

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**THURSDAY 4TH JUNE 2026**  
**AT 6.00 P.M.**

**PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA**

**MEMBERS:** Councillors A. Bailes, J. Clarke, D. J. A. Forsythe,  
E. M. S. Gray, H. J. Jones, B. Kumar, R. E. Lambert,  
M. Marshall, S. R. Peters, J. Robinson and J. D. Stanley

### **AGENDA**

1. Election of Chairman
2. Election of Vice- Chairman
3. To receive apologies for absence and notification of substitutes
4. 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.

5. To confirm the accuracy of the minutes of the meetings of the Planning Committee held on 9th April and 11th May 2026 (Pages 7 - 28)

6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. 17/01468/FUL - Construction of freestanding restaurant with associated drive thru, car parking and landscaping and associated works. Alterations to access. Land at Stourbridge Road, Bromsgrove. McDonald's Restaurants Ltd and Cordwell Leisure Developments Ltd. (Pages 29 - 62)
8. 25/00118/FUL - Change of use from bulky goods retail to a mix of convenience and comparison goods retailing. Unit 1, Brook Retail Park, Sherwood Road, Bromsgrove. Sainsbury's Supermarkets Limited. (Pages 63 - 88)
9. 25/00798/S73 - Application for the variation of part of the wording of Conditions 32 and 33 of Outline Planning Application 16/0335 (allowed at appeal (Appeal Reference: APP/P1805/W/20/3265948)) to amend the occupation trigger numbers included within the aforementioned conditions comprising the following: Condition 32 Amending the occupation trigger for a roundabout at the Junction of Rock Hill / Fox Lane from 100 dwellings to 398 dwellings ; amending the occupation trigger for cycle improvements along Stourbridge Road from 100 dwellings to 153 dwellings; amending the occupation trigger for improvements at the Worcester Road/ Shrubbery Road junction from 100 dwellings to 550 dwellings and; Condition 33 Amending the occupation trigger for a signal-controlled junction on the A448 Kidderminster Road from 200 dwellings to 396 dwellings; and roundabout works on the A448 Kidderminster Road from 200 dwellings to 332 dwellings. Land at Perryfields Road, Bromsgrove. Taylor Wimpey UK Ltd. (Pages 89 - 114)
10. To consider any Urgent business, details of which have been notified to the Assistant Director of Legal, Democratic and Procurement Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

John Leach  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

28th May 2026

**If you have any queries on this Agenda please contact  
John Swann  
Democratic Services Officer**

**Parkside, Market Street, Bromsgrove, B61 8DA  
Tel: 01527 64252 ext 3443  
Email: [john.swann@bromsgroveandredditch.gov.uk](mailto:john.swann@bromsgroveandredditch.gov.uk)**

**If you have any questions regarding the agenda or attached papers,  
please do not hesitate to contact the officer named above.**

**Please note that this is a public meeting and will be live streamed for  
general access via the Council's YouTube channel.**

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Committee Pages of the website, alongside the agenda for the meeting.**

### **PUBLIC SPEAKING**

**The usual process for public speaking at meetings of the Planning  
Committee will continue to be followed subject to some adjustments.  
For further details a copy of the amended Planning Committee  
Procedure Rules can be found on the Council's website.**

**The process approved by the Council for public speaking at meetings of  
the Planning Committee is (subject to the discretion and control of the  
Chair), as summarised below: -**

- 1) Introduction of application by Chair**
- 2) Officer presentation of the report**
- 3) Public Speaking - in the following order: -**
  - a. objector (or agent/spokesperson on behalf of objectors);**
  - b. applicant, or their agent (or supporter);**
  - c. Parish Council representative (if applicable);**
  - d. Ward Councillor**

**Each party will have up to a maximum of 3 minutes to speak, subject to  
the discretion of the Chair.**

**Speakers will be called in the order they have notified their interest in  
speaking to the Democratic Services Officer and will be invited to  
unmute their microphone and address the Committee face-to-face or via  
Microsoft Teams.**

- 4) Members' questions to the Officers and formal debate / determination.**

**Notes:**

1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 65252 ext 3443 or by email to [john.swann@bromsgroveandredditch.gov.uk](mailto:john.swann@bromsgroveandredditch.gov.uk) before 12 noon on Tuesday 2<sup>nd</sup> June 2026

2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting.

Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Tuesday 2nd June 2026.

3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation 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 Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.

5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.



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- Meeting Minutes
- The Council's Constitution

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**THURSDAY 9TH APRIL 2026, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, S. J. Baxter, J. Clarke, D. J. A. Forsythe, E. M. S. Gray, R. E. Lambert, S. T. Nock (substituting for Councillor J. D. Stanley), S. R. Peters and J. Robinson

Officers: Mr. D. M. Birch, Mrs. S. Hazlewood, Mr. J. Pavey-Smith, Mrs. J. Chambers, Mrs. R. Paget, Miss E. Cox, Mr. M. Howarth (Of Anthony Collins Solicitors), Mr. B. Simms (Of Worcestershire County Council Highways) and Mr. G. Day

68/25

### **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor J. D. Stanley with Councillor S. T. Nock in attendance as substitute.

69/25

### **DECLARATIONS OF INTEREST**

Councillor J. Robinson declared in relation to agenda item 5 (Minute No72/25) - 17/01468/FUL - Stourbridge Road Car Park, Stourbridge Road, Bromsgrove in that he would be addressing the Committee as Ward Member and would therefore leave the room as the conclusion of the public speaking and will take no part in the debate or decision thereof.

Councillor M. Marshall declared in relation to agenda item 9 (Minute No76/25) - 25/00803/FUL - 7 Churchfields Road, Bromsgrove, B61 8EB in that he will be addressing the Committee as Ward Member and would therefore leave the room at the conclusion of the public speaking and would take no part in the debate or decision thereof.

Councillor A. Bailes declared in relation to agenda items 6 (Minute No73/25) - 19/00140/OUT - Land Between 47 And 53 Redditch Road, Alvechurch, B48 7RS in that he knows the applicant. However, it was only in a general capacity. Therefore, he did not believe it was a prejudicial interest and would retain an open mind and would not be leaving the room for the agenda item.

Councillor A. Bailes declared in relation to agenda items 8 (Minute No75/25) - 25/00749/FUL - Dominion Racing Stables, Seafeld Lane, Portway, B48 7HL in that he knows the applicant. However, it was only

in a general capacity. Therefore, he did not believe it was a prejudicial interest and would retain an open mind and would not be leaving the room for the agenda item.

Councillor A. Bailes declared a non-pecuniary interest in relation to agenda items 7 (Minute No74/25) - 25/00612/S73 - Attwell Farm Park, Seafield Lane, Portway, B98 9DB as the applicant previously made a complaint against him which was investigated and found to be unsubstantiated. However, he did not consider it to be a pecuniary interest and would remain impartial with an open mind and therefore would not be leaving the room for the agenda item.

70/25

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 12TH FEBRUARY 2026**

The minutes of the Planning Committee meeting held on 12<sup>th</sup> February 2026 were submitted for Members' consideration.

**RESOLVED** that the minutes of the Planning Committee meeting held on 12<sup>th</sup> February 2026, be approved as a true and accurate record.

71/25

**UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman announced that a Committee Update was circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had sufficient time to read the contents of the Committee Update and were happy to proceed.

72/25

**17/01468/FUL - CONSTRUCTION OF FREESTANDING RESTAURANT WITH ASSOCIATED DRIVE THRU, CAR PARKING AND LANDSCAPING AND ASSOCIATED WORKS. ALTERATIONS TO ACCESS STOURBRIDGE ROAD CAR PARK, STOURBRIDGE ROAD, BROMSGROVE, WORCESTERSHIRE. MCDONALDS RESTAURANTS LTD AND CORDWELL LEISURE DEVELOPMENTS LTD**

As detailed in the preamble above, Councillor J. Robinson left the room at the conclusion of the public speaking and took no part in the debate or decision thereof.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 41 to 48 of the Public Reports pack.

The application was for the Stourbridge Road car park, Stourbridge Road, Bromsgrove and sought the Construction of a freestanding restaurant with associated works.

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The site's proximity to the Aldi supermarket, Bromsgrove District Council Offices and adjoining roads were highlighted and their locations identified on page 45 of the Public Reports pack. Landscaping around the site included a retaining red brick wall and railing and there was a proposed widening of the access point to accommodate two directions of traffic. The building would be predominantly constructed of red brick with grey brick infill panels and white canopy detailing, a CGI representation of which was shown on pages 67 and 68 of the Public Reports pack.

The main issues for consideration were detailed which included, the principle of development, public health, the design, Highways matters and Trees.

At the invitation of the Chairman, Mr Gerner, on behalf of the Bromsgrove Society, Dr D Raven and Carol Bennett address the Committee in objection to the application. Mr P Isherwood, on Behalf of the applicant, spoke in support. Councillor J. Robinson also address the Committee as Ward Member.

After questions from Members the following was clarified by Officers.

- The site will have parking; however, this would only be for customers. The control of this was an operational issue for the restaurant.
- It would be outside of the remit of the planning Committee to impose litter picking via the Section 106 (S106) planning obligation nor Conditions. This would be an operational issue for the restaurant.
- There was no requirement for West Mercia Police to be consulted on the application. Furthermore, how the security was managed on the site would be an operational issue for the restaurant.

It was noted that Paragraph 97 of the National Planning Policy Framework (NPPF) stated that Local Planning Authorities should refuse applications for hot food takeaways and fast-food outlets within walking distance of schools or other places where children and young people congregate, unless the location is within a designated town centre. However, Officers clarified that as the application was within the defined town centre the application complied with paragraph 97 of the NPPF.

It was noted that the application originally proposed a two-storey building with substantial internal seating. This would have generated a large number of vehicles and therefore, Worcestershire County Council, Highways (County Highways) objected to the application due to the cumulative impact of the volume of vehicles on the road network. However, the application before Members was a much smaller building and with the proposed mitigating measures, was deemed acceptable by County Highways.

Mr B. Simms, of County Highways further clarified the following.

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- The £10,000 provided as part of the S106 agreement would be used to upgrade the Mover traffic light system to optimise the signal change times to minimise traffic queues. This value also accounted for some money towards future calibration work on the junction.
- All current and known future developments were accounted for during the highways impact assessment modelling.
- Yellow box junctions could be utilised where two roads meet which was deemed to be the case with the development. Section 174 of the highways code forbids stopping in this area, this would be a matter for the police to enforce.
- There was currently a level of traffic which was being rerouted due to works in the area and that County Highways had to consider the baseline function of the road when determining an application, not necessarily the current situation.
- There was some professional disagreement between Jacobs, Mott MacDonald and County Highways as to if the modelling was accurate and if the proposed measures would be sufficient to mitigate the impact of the development. County Highways considered all the views and it was their conclusion that the severity test set out in Para 116 of the NPPF was not met, therefore, they did not raise an objection.

Members expressed strong support for the regeneration of the Town Centre and welcomed businesses to the area, however, there were concerns around if the location was suitable and if the traffic measures would be adequate to mitigate the impact on the highways. Members were also concerned that there were differing professional opinions supplied by the highway's experts.

In addressing Members concerns, officers drew their attention to page 31 Paragraph 6.11 of the Public Reports pack, noting that although Mott MacDonald expressed a difference of opinion, they had stated that "Overall, the development's traffic impact, particularly at the Parkside junction, remains "not proven" rather than demonstrably severe", it was highlighted by Officers that demonstrably severe was the threshold required to raise an objection to the application. Therefore, there was no evidence supplied to directly support an Alternative Recommendation that the cumulative highways impact was severe as to warrant refusal.

There would be a loss of 71 car parking spaces within the Town Centre of Bromsgrove due to the closing of the Stourbridge Road carpark. Parking reports indicated that there was very little capacity in some of the town centre car parks, However, School Drive and North Bromsgrove car parks had sufficient excess capacity to accommodate the 71 spaces lost by the development. It was further noted that Employees of Bromsgrove District Council would be asked to use these carparks and the recreation road carpark near Asda was often at 50% capacity so could also accommodate vehicles. Therefore, following enquiries from Members and in light of the above figures, Officers advised that it would be difficult to justify the imposition of a S106

Contribution from the developer to re-open the Churchfield Road carpark.

Councillor M. Marshall proposed an Alternative Recommendation to refuse the application as to the application was supported by transport modelling which contained limitations and deficiencies such that the degree of impact on the Parkside junction and neighbouring roads, including proposed mitigations, remained uncertain and that the applicant had failed to demonstrate that the cumulative impact on the road network would not be severe. The Alternative Recommendation was Seconded by Councillor R. Lambert. However, following Legal advice and after a 10-minute adjournment from 19:31 hours to 19:41 hours to consider the advice, the Alternative Recommendation was withdrawn.

Councillor A. Bailes Proposed an Alternative Recommendation to defer the planning application with the view that Members did not have up-to-date base data, nor did they have enough evidence that the scheme had been tested under all reasonable future scenarios in order for members to make an informed decision. The Alternative Recommendation was Seconded by Councillor R. Lambert and on being put to the vote, it was

**RESOLVED** that the application be deferred to a future meeting of the planning committee to allow Officers time to supply information as requested by Members detailed in the preamble above.

73/25

**19/00140/OUT - OUTLINE PLANNING APPLICATION FOR CONSTRUCTION OF 25 DWELLING. LAND BETWEEN 47 AND 53 REDDITCH ROAD, (ALVECHURCH FC SITE), ALVECHURCH, B48 7RS. CROSSLANDS DEVELOPMENTS LTD**

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 71 to 79 of the Public Reports pack.

The application was for the land between 47 and 53 Redditch Road, Alvechurch, B48 7RS and sought outline planning permission for the construction of 25 dwellings and associated works.

The site of the application was Alvechurch Football Club, located just outside the development envelope of Alvechurch which was to the southeast and the site was situated within the greenbelt.

An indicative layout of the 1.71 Hectare site was shown in page 73 of the Public Reports pack, additionally, Images of the site indicated the current location of the pitch, clubhouse and access point. The access point for the proposed application would remain the same, via Redditch Road to the west of the site. The adjoining road had a speed limit of 40 miles per hour.

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Officers highlighted the main issues for consideration which were the housing land supply, the grey belt policy, the sustainability of the development, the highways impact and the financial contributions.

Officers further detailed that as part of the Section 106 (S106) legal agreement, Sports England would receive 1.332M due to the loss of the sports provision. The site also had a requirement to provide a 50% on-site affordable housing contribution. Due to the Council being unable to demonstrate an adequate 5-year housing land supply, these factors were given significant weight and the application was recommended for approval.

At the invitation of the Chairman Mr Mark Fogarty, sporting director of Alvechurch football club and Mr Steve Clements, Academy Manager of Alvechurch football club Via Microsoft Teams, addressed the committee in support of the application. Councillor R. Clark of Alvechurch Parish Council also addressed the committee regarding the application.

After questions from Members the following was clarified by Officers.

- That the S106 financial contribution had been updated since 2019 when the application was originally submitted so included up to date figures.
- The 50% affordable housing contribution was required under the NPPF as a minimum requirement to permit development within grey belt areas.
- The additional waste food collection bin was not included as part of the waste collection S106 contribution. This was noted as an error by Officers.
- Page 52 of the Public Reports pack detailed that Severn Trent would require 24hour access for the treatment works which must be located within public open space. However, as the application was an outline application, a detailed site plan had not been submitted. It would form a part of the requirements to be considered as part of the final reserved matters application and how to achieve this would be determined at that stage.

Officers clarified that the school transport contribution of the S106 agreement was to enable children to attend a suitable school setting and was expected to generate a requirement for 4 pupils across all year groups.

Members had concern that the S106 Healthcare contribution would be supplied to the Kingfisher and Nightingale Primary Care Trusts, however, the GP surgeries in the village were not part of the trusts and would therefore, not receive any funding under the S106 agreement. This was discussed in length by Members who requested that Officers ensured that the contributions went to the local surgeries under the Delegated powers should Members approve the application.

The lack of contribution for Worcestershire County Council, Highways (County Highways) was highlighted in that there was no request for a

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cycle lane nor bus stops enhancements for the development. Members explored the possibility of requesting an additional contribution for a cycle lane, however, Officers advised that there was no evidence to suggest a lane would be necessary for the development and might not meet the CIL tests which were required. Members further requested that Officers contact County Highways and explore the matters raised which could be determined under delegated powers to the Assistant Director for Planning, Regeneration and Culture Services in conjunction with the Chair of the Planning Committee.

During the debate, a number of clarifications, additions and requests were noted by Members around the S106 contributions:

- (iii) stated “Middle school contributions”, however, was requested to be amended to “First and Middle School contributions”. Additionally, in light of the change, clarification was needed on the Four schools detailed.
- (iv) that Hopwood Community Centre was considered as a potential recipient of the contributions for “off-site teen and adult play and sports facilities”.
- (v) contributions be supplied to local surgeries, so transport could be arranged for residents to sustainably use surgeries out of area.
- (v) Officers explore altering the condition to include local surgeries as the recipient of the contributions.
- (vi) contributions to be updated to include waste food collection bins being provided.
- A contribution be added to facilitate a resident’s welcome pack and a reduction in service vehicle activities.
- It was also requested that concerns raised around cycle lanes, Bus stops and lighting be investigated with the relevant consultees.

Due to the proposed changes to the S106 planning obligation as detailed in the preamble above, Members were content that the decision was delegated to the Assistant Director for Planning, Leisure and Culture Services. It was further stated that the delegation ensured that suitable changes would be made in conjunction with the Chairman of the Planning Committee.

On being put to the vote it was:

**RESOLVED** that outline planning permission be granted and that delegated powers be granted to the Assistant Director for Planning, Leisure and Culture Services to:

- a) agree the final scope and detailed wording of the Section 106 planning obligation Outlined on pages 63 and 64 of the Public Reports pack, subject to the changes noted in the preamble above.
- b) agree the final scope and detailed wording of the Conditions as outlined on pages 64 to 68 of the public reports pack.

74/25

**25/00612/S73 - VARIATION OF PLANNING PERMISSION 19/01544/FUL DATED 21/10/2020: CONDITIONS 2 (OVERSPILL PARKING AREA), 5 (EXTERNAL LIGHTING), 6 (BIODIVERSITY/ECOLOGY/OVERSPILL PARKING AREA), 8 (VARIATION OF OPENING HOURS TO VISITING MEMBERS OF THE PUBLIC). ATTWELL FARM PARK, SEAFIELD LANE, PORTWAY, WORCESTERSHIRE, B98 9DB. ATTWELL FARMS LTD**

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 107 to 113 of the Public Reports pack.

The application was for Attwell Farm Park, Seafield Lane, Portway, Worcestershire, B98 9DB and sought the variation of four conditions that were attached to the existing planning permission on site. The conditions relate to the layout of the overspill parking area (Condition 2), external lighting (Condition 5), biodiversity/ecology/overspill parking (Condition 6) and the opening hours to visiting members of the public (Condition 8).

Officers drew Members attention to the update reports and detailed that comments had been received from the Tree Officer and Worcestershire Regulatory Services (WRS) with further comments from the Resident's Association and Worcestershire County Council, Highways (County Highways). However, Officers clarified that the submissions did not affect the Officers Recommendation.

The existing and proposed overspill parking areas as detailed on pages 109 of the Public Reports pack. The Application sought to amend the approved layout, including surfacing and marking there would also be an increase in the number of spaces, with some parking spaces under the tree canopies and positioned closer to both Seafield Land and Chery Pit Lane. Furthermore, the amendment to Conditions 2 and 6 sought to extend the acoustic fencing and it was noted that the overall number of trees provided remained the same.

There was no objection from the Tree Officer or WRS, conditions were recommended.

The main issues for Members to consider were shown on page 113 of the Public Reports pack.

At the invitation of the Chairman Roy Hoffmeister, on behalf of Health green Farm and Councillor James Urry, of Beoley Parish Council addressed the committee in opposition to the application. Mr A Murphy, Planning Agent spoke in support.

Officers commented that the proposed alteration to Condition 5 was to permit the applicant to submit details under a planning condition, as the current condition did not allow any lighting to be provided in connection with the development. Members noted the light up decorations observed during their site visit and questioned if details of these would be

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submitted under a retrospective application. Officers advised that a lighting scheme had been requested but the request had been declined by the agent stating it would be a future management decision for the applicant whether to submit the details. Therefore, Officers clarified that no lighting scheme had been submitted as part of the application, nor was there any indication from the applicant to do so.

Members were given some assurance that WRS would be involved in consulting on any submitted lighting schemes (under a varied Condition 5) or assessing the impact to local residential amenity due to noise (from the variation of Condition 8). Members accepted that with current data, WRS had no objection to the application. There was still some concern that the alteration to those conditions could have a detrimental impact on local residents.

During the debate It was explored by Members if it was possible to require that the applicant consult with their neighbours before submitting any lighting plans. Officers advised that it was not reasonable to require the applicant to consult with residents and therefore it would not meet the “reasonable” test that a Condition needed to comply with. However, Members may consider the inclusion of an informative added which stated that it would like the applicant to discuss with residents. Officers further advised that the wording of the proposed condition on page 104 requires a Lighting Assessment to demonstrate suitability with regard to the impact on, amongst others, residential amenity of neighbouring properties and Heath Green Farm.

Members felt that the site did not necessarily need to open from 9am to 9pm each day and that to do so might affect the amenity of the local residents. Furthermore, permitting one of two days would still allow the business to accommodate SEN visitors and those wishing to visit during an evening. Officers advised that it was within the gift of Members to change the proposed opening times, however, they would need to provide sound planning reasons to do so.

In exploring the possibility of amended the opening hours Condition, it was noted that during the original application, opening hours were Conditioned as 9am to 5pm to safeguard the amenity of local residents. This was due to WRS raising an objection on noise grounds, primarily due to the lack of evidence that it would not affect the residents. However, with the current application a noise assessment has been carried out, and a noise management plan had been submitted, both of which were absent from the original application. These had been assessed by WRS who found it to be robust and therefore, no objection had been raised for the current application. Officers noted that this was a different situation as it was the lack of evidence which led to concerns regarding opening hours.

Councillor R. Lambert proposed an Amendment the substantive recommendation to amend Condition 8 for only one day a week and retain the 9am to 5pm for the other days. The reasons given were to

safeguard the amenity for local residents. The amendment was Seconded by Councillor A. Bailes.

However, on being put to the vote the amendment was not carried.

The Substantive Recommendation as detailed on page 81 of the public reports pack and was considered. On being put to the vote it was:

**RESOLVED** that Full planning permission be granted and that delegated powers be granted to the Assistant Director for Planning, Leisure and Culture Services to agree the final scope and detailed wording of the Conditions as outlined on pages 104 to 105 of the Public Reports pack.

75/25

**25/00749/FUL - CONSTRUCTION OF AN ACCESS TRACK FROM BILLESLEY LANE TO DOMINION RACING STABLES. DOMINION RACING STABLES, SEAFIELD LANE, PORTWAY, WORCESTERSHIRE, B48 7HL. MR. I. WILLAMS**

The application had been called to committee by councillor A. Bales as the ward member to be discussed at the planning committee rather than being delegated to officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 131 to 139 of the Public Reports pack.

The application was for Dominion Racing Stables, Seafield Lane, Portway, Worcestershire, B48 7HL and sought the Construction of an access track joining to Billesley Lane.

The proposed access plans were shown which included the new access and proposed position of the track. The first 12 meters of the access point would be tarmac with the remainder being considered under a Condition if members were minded to approve the application. Additionally, there would be wire fencing along the side of the track which would also follow a planted native hedgerow.

Officers detailed that the development was within the greenbelt and thus was regarded as inappropriate development, therefore, to be approved very special circumstances (VSC) would need to be present as to outweigh the harm which would be caused.

The site featured a gentle incline towards the brow of the hill; therefore it was officers' assessment that this would make the track highly visible and negatively impact on the rural character and openness of the greenbelt. A case for VSC was presented by the applicant and detailed on page 120 of the Public Reports pack. However, it was Officers assessment that VSC did not exist so as to outweigh the harm to the rural character and openness of the greenbelt and therefore, their recommended was for refusal.

At the invitation of the Chairman, Mr I. Williams, the applicant addressed the Committee in support of the application.

Members were in support of assisting the local business which had grown significantly since starting. This was also supported by Bromsgrove District Plan4 and the NPPF, however, Members had to balance that against the harm to the greenbelt and decide if they believed VSC existed.

On balance Members agreed that the new track could remove excess traffic from Seafield Lane. However, Conditions would not be able to be imposed as to require vehicles to only use the new access, therefore, it would not be enforceable and the overall reduction in traffic on Seafield Lane could not be determined.

Upon visiting the site, Members agreed with the Officer's assessment and stated that the incline was very pronounced. Therefore, any track would be visible and harmful to the openness of the greenbelt. It was also noted that the site already has a usable access point via Seafield Lane so not permitting the application would not significantly harm the business operation.

Councillor S. Peters proposed an Alternative Recommendation that Planning permission be approved as the VSC detailed on page 120 outweigh the harm to the green belt. The Alternative Recommendation was seconded by Councillor S. Baxter. However, on being put to the vote it was not carried.

Members then considered the substantive Recommendation outlined on page 115 of the Public Reports pack and on being put to the vote it was:

**RESOLVED** that Planning Permission be refused, for reasons as stated on pages 128 and 129 of the Public Reports pack.

76/25

**25/00803/FUL - PROPOSED DEMOLITION OF EXISTING BUILDINGS ON SITE AND DEVELOPMENT OF 3 NEW DWELLINGHOUSES. 7 CHURCHFIELDS ROAD, BROMSGROVE, WORCESTERSHIRE, B61 8EB. ELMSVYNE LTD**

As detailed in the preamble above, Councillor M. Marshall left the room at the conclusion of the public speaking and took no part in the debate or decision thereof.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 157 to 166 of the Public Reports pack.

The application was for 7 Churchfields Road, Bromsgrove, Worcestershire, B61 8EB and sought the demolition of the existing buildings and the erection of 3 new two-bed dwellings.

The application was deferred during a previous Planning Committee meeting on 12<sup>th</sup> February 2026 due to a number of highway concerns raised by Members. Worcestershire County Council, Highways (County Highways) had submitted further comments which were detailed on pages 140 to 141 of the Public Reports pack. The position of County Highways had not changed following the submission of the additional information and there remained no objection to the development on Highways grounds.

Officers further detailed that there were no objections from Historic England or the Conservation Officer regarding the loss of the bungalow and heritage impacts, nor from any other consultee. Therefore, the Officer Recommendation remained the same which was for approval.

At the invitation of the Chairman Mr S. Martin spoke in objection to the application. Councillor M. Marshall also addressed the Planning Committee as Ward Member.

It was confirmed that each dwelling had two parking spaces all of which were at least 2.4m x 4.8m in size with a total width of 14.4m for all 6 spaces. This met the requirements for the Worcestershire Streetscape Design Guide. It was noted that there was an error in the information supplied in the report, however, the County Highways Officer in attendance confirmed that there was enough space to accommodate the parking space with circulatory space around.

A telegraph pole shown on page 165 of the Public Reports pack was highlighted by Members. Officers detailed that it could be moved as part of the development and that should Members be minded to approve the application Condition 3 could be amended to include the relocation of the existing street furniture.

Members had concern with the last parking space in that it would be very difficult to access this spot, requiring repeated or complex manoeuvres with potentially limited visibility. County Highways clarified that their assessment showed sufficient tracking for the vehicles to access, although they appreciated that it might require several manoeuvres. It was further noted that tight manoeuvring and poor visibility was already present for a number of other properties on the road, which was a consideration from County highways during their assessment, as this might make it difficult to justify refusal on those grounds, however, it was a consideration for Members who might on balance take a different view.

Members expressed great concern regarding pedestrian safety especially when considering school children and the general public and that although they appreciated that some other properties had similar concerns they considered the cumulative impact on public safety to be important. It was noted by Officers that in terms of highways safety the development was compliant but that it was for Members to consider if

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the development undermined the overall safety to meet the severity test under Para 116 or 117 of the NPPF.

Councillor E Gray proposed an Alternative Recommendation that planning permission be refused due to the impact on pedestrian safety, contrary to Paragraphs 115b, 116 and 117 of the NPPF. The Alternative Recommendation was seconded by Councillor A. Bailes.

On being put to the vote it was:

**RESOLVED** that Planning Permission be refused, for reasons as stated in the pre-amble above.

The meeting closed at 10.11 p.m.

Chairman

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY 11TH MAY 2026, AT 6.00 P.M.**

PRESENT: Councillors M. Marshall (Vice- Chairman in the Chair), A. Bailes, J. Clarke (during minute nos. 81/26 to 83/26), D. J. A. Forsythe, E. M. S. Gray, B. Kumar (substituting for Councillor R. E. Lambert), S. R. Peters, J. Robinson and K Taylor (substituting for Councillor H. J. Jones).

Officers: Ms. R. Bamford, Mr. D. M. Birch, Ms. J. Chambers, Mr. J. Pavey- Smith, Mr. C. Perkins, Mr. G. Day and Mr. J. Swann.  
Also Present: Mr. M. Howarth (Legal Advisor - Anthony Collins Solicitors) and Mr. B. Simm (Highways Development Management and Control Manager - Worcestershire County Council).

77/26

### **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors S. J. Baxter , H. J. Jones (Chairman), R. E. Lambert and J. D. Stanley.

Councillor K. Taylor was in attendance as the substitute Member for Councillor H. J. Jones and Councillor B. Kumar was in attendance as the substitute Member for Councillor R. E. Lambert.

78/26

### **DECLARATIONS OF INTEREST**

Councillor A. Bailes declared an Other Disclosable interest in regard to Agenda Item No. 5 – Planning Application 25/00900/S73, Land at Whitford Road, Bromsgrove, in that he had represented residents at the public inquiry and appeal. Councillor A. Bailes left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

Councillor J. Robinson declared an Other Disclosable interest in regard to Agenda Item No. 6 – Planning Application 26/00195/FUL, Holly House, 1A Hollybank Drive, Bromsgrove, in that he was predetermined. Councillor J. Robinson left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

79/26

**UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman announced that a Committee Update had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

80/26

**25/00492/FUL - MATERIAL CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 5 TRAVELLER PITCHES, INCLUDING THE LAYING OF HARDSTANDING AND CONSTRUCTION OF A 1.8M TIMBER FENCE (RETROSPECTIVE). LAND AT WASSELL GROVE LANE, HAGLEY WORCESTERSHIRE, DY9 9JH. MR P DONAVAN.**

It was being reported to the Planning Committee for consideration at the request of Councillor R. E Lambert, Ward Councillor, in accordance with the Council's constitution and due to its classification as a major planning application.

Further information was included in the Committee Update, with regards to an Arboricultural Survey which had been supplied by Arb Tech, along with the Officer response, as detailed on page 1 of the Committee Update. The update also detailed that one additional objection had been received.

A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the application was for a material change of use of land to use as a residential caravan site for 5 traveller pitches. It was noted that this included the laying of hardstanding and construction of a 1.8m timber fence and that the planning application was retrospective in nature.

Officers presented the presentation slides, as detailed on pages 25 to 34 of the main agenda pack and outlined that the site was considered Grey Belt and was previously an open parcel of land (a paddock), on the west of Wassell Grove Lane, with access from the carriageway.

Officers highlighted that the site was located in close proximity to Wassell Grove Farmhouse, which was a Grade II listed building, and buildings associated with this development. It was further outlined that the site would detract from the rural setting of the listed building.

It was highlighted to Committee Members that further changes had been made to the site which had not been listed in the report at time of

publication, and these included the installation of access gates and the erection of lighting columns.

83 objections had been received which included the Parish Council, the main area of concern was in relation to the objection received from Worcestershire County Council, as the highways authority.

The highways authority had concluded that the proposals had the potential to have a detrimental impact upon the safe operation of the highways network. Of particular concern to the highways authority was that visibility for motorists on the carriageway could not be achieved without the removal of a significant amount of well- established hedgerow. Furthermore, access to the site in a manner which was safe and suitable in accordance with the National Planning Policy Framework had not been demonstrated by the applicant and due to the rural nature, pedestrians would likely access the site via traversing the 30mph highway.

Further information, including relevant planning history and Council's identified need for further Gypsy and Traveller pitches across the District was relayed to Committee Members.

It was noted that the planning application was recommended for refusal.

At the invitation of the Chairman, Iain Martin, a business owner who owned the site opposite spoke in objection to the application. Councillor S. T. Nock (on behalf of Councillor R. E. Lambert, Ward Councillor) also addressed the Committee in opposition to the application. Having addressed the Committee, Councillor S. T. Nock then left the room.

Members then debated the application. From the comments and questions by members of the Committee, the following responses were made, and issues highlighted:

- It was acknowledged that the site had harmed the significance of the Grade II listed Wassell Grove Farmhouse.
- Members expressed concern relating to the impact of the development upon the highways network.
- It was accepted that the current entry and access point for the site was challenging to traverse for large vehicles such as caravans.
- The Bromsgrove District Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2024/ 25 outlined that there was a shortage of available pitches with 17 pitches required to be provided by 2029/ 30.
- It was noted that a right- of- way footpath ran through the field to the rear of the site.

Members were particularly concerned about the implications on highway safety, following objections from Worcestershire County Council as the highways authority. It was noted that to achieve compliance with both the requirements of the Manual for Streets and the Worcestershire Streetscape Design Guide, a substantial amount of hedgerow would

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have to be removed. Members agreed that this would undermine the character of the lane and could increase vehicle speeds due to the better visibility which would undermine highway safety objectives.

Concern was also expressed about the rural nature of the site, and the increased likelihood of pedestrians walking on the carriageway to access local services.

On being put to the vote it was

**RESOLVED** that having had regard to the development plan and to all other material considerations, the application be refused subject to the reasons as detailed on page 22 of the main agenda pack.

*Following consideration of the above matter referred to at Minute No. 80/26, Councillor J. Clarke joined the meeting.*

81/26

**25/00900/S73 - VARIATION OF CONDITION 27 OF PLANNING PERMISSION 24/00516/S73. FROM: NO MORE THAN 99 DWELLINGS SHALL BE OCCUPIED UNTIL THE JUNCTION OF THE A448/ WHITFORD ROAD/ PERRYFIELDS ROAD HAS BEEN ALTERED IN ACCORDANCE WITH THE PLAN WHITFORD ROAD/ PERRYFIELDS ROAD PROPOSED JUNCTION ARRANGEMENT REF 461451-D-014, AND UNTIL A PEDESTRIAN CROSSING ON THE A448 HAS BEEN PROVIDED IN ACCORDANCE WITH THE PLAN POTENTIAL A448 SIGNALISED CROSSING REF 7033-SK-015 REVISION A. AMEND TO: NO MORE THAN 250 DWELLINGS SHALL BE OCCUPIED UNTIL THE JUNCTION OF THE A448/ WHITFORD ROAD/ PERRYFIELDS ROAD HAS BEEN ALTERED IN ACCORDANCE WITH THE PLAN WHITFORD ROAD/ PERRYFIELDS ROAD PROPOSED JUNCTION ARRANGEMENT REF 461451-D-014, AND UNTIL A PEDESTRIAN CROSSING ON THE A448 HAS BEEN PROVIDED IN ACCORDANCE WITH THE PLAN POTENTIAL A448 SIGNALISED CROSSING REF 7033-SK-015 REVISION A. LAND AT WHITFORD ROAD, BROMSGROVE. BELLWAY HOMES LTD**

As detailed in the preamble above, Councillor A. Bailes left the room for the duration of the agenda item and took no part in the debate or decision thereof.

It was being reported to the Planning Committee for consideration due to its classification as a major planning variation/ application.

It was noted that there was no Committee Update for this item.

Officers presented the report, and in doing so highlighted that the application was for a variation of Condition 27 of planning permission 24/00516/S73, to increase the threshold for the number of dwellings permitted to be occupied from 99 to 250, before the junction improvements at Whitford Road, Bromsgrove must be completed.

Officers presented the presentation slides, as detailed on pages 45 to 53 of the main agenda pack and outlined that the site, although predominantly for residential dwellings also incorporated a retail unit and signalised junction, to be installed at the junction with Kidderminster Road and Perryfields Road.

An objection had been received from the Bromsgrove Society and a member of the public, in relation in traffic congestion at the Whitford Road junction with Kidderminster Road.

Worcestershire County Council as the highways authority and engineering consultants Mott MacDonald had not objected to the proposed variation of Condition 27 of planning permission 25/00798/S73.

The proposal would support continued housing delivery in the District.

Further information, including relevant planning history, the Bromsgrove District Plan, and housing availability considerations was relayed to the Committee.

It was noted that the application for variation of previously granted planning permission was recommended to be granted. In addition, it was recommended that delegated powers be granted the Assistant Director for Planning, Leisure and Culture Services, following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of Conditions as laid out in the report.

At the invitation of the Chairman, Chris O'Hanlon, representing Bellway Homes Limited and David Dixon, representing WSP, addressed the Committee in support of the application. Councillor D. Hopkins also addressed the Committee in his capacity as Ward Councillor, in opposition to the application. Having addressed the Committee, Councillor D. Hopkins then left the room.

Members then debated the application. From the comments and questions by members of the Committee, the following responses were made, and issues highlighted:

- The highways authority had determined that this variation would not result in a severe enough cumulative impact upon the highways network as to breach the severity requirement under paragraph 116 of the NPPF. In addition, the variation did not present a risk to highways safety.
- It was reported that Bellway Homes Ltd had conducted an assessment of an increased number of vehicles accessing the highways network from the development site which was further scrutinised by County Highways and Mott MacDonald. The assessment had concluded that the disruption to the highways network would not be severe.
- It was highlighted that the District would benefit from an increased provision of affordable homes.

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- Additional conditions had previously been mandated in relation to this site, which remained in force, these included alterations to the junction at Fox Lane and Rock Hill, as well as an acoustic barrier.

Members discussed the impact of the proposed variation upon the highways network in the locality.

On being put to the vote it was

**RESOLVED** that having had regard to all the information before them and all other material considerations

(a) that planning permission be granted;

(b) that delegated powers be granted to the Assistant Director for Planning, Leisure and Culture Services, following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of conditions, as set out in the report.

*Following consideration of the above matter referred to at Minute No. 81/26, Councillor A. Bailes returned to the room.*

82/26

**26/00195/FUL - FIRST FLOOR EXTENSION TO EXISTING DWELLING TO CREATE ADDITIONAL STOREY. HOLLY HOUSE, 1A HOLLYBANK DRIVE, BROMSGROVE, WORCESTERSHIRE, B61 0FT. MR G DEOL**

As detailed in the preamble above, Councillor J. Robinson left the room for the consideration of the item and took no part in the debate or decision thereof.

It was being reported to the Planning Committee for consideration at the request of Councillor R. J Hunter, Ward Councillor, in accordance with the Council's constitution.

It was noted that there was no Committee Update for this item.

Officers presented the report and in doing so highlighted that the application was for a first- floor extension to an existing dwelling to create an additional storey.

Officers presented the presentation slides, as detailed on pages 59 to 66 of the main agenda pack and outlined that the property was a detached bungalow within a residential area.

Officers highlighted that the planning application before the Committee was an amended version of the original application for planning permission.

5 objections had been received, all from residents from within the locality.

Planning officers were satisfied that the planning application was compliant with the Bromsgrove District Plan, the High Quality Design Supplementary Planning Document (SPD) and the National Planning Policy Framework 2024.

Further information, including relevant planning history was relayed to the Committee.

It was noted that the planning application was recommended to be granted.

At the invitation of the Chairman, Murkesh Mistry, the applicant's Planning Agent, addressed the Committee in support of the application. Councillor R. J. Hunter also addressed the Committee in his capacity as Ward Councillor, in opposition to the application. Having addressed the Committee, Councillor R. J. Hunter then left the room.

Members then debated the application. From the comments and questions by members of the Committee, the following responses were made, and issues highlighted:

- It noted that it was proposed that the first- floor windows to the front elevation would be non-opening and obscure glazed.
- Officers considered that the proposal as amended did not require a minimum separation distance due to the lack of first-floor, facing habitable room windows.

On being put to the vote it was

**RESOLVED** that having had regard to all the information before them and all other material considerations that planning permission be granted, subject to Conditions as detailed on page 58 of the main agenda pack.

*Following consideration of the above matter referred to at Minute No. 82/26, Councillor J. Robinson returned to the room.*

83/26

## **PLANNING PERFORMANCE REPORT - QUARTER 4**

The Development Management Manager presented the Planning Performance Report - Quarter Four (1<sup>st</sup> January 2026- 31<sup>st</sup> March 2026) for Members' consideration.

In doing so it was highlighted that planning performance was based on a one-year rolling assessment period and measured the speed of decision making. The speed of decision making was highlighted on page 67 of the main agenda pack.

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Officers explained that the speed of decision-making for major applications over the rolling one-year period was 92.9% and 88.6% for non-major applications over the rolling one-year period. The Government required a minimum of 60% of major applications and 70% of non-major applications to be determined in time, or within an agreed extension of time.

In terms of the quality of the decision making, no Local Planning Authority should exceed 10% of decisions being overturned at appeal. Members were asked to note that the data detailed within the report was intentionally nine months behind the date of publication to allow a time lag for appeals in the pipeline to be determined.

Details of appeal decisions received in Quarter Four and cost award outcomes relating to recent planning appeals were provided to Members for information.

**RESOLVED** that the Planning Performance Report - Quarter Four be noted.

The meeting closed at 7.37 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
McDonald's Restaurants Ltd and Cordwell Leisure Developments Ltd	Construction of freestanding restaurant with associated drive thru, car parking and landscaping and associated works. Alterations to access. Stourbridge Road Car Park, Stourbridge Road, Bromsgrove, Worcestershire,	14.02.2018	17/01468/FUL

## Procedural Update

### Highway Matters

A.1 Members will recall that this application was considered at the Planning Committee meeting of 9<sup>th</sup> April 2026. It was resolved to defer the application for the following two reasons:

1. Confirmation that the highways modelling is based on up-to-date base data; and
2. Evidence that the scheme has been tested against all reasonable future scenarios.

Further information has been sought with respect to these matters which is discussed in detail below and should be read in conjunction with section 6 of this report.

A.2 The applicants have responded to the reasons for the application being deferred with the following information:

*The planning application for the proposed McDonald's restaurant has been ongoing since 2017. However, the traffic information and modelling has been updated and validated. This is outlined in the most recent submission of ADL's Traffic Note 4 (October 2025). This includes;*

- *A report on VISSIM modelling provided by Jacobs (WCC Highway Authority's) consultants. This includes 2022 traffic survey data and is run for a 2023 calibrated base year.*
- *The VISSIM model includes the traffic generated by committed development at; Whitford Road, Land West of Foxlydiate Lane, Land at Brockhill East and Land at Perryfields.*
- *The VISSIM model includes the now implemented improvements to the pedestrian crossing facilities at the Parkside Junction. The VISSIM model therefore includes all current geometries and facilities at the junction.*
- *The committed development traffic has been added on top of the 2023 base year. The VISSIM model therefore includes all the projected development growth in traffic effecting the Parkside junction for a future year scenario which is appropriate for the opening year of the McDonald's restaurant.*

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- *The proposed McDonald's traffic has been validated based on surveys of drive thru restaurants on the industry standard TRICS database version 8.25.6 undertaken in September 2025. The traffic assessed is therefore robust.*
- *An updated accident search was conducted for the Parkside Junction for between 01/02/22-31/01/25. There were no accidents recorded.*

*Therefore, there is no reason why the traffic information submitted with the application is not entirely sufficient and the application should be permitted.*

A.3 In view of the debate at the meeting of 9<sup>th</sup> April 2026 further legal advice has been sought for the assistance of Members on the application of paragraph 116 of the NPPF in relation to the determination of this application.

A.4 As set out at paragraph 6.3 below, paragraph 116 of the NPPF provides that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

A.5 The Council's legal adviser has advised that the effect of paragraph 116 is to require the applicant to produce a transport assessment which is sufficiently satisfactory for a conclusion about the severity of the impact to be reached. The Council's legal advisers refer to the High Court case of Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 2631 (Admin).

A.6 This case related to the interpretation of paragraph 109 of the National Planning Policy Framework (July 2018) which provided that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The Council's legal adviser has advised that whilst the case relates to a previous version of the NPPF that the case remains good law.

A.7 Sir Duncan Ouseley Sitting as a High Court Judge stated at paragraph 58 of the judgment that:

*“The effect of paragraph 111 of the Framework is to require a developer to produce a transport assessment which is sufficiently satisfactory for a conclusion about the severity of the impact to be reached. If that is done, and the impact is less than unacceptable or severe, there is no highway basis in the Framework for refusing permission in a “tilted balance” case. But if the transport assessment is too deficient in that respect for a judgment to be reached, paragraph 109 cannot assist. Otherwise, it would be open under the Framework for a developer to come forward with no sound work, and require the Council to prove the serious impact. That is not how the two paragraphs are meant to work.”*

Sir Duncan Ouseley went on to state at paragraph 109 of the judgment:

*“The development plan policies and the Framework required the developer to produce reliable evidence of transport impacts so that a judgment could be reached on a sound basis as to the severity of the impacts..... The highways evidence had to be very clear, soundly based, and should not leave a substantial risk that the adverse impacts would occur.”*

A.8 As such, the requirement to demonstrate that the residual cumulative impacts on the road network, following mitigation, would not be severe, taking into account all reasonable future scenarios falls squarely on the applicant and it is for the applicant to provide sufficiently robust evidence to demonstrate this.

A.9 Worcestershire County Council as Highway Authority have reviewed the comments received from the applicants and have confirmed that this is an accurate representation of background to the modelling work that has been undertaken at the site. Furthermore, the conclusion remains that there are no further 'reasonable' assessments which could be undertaken by the developers in accordance with the definition of the NPPF and that there is nothing further which could be done that would not venture into being unreasonable and open the Council's for costs if it went to appeal.

A.10 Taking all these matters into account the conclusions on highway matters reached at paragraph 6.16 remain valid.

## **Public Health**

A.10 With respect to Public Health and reflecting the discussion at the April Planning Committee meeting some further clarification is provided with respect to the assessment of the application against Policy BDP25 of the Bromsgrove District Plan.

A.11 For clarity, Policy BDP25 'Health and Wellbeing' covers a range of matters, however the most relevant part of the policy to this proposal is BDP25.6:

*BDP25.6 Concentrations of A5 hot food takeaway uses in particular can be detrimental to the health of communities in the District. Proposals for hot food takeaways (Class A5) will only be permitted where:*

- a) The proposed use will not result in the proportion of units within the designated centre or retail frontage outside a local centre being hot food takeaways exceeding 5% (updated figures for each local centre will be published annually within the Council's AMR);*
- b) The proposed use will not result in more than two A5 units located adjacent to each other;*
- c) The proposed use will maintain at least two non A5 units between individual and/or groups of hot food takeaways.*

Whilst the proposal is not exclusively a hot food takeaway use, it does comprise an element of this use (now Sui Generis) and therefore consideration of the proposal against this policy is warranted.

A.12 With respect to each of the criteria:

a) the site lies within the town centre as designated by Policy BDP17 of the Bromsgrove District Plan. The proportion of units within a Sui Generis (hot food takeaway use) is 4.57% according to current monitoring. With this addition of the building subject to this application the percentage would increase to 4.85% therefore not exceeding 5% and complying with this part of the policy.

b) the adjacent uses to the site are as a car wash and Aldi supermarket, therefore the proposal would not result in more than two hot food takeaway uses being located adjacent to each other

c) as above, the adjacent uses to the site are not as hot food takeaways therefore at least two non hot food takeaway units will be maintained.

A.13 As the site is within the town centre, Policy BDP25.7 is not relevant to this application, however as noted in section 4 below the distance to the nearest schools exceeds 400 metres.

## **RECOMMENDATION:**

(a) **MINDED to GRANT FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Assistant Director of Planning, Leisure and Cultural Services to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matter:

1) £10,000 for the revalidation and optimisation of the Microprocessor Optimised Vehicle Actuation signal timings specification at the Parkside Junction.

## **Consultations**

### **Worcestershire County Council Highway Authority**

- No objection subject to conditions and obligation relating to:
  - Site Access
  - Parking provision
  - Cycle provision
  - Drainage
  - Construction Traffic Management Plan

### **Mott MacDonald Highway Consultants**

- BDC may reasonably take a decision “on the balance of evidence”, cognisant with other wider planning considerations, or alternatively, again seek further evidence and iteration of the traffic evidence base. It should be noted, however, that the latter approach is not guaranteed to provide a definitive answer. Such a decision, however, remains with BDC as Authority,

### **Strategic Planning and Conservation**

- No Objection
- It is accepted that the opportunity for this site as identified in the BDP is not able to be implemented in full. The areas where full compliance is not possible do not amount to an in principle objection to the scheme.

- Whilst concerns remain about the frontage onto Birmingham Road not being what was envisaged as an active frontage, on balance our view is that this does not amount to a reason for the scheme not to proceed in principle.

## **Conservation Officer**

- No objection
- On the basis that the current car park contributes little to the setting of the CA or the listed buildings, the improved design, better choice of materials and the reduced scale of the proposal will have a neutral impact on the designated heritage assets, and will therefore not result in harm to their significance.
- The proposed site is currently used as a carpark and fronts Birmingham Road with access from Stourbridge Road. It is within close proximity of the northern tip of the Bromsgrove Town Centre Conservation Area, Davenall House, Grade II, is on the south east side of Birmingham Road and Parkside, Grade II, is on the west side of Stourbridge Road.
- Previously concerns have been raised regarding the choice of materials for the new build and the separation of the building from the Birmingham Road by the car access for the drive through.
- The building has now been reduced in height to a high single storey, which will reduce its impact in the street scene, while at the same time partially enclosing the site. The building materials are largely red brick with a panel of grey bricks to add interest, which is an improvement on previous schemes. The building will still be separated from Birmingham Road by the access to the drive through, however it is largely positioned to the front of the site (in terms of the Birmingham Road) partially enclosing this part of the road. Alternative layouts, it is assumed, would have positioned the carpark to the Birmingham Road side of the site. Views of the drive through will be partially screened by the proposed landscaping, which includes railings and trees. Access to the car park and drive through will be from Stourbridge Road, via the current car park access.

## **Worcestershire Archive and Archaeological Service**

- No objection subject to condition relating to:
  - The securing of a programme of archaeological works

## **North Worcestershire Water Management**

- No objection subject to condition relating to:
  - A Drainage Strategy

## **Worcestershire Regulatory Services - Contaminated Land**

- No objection subject to conditions relating to:
  - Tiered investigation

## **Worcestershire Regulatory Services - Air Quality**

- No objection

## **Worcestershire Regulatory Services**

**Odour:** The applicant should provide full details relating to the proposed position of the kitchen extraction flue and the odour control system for comment and approval.

**External Lighting:** The applicant should provide full details of the proposed external lighting scheme for comment and approval.

**Construction Phase Nuisance:** In order to minimise any nuisance from noise, vibration and dust during the construction phase the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

## **Worcestershire Regulatory Services – Noise**

No objection subject to a condition relating to:

- Demonstrating the noise from an external fixed plant/ventilation opening will not adversely impact the nearest sensitive receptors.

## **Arboricultural Officer**

- No objection subject to additional tree planting and conditions relating to:
  - New stock to be planted is at least Heavy Standard Grade 12-14 cm stem girth trees
  - Specification of tree pits

## **Publicity**

- A total of 5 letters were originally sent on 4 January 2018.
- Three site notices were displayed around the application site on 8 January 2018 which expired on 29 January 2018.
- The application was advertised in the Bromsgrove Standard on 12 January 2018, expiring on 26 January 2018.

Those who made comments on the application were reconsulted on 4 December 2018 when amended plans and information were submitted by the applicant.

A total of 408 comments have been received as a result of the publicity of the application. These are not necessarily all individual comments, as some individuals have chosen to comment more than once on the application. Of these 391 comments are recorded as objections and 17 are recorded as making comments in support of the proposal.

On submission of the current scheme a further round of consultation has been undertaken given the time lapse in progressing the application.

A total of 15 letters were sent on 16 October 2025

Site notices were displayed around the application site on 16 October which expired on 10 November 2025.

The application was advertised in the Bromsgrove Standard on 24 October 2025, which expired on 10 November 2025.

Since the application was considered at the April Planning Committee meeting further representations have been made on the application.

The application now has recorded a total of 478 comments, of which 450 are recorded as objection and 27 recorded as support

# Agenda Item 7

The matters raised in support of the application are summarised as follows:

- Would raise Bromsgrove's profile
- Would improve the range of eateries in the town bringing jobs, visitors and footfall
- Congestion will happen regardless
- Helps support other local businesses and increase trade
- Provide a safe place for young people to meet and socialise
- Would improve the health of the High Street and provide a facility enjoyed by other towns and cities
- The site is currently an eyesore and a waste of a prime location in the town centre
- Established KFC has done no harm
- Young families and children should be catered for to support a vibrant community

The matters raised in objecting to the application are summarised as follows:

- Would be damaging to children and family's health and wellbeing
- Would be contrary to Government guidance on discouraging fast food outlets close to schools, homes and youth facilities in interests of health and curbing obesity
- Would be in easy walking distance for pupils of Meadows First School, Parkside Middle School, North Bromsgrove High School, the Library and the playground next to the Asda store.
- Would encourage anti-social behaviour and increases in crime
- Increase in traffic hazard to pedestrians and cyclists
- The crossroads adjacent to the site is already heavily congested and with limited space for manoeuvring of delivery lorries within the carriageway
- Those living in the area should be free from the constant odour of fried food and air pollution from idling cars.
- The data used for the transport statement is not fit for purpose and does not take account of recent developments
- There is a connection between obesity and processed foods and the onset of certain cancers
- The Bromsgrove Town Centre Plan seeks to reduce fast food outlets and clustering of fast food outlets at this end of town would be unacceptable.
- Will do nothing for schools encouraging healthy eating
- Increase in traffic would result in a reduction in air quality and health risk for children walking to school
- Recent opening of Aldi, Home Bargains, Food Warehouse and Lidl has led to traffic increases at all times.
- Controlled parking at McDonalds will not encourage people to stay in town, and also with a drive through, and would result in the loss of another public carpark when there is already insufficient parking in the town
- Nuisance caused from littering and noise
- The site should remain designated for office or retail use
- There is already an unbalanced portfolio in relation to fast food in the town.
- Detrimental to residential amenity
- A drive-through is inappropriate on the fringes of a crowded town next to residential housing
- Bromsgrove Town Centre Plan seeks to reduce fast food outlets and the clustering of such outlets at this end of town is unacceptable.
- Drive-through will encourage car use

- The District Plan puts the site forward for office led mixed use and not retail/restaurant use.
- Unacceptable loss of mature trees and shrubs
- Wrong public health message to put a fast food outlet directly opposite a GP surgery.
- Loss of the car park would leave no car park for football fans to park on. The local and surrounding roads are already full on match days with as many as 3000 plus fans on a full game. The removal of this car park leaves no North Car Park. The towns other car parks will not be able to cope with the volume of cars needing to park.
- Concerns relating to the interpretation of paragraph 116 of the NPPF.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 – Sustainable Development Principles  
BDP16 – Sustainable Transport  
BDP17 – Town Centre Regeneration  
BDP19 – High Quality Design  
BDP20 – Managing the Historic Environment  
BDP25 – Health and Wellbeing

### **Others**

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance

## **Relevant Planning History**

17/01469/ADV	INSTALLATION OF 7 NO. FASCIA SIGNS.	Pending consideration
17/01470/ADV	VARIOUS SITE SIGNAGE INCLUDING 1 NO. GATEWAY HEIGHT RESTRICTOR, 7 NO. FREESTANDING SIGNS, 2 SINGLE SIDED DIRECTIONAL SIGNS, 3 NO. BANNER UNITS AND 14 NO. DOT SIGNS.	Pending consideration
17/01471/ADV	THE INSTALLATION OF A FREESTANDING 12M TOTEM SIGN	Pending consideration

## **Assessment of Proposal**

### **1. Site and surroundings**

1.1 The site comprises the council owned car park occupying the majority of a roughly triangular shaped piece of land close to the junction of Market Street, Stourbridge Road and Birmingham Road in Bromsgrove. The site is broadly level and largely comprises a tarmacked area for car parking with ancillary lighting/signage/CCTV cameras/ticket machines. Vehicular access is gained from Stourbridge Road. Roughly in the centre of the site is a belt of trees.

1.2 Adjacent to the application site to the south are two storey red brick buildings housing a wedding dress shop and a hair and beauty salon. An area of land immediately adjacent to the Market Street/Stourbridge Road/Birmingham Road junction is being utilised as a car wash.

1.3 To the north is the Aldi supermarket which is a single storey building finished predominantly in red brick and render.

1.4 The Parkside building housing the council offices lies to the west of the application site on the opposite side of Stourbridge Road and comprises a two storey red brick building with modern extension which houses the public library. The building is listed at Grade II.

1.5 To the east of the application site on the opposite side of Birmingham Road lies a three-storey modern parade of shops as well as Davenal House which houses a doctors surgery and the Norton Collection Museum. Davenal House is listed at Grade II.

## **2. Proposal**

2.1 The application proposes the construction of a single storey restaurant building, including drive thru and associated infrastructure and car parking. The building is proposed to be sited towards the eastern side of the site, close to and parallel with the Birmingham Road frontage.

2.2 Vehicular access will be via the existing access off Stourbridge Road which is proposed to be modified. A total of 28 car parking spaces are proposed on the site to include two accessible spaces. A brick wall with black bow top railings above is proposed along the Birmingham Road frontage which will mimic the same feature present along the Birmingham Road frontage to the Aldi supermarket site.

2.3 The building is proposed to be finished in red brick with grey brick feature panels and white canopy details.

## **3. Principle of development**

3.1 The site lies within the Town Centre as defined by the Bromsgrove District Plan. Policy BDP17 provides guiding principles to new development within the Town Centre as well as specifically allocating the application site along with the adjacent Aldi supermarket site, at policy BDP17.15 for redevelopment, known as site TC8 'Birmingham Road/Stourbridge Road Junction'.

3.2 The supporting text to Policy BDP17 explains that the site will be considered for a variety of different uses however a development which incorporates new office accommodation will be favoured. It goes on to outline that there will be a need to reinstate the street frontages along Birmingham Road with high quality architecture as well as tree planting along Stourbridge Road and Birmingham Road to reinstate the historic lime avenue.

3.3 Policy BDP17.15 itself outlines four development principles that will apply to the site, as well as reiterating that the site offers an opportunity for office led mixed use

development. These criteria relate to encouraging the reinstatement of street frontages through a perimeter block arrangement, the requirement for high quality distinctive architecture to establish the crossroads as a key gateway in to the town, any development proposed respecting the scale of development on the Birmingham Road Retail Park and that the Stourbridge Road frontage would need to have regard to the former Parkside School opposite.

3.4 The development as proposed constitutes the erection of a restaurant building with takeaway food provision. This is considered to represent a mixed use of the site (Classes E and sui generis). Clearly this does not make any provision for office accommodation which the policy in the Development Plan favours for the site.

3.5 In response to this the applicants have submitted a report reviewing the Bromsgrove office accommodation market. The report considers the availability of office space and demand trends, as well as market trends and development viability. The report concludes that the demand for office accommodation is weak within the town centre and notes that a number of established owner occupiers have relocated to out of town locations. Topaz Business Park due to its location adjacent to the motorway has attracted the strongest occupiers and secured the highest rents. Following this, accommodation on the south east of the town at Buntsford Park and Harris Business Park are also popular with occupiers. It is further noted that only one speculative office building has been constructed within the buoyant Solihull M42 market in the last 8 years. Taking these matters in to account it is considered that new office development is commercially unviable. This is evidenced in relation to the specific application site through the marketing exercise undertaken for mixed use redevelopment which did not attract any interest for office use.

3.6 In considering the report submitted, Strategic Planning have confirmed that the report provides justification to address why the policy in relation to the site cannot be implemented in full. On balance it is considered that whilst concerns remain relating to the Birmingham Road frontage there is not a reason why the scheme cannot proceed as a matter of principle. Your officers have no reason to take a different view to those of colleagues in Strategic Planning and therefore no objection is raised to the development of the site in principle.

## **4. Public Health**

4.1 Policy BDP25 of the Bromsgrove District Plan provides a range of policies relating to Health and Wellbeing.

4.2 Chapter 8 of the National Planning Policy Framework (NPPF) (2024) relates to promoting safe and healthy communities. Of particular note is paragraph 97 of the NPPF which states that:

*Local planning authorities should refuse applications for hot food takeaways and fast food outlets:*

- *within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*
- *in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.*

4.3 Policies BDP25.6 and 25.7 relate to the control of A5 hot food takeaway uses. Use class A5 no longer exists, and hot food takeaways are now considered a Sui Generis use.

4.4 Relevant to this application is Policy BDP25.6, which only permits hot food takeaways where the proposed use will not result in the proportion of units within a designated centre exceeding 5%.

4.5 Policy BDP25.7 applies a 400m buffer around schools, parks and youth centred facilities, within which hot food takeaways would be resisted. 400m was chosen because it was considered to be a reasonable distance given that it represents a 10 minute walk. This policy only applies to proposals that fall outside the defined designated town centre, whereas the application site abuts its inside edge, and therefore does not apply in this case. However, given the concentration of schools near to the site and the weight of objection raised by the local community on this issue, for Members' information distances to the local schools are as follows:

Meadows First School: 430m  
Parkside Middle School: 430m  
North Bromsgrove High School: 569m

4.6 Therefore, even if Policy BDP25.7 were to apply to the proposal, the site exceeds 400 metres from all the schools in proximity to the site and would meet with this Policy requirement. Furthermore, as stated above, the NPPF only seeks to resist applications for hot food takeaways which are within walking distance of schools unless the location is within a designated town centre which is the case in this instance.

4.7 In addition, and specifically with reference to the requirements of BDP25.6, it is clear that the application is a mixed use proposal not solely a hot food takeaway proposal. BDP25.6 is not now in accordance with the NPPF at paragraph 97, which is a material consideration of significant weight, particularly in view of the fact that the NPPF is more up to date than the Bromsgrove District Plan.

4.8 Paragraph 90 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

4.9 Taking all of the above in to account it is considered that the proposal is acceptable on public health grounds and application of the policies of the NPPF are such that resisting the application on these grounds is not supported by planning policy.

## **5. Design and the Historic Environment**

5.1 The application proposes the construction of a single storey restaurant building sited parallel to Birmingham Road. Vehicular access is proposed from Stourbridge Road in the position of the existing vehicular access to the site. It is proposed to widen this vehicular access. Pedestrian access will be from both the Stourbridge Road entrance and the retention of the existing pedestrian access from Birmingham Road.

5.2 A large part of the site will remain as car parking, albeit in a rearranged layout. The proposed layout plan makes provision for EV charging points and access to the building in a form of a drive thru.

5.3 Landscaping is proposed to both the Stourbridge Road and Birmingham Road frontages including new tree planting.

5.4 The existing stone wall is shown as being retained to the Stourbridge Road frontage, with a wall and bow top railings, similar to those at the Aldi frontage, is proposed to the Birmingham Road boundary.

5.5 The building itself is proposed to be finished in red brick with darker brick panels. Dark glazing and panels are shown above a number of the windows with white canopy detailing.

5.6 BDP19 of the Bromsgrove District Plan broadly deals with matters relating to design. In addition, BDP17.15 sets out some development principles which will apply to the development of the wider site allocation. These include the encouragement of a perimeter block arrangement to reinstate street frontages, the requirement for high quality architecture, the scale of development to respect the scale of Birmingham Road retail park and that the Stourbridge Road frontage should have regard to the former Parkside School (now the Council offices) opposite the site.

5.7 Opposite the site to the east is the north eastern extremity of the Bromsgrove Town Centre Conservation Area, and two buildings in particular, the grade II listed Davenal House, which is currently a doctors surgery and the Norton Trust Museum, which was probably the coach house to Davenal House. Although it has been altered and extended, its historic and architectural character are still apparent and it was identified in the 2012 Conservation Area Appraisal as an 'unlisted building that makes a positive contribution'.

5.8 Parkside, on the Stourbridge Road, dates from 1909 and is Grade II listed. The significance of both listed buildings and the unlisted Museum building are largely related to their architectural interest, but they do reflect the character and materials of many other buildings in the centre of Bromsgrove and particularly the Town Centre. The setting of Parkside, in terms of neighbouring buildings, has probably not altered significantly since it was constructed. Birmingham Road has lost the sense of enclosure it once had with the demolition of the houses that would have been on the application site.

5.9 BDP20 of the Bromsgrove District Plan covers matters relating to the Historic Environment and in particular that the District Council will support proposals which sustain and enhance the significance of Heritage Assets including their setting. Furthermore, development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets and BDP20.9 requires development within or adjacent to a Conservation Area should preserve or enhance the character or appearance of the area.

5.10 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that LPAs have special regard to the desirability of preserving a listed building or its setting.

5.11 As noted earlier in this report, the Conservation Officer has provided comments on the application and does not raise any objections, overall noting that the development will have a neutral impact on the designated heritage assets and not result in harm to their significance.

5.12 The siting of the building is such that it will partly enclose the Birmingham Road frontage, one of the characteristics of development encouraged by BDP17.15. Furthermore, the reduced scale of the building is such that it respects that at the Birmingham Road retail park and the absence of built form proposed at the Stourbridge Road frontage maintains the status quo here.

5.13 Having regard to the policies of the Development Plan, the requirements of the relevant planning Act and the current use of the site as a car park, it is considered that the design of the building and site is considered appropriate for its setting and no harm will result to the significance of the heritage assets which are in proximity to the application site.

## **6. Highway Matters**

6.1 Policy BDP16 of the Bromsgrove District Plan requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements.

6.2 Paragraph 115 of the NPPF sets out a series of criteria for assessing applications for development with specific reference to promoting sustainable transport. Paragraph 155(d) states that it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

6.3 Paragraph 116 of the NPPF goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

6.4 It is noted that a large number of the comments made objecting to the application raise matters relating to the local highway network and the Stourbridge Road/Birmingham Road/Market Street/The Strand junction. It is well established that any proposal seeking planning permission can only seek to address those matters directly arising from the development proposed and cannot be used to address any pre-existing highway issues.

6.5 There has been considerable work undertaken in relation to highway matters over the lifetime of the application, including consultation with Worcestershire County Council Highway Authority and Mott MacDonald on behalf of the council.

6.6 In response to the most recent revised submission the Highway Authority have concluded that they have no objection to the application subject to planning conditions and obligations. In coming to this conclusion, the following have been reviewed the following:

- Planning Statement (updated September 2025)
- Amended Site Plan (July 2025)
- Traffic Note 4 (October 2025)
- Stage 1 Road Safety Audit

- Delivery Management Plan

WCC Highways have also reviewed and updated the “Land at Stourbridge Road Car Park Microsimulation Modelling report (July 2025)”.

6.7 The Highway Authority response is separated into a number of sections which are summarised below;

## **Vehicular Access**

- The existing access at Stourbridge Road is proposed to be modified to form a simple priority T junction arrangement with a 6.5 to 6 metre site access road and yellow box/keep clear carriageway markings on Stourbridge Road.
- Adequate junction visibility splays can be achieved of 2.4m x 43m in both directions
- Vehicle swept path analysis demonstrates that a rigid delivery vehicle (HGV) would be able to undertake right in, left out turning manoeuvres at the access within the confines of the carriageway
- Swept path analysis suggests that there would be some limited overrunning of the opposing lanes when a deliver vehicle seeks to access and egress the site, however this is not extensive and would be typical for delivery and service vehicles operating in the urban road network. The highway authority are satisfied that delivery vehicles undertaking left-in and right-out turning manoeuvres would be able to do so safely within the confines of the carriageway.
- An independent Stage 1 Road Safety Audit has been undertaken for the proposed site access at Stourbridge which highlighted one safety risk associated with pedestrian crossing at the access, however the site plans have been updated to satisfactorily address this matter.

## **Development Impact Assessment – Parkside Junction**

- Review of the microsimulation modelling of the Parkside Junction indicates that the development proposals result in regular instances of drivers waiting to turn right into the site from Stourbridge Road blocking back into the Parkside Junction as vehicles on the Stourbridge Road approach to the junction and queue across the proposed site access.
- The applicant has agreed to provide carriageway markings and signage to prevent queuing vehicles from blocking the site access.
- The micro-simulation modelling also indicates that as a result of the traffic demand generated by the proposed development, the performance of the Parkside signalised junction will deteriorate over time. WCC Highways accepts that the limitations of the microsimulation model and the local context of the site mean that the impact of the proposed development at the Parkside junction is overestimated within the model.
- The Parkside junction has recently been improved to enhance performance and operational capacity, comprising an upgrade to MOVA (Microprocessor Optimised Vehicle Actuation) control, queue detection and the refurbishment of signalling equipment. The improvements to the Parkside junction enable the signal operation to be optimised and dynamically respond to actual vehicle demands, queues and delays during network peak hours
- The modelling assessment demonstrates that that the proposed development will attract and generate additional vehicle trips and turning movements during network peak hours, proximate to the Parkside junction, that were not known/taken into account within the Parkside junction improvement scheme. Should the LPA be minded to

approve the application, WCC Highways requests that a proportionate contribution of £10,000 is secured via S106 Agreement towards the revalidation and optimisation of the MOVA signal timings specification, to enable the actual development impact to be adequately monitored and managed and to ensure any associated deterioration in junction performance can be satisfactorily mitigated.

## **Delivery Management Plan**

- A delivery management plan has been submitted which explains how deliveries will take place at the site.
- As the delivery vehicle requires a number of car parking bays whilst parked on site and requires the use of a number of parking bays to be prohibited to undertake the necessary manoeuvres within the site, deliveries and servicing will avoid peak trading periods.
- Deliveries are proposed to be scheduled to occur at quiet trading periods, overnight between 20:00 and 08:00.

## **Site Layout**

- WCC Highways is satisfied that sufficient on-site parking is proposed, in accordance with the requirements of the Worcestershire Streetscape Design Guide.
- WCC Highways is satisfied that sufficient parking would remain available to accommodate customer demand during the proposed overnight delivery windows.
- WCC Highways is satisfied that the proposed drive-thru arrangements are suitable and that any concentrations of traffic demand at the drive-thru would not result in vehicles queueing onto Stourbridge Road.

6.8 Mott MacDonald provided a detailed response to these comments which concluded overall that the updated application reflected a more considered approach to the concerns previously raised relating to the impact of the development on the operational performance of the Parkside junction in relation to queuing and delays. However, this matter, in their view, had not been fully resolved.

6.9 Further consideration of the Mott MacDonald comments was given by the Highway Authority. Their position remains that they raise no objection to the proposal subject to conditions and the requested planning obligation.

6.10 The comments received at this time from the Highway Authority are framed having regard to the NPPF particularly at paragraphs 109, 110, 115, 116 and 117:

- The request by Mott MacDonald for further modelling assessments and rebasing of the model is considered to be in conflict with paragraph 116 of the NPPF as mitigation has been identified and modelling undertaken in accordance with Department for Transport guidance. No evidence has been presented by Mott MacDonald to justify why the development should be prevented or refused based on the tests in paragraph 116.
- With respect to the concerns relating to the mitigation scheme proposed and the reduction in the scale of the development not being sufficient it is considered that this conflicts with the NPPF at paragraph 115(d). Further mitigation beyond that already identified would likely be of a significant cost which would undermine the viability of the development. Paragraph 115 is clear that a balance needs to be struck to ensure mitigation for development is viable and enables it to come forward. The approach being undertaken by Mott MacDonald would undermine this position within the NPPF.

6.11 A final response from Mott MacDonald has been received which, in summary, makes the following points in conclusion:

- The planning application has been delayed for many years, during which both local traffic conditions and the scheme's design and evidence base have changed.
- Given the time elapsed, a decision may now need to be made using the evidence that is currently available.
- Although microsimulation modelling was intended to provide robust traffic assessment, all parties agree that flaws in the base model limit how reliable the results are. Attempts to fill these gaps (such as validation or sensitivity testing) were suggested but not undertaken, leaving the actual scale of traffic impacts at Parkside unproven.
- Worcestershire County Council's position of no objection carries notable weight. Their view is based on the constrained evidence available and relies partly on professional judgement. While there are points of disagreement, differing professional judgements are considered reasonable due to the limitations in evidence.
- The site access design has been refined and now credibly addresses localised safety risks, though some residual risk remains.
- Overall, the development's traffic impact—particularly at the Parkside junction—remains “not proven” rather than demonstrably severe.
- Bromsgrove District Council can reasonably determine the application based on the balance of available evidence and wider planning considerations, or seek further traffic evidence. However, further work may still not produce a definitive answer.

6.12 Your Officers are clear that a considerable length of time has elapsed since the planning application was originally submitted, during which a not insignificant amount of work has been undertaken relating to the highways impacts of the proposal.

6.13 The concerns expressed by Mott MacDonald are noted, particularly their concerns around the impact on the Parkside Junction being not proven, rather than being proven to be demonstrably severe. In terms of determining the planning application clear reference is made to there being a need to exercise professional judgement on the matter.

6.14 Whilst it is clear that further work could be undertaken to address the deficiencies with the evidence presented on the highways impacts it is not clear that this further work would result in a definitive answer as to the impact on the Parkside junction.

6.15 Worcestershire County Council acting as the Highway Authority raise no objection to the application and as the statutory consultee on these matters their comments carry significant weight in the determination of the planning application. Mott MacDonald themselves recognise that as the statutory consultee they have direct experience in operating the highway network and involvement in developing the Parkside MOVA scheme.

6.16 In view of the above, and the application of paragraphs 109, 110, 115, 116 and 117 of the NPPF it is your officers view that it has not been demonstrated that there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. In addition, in view of the advice of the Highway Authority, the requirement to carry out further modelling work may render the development of the site unviable contrary

to paragraph 115(d) of the NPPF. As such it is considered that there is no policy basis on which to resist the application on highway grounds.

## **7. Trees**

7.1 The scheme requires the removal of a significant number of the existing trees on the application site.

7.2 There has been considerable discussion with the Council's Arboricultural Officer regarding the landscaping on the site. Whilst it is the preference that the existing trees on the site are retained, mitigation planting is proposed which is considered to be appropriate in terms of the numbers and sizes of trees proposed.

7.3 The mature Beech tree at the southern side of the entrance drive is shown to be retained on the site.

7.4 No objections are raised to the proposed scheme subject to a number of conditions.

7.5 Your Officers note that trees are proposed to the Birmingham Road and Stourbridge Road frontage which accords with the supporting text to policy BDP17 of the Bromsgrove District Plan. Furthermore, the applicant has advised that further tree planting to the Stourbridge Road frontage may be possible, however this is dependent on site constraints and cannot be established until works were to commence.

7.6 It is considered that a planning condition could reasonably be attached to any planning permission to seek further details relating to additional tree planting along this road frontage. Further conditions are considered reasonable in relation to tree protection, excavation works, tree pit planting specifications and the implementation of the submitted landscaping scheme.

## **8. Other matters**

8.1 The application proposes 24 hour opening and deliveries after peak hours between 8pm and 8am. Concerns have been raised relating to the impact of this through noise and disturbance. It is noted that the current use of the site is as a car park and cars arriving to utilise the drive thru element of the site would not result in a materially different impact to the existing use of the site. Given the position of the site in relation to the high street it is considered that pedestrian footfall to the site would be limited late into the evening/early hours of the morning. Deliveries to the site could occur at any time after 8pm and this may result in some limited noise and disturbance whilst lorries are manoeuvring/delivering goods. Officers are mindful, however that there will be existing traffic noise adjacent to the application site and the Birmingham Retail Park development is unrestricted in terms of opening hours and deliveries. Taking all these matters into account it is considered unreasonable to restrict the hours of operation of the proposed building.

8.2 It will be noted that consultation has been undertaken with a number of other consultees as set out earlier in this report. These covers matters such as archaeology, drainage, contaminated land, odour, construction nuisance. No consultee has raised objection to the

proposal and recommended conditions that could be attached to any forthcoming permission.

8.3 It should be noted that as the application was validated before Biodiversity Net Gain was a requirement the application is not subject to this legislation.

## 9. Conclusion

9.1 The application proposes the redevelopment of a site within the Bromsgrove Town Centre, which, along with the adjacent Aldi supermarket site is allocated for development in the Bromsgrove District Plan. Whilst the proposal is not for the favoured office development, BDP17 sets out that the site will be considered for a variety of different uses. Therefore there is no objection in principle to the proposal use for the site.

9.2 For the reasons set out above, the proposal complies with Policy BDP25 with respect to concerns relating to public health.

9.3 No objections to the proposal are raised from the majority of consultees on the application, with a number recommending conditions to be attached to any approval.

9.4 Considerable work has been undertaken with respect to highway matters and with respect to guidance contained within the NPPF it is considered that there is no policy basis on which to refuse the application on these grounds.

9.5 The proposed development would deliver economic benefits including job creation, both during the construction phase and in the longer term.

9.6 Overall, given the presumption in favour of sustainable development it is considered that the benefits of the proposal outweigh the disbenefits and it is therefore recommended that full planning permission be granted.

## **RECOMMENDATION:**

### **a) MINDED to GRANT FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Assistant Director of Planning, Leisure and Cultural Services to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matter:

- 1) £10,000 for the revalidation and optimisation of the Microprocessor Optimised Vehicle Actuation signal timings specification at the Parkside Junction.

## **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

2918/SK/35A Proposed site access  
V15672-MCD\_L01 Rev E Proposed Landscape Plan  
Block Plan 14583\_AEW\_2770\_0002 Rev B  
Proposed Building Elevations and Sections 14583\_AEW\_2770\_0005 Rev A  
Proposed boundary wall 2961\_AEW-8096\_0019

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework. The condition is required to be pre commencement as it relates to potential below ground archaeology which would be lost if works were to commence prior to investigation.

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 218 of the National Planning Policy Framework.

5. No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hard-standing areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). The surface water drainage measures shall provide an appropriate level of runoff treatment. In addition this should include details of the provision for the sustainable disposal of surface water within the site so as to prevent its discharge onto

the highway. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure that a suitable drainage system is in place. The condition is require to be pre commencement as drainage works are integral to the first stages of development on site.

6. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:
  1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
  2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
  3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
  5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
  6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must

be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

7. Electric charging points shall be installed in 10% (as a minimum) of the allocated parking spaces at the development. This may be phased with 5% of spaces operational initially and a further 5% of spaces made EV recharging ready (i.e. incorporating appropriate cabling) to allow additional provision to meet future demand. The developer is responsible for ensuring the charging point complies with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. As a minimum, charge points should comply with Worcestershire County Council Design Guide which requires 22kw charge points in visitor areas, 7kw charge points in staff areas.

Reