access.

1.3.3 In the adopted Bromsgrove District Plan, Site B is located in a designated residential area.

2.0 **Proposal**

2.1 This development relates to an outline planning application for:

2.2 **Site A (Land at Whitford Road)**

Provision of up to 490 dwellings, Class A1 retail local shop (up to 400 square metres), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and

Site B (Land off Albert Road)

Demolition of Greyhound Inn Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage

2.3 The application has been submitted in outline with all matters except access reserved for future detailed applications. The access details proposed comprise for Site A, two new priority accesses onto Whitford Road, and for Site B, a new priority access onto Albert Road.

2.4 To be clear for Members, the only elements of the proposed development that are for consideration at this stage and fixed by the outline application are:

Site A: maximum number of dwellings (490)

the inclusion of a retail unit of a maximum of 400 square metres

the location and form of the two accesses onto Whitford Road

Site B: the demolition of the Greyhound Inn Public House

maximum number of dwelling (15)

the location and form of the access onto Albert Road

part-provision for accommodation of a new roundabout

2.5 Notwithstanding this, the applicant has submitted an Indicative Masterplan indicating the form of the development, with an accompanying Design and

Access Statement that details the underlying development principles and addresses the constraints of the site and the surrounding locality. To be clear, with regard to all matters except access, the Masterplan should be treated as purely illustrative but if necessary, other elements can be secured by suitable conditions.

2.6 To provide further clarity for Members, the proposed development consists of:

SITE A

- Up to 490 dwellings
- Local shop up to 400 square metres floorspace (Use Class A1)
- The creation of two new priority T junctions onto Whitford Road
- The creation of pedestrian and cycle access onto Whitford Road
- The creation of landscaping and open space
- Internal road network
- Car and cycle parking
- Sustainable drainage measures, including surface water attenuation
- Provision of utilities infrastructure
- Earth works and all ancillary works

SITE B

- Up to 15 dwellings
- Demolition of the Greyhound Inn Public House
- The creation of a new priority access onto Albert Road
- The creation of landscaping
- Internal road
- Car and cycle parking
- Sustainable drainage measures
- Provision of utilities infrastructure
- Part-provision of roundabout

2.7 Consideration has been given to the sequential and phased delivery of the scheme at Master Plan stage. This is to ensure that the Miller Homes owned area of the site is provided with access from the Catesby Developments owned area of the site in the first Phase (1A). The subsequent sequential build program envisaged will thus allow development to proceed in a logical order.

2.8 The scheme also includes a programme of highway mitigation measures external to Site A and Site B. These are:

Location	Works
Rock Hill/Fox Lane	Roundabout
A448 Kidderminster Road/Whitford Road/Perryfields Road	Traffic signals
Worcester Road/Charford Road	Roundabout approach widening
A448 Kidderminster Road/Hanover Street/St Johns Street	Roundabout approach widening
A448 Kidderminster Road near Dawson Road	Signal controlled crossing
Whitford Road near Timberhonger Lane	Signal controlled crossing
A38 Major Scheme Improvement	Financial contribution

Location	Works
Whitford Road and St Johns Street via Sanders Park	New cycleway
Bus Service	Financial contribution

- 2.9 The proposed housing mix will incorporate 1, 2, 3, 4 and 5 bedroom units of open market housing, along with affordable housing. On Site A, 490 dwellings equate to approximately 31 dwellings per hectare when calculated against the net residential area (21 dwelling per dwellings if the residential and open space areas are combined). Site B would equate to 54 dwellings per hectare, based on the provision of 15 units.
- 2.10 The provision of 40% affordable housing is proposed (equating to 202 units based on the maximum provision of 505 units spread across site A and site B).
- 2.11 The scheme includes some re-grading of levels within Site A. Such re-grading would be limited to the southern and central areas of the site in order to better regularise the steeper land form and valley features. This will be accommodated through a cut and fill basis with no export or import of material. Site A includes a comprehensive Sustainable Drainage System (SuDS) to restrict run-off rates and volumes in. This will take the form of attenuation basins and a central swale. Site B also proposes sustainable drainage measures.
- 2.12 The application has been subject to an Environmental Impact Assessment (EIA) in relation to Site A only. This has examined the potential effects that may occur in connection with its development. The findings of the EIA are reported in the Environmental Assessment (ES), together with amended information received in January 2018 and updated information received in May 2019.
- 2.13 Although the proposals for Site B are included within this outline application, they are not assessed within the ES as the proposals do not give rise to any significant environmental effects. Also, Site B amounts to 0.277 ha which sits below the threshold for infrastructure projects as classified by Schedule 2 in the 2011 (as amended) Regulations.

3.0 Relevant Policies

3.1 Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP2 Settlement Hierarchy
- BDP3 Future Housing and Employment Growth
- BDP5 Bromsgrove Strategic Site Allocations
- BDP5(A) Bromsgrove Town Expansion Sites
- BDP6 Infrastructure Contributions
- BDP7 Housing Mix and Density
- BDP8 Affordable Housing
- BDP12 Sustainable Communities
- BDP13 New Employment Development
- BDP16 Sustainable Transport
- BDP19 High Quality Design

BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

3.2 Others

High Quality Design SPD
SPG11 Outdoor Play Space
WWCS Worcestershire Waste Core Strategy
NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
National Planning Policy for Waste (NPPW)
National Design Guide (September 2019)

4.0 Relevant Planning History

4.1 Site A

- 4.1.1 13/0479 Residential development comprising up to 490 dwellings and small retail (Class A1) shop; together with two new accesses onto Whitford Road; provision of new public open space; landscaping; and sustainable urban drainage
Refused: 21 August 2014
Appeal APP/P1805/A/14/2225584: Dismissed 3 August 2015

A subsequent application under Section 288 of the Town and Country Planning Act 1990 to quash the planning appeal decision taken by the first defendant, the Secretary of State for Communities and Local Government, by one of his Planning Inspectors, John Felgate BA(Hons) MA MRTPI was dismissed by the High Court of Justice (Queen's Bench Division Administrative Court Birmingham) on 17 March 2016 (reference CO/4421/2015)

4.2 Site B

- 4.2.1 17/00950 Demolition of existing two-storey building (full planning application)
Refused: 13 November 2017
- 4.2.2 16/0832 Demolition of existing two-storey building (prior notification)
Prior Approval Required: 4 October 2016
Full Planning Permission Required: 11 November 2016
- 4.2.3 13/0674 Erection of 7 no terraced houses on rear western car park and opening up of existing driveway on Albert Road to existing car park
Refused: 3 March 2015
Appeal APP/P1805/W/15/3024037: Allowed 24 September 2015

- 4.3 As detailed above, Site A was the subject of outline planning application (reference 13/0479). This application was refused on 21 August 2014 on highway grounds only. The refusal was subject to an appeal, whereby the Inspector deemed that the overall main issue related to the effects of the proposed development on traffic congestion, ease of movement and highway safety in Bromsgrove. The appeal was subsequently dismissed on 3 August 2015. The Inspector's overall conclusions, with the relevant paragraphs as set out in the appeal decision, are set out in full below (noting that reference is given to Policies from the now superseded Bromsgrove Local Plan (BLP)).
- 4.4 140. For the reasons set out above, I find that the proposed development would have a severe residual cumulative impact on traffic congestion, movement and highway safety. Because of this, it would conflict with the aims of the three most relevant saved policies in the adopted BLP, namely DS13, S7, and TR11. In these respects, the appeal proposal is contrary to the development plan. Even though that plan is out of date with regard to housing provision, these policies have continuing force. In any event, for the same reasons the proposed scheme conflicts with paragraph 32 of the NPPF.
- 4.5 141. On the other hand, the proposed development would provide a substantial amount of housing, in a district where there is a shortfall in the 5-year housing land supply. The scheme would therefore help to meet housing needs, including a substantial contribution to affordable housing. The appeal site is a proposed housing allocation under draft Policy BDP5A.7 in the emerging District Plan, which is well advanced towards adoption. As such, it is one of the preferred locations for future development, and an important component of the Council's housing strategy. The NPPF places great weight on the need to maintain the 5-year land supply, and on the need to boost housing supply on suitable sites. These are powerful considerations in favour of granting permission.
- 4.6 142. However, the relevant policies do not seek simply to provide housing at any cost. Policy BDP5A.7 makes clear the need to manage cumulative traffic impact and to take full account of the impact on the wider transport network. The NPPF does not support schemes that would have severe transport impacts, nor those whose impacts have not been fully assessed. In its present form, the appeal scheme and its mitigation proposals do not strike an acceptable balance between the need for housing and the need to provide adequate transport infrastructure, including reasonable standards of safety and ease of movement, for both future and existing residents. To my mind, this does not match the aims of either the BDP or the NPPF with regard to sustainable development.
- 4.7 143. Refusing permission would delay the delivery of the emerging BDP housing strategy. But equally, granting permission on the basis now sought would run the risk of frustrating the BDP's strategy, by effectively limiting highway capacity in an area where other major developments are planned. In this respect, the scheme would be contrary to the only recognised infrastructure plan that currently exists, the IDP. In all the

circumstances, I come to the conclusion that the proposed development would not meet the aims of draft BDP Policy BDP5A.7.

- 4.8 144. In coming to this conclusion, I have given considerable weight to the stated views of WCC as Highway Authority, who strongly support the proposed development and its mitigation strategy, but on the balance of the evidence, I find this consideration outweighed.
- 4.9 145. In addition to housing, the scheme would also have the other benefits identified above, including transport contributions, open space and as a stimulus to the economy. But these do not tip the balance. Having regard to NPPF paragraph 14, I conclude that the proposed development's benefits are significantly and demonstrably outweighed by the harm that it would cause in terms of added traffic congestion and the related issues of movement and safety. As such, it would not constitute sustainable development.
- 4.10 146. I have taken into account all the other matters raised, but none alter this conclusion. The appeal is therefore dismissed.
- 4.11 This application as it relates to Site A, seeks to address the concerns raised by the Inspector in the appeal, principally in the context of striking the balance between:
1. The need for housing; and
 2. The need to provide adequate transport infrastructure, including reasonable standards of safety and ease of movement, for both future and existing residents

5.0 Appraisal

5.1 Policy Context

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Members will be aware that the Development Plan for the area comprises the Bromsgrove District Plan (BDP) 2017.
- 5.3 A number of representations make reference to the application constituting inappropriate development in the Green Belt. Site A was taken out of the Green Belt and identified as an Area of Development Restraint (ADR) in the 2004 Bromsgrove District Local Plan. With the subsequent adoption of the Bromsgrove District Plan in 2017, the site was then confirmed as a residential development site. For the avoidance of doubt, a refusal of this application would not have the effect of restoring the Green Belt designation which once existed. Nor would it alter the District Plan allocation of this site for development.
- 5.4 Members will also be aware that the application site is one of three which are identified as a Bromsgrove Town Expansion Site. Site A is designated as site BROM3.

- 5.5 Policy BDP5A.6 states that BROM3 is to include approximately 490 dwellings and associated community infrastructure, including public open space, play facilities, and small scale local retail provision. The other proposed TESSs at Bromsgrove are BROM2 at Perryfields Road, just to the north of the application site, which is allocated for 1,300 dwellings and 5 hectares of employment and a local centre (subject of pending planning application reference 16/0335); and BROM1 at Norton Farm, to the north-east of the town, which is allocated for 316 dwellings in the Plan. Norton Farm has been granted planning permission and is now substantially completed and occupied.
- 5.6 With regard to all the TESSs, Policy BDP5A.7 sets out various requirements for their development. Of relevance to BROM3 are the following requirements:
- (c) states that an overall transport strategy will be developed to maximise walking and cycling opportunities;
 - (d) seeks significant improvements in passenger transport, including integrated and regular bus services connecting the new and existing residential areas with the town;
 - (e) states that it will be necessary to manage the cumulative traffic impact generated by the developments, with proposals being subject to appropriate appraisal in consultation with Worcestershire County Council as highway authority, and taking full account of the impact on the wider transport network;
 - (i) The sites will have an overall strategy for green infrastructure (incorporating SuDS and blue infrastructure) that maximises opportunities for biodiversity and recreation throughout and in the case of BROM3, links to Sanders Park;
 - (j) Important biodiversity habitats and landscape features should be retained and enhanced with any mitigation provided where necessary. There should be no net loss of hedgerow resource within the sites. Full account should be taken of protected and notable species (e.g. badgers, reptiles, water voles and bats);
 - (k) An appropriate assessment of the pollution risks to controlled waters will be produced taking account of any previous contaminative uses on the sites (including the historic landfill) and the risks associated with the proposed uses;
 - (l) Flood risk from the Battlefield Brook on BROM3 should be managed through measures that work with natural processes to improve the local water environment addressed through flood management measures to protect and enhance the District's watercourses and enable development;
 - (m) SuDS proposals must provide an appropriate level of treatment to avoid pollution risks to controlled waters, and be designed to achieve the greenfield rate of runoff and support water levels in the Battlefield Brook. And surface water runoff must be managed to prevent flooding on and around all of the sites through the use of SuDS. In accordance with the objectives of the Water Framework Directive, development should ideally contribute towards the improvement of, but as a minimum not have a deteriorative effect on, the water bodies associated with the site; enhance, or at least not worsen, water quality.

- 5.7 Site B can be considered as a windfall site given it is a site not specifically identified in the Development Plan.
- 5.8 The NPPF seeks to promote sustainable development. The achievement of this aim requires consideration of the inter-linked social, economic and environmental dimensions. Pursuing sustainable development involves seeking positive improvements in the quality of the built environment and in the quality of life; this includes improving the conditions in which people live, work and travel, and also widening the choice of homes (paragraphs 7-8).
- 5.9 With regard to transport, paragraph 111 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan and the application should be supported by a transport statement or transport assessment so that the likely impact of the proposal can be assessed. Plans and decisions should take account of opportunities for sustainable transport modes; safe and suitable access for all; and cost-effective improvements to the transport network, to limit significant impacts. However, permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 130 states that permission should be refused for development of poor design, which fails to take opportunities for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.11 Using the most up to date monitoring information, at April 2019 Bromsgrove District Council cannot demonstrate a 5 year supply of deliverable housing land sites. This means that paragraph 11(d) of the National Planning Policy Framework is engaged for the reasons set out below.
- 5.12 Paragraph 11 as a whole sets out a presumption in favour of sustainable development and the second part for decision-taking states:
“For decision-taking this means:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 5.13 Footnote 7 of the NPPF states that “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer as set out in paragraph 73)”. Therefore the presumption in favour of

sustainable development is engaged by reason of the inability of Bromsgrove District Council being able to demonstrate a five year supply of housing land, and thus the most important policies for dealing with the application could be viewed to be out of date.

- 5.14 The trigger in paragraph 11(d) was perhaps drafted with speculative, non-allocated, windfall sites in mind and it is considered that sites such as Whitford Road (Site A) which benefit from inclusion in a Development Plan were not the intended focus of the test. These sites would be expected to be in accordance with the Development Plan and thus be approved “without delay” (paragraph 11(c)). Nonetheless, the Council does not have a five year supply of housing sites, the site does not fall within an area protected by policies in the Framework as listed at footnote 6 (SSSI, Green Belt, Local Green Space, AONB, National Park etc) and therefore, by default, paragraph 11(d) is engaged.
- 5.15 However, determination of the application does not rest wholly on paragraph 11(d) of the NPPF, as the policies within the Development Plan which do not restrict the supply of housing remain material and still carry substantial weight. However, mindful of the 5 year housing supply position for Bromsgrove, the considerations under paragraph 11(d) take on added weight.
- 5.16 This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Local Plan policies continue to be relevant to determining site-specific issues and whether a development can be considered ‘sustainable’.
- 5.17 It is therefore considered that other material factors must be considered and whether the approval of the application would undermine the Bromsgrove District Plan and whether the proposal would ensure a sustainable and well-designed development.
- 5.18 Members will note that the application is split into Site A (Whitford Road) and Site B (Greyhound Inn Public House). The report deals with the site specific planning issues relating to Site A and Site B separately.
- 5.19 Issues surrounding the impact on the highway network, education provision, medical infrastructure, community assets and planning obligations that relate to the application as a whole are considered after the two site specific appraisals.

6.0 Site A Planning Appraisal

- 6.1 In addition to the release of the site for development and housing supply matters as detailed in Section 5.0 *Policy Context* above, the main focus for Members in relation to Site A relate to the following matters:
- Loss of agricultural land
 - Sustainability
 - Form and density
 - Traffic and highway considerations

- Air quality
- Noise
- Geology
- Landscaping and trees
- Open space and play space
- Ecology
- Water management and flood risk
- Education provision
- Medical infrastructure
- Community assets
- Planning obligations

7.0 Site A: Loss of Agricultural Land

7.1 Paragraph 170(b) of the NPPF as amplified by Footnote 53 of the NPPF states that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*

7.2 There is no evidence that the housing needs of Bromsgrove can be met by avoiding development of such best and most versatile land having regard to the extent of the designated Green Belt. The loss of such land constitutes a dis-benefit of the proposal but not one which would justify refusal when balanced against issues of 5 year housing land supply and the limited availability of land to meet such need.

8.0 Site A: Sustainability

8.1 In paragraph 160 of the Inspector’s Report on the Examination into the Bromsgrove District Plan (December 2016), the Inspector concludes that [BROM3] [is] appropriate and deliverable, the detailed requirements for the allocation [is] clear and justified and the boundaries and extent of the [site] [is] correctly defined.

8.2 In relation to Site A, the site is located approximately 800 metres to the west of Bromsgrove Town Centre. The site is well related to local pedestrian facilities, with footways in the nearby residential areas, through Sanders Park and on the local Public Rights of Way network providing opportunities for trips to be made on foot to local facilities and to Bromsgrove town centre.

8.3 Works have also recently been undertaken to construct a new 3.5 metre wide combined walking and cycling path through Sanders Park from Whitford Road to Kidderminster Road. The Section 106 Agreement also secures a financial contribution towards further improvements to the walking and cycling routes located in Sanders Park. The contribution will allow other desire lines to be addressed, the widening of existing routes and potential lighting. These improvements will go some way to addressing the views expressed by the Rambler’s Association in terms of connectivity to Bromsgrove town centre, particularly through Sanders Park.

- 8.4 In order to allow greater connectivity I also intend to impose a Condition to create a link between the development and public footpath BM-587 that runs to the southern boundary. The scheme also has the potential to make full use of opportunities for walking on the Monarch's Way to the north of the site, as advocated by Policy BDP5A.7(c).
- 8.5 Accessibility to cycling routes is very good with National Cycle Routes (NCR) NCR5 and NCR46 passing through Bromsgrove (connects to Crabtree Lane and provides equivalent access to the potential school site as the pedestrian routes and taking approximately 15 minutes to complete), together with Timberhonger Lane immediately north of the Site forming part of NCR46.
- 8.6 The 98 bus service operates close to the site, providing a daytime frequency through the surrounding housing estates and linking to the Town Centre. Other high frequency bus services are provided on Kidderminster Road to the north and Rock Hill to the south. The 144 bus service on Rock Hill running between Smallbrook Queensway, Birmingham and Worcester Crowngate Bus Station starts operates 05:30–20:15 Monday–Thursday, Friday 05:30–22:00, Saturday 06:20–22:00 and 06:50–17:05 on Sunday. Bromsgrove railway station is located 2 kilometres east of the site. The railway station is accessible by bus via the bus station located in the town centre, including the 98 bus service and the 144 bus service. Members will also note that the Section 106 Agreement secures a financial contribution towards a new bus service.
- 8.7 For development to be sustainable, it must be more than easily accessible and well located for services, facilities and employment. In this respect the site is in a sustainable location. I thus raise no concern on this issue and consider the scheme would comply with the sustainability aims of the NPPF and NPPG.
- 9.0 Site A: Form and Density**
- 9.1 Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. However, the application contains an Illustrative Master Plan and information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. Members at this stage are thus being requested to determine issues of principle, whilst paying regard to the parameters set out in the Illustrative Masterplan, the Design and Access Statements and the Planning Statement.
- 9.2 Members will also note that the scheme will involve a degree of re-grading of land through a cut and fill exercise. The re-grade focuses on the central valley plateau. The submitted Design and Access Statements provides an indicative site section of such works. The precise details of these works will form part of the Reserved Matters application if outline consent is granted. The Building Control Officer has raised no objection to this aspect of the scheme, subject to a suitable condition relating to a full engineering design solution of the specification, extent and methodology details of the cut and fill works.

- 9.3 The site at present has very limited arboreal features, these being three small woodland areas on the western edge of the site and a small number of trees on the south-west and southern edges of the site and three hedgerows (across the centre of the site and to the boundaries with Whitford Road and Timberhonger Lane respectively). The development would result in the loss of open land, but having regard to its design and visibility, I am of the view that the impact of the development on the landscape and visual character would not be demonstrably harmful. There would no material loss of an identified attractive landscape. Enhancement to the site boundaries created by additional planting will also benefit both existing and future residents.
- 9.4 The development provides a density of 31 dwellings per hectare (net site area). The development of the site is influenced strongly by topography and the retention of the existing screening belts to the southern and western boundaries. The development responds to these identified constraints whilst demonstrating efficiency in terms of land use. I am of the view that the density is acceptable in this location. The indicative housing mix would be appropriate. Both the density and illustrative housing mix would comply with Policy BDP7 of the BDP. Details of the housing mix would be secured by Condition.
- 9.5 Members will note the description of the application is detailed as up to 490 dwellings for Site A. If Members are minded to approve the application, this will restrict any subsequent Reserved Matters application to the maximum number of dwellings proposed. This should provide some comfort to those third parties raising concern over future housing numbers on this site.
- 9.6 Members will note the scheme includes a retail element. The accompanying commentary to Policy BDP5A states that BROM3 will include a minimum of 490 dwellings and associated community infrastructure that should include public open space with play facilities and small scale local retail provision. On this basis, there is policy support for the approach taken by the applicant.
- 9.7 In terms of the scale of the retail element, the applicant identifies that a unit of up to 400 square metres of floorspace will be developed within this proposal. There is no locally set threshold within the policy framework in which to consider the suitability, or otherwise, of the retail element being proposed and therefore the judgement rests on what is considered to be 'small scale'. The NPPF identifies at paragraph 89 in relation to retail thresholds that "*if there is no locally set threshold, the default threshold is 2,500 square metres*". The proposed floorspace is under the defined threshold identified in the NPPF and the focus for the unit is to meet local needs and not to be an out-of-centre destination in its own right. The North Worcestershire Economic Development and Regeneration Officer raises no objection to this aspect of the scheme, subject to the imposition of a suitable condition limiting the size of this unit to the maximum 400 square metres proposed.
- 9.8 I note the concerns of third parties regarding the underwhelming design and layout. I note the views from CPRE regarding the protection of the ridgeline in terms of built form. I also note the views regarding crime.

9.9 Without full details of the proposed buildings, it is difficult to fully assess the impact of the development on the amenities of adjoining residences. However the illustrative layout suggests no significant problems in this respect. I am therefore satisfied that any resultant development can be accommodated without detrimentally affecting existing residential amenities and be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within the High Quality Design SPD. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

9.10 I am of the view that the general thrust of the Illustrative Masterplan and the Design and Access Statements are sound with regard to sustainable and attractive layouts. However, whilst I am content, this does not preclude alternative layouts coming forward at the detailed design stage. This includes an appreciation of the views put forward by CPRE. The Reserved Matters submission should thus seek to address the detailed concerns raised by third parties at this stage. Members will note the views of the Urban Designer on such matters.

10.0 Site A: Air Quality

10.1 Members will note the concerns raised by local residents and the Ward Member in relation to the issue of air quality. This is with particular regard to the potential impact on the designated Worcester Road Air Quality Management Area (AQMA) due to the migration of traffic routing into the town centre. To clarify, the application site itself is not located in an AQMA.

10.2 WRS has critically reviewed the March 2019 update of the 2016 and 2018 Air Quality Impact Assessment (which now includes revised cumulative traffic data to take into account the proposed Perryfields development). The report is an appropriate AQA and includes model verification to show that the model had performed satisfactorily. WRS has raised no objections to the development on air quality grounds, subject to Conditions relating to electric vehicle charging points and secure cycle parking. The request for low emission boilers does not meet the Condition test.

10.3 In relation to construction matters, a Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

11.0 Site A: Noise

11.1 Following consideration of comments from Worcestershire Regulatory Services and an updated noise assessment, the extent of built development in the north western part of the site has been amended. To illustrate this, a revised parameters plan (16912/1017B) has been submitted indicating where the built area will be. This will control and inform the future submission of Reserved Matters submissions.

- 11.2 A four metre high noise attenuation barrier to mitigate against noise from the M5 is proposed to the north-west of the site, between the proposed built form and open space. This affects the extent of the development area on this part of the site. The location and extent of the barrier is shown on the submitted Development Parameter Plan Reference 16912/1017B. The parameter plan will be conditioned to ensure the delivery of the acoustic fencing. Subject to the imposition of the condition, WRS has raised no objection on noise grounds.
- 12.0 Site A: Geology**
- 12.1 Members will note that a number of third party representations have referred to concerns regarding incidences of subsidence in the vicinity of the site. I have also been provided with evidence of subsidence issues in the recent past linked to previous development applications.
- 12.2 The application site has been investigated with a series of trial pits and boreholes that indicates the site has not been quarried or backfilled. Furthermore, the natural ground has been proved extensively across the site to be underlain by Bromsgrove Sandstone, a competent bed rock and founding strata that is capable of supporting traditional foundations without the need for special measures or treatment, other than to locally deepen through loose weathered material. A small deposit of alluvium runs alongside the Battlefield Brook at the northern edge. The variation in recorded soil types on the site is in part due to the slope and aspect of the location. A geological fault – the Western Boundary of Fairfield Fault – runs adjacent the western edge of the site.
- 12.3 Although there are no records of any extraction having taken place, there is a record of a landfill immediately adjacent to the western boundary alongside the M5 motorway. There are also records of former building stone quarries located around Hill Top and Fox Lane, to the south of the site. I am also aware through the consultation process that part of the development site has a history as a rifle range. The Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions, including details of further ground gas monitoring.
- 12.4 Subject to earthworks and foundations being appropriately designed for the encountered conditions it is thus highly unlikely that settlement issues will be an issue.
- 12.5 In terms of the re-grading of the site, once final levels have been determined along with the extent of any associated cut and fill operations, further intrusive work will be required to obtain samples for earthworks testing in order that a cut and fill methodology can be provided for the site. As detailed in paragraph 9.2, the Building Control Officer suggests that the developer is requested to offer a geo-technical engineer's design for the cut and fill exercise. This should clarify how undisturbed ground at higher levels is to be retained in a stable manner, together with the foundation design at lower levels. This is proposed to be conditioned.

12.6 In terms of geo-conservation, the site is not designated as being of international or national significance in terms of geological significance. The Hereford and Worcester Earth Heritage Trust (HWEHT) has raised no objection to the scheme, advising that the development will not affect any protected geological exposure.

13.0 Site A: Landscaping and Trees

13.1 The site is not covered by any statutory or non-statutory designations for landscape character or quality. The Tree Officer is of the view that the scheme is able to achieve a good level of new tree planting in sustainable locations and landscape provision. The issue of hedgerow loss needs addressing. These concerns can be addressed at the Reserved Matters stage.

14.0 Site A: Open Space and Play Space

14.1 The Illustrative Masterplan shows the provision of 7.3 hectares of formal public open space. This includes a linear park central to the site that would be equipped, together with use of the land to the ridgeline to the western boundary for more informal uses. The applicant intends to manage and maintain the on-site open space through a management company. This will be secured through the Section 106 Agreement.

14.2 Based on the Illustrative Masterplan, the on-site open space requirements of Policy BDP25 of the BDP and the standards set out in SPG11 are exceeded in relation to play space. I accept the scheme would lead to pressure on Sanders Park in relation to youth/adult play space. The applicant has responded to these concerns by agreeing to a commuted sum for enhancements towards adult/teen provision in Sanders Park (equipment provision and sport pitch improvements for junior football).

14.3 The views of the Head of Leisure Services on this issue are noted. The precise details of any equipment will form part of any Reserved Matters submission. Sport England has raised no objection to the scheme.

15.0 Site A: Ecology

15.1 Worcestershire Wildlife Trust (WWT) have raised no objection to the scheme, subject to the imposition of suitable conditions relating to the ecological mitigation and enhancement set out in Section 11 of the Environmental Statement. WWT has also advocated the submission of a Construction Environmental Management Plan (CEMP), a Landscape and Ecology Management Plan (LEMP) to protect existing on-site features and the adjacent watercourse, a lighting strategy and the ecological enhancements for the built environment as suggested by the Environmental Statement. Of particular note is that the SuDS system should involve a new outfall to the Battlefield Brook designed to minimise the risk of scouring to its banks and beds in order to protect the established water vole wetland habitat provision on this watercourse.

15.2 Subject to such conditions, I am therefore satisfied there will not be any direct impact on any identified protected species. I thus raise no issues on ecological grounds.

16.0 Site A: Water Management and Flood Risk

16.1 I note the concerns raised by third parties in relation to flooding. This is with particular regard to flooding on Whitford Road and Timberhonger Lane and further downstream along the Battlefield Brook (with particular reference to Sanders Park and the Brook Road area).

16.2 The application has been accompanied by a Flood Risk Assessment (FRA). The proposed development is located in Flood Zone 1 (little to no risk of fluvial or tidal flood risk) and it is sequentially appropriate. The proposed development is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 1 of the Planning Practice Guidance. The Battlefield Brook is the closest watercourse and is located outside of the application site to the north. There is no development proposed within Flood Zones 2 and 3 and as a result no flood compensatory works will be necessary.

16.3 The scheme will incorporate a comprehensive Sustainable Drainage System (SuDS) that takes into consideration the current greenfield runoff rates in order to restrict post-development run-off rates and volumes and thus provide betterment. The FRA proposes a combination of SuDS techniques including soakaways for roof water, permeable paving for driveways and a central swale which will connect the development of two attenuation ponds that will discharge via a single outfall to the Battlefield Brook. It is proposed that the flows from the application site will be controlled so that they are maintained at or lower than the existing greenfield run-off rates. This will ensure there is no adverse impact downstream.

16.4 I acknowledge that the hydrogeological setting of the proposed development is highly sensitive. The majority of the site overlies the Bromsgrove Sandstone which is classed as a principal aquifer. The site is also located in close proximity to a public water supply borehole. It is therefore essential to ensure that groundwater quality is protected. The proposed sustainable drainage systems will provide pollution treatment measures to the proposed surface water run-off within the application site and will result in an overall improvement to the water quality of the discharge to the Battlefield Brook.

16.5 The foul sewerage system serving the development will discharge by gravity to the Severn Trent Water foul sewerage system. Severn Trent Water has raised no objection to the scheme.

16.6 Contrary to the views raised by third parties, the Environment Agency and North Worcestershire Water Management (NWWM) have concluded that the proposed surface water drainage strategy will offer significant flood risk betterment compared to the existing greenfield situation and will not increase flood risk elsewhere. NWWM is particularly supportive of the use of the variety of

techniques to improve water quality, whilst also managing the quantity of water flowing from the site.

- 16.7 I therefore raise no objection to the scheme on drainage and flood risk, subject to the imposition of suitable Conditions, including a drainage strategy and details of the finished floor levels of the dwellings.

17.0 Site A: Archaeology

- 17.1 The development raises no archaeological concerns given the views of the Worcestershire County Council Archaeological Service. Suitable conditions relating to recording will be imposed as appropriate.

18.0 Site B Planning Appraisal

18.1 Site B: Principle of Redevelopment and Form and Layout

- 18.2 The site is located in a recognised residential area on a brownfield site where the principle of residential development is acceptable. Through the demolition of the Public House, the proposal would lead to the erection of up to 15 residential units. I am satisfied the maximum density at 54 dwellings per hectare is acceptable and makes efficient use of the site. The site is highly sustainable in terms of location given its geographic relationship to Bromsgrove town centre and benefits from good public transport opportunities, including the 144 bus service on Rock Hill, immediately adjacent the site.

- 18.3 Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. The application contains an Illustrative Master Plan and information on design principles, architectural style, materials and how the development of Site B would integrate within the character of the surrounding locality.

- 18.4 Without full details of the proposed buildings, it is difficult to fully assess the impact of the development on the amenities of adjoining residences. However the illustrative layout suggests no significant problems in this respect. I am therefore satisfied that any resultant development can be accommodated without detrimentally affecting existing residential amenities and be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within the High Quality Design SPD. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

- 18.5 Members will note the description of the application is detailed as up to 15 dwellings for Site B. If Members are minded to approve the application, this will restrict any subsequent Reserved Matters application to the maximum number of dwellings proposed. This should provide some comfort to those third parties raising concern over the number of dwellings on this site.

19.0 Site B: Heritage Considerations

- 19.1 In terms of the Greyhound Inn Public House, Members will note the views of the Conservation Officer (CO), Whitford Vale Voice, Councillor Mallett and third parties in relation to heritage matters. The CO is of the view that the building is a non-designated heritage asset and would prefer to see the scheme amended to retain this building.
- 19.2 Following the prior approval application in August 2016 to demolish the property, it became subject to listing as an Asset of Community Value (ACV). The ACV Listing was challenged by the applicant both via an internal review and then at appeal at the First Tier Tribunal. Following a hearing, Judge Peter Lane determined that the appeal was allowed and the Public House did not qualify as an ACV and should be removed from the Listing due to it being found unrealistic that the Public House will be brought back into community use in the next five years. This is a material planning consideration in the determination of this application.
- 19.3 The business closed in April 2016. Members will note from the planning history that the full planning application to demolish the Public House (reference 17/00950) was refused in November 2017. Members considered the building to be a non-designated heritage asset and in the balancing exercise, took the view that there were no public benefits that would outweigh the loss of the building at the time of determination. The state of the building has deteriorated incrementally since closure and was subject to an arson attack in March 2019. The building remains unoccupied and is currently boarded and secure.
- 19.4 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 19.5 I acknowledge the views of the Conservation Officer. I also acknowledge that there are some historical qualities to the building which warrant it being considered a non-designated heritage asset. Members will recall that within the Judge's decision on whether the Public House should be an ACV, he concluded that it was 'unrealistic' to think that the property could ever be re-opened as a Public House again. The allocation of the Whitford Road site as a development site (BROM3) in the adopted Bromsgrove District Plan should also be given substantial weight when considering this application.
- 19.6 Taking these matters into consideration in the balancing exercise required (including the significance of the heritage asset), I am of the view that the loss of the asset is outweighed by the significant wider benefits of the scheme.
- 19.7 Worcestershire County Council Archaeological Service has raised no objection to the loss of the building. The applicant is willing to accept a condition that will

provide an appropriate level of recording in advance of demolition. This will record details of the asset for archive purposes.

20.0 Site B: Highway Issues

20.1 A new priority access is proposed onto Albert Road. WH has raised no objection to the location and form of the new access.

20.2 The demolition of the Greyhound Inn Public House will enable the necessary highway infrastructure works to be carried out at the junction of Fox Lane and Rock Hill. Site B contains provision to part accommodate a new roundabout. A new priority access is proposed to serve the site off Albert Road. This will replace the existing T-junction. This issue is discussed in further detail in the Traffic and Highways Implications section below.

20.3 I note the third party comments relating to the loss of the one parking bay on Albert Road. This is an informal parking area within the bell-mouth that has arisen from the previous closure of the vehicular access serving the Greyhound Public House. Worcestershire Highways has not objected to the loss of this space. I also note the perceived concerns from residents regarding increased on road parking on Albert Road as a result of the redevelopment of Site B. Policy compliant on-site parking provision will form part of any Reserved Matters submission.

21.0 Site B: Tree Issues

21.1 The large Weeping Willow tree sited at the front of the site close to the junction of Rock Hill and Albert Road is formally protected under Tree Preservation Order (15) 2016. The Tree Officer has confirmed that the tree should be retained and given full protection in accordance with BS5837:2012 recommendations throughout any demolition, ground or development works on the site. An awareness of this tree and the required protection it should receive is noted within the submitted Method Statement and compliance with this Statement would be conditioned. The Tree Officer has raised no objection, subject to the imposition of this Condition.

22.0 Site B: Protected Species

22.1 A bat survey has been undertaken but concluded that there were no evidence of roosting bats and as such it is considered reasonably unlikely that the building supports a bat roost. I therefore raise no issue with regard to protected species.

23.0 Site B: Other Issues

23.1 The indicative Masterplan for Site B demonstrates that 15 dwellings can be accommodated on the site without detrimentally affecting existing residential amenities and be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within the High Quality Design SPD. Full details will form part of any Reserved Matters submission.

- 23.2 This site falls entirely within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. A SuDs approach to drainage matters is proposed. NWWM has raised no objection to the scheme subject to a suitable drainage strategy.
- 23.3 A number of residents have raised concerns regarding the accessibility of the site for domestic waste collection. Members will note the scheme is in outline and the internal road configuration to serve Site B is not for determination at this stage. Waste Management has raised no objection. The full details of bin storage facilities and bin access arrangements will be scrutinised at Reserved Matters if outline consent is granted.
- 23.4 The existing grit bin located on Albert Road located at the proposed vehicular access to serve Site B will be relocated in a suitably accessible position in Albert Road through the Section 278 process.
- 23.5 I have no technical objections in relation to air quality, contaminated land or noise matters arising from the re-development of Site B. The request from WRS for Conditions relating to electric vehicle charging points and secure cycle parking can be applied to Site B.

24.0 Application Wide Matters

24.1 Traffic and Highway Considerations

- 24.2 Members will note the internal road network is not for consideration at this stage at either Site A or Site B.
- 24.3 Members will be aware that the majority of third party representations have raised concern with regard to traffic congestion and highway safety (with particular regard to the Fox Lane/Rock Hill junction and the Whitford Road/Kidderminster Road junction), Town Centre congestion and the potential for rat running on residential roads in the locality of the application site. Members will note the suite of Technical Notes submitted by Whitford Vale Voice for consideration and the consultation responses from Worcestershire Highways and Mott Macdonald on this issue. Where appropriate, the applicant has also responded. Whilst I note the comment regarding the impact on All Saints Road, this particular street is considered to be too remote from the application site to be able to show that there would be an impact from this application to result in a severe impact or an unacceptable impact on highway safety. To be clear, whilst local residents may consider there to be existing issues it is not the responsibility of this development to address these concerns.
- 24.4 A detailed Transport Assessment (TA) has been prepared by WSP in support of the planning application. The assessment process has been lengthy and detailed to ensure the transportation evidence being used to support this application is robust. The approach adopted has been a traditional approach with engagement between Worcestershire Highways, Bromsgrove District Council and Mott Macdonald, the Council's retained independent highway consultant. This process has also involved some engagement with Whitford Vale

Voice. The TA has assessed the impact of development upon the local and strategic highway networks in terms of traffic generation and has also considered the accessibility of the site via alternative modes of travel.

- 24.5 Given the Site A BROM3 allocation in the adopted Bromsgrove District Plan, Worcestershire Highways is of the view that the principle is considered to be acceptable, subject to detailed design matters and access arrangements. No objection from Worcestershire Highways has been raised to the form and location of the two new accesses leading off Whitford Road or to the new access leading off Albert Road.
- 24.6 It is accepted that the application represents a major development proposal which will place new demands across the local transport network. In transport terms, this application has been considered both as a standalone proposal and in a holistic manner to ensure the cumulative impacts of this scheme and the pending Perryfields scheme are understood and appropriately mitigated.
- 24.7 The conclusion of the Planning Inquiry into planning application 13/0479 is a key consideration. Following the decision of the Planning Inspector, a Bromsgrove VISUM transport model was completed, this allowed for highway assignment and the level of demand on junctions to be assessed. Whilst this model considered the impact of this development, it was subsequently deemed to not be sufficiently robust. As a result the conclusions of that model run have been withdrawn and do not form any part of the supporting evidence nor has it influenced the conclusions of the Highway Authority. To address the lack of a strategic assignment model, a traditional approach to assignment has been used and this approach has been agreed by the Highway Authority and endorsed by the Council's retained Highway Consultant.
- 24.8 The agreed Transport Assessment scope uses a manual assignment based on journey to work data from the 2011 census. This reflects the majority of peak hour movements. Education trips are commonly part of a commuter trip and therefore these do not need a dedicated assessment. The scope also looks to define trip rates. The predominant trip rate for this application is associated with the residential dwellings, and whilst there are several methodologies that can be used to derive it, the Highway Authority has undertaken local data collection on four proxy sites of similar housing mix in the locality. This has enabled a Bromsgrove vehicle trip rate which is considered to be reflective of the future vehicle movements from this site. Additionally this rate has been used by both of the live housing applications to ensure consistency. This approach is considered to reflect good practice and has set a framework.
- 24.9 The Highway Authority commissioned traffic counts to ensure a consistent dataset was used to assess this application and the Perryfields Road application. These were undertaken in 2017. The Bromsgrove highway network did experience roadworks during this time period, and it is inevitable there would be some disruption during a survey of this scale. To ensure that the data collected was robust, WCC commissioned a series of reports to compare the data to each other and historic data. It has been confirmed that the data

collected is robust and reflective of network conditions, and as a result the data has been used to underpin the highway implications.

24.10 The developers have used the data to assess their proposals and to identify an appropriate mitigation package. The highway mitigation works are summarised below.

24.11 Rock Hill/Fox Lane

24.11.1 This junction was a key consideration in 13/0479, with the Inspector concluding the impact was severe and was not appropriately mitigated. The application now includes the demolition of the Greyhound Inn Public House and the introduction of a new roundabout. This solution will lead to the loss of the parking bays located adjacent the retail store on Rock Hill located within the demise of the public highway.

24.11.2 The roundabout has been subject to capacity and safety assessment and is considered to represent a beneficial position to capacity taking into account both the Whitford Road and Perryfields Road proposals. The Highway Authority has undertaken an early technical approval of the roundabout design to ensure there is certainty on the ability to deliver it. That process has been completed and a detailed design has been provided and fully technically approved. The roundabout will be delivered early in the build programme.

24.12 A448 Kidderminster Road/Whitford Road/Perryfields Road

24.12.1 This junction has been subject to several previous attempts to introduce traffic signals which have not been progressed for reasons of finance and technical difficulties. This application has overcome the previous difficulties and can provide an acceptable signal controlled junction solution. Due to the previous accident record at this junction, the improvement works will be required early in the build programme but recognising that this should not occur at the same time as the Rock Hill/Fox Lane works and it should be at a time to minimise disruption alongside the A38 Bromsgrove Route Enhancement programme. The proposals submitted as part of this application are considered acceptable to mitigate the additional demands that this development will make on the junction.

24.13 Worcester Road/Charford Road

24.13.1 The proposals seek to improve the road width on Charford Road by extending the two lane approach and increasing the junction capacity. This is achieved with a reduction in footway width. This has been carefully considered and concluded that the reduction in width does not impact on pedestrian safety.

24.14 A448 Kidderminster Road/Hanover Street/St Johns Street

24.14.1 These works will involve roundabout approach widening. The financial contribution for these works will be secured through the Section 106 Agreement and be implemented by WCC.

24.15 A448 Kidderminster Road and Whitford Road

- 24.15.1 It is not possible to provide a new footway on Whitford Road and therefore careful consideration has been given to pedestrian desire lines. A new signal controlled crossing will be provided on the A448 near Dawson Road and on Whitford Road, near Timberhonger Lane. This will provide access to two key routes. Firstly to the existing and proposed primary school on Perryfields Road and secondly to Sanders Park and onwards to Bromsgrove town centre, which also provides for wider transport interchange.
- 24.15.2 Both crossings will facilitate a safe and convenient route and will encourage walking and cycling trips rather than car trips.

24.16 The A38 Bromsgrove Route Enhancement Programme

- 24.16.1 A Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) in July to obtain funds from the Major Road Network (MRN) Fund. The scheme being promoted – the A38 Bromsgrove Route Enhancement Programme – will deliver a major upgrade of the A38 corridor, (a key part of the MRN network in Worcestershire), between the junction of the A38 Eastern Bypass with the B4094 Worcester Road to the south, and M5 Junction 4 to the north. July DfT Funding of £7.5m has already been secured from the GBSLEP and £2.7m from the Highways England Growth in Housing Fund. Section 106 planning obligations will also help to deliver this scheme with contributions already received from the Norton Farm development and additional contributions expected to be provided from this application, Perryfields and the Foxlydiate development site (subject to approval of the relevant planning applications). Other funding streams will be pursued and infrastructure will be prioritised based on the funds received and expected to ensure scheme delivery.
- 24.16.2 The application will contribute to the following A38 Bromsgrove Route Enhancement Programme:

Scheme Location	Scheme Description
A38/Charford Road	<ul style="list-style-type: none"> • Widening of the existing 60m two lane approach to enable vehicles to be able to pass within available stop line width, realignment of approach from Charford Road • Widening of Culvert on Stoke Road to facilitate third lane over structure and realign ahead and right turn movement lane to improve access into the left turn lane to the A38 Southbound • Relocate existing left turn pedestrian crossing on left turn from Stoke Road to A38 South • Enhance pedestrian crossing widths across A38 corridor, to enable provision as toucan crossings • Provision of additional footway from Charford Road to tie in with existing crossing location, and link better with Harvington Road (Scheme

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Plan reference

Scheme Location	Scheme Description
	<p>1) sustainable scheme connection</p> <ul style="list-style-type: none"> • Improve footway connection between A38 North crossing and Warwick Avenue • Optimisation of signal timings to provide network control. <p>Improvements to signal timings, and provision of on crossing detectors</p>
A38/Charford Road	<ul style="list-style-type: none"> • Widening of the existing 60m two lane approach to enable vehicles to be able to pass within available stop line width, realignment of approach from Charford Road • Widening of Culvert on Stoke Road to facilitate third lane over structure and realign ahead and right turn movement lane to improve access into the left turn lane to the A38 Southbound • Relocate existing left turn pedestrian crossing on left turn from Stoke Road to A38 South • Enhance pedestrian crossing widths across A38 corridor, to enable provision as toucan crossings • Provision of additional footway from Charford Road to tie in with existing crossing location, and link better with Harvington Road (Scheme 1) sustainable scheme connection • Improve footway connection between A38 North crossing and Warwick Avenue • Optimisation of signal timings to provide network control. <p>Improvements to signal timings, and provision of on crossing detectors</p>
A38 / New Road	<ul style="list-style-type: none"> • Provision of additional southbound traffic lane on A38 • Realign Northbound A38 corridor to accommodate changes in southbound direction • Provision of wider crossing widths over A38 corridor to support at grade crossing in the future. (Element may need to be reconsidered at OBC stage, if the bridge located to the south is provided – Sustainable Scheme 3) • Optimisation of signal timings to provide network control
A38 / A448	<ul style="list-style-type: none"> • Provision of two additional flare lanes (30m and 85m) on A38 North approach • Provision of a 61m flare lane on A448 East approach • Provision of longer flare lane (100m) on A38 South approach • Signalisation of A38 and A448 approaches with

Scheme Location	Scheme Description
	<ul style="list-style-type: none"> • MOVA controller • Revisions to circulatory road markings and approach lane markings with supporting infrastructure
A38/Birmingham Road	<ul style="list-style-type: none"> • Provision of upgraded signal controllers, and on crossing detection • Optimisation of signal timings to provide network control
A38/ Golden Cross Lane/ Braces Lane	<ul style="list-style-type: none"> • Provision of two northbound and two southbound ahead movement lanes on A38 corridor. To provide circa 150m on northbound approach and 125m on southbound approach • Reconfiguration of lane markings southbound to facilitate lane 2 ahead movements. Widening of southbound exit to accommodate two southbound approach lanes • Relocation of A38 northbound bus stop into B4185 Golden Cross Lane, to remove from unsafe location within existing merge • Relocation of existing bus stop lay-by on A38 Southbound • Consideration to be given to removing lay-by for bus stop at this location at next design stage • Provision of pedestrian crossing facility on A38 South arm • Installation of on crossing detectors on all pedestrian crossing elements of signal junction • Increased pedestrian stagger on A38 North approach, to enable a larger pedestrian refuge waiting area <p>Optimisation of signal timings to provide network control</p>
A38/Birmingham Road to M42 Junction 1	<ul style="list-style-type: none"> • Improvements along link, to include road marking alterations • Revisions to School Lane junction

24.16.3 It is accepted that the proposals will add additional trips to the network but it is noted that the scheme provides improved infrastructure which addresses this impact.

24.17 Travel Plan

24.17.1 The Highway Authority is now delivering personal travel plans to future residents which involve face to face meetings as well as the sharing of information and incentives. This is considered to be the most effective manner to encourage behavioural change. Personal travel plan initiatives typically report reductions in car use of 7%-15% in urban areas with an overall average of 11%.

24.17.2 Given the potential methods of travel, the improvements promoted within this application and the nearby Perryfields Road development, the Highway Authority has agreed a 12% reduction to single person occupancy vehicle trips is reasonable with the implementation of a personal travel plan. Funding for these provisions will be made using the Section 106 Agreement.

24.18 Mitigation Measures

24.18.1 Whilst this scheme is addressing its immediate impact, it is appropriate for the Whitford Road scheme and the Perryfields scheme to mitigate for the cumulative impacts of both developments. Consideration has also been given to the Inspector's decision on application 13/0479 on the use of contributions. Additionally the Highway Authority has revisited the required infrastructure based on the anticipated housing required in this plan period.

24.18.2 The use of contributions to mitigate any harm must be reviewed to show it is a proportionate impact and that the development is not disproportionately remedying issues associated with pre-development traffic, and where existing issues occur alternative funding streams should be used alongside developer contributions. In this instance it is particularly relevant to the A38 which is subject to a major schemes bid which allows for contributions from emerging development. Additional to this is that additional development traffic does not necessarily lead to the necessity to mitigate and individual junction analysis is also needed. Where a junction continues to operate in capacity with development impact no mitigation is justified.

24.18.3 The contribution approach has been considered based on the impact on this application and Perryfields Road. The cost of the impact has then been shared proportionate to the number of dwelling houses proposed. For this application, the proportionate contributions are listed below:

Location	Contribution
A38/Birmingham Road	£20,716.34
A38/A448 Oakalls	£367,233.01
A38/New Road	£443,048.43
A38/Stoke Road/Charford Road	£289,830.55
A38/Golden Cross Lane/Braces Lane	£82,205.71
A38/M42 J1	£109,672.90
Market Street/St John Street	£425,124.79
St John Street/Hanover Street/Kidderminster Road	£319,556.79
Total	£2,057,388.72

24.18.4 Additional to the above, contributions to improving sustainable access are warranted. Given the Whitford Road and Perryfields developments represent the vast majority of development in the town which are likely to trigger the need for contributions, the total cost of the uncommitted sustainable infrastructure has been split between the sites, the exception being where there is clearly only a relationship to one of the applications and this includes contributions to passenger transport services. These contributions are listed below:

Proposal	Contribution
Town Centre Active Travel Infrastructure	£148,282.55
Whitford Road Cycle Route	£560,000.00
Public Transport Services	£223,822.71 (up to £350,000)

24.18.5 Additionally contingency has been made in the event that anticipated contributions from application 16/0335 (Perryfields Road) are not forthcoming in a reasonable time frame. The Section 106 Agreement makes an allowance for up to a further £123,000 to be made following a review of proposed new bus service in terms of patronage and subsidy, in a worst case scenario this will allow the service to operate for 6 years at which point it is anticipated that it would become self-supporting or other contributions would be forthcoming.

24.19 Bromsgrove Western Distributor

24.19.1 There have been calls for a western bypass of Bromsgrove which has seen a high level review undertaken as to where such a route could go and an approximation of cost. This work was undertaken on behalf of WCC by JMP at the request of Bromsgrove District Council. This work has been subsequently reviewed by Bromsgrove District Council's independent consultants who concluded that *it is not considered that the JMP report presents sufficient or adequate evidence to dismiss the case for a western distributor/bypass route for Bromsgrove. It should be noted that the overall conclusion could potentially be correct, but further work would be needed to verify this one way or the other.*

24.19.2 At this time there are no proposals for a Western bypass either in the transport evidence to support the existing development plan or in the recently adopted Local Transport Plan 4. As such there is no policy position requiring such a scheme, any indications of the benefits of such a scheme remain untested, and also sit in isolation from a wider appraisal of all options for future transport infrastructure which the District Council is committed to through its plan review processes. From the work undertaken to date it is clear that such a scheme is not necessary to facilitate the development and that improvements to the existing network, listed above, will address any issues related to this application.

24.20 The Strand Junction

24.20.1 Concern has been raised about the impact that development traffic may have on this junction. The Highway Authority has already collected contributions towards this junction to install MOVA which will optimise signal capacity, but is also developing a junction improvement scheme outside the planning framework to improve capacity and pedestrian facilities. It is not considered that there is sufficient impact from this application to warrant mitigation as part of this proposal.

24.21 Response to Whitford Vale Voice Responses

- 24.21.1 Members will be aware that WVV has produced 49 individual Technical Notes (plus a summary document) and a formal objection letter dated 12 October 2019 specific to the Transport Assessments for this application. These have been summarised above.
- 24.21.2 The WVV Technical Notes have been responded to where appropriate by Mott Macdonald (please refer to the document *Mott Macdonald: Whitford Vale Voice Technical Notes Response* received 28 August 2019). This response should be read alongside other Technical Notes prepared by Mott Macdonald to support the process of understanding the transport implications of this outline planning application. These documents are available for inspection on the District Council website via Public Access.
- 24.21.3 At the time of writing, a response from Mott Macdonald is currently being prepared in relation to the latest submissions from WVV (WVV Technical Note 48, WVV Technical Note 49, WVV letter dated 12 October 2019 and WVV Technical Note Summary (October 2019)). These documents are not considered to raise any new issues which would affect the overall conclusions on transportation issues set out in this report. The further response from Mott Macdonald will be placed on the District Council's website via Public Access following receipt and Members provided with a link. An update will also be prepared.

24.22 Conclusions on Highway Matters

- 24.22.1 This planning application has been assessed both as a standalone scheme and alongside the Perryfields Road application to ensure a holistic impact approach has been understood. Whilst the application is of a significant scale and will result in an increase in movements across all modes of transport, the application accords with the expected quantum of development in the adopted Bromsgrove District Plan. The access arrangements have been subject to considerable scrutiny and found to be acceptable by the County Highway Authority and the Council's appointed Highway Consultant Mott Macdonald. A comprehensive package of physical works and financial contributions as described by the County Highway Authority are proposed via a Section 106 Agreement to ensure any impacts on the local network are adequately and suitably mitigated and to ensure access to the site by all modes is addressed. It will also enable wider network improvements via the A38 Bromsgrove Route Enhancement Programme.
- 24.22.2 The application has evolved in terms of clarity on highways issues since its initial submission in 2016 and the design now provides the level of certainty required to determine its acceptability in highway terms. The Highway Authority and Bromsgrove District Council's Highway Consultant have independently undertaken a robust assessment of the submitted TA. Based on the analysis of the information submitted and consultation responses from third parties, the Highway Authority concludes that there would not be a severe residual cumulative impact.

- 24.22.3 It is also concluded that the proposed development would not cause any unacceptable harm to highway safety. In this respect, the scheme would not conflict with any relevant policies, including those which require transport and safety considerations to be taken into account, and therefore there are no justifiable grounds on which an objection could be maintained on highway grounds.
- 24.22.4 As a consequence, the highway reason for refusal related to the previous application has been addressed in this current application. It is considered that the proposed development would deliver sustainable development in accordance with the requirements of Policy BDP5A and BDP16.

25.0 Education Provision

- 25.1 Members will note the views of third parties relating to the impact of the development on existing services and functions. In terms of education demand, WCC has considered the impact of this proposed development on local schools and following further discussion with the main developer for this site Worcestershire County Council will be seeking a planning obligation towards education infrastructure. Taking account of the current and forecast pupil numbers and the anticipated impact of housing growth, the County Council is minded to seek to commission a new 2FE first school at Perryfields Road and a 1FE expansion at high school level. This will create the necessary capacity.
- 25.2 Subject to the applicant entering into a Section 106 Agreement for education facilities, I raise no objection to the application on such grounds.

26.0 Medical Infrastructure

- 26.1 I note the views of third parties in relation to the issue of medical facilities to serve the development. Concerns have been raised over the ability of local facilities to accommodate additional medical related demand arising from the development and I understand these concerns. Members will note I have consulted the Redditch and Bromsgrove Clinical Commissioning Group (CCG) on this issue. The consultation response from the Worcestershire Acute Hospitals NHS Trust is also relevant here.
- 26.2 The CCG accept that the development would have an impact on primary healthcare provision in the area but is of the view that this impact is containable within the existing provision at BHI Parkside (Churchfields and St John's Surgeries). In its capacity as the primary healthcare commissioner, Redditch and Bromsgrove CCG has identified that the development will **not (my emphasis)** give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. Redditch and Bromsgrove CCG have therefore raised no objection to the scheme and is not seeking financial contributions given there is capacity in the existing system for the residents of the new development. I therefore raise no issue on this matter.

- 26.3 In March 2019, the District Council received the first of a series of representations seeking a planning obligation to secure a financial contribution to meet annual shortfalls in Worcestershire NHS service revenue.
- 26.4 I have paid regard to all information received from the Acute Trust and any relevant additional consultee and have sought Counsel's advice. Whilst the Local Planning Authority accepts that the request is material and is more than *de minimis*, the planning obligation requested by the Worcestershire Acute Hospitals NHS Trust requiring the developer to meet annual shortfalls in National Health Service revenue would be likely to be unlawful in that:
- The request does not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests
 - The request is contrary to policy and they do not serve a planning purpose
 - The request is not fairly and reasonably relate to the proposed development
- 26.5 I have taken into consideration all information received from the Acute Trust, including recent correspondence, and any relevant additional consultee responses. Members should have regard to that material, including the representations from the Trust, the recent letter from their solicitors dated 7 October 2019 and the Rebuttals prepared by Lichfields for Redrow Homes and attached to the Redrow letter of 22 July 2019 and the Catesby/Miller Homes Rebuttal dated 2 September 2019. All of the documents referred to can be viewed on the Council's website. I have taken into consideration the additional letter and report received from the Trust. The Council's instructed Counsel has reviewed these and provided a revised Legal Submission accordingly.
- 26.6 Firstly, it is unlikely that the requested planning obligation from the NHS Trust would be for a planning purpose as required by the test set out by Lord Hodge in the *Aberdeen City v Elsick Development Company* case. Lord Hodge states "*the restriction must serve a purpose in relation to the development or use of the burdened site. An ulterior purpose, even if it could be categorised as a planning purpose in a broad sense, will not suffice...*" and that it was not sufficient "*to fund infrastructure or other community facilities which were unrelated or only marginally related to their developments.*". The reason for doubt here is primarily because the request from the NHS Trust does not relate to the land in question or any relationship to the land is at best marginal and difficult to establish from the evidence provided by the Trust.
- 26.7 A real connection between the obligation offered and the proposed development is essential as Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 require. The guidance in case law draws a firm distinction between the offered benefits that are directly related to the proposed development and the more general benefits that have an insufficient relationship to the development, even if there is a very generalised connection. There is policy guidance to similar effect e.g. NPPF 2019 [54]-[56] and the NPPG on *Planning Obligations* at paras. 2-4. Whilst the NPPG section on *Healthy and safe communities* gives advice on consultation and consideration of the implications of development on health and care infrastructure, this must be approached in the context of the law and general guidance as to planning obligations.

- 26.8 If case law and guidance are applied to the present situation it is considered that there is not a sufficient relationship between the development and the proposed benefit sought. The Trust is seeking financial obligations to make up for revenue shortfalls caused by growth in population specifically from housebuilding which is said not to be accounted for within sufficient time through the national funding mechanism. This is not a sufficient link to the development proposed. The legal test as set out in the *Elsick* case requires more than a de minimis relationship between the development and the intended contribution. As a consequence, therefore, it would be insufficient for the Trust to merely establish the existence of a plausible relationship, it would have to establish that the relationship crosses the de minimis threshold. From the information provided it is considered that the Trust has failed to establish the existence of a relationship that is more than marginal or trivial. Indeed, one of the difficulties found in considering the representations is a lack of clear explanation by the Trust why better account cannot be taken of proposals for new housing and planned growth in the local plan.
- 26.9 The relationship which the Trust contends exists with the development is insufficient because of the NHS funding model, at least as applied in this area. The Joint Strategic Needs Assessment and the Health Wellbeing Strategy both refer to the importance of population and the New Joint Strategic Needs Assessment appears to provide a mechanism for securing access to better information about local populations and as a consequence by inference, population change.
- 26.10 It is noted in paragraph 20 of the Trust's letter of 12 March 2019 (Foxlydiat Lane) not that adjustments could not be made, but that it was *"not sensible for the Trust to plan strategies to cope with further population growth on a piecemeal basis. The cost and planning implications of doing so are impractical. Instead, the Trust has considered the anticipated population and demographic growth across our area and looked at the overall impact of the proposed increased population through an internal process"*. Leading Counsel considers that it is difficult to see how this establishes a substantial connection between the impact of the development and the proposed contributions sought as opposed to a mechanism of greater convenience to the Trust to meet its existing obligations and points to the failure of the Trust to explain why better account cannot be taken of growth (whether by the Trust or CCG) even in its recent letter of 7 October 2019.
- 26.11 There appears to be no reason why the funding model should not take account of projected population growth, including growth arising from the development. It is emphasised that the population growth as a result of the development is planned growth. The Bromsgrove District Plan 2011-2030 (adopted January 2017) Core Strategy runs to 2030 and the sites in issue are allocated by that plan. Moreover, even given the delay the Trust refers to in taking account of growth in funding arrangements, it is unlikely that a housing development will be built out within the year in which it is granted planning permission – still less if it is a large site, with outline permission, when reserved matters would need to be

applied for and the housebuilder would be likely to phase the releases of new houses even once it was in a position to begin construction.

- 26.12 The use of s106 agreements to make up revenue shortfalls also appears to be contrary to the NHS Constitution for England. The NHS Constitution sets out 7 principles that guide the NHS. Principle 7 states as follows:
“The NHS is accountable to the Public, Communities and Patients that it Serves. The NHS is a national service funded through national taxation and it is the Government that sets out the Framework for the NHS which is accountable to Parliament for its operation”.
- 26.13 The funding of a NHS revenue shortfall via developer contribution would represent and move away from the national service funded through national taxation towards a model where day to day costs are privately funded for the first year or two from the commencement of development. This has potential implications for NHS accountability to the local community it serves. It would also suggest that, if the points raised by the Trust represent a widespread difficulty with the NHS national funding arrangements, then all housing development ought to be making such an initial contribution to NHS trusts’ income.
- 26.14 The incompatibility of the proposed planning obligation with the NHS Constitution further illustrates the fact that the proposed planning obligations do not serve a legitimate planning purpose but instead are intended to make up for asserted deficiencies in national funding.
- 26.15 The requested planning obligations may also undermine the distinction between healthcare purchasers (CCGs) and healthcare providers (NHS Trusts). In this situation the CCGs have the primary responsibility to provide funding for NHS Trusts not the Trusts themselves and undertake an annual commissioning plan. The use of planning obligations for this purpose is not a planning purpose and is therefore impermissible. It is not the role of the planning obligations to replace national funding for healthcare and it is far from clear here that there is a substantial link between the development and the need for income for acute health services and the services to which the Trust contends.
- 26.16 Apart from the issue of whether the contributions sought are lawful or material in the light of legal principles and policy, there are also significant evidential uncertainties which support the view that the suggested contributions do not meet the CIL Regulations tests.
- 26.17 A planning obligation that is not directly related to the development, that is the position being taken here, is an immaterial consideration for the purposes of granting planning permission under Regulation 122 (2) (b) of the CIL Regulations. Leading Counsel has concluded that there is very likely an insufficient relationship between the development and the requested contribution for the contribution to serve a planning purpose. It follows from that conclusion that if the proposed s106 Agreement was entered into and taken into account when granting planning permission, the decision granting permission would be unlawful since it would fall short of the requirements of regulation 122.

- 26.18 The proposed contribution is not necessary to make the development acceptable in planning terms Regulation 122(2)(a) or is not directly related to it (122(2)(b)). This is because of the points raised above, and the concern that the Trust is seeking to use developer contributions to offset problems experienced with the national funding mechanism. As set out above, the Trust has failed to provide a clear explanation as to why these problems cannot be addressed or as to why the development is unacceptable in planning terms in the absence of the contribution. Moreover, there are unresolved concerns, given that the Trust has operated at a deficit for some 6 years (£68.790m in the last financial year) and how any developer funding would relate to the financial and operational issues already faced by the Trust and how it would be guaranteed that any funding would be used directly for the treatment of the number of new patients said to be generated by the new development; and
- 26.19 The proposed contribution does not “*fairly and reasonably relate in scale and kind to the development*” Regulation 122(2)(c). This is because, as already mentioned, the Trust has not explained why the commissioning has not taken into account, or could be made to take into account, the projected population prior to the occupation of the new houses, housebuilding growth and why the information provided is not sufficient to enable it to be taken into account.
- 26.20 In respect of 122(2)(c), there are also difficulties with the contentions with regard to the assumptions that new houses generate “new population” given the issue of new household formation and also the extent to which the Trust is dealing with population changes outside its main catchment. The points made by Lichfields in Section 5 of their Rebuttal appear to be sound ones and there are real concerns that simply to base an assessment on the number of new houses means that account is being taken of existing population i.e. that there would be double counting, and payments made not actually resulting from the new development. They summarise their points at paras. 6.5 and 6.6 and Members are recommended to read that for a summary of the concerns about double counting. In the Trust’s solicitors’ email of 9 September 2019, responding to the further representation made by the applicants, the Trust suggests that it will accept that 55.8% of the occupiers of new development would be new population not already accounted for. How this figure is derived is not explained.
- 26.21 The Trust’s email of 9.9.19 states:
“*It is absolutely imperative that the Developer will mitigate the impact that it creates. Without the contribution, waiting times will increase and this will affect the overall health of the population of the development and the existing community which in turn will have a knock on effect on social, health and wellbeing of the population of the development and existing community. A poor health service makes the development unacceptable in planning terms, and contrary to the focus on healthy communities in the NPPF and local plan policy. The developer has not provided any contrary evidence to show that there would be no impact on the Health Services as demonstrated by the Trust*” and
“*Please note that it is not the responsibility of the Trust nor with in its remit to challenge the government funding models/funding policy and this has no relevance to CIL 122 assessment. The same could be otherwise considered in the respect the Highway and Education Authority.*”

- 26.22 These statements merely repeat earlier contentions and do not explain why the funding arrangements cannot take into account population growth as a result of new housing permissions, why the planning system and developers, in particular, should be responsible for defects in the system of national funding from taxation nor what the actual impact on services is likely to be, given the duty of the NHS to treat all who require treatment in any event, in the light of the uncertainties in the calculation of unaccounted new population, and current difficulties experienced in the operation and funding of the Trust.
- 26.23 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations; the NHS Trust has failed to meet these three tests both in terms of establishing the lawfulness of the obligation and in terms of meeting Regulation 122 on the basis of the representations received. This is the position I am taking on this matter.

27.0 Community Assets

- 27.1 It is reasonable to assume that the residents of the 505 dwellings will put additional demand on community facilities in the area including the Scout and Guide Huts, located adjacent Sanders Park on Kidderminster Road and the Millfields and District Social Club on Millfield Road.
- 27.2 I note that the Millfields and District Social Club is a Member's Club, comprising *circa* 700 members who can bring guests to the club. The club website states that *All new members must be proposed, seconded by two members & inducted into the club.* On this basis, I am of the view that a community contribution towards the improvements to this facility cannot be justified under the CIL regulations.
- 27.3 However, I have reviewed the facilities available at the Scout and Guide Huts which are within reasonable walking distance of both sites. The premises are available for community use. It is considered that with improvements to these buildings (costs estimated to be £20,612), that further capacity could be created.

28.0 Planning Obligations

- 28.1 Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.
- 28.2 Policy BDP6 relates to infrastructure contributions. Paragraph 6.1 states that financial contributions towards development and infrastructure provision will be co-ordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy.

- 28.3 Members will note the following Heads of Terms contributions for inclusion in the Section 106 Agreement. These have arisen following consultation with the relevant consultee or body responsible.
- 28.4 It is considered that the terms of the Agreement set out at the beginning of this report are relevant to planning, considered necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and are fairly and reasonably related in scale to the proposed development. As such I am of the view that these provisions meet the relevant tests under Regulation 122 of the CIL Regulations. The applicant has not raised any issue of viability due to the requested obligations. I therefore consider the scheme accords with Policy BDP6 of the BDLP.
- 28.5 The applicant has agreed to this approach and the Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.
- 28.6 The proposed works to the public highway will be carried out through a Section 278 Agreement. It is proposed to secure the works by imposing restrictive Grampian Conditions on any planning consent. Such specific highway improvement works associated directly to the development therefore do not form part of the Section 106 Heads of Terms.

29.0 Conclusions

- 29.1 Members will be aware that the adopted Bromsgrove District Plan forms the Development Plan for the area, and any decision needs to be made in accordance with these policies, unless material considerations indicate otherwise.
- 29.2 To remind Members, this outline application is seeking to establish the principle of whether the development of the site for up to 505 dwellings is acceptable. The only elements of the proposed development that are fixed by the outline application are: the maximum number of dwellings at Site A (490) and Site B (15), the inclusion of a retail unit of 400 square metres at Site A, the demolition of the Greyhound Inn Public House at Site B, the location and form of the two proposed accesses onto Whitford Road (Site A), the location and form of the access onto Albert Road (Site B) and lastly the part provision of the roundabout within Site B. All other matters are reserved for future consideration and the Masterplan simply demonstrates how housing, parking provision, landscaping and open space could be accommodated on the two sites. These details will be subject to separate future applications which must be considered on their own merits.
- 29.3 It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing supply have to be seen as out of date. In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the

scheme. Site A is identified as a suitable site for housing development in the adopted Bromsgrove District Plan. It is thus one of the preferred locations for future development and an important component of the Council's housing strategy. Site B, as a windfall site, is considered acceptable for residential redevelopment. The development of both sites would not conflict with the sustainability aims of the NPPF and would contribute 505 dwellings in a sustainable location, which would make an important contribution to meeting local housing needs and making good the current shortfall in the five-year land supply. The NPPF places great weight on the need to maintain the 5-year land supply and on the need to boost housing supply on suitable sites. These are compelling considerations in favour of granting permission.

- 29.4 In addition, the scheme would address the shortage of affordable housing in the District by supporting a 40% element of such dwellings. The proposed on-site public open space, the approach to design advocated by the Design and Access Statement, new landscaping and a SuDs approach to drainage would be of local benefit which are factors that weigh in favour of the proposals. The development would also have significant benefits for the local and national economy, in terms of new investment and employment, enhancing the vitality and viability of Bromsgrove town centre and the consequent stimulus to supply-chain industries. This includes the creation of *circa.* 1080 construction jobs (630 direct jobs and 450 indirect jobs).
- 29.5 With respect to the process for dealing with this outline application, Circular 08/05 states:
"Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, but an Authority could chose to direct a longer or shorter period as appropriate. The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**" (my emphasis). Paragraph 76 of the NPPF reflects this and states "to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability".
- 29.6 In order to address the shortfall in the 5-year housing land supply and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 18 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development is delivered swiftly in order to accelerate the delivery of housing supply within the District.

- 29.7 I am content that taken holistically, Site A and Site B are able to support the erection of up to 505 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density for each site that is considered to be appropriate in order to balance the need to make more efficient use of land with the acknowledged constraints. Whilst I am fully aware of the views of third parties in respect of the principle issues raised in relation to highway matters, air quality, noise, drainage, biodiversity and subsidence, Members will note I am not in receipt of any technical objection to the scheme on these matters from the relevant professional consultees. Any harm arising from infrastructure related concerns has been suitably mitigated, where appropriate, through measures outlined in the Section 106 Agreement. The Agreement will also build in capacity for future growth, with particular regard to education and community asset matters.
- 29.8 It is concluded that the sum of the benefits that would be delivered by the scheme would demonstrably outweigh the sum of harm and that consequently, the material considerations in this case and presumption in favour of sustainable development should apply and planning permission should be granted in accordance with the advice set out in paragraph 11 of the NPPF.
- 29.9 Having considered all material planning considerations, I am thus minded to recommend approval of outline planning permission.

RECOMMENDATION:

(a) MINDED to APPROVE OUTLINE PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following (based on the maximum of 505 units):

(i) Mitigation for the additional demands on the transport network generated by the development

- £2,057,388.72

This contribution will specifically contribute to the following highway infrastructure:

- Market Street/St Johns Street:] Combined total:
- St Johns Street/Hanover Street/Kidderminster Road:] £744,681.79
- A38 route enhancement works: £1,312,706.93

(ii) Sustainable Infrastructure

- Cycleway between Whitford Road and Kidderminster Road via Sanders Park: £560,000.00
- Town Centre active travel infrastructure: £148,252.55
- Public transport services: £223,822.71 (up to £350,000.00)

(iii) Personal Travel Planning

- £101,000.00

(iv) Education Infrastructure

- A contribution of 9/60ths towards the build cost of a new two form entry First School and Nursery to be constructed in Perryfields Road, Bromsgrove: £885,000
- A contribution towards either North Bromsgrove High School or South Bromsgrove High School based on the cost per open market dwellings as per the following tariff:
 - £867 open market 2 or more bedroom flat
 - £2,168 open market 2 or 3 bedroom dwelling
 - £3,252 open market 4 or more bedroom dwelling

(v) Off-site teen and adult play and sports facilities and play pitch improvements in Sanders Park, Bromsgrove: £154,592

(vi) The improvement of the Scout and Guide Huts on Kidderminster Road, Bromsgrove located adjacent Sanders Park: £20,612

(vii) Waste Management Contribution

Waste and recycling bins calculated as follows:

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)
- £252.43 per 1100 litre communal usage receptacle

(viii) Planning Obligation Monitoring Fee:

Financial figure to be confirmed

And:

- (ix) The securing of a 40% provision of on-site affordable dwelling units**
- (x) The provision and future maintenance in perpetuity of the SuDs facilities**
- (xi) The provision and future maintenance in perpetuity of the on-site play space and open space provision**

And:

- (c) That DELEGATED POWERS be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the report**

For the reference of Members, I intend to impose suitable Conditions relating to:

Time

- Submission of a phasing plan for the development
- Submission of the outstanding Reserved Matters for approval (appearance, landscaping, layout and scale) for the relevant phase within 18 months of the approval of the outline scheme
- Commencement of development timescale (18 months)

Plan and Document Compliance

- Development in complete accordance with the details shown on the submitted plans:
 - Location Plan Land Off Whitford Road 16912/1004
 - Location Plan Greyhound Public House 16912/1014

- Location Plan Composite 16912/1015
- Roundabout at junction of Fox Lane/Rock Hill 7033-SK-005 Rev F
- Proposed Site Accesses [Site A] 7033-SK-006 Rev E
- Signal controlled crossing on Whitford Road 7033-SK-006 Rev E
- Greyhound Inn Site – Proposed Access 7033-SK-012 Rev A
- Roundabout Improvements at the Junction of Charford Road/Rock Hill/Worcester Road as shown on drawing 7033-SK-013 Rev E
- Signal controlled cl Controlled Crossing on A448 Kidderminster Road near Junction of Dawson Road 7033-SK-015 Rev A
- Signal Controlled Junction Kidderminster Road/Whitford Road/Perryfields Road 461451-D-014
- Substantial compliance with the parameters of the Indicative Masterplan, Parameters Plan 16912/1017B and the principles described in the Design and Access Statement (received 7 January 2016) and the Design and Access Addendum (dated 3 January 2018)

Construction Phase

- Submission of Construction Environmental Management Plan (CEMP) (to include a foundation works risk assessment and general details of proposed measures to avoid risks to controlled waters during construction, pollution control measures, tree and hedge protection measures, dust suppression, construction lighting, hours of operation) (Site A and Site B)
- Submission of full engineering design solution providing full specification, extent and methodology details of the cut and fill works, with demonstration how the undisturbed ground at higher levels is to be retained in a stable matter and the type of foundation design at lower levels (Site A)

General

- Material and external appearance finish for each Site A phase + Site B
- Housing mix for each Site A phase + Site B
- External lighting strategy for each Site A phase + Site B
- Boundary treatments for each Site A phase + Site B
- Refuse storage details for each Site A phase + Site B
- Full details of the acoustic fencing to the western boundary (Site A)
- Electric vehicle charging points

A1 Retail Unit (Site A)

- The 200th dwelling shall not be occupied until the retail unit has been constructed and completed
- Restriction to a maximum of 400 square metres floorspace
- Materials and external finish
- Refuse storage details
- Car-parking provision
- Landscaping

Highways

- The development hereby approved shall not be occupied until the following works have been constructed and completed:
 - Site access arrangements to serve Site A

- Site access arrangements to serve Site B
- Roundabout at junction of Fox Lane/Rock Hill (Site A and Site B)
- Signal controlled crossing on Whitford Road (Site A)
- The 100th dwelling shall not be occupied until the following highway improvements/off-site works have been constructed and completed:
 - Signal controlled crossing on A448 Kidderminster Road near junction of Dawson Road
 - Signal controlled junction Kidderminster Road/Whitford Road/Perryfields Road
- The 250th dwelling shall not be occupied until the following highway improvements/off-site works have been constructed and completed:
 - Roundabout Improvements at the Junction of Charford Road/Rock Hill/Worcester Road
- Secure cycle parking (Site A and Site B)

Trees and Landscaping

- Submission of soft and hard landscaping scheme with 5 year protection measure for soft landscaping for each Site A phase + Site B
- Boundary treatment with inclusion of hedgehog access gaps where appropriate, for each Site A phase + Site B
- Hedgerow retention, protection and management (Site A)
- Submission of Landscape Management Plan to cover the future life of the development (Site A)
- Protective tree fencing during construction phase (Site A and Site B)
- Full specification for the linear park indicated on the Illustrative Masterplan (to include full planting, equipment and specification of furniture) (Site A)
- Full specification for the areas of informal open space to the western boundary on the Illustrative Masterplan (to include full planting schedules and specification of furniture) (Site A)
- Works in accordance with the submitted Arboricultural Method Statement (Site B)

Ecology and Biodiversity

- Site wide Ecological Management Plan (to include measures to protect the Battlefield Brook located outside the application site) for the long term protection and management of the trees, hedgerows, habitats and species present for each phase (including construction phase) (Site A)
- Landscape and Ecology Management Plan (Site A)
- Full and detailed mitigation strategy based on Section 11 of the Environmental Statement accompanying the application (with appropriate commentary to the badger sett) (Site A)
- Details of bat and bird boxes, including swift boxes (Site A and Site B)

Drainage

- SuDs Management Plan, to include the use of porous surfaces for driveways and any private access roads
- Comprehensive surface water drainage scheme (Site A and Site B) to include the use of silt traps to highway gullies and the use of oil interceptors to any car parking areas
- Scheme for foul water drainage (Site A and Site B)

Plan reference

- Full details of the drainage design to be in compliance with the ecology recommendations set out in Section 11 of the Environmental Statement accompanying the application (Site A)
- Finished ground floor levels for the approved buildings and the finished ground levels for all other areas of the site for each phase (Site A)

Contaminated Land

- Site investigation and detailed risk assessment, to include further ground gas monitoring (based on the Preliminary Risk Assessment and Environmental Site Assessment) (Site A)

Archaeology and Heritage

- Programme of archaeological work to include a Written Scheme of Investigation (Site A)
- An appropriate level of historic recording in advance of demolition of the Greyhound Inn Public House (Site B)

Affordable Dwellings

- Number and location of the affordable housing units to be provided (Site A and Site B)

Footpath Connection

- Full details of the connection of the site to Footpath BM-587 to the southern boundary (Site A)

Case Officer:

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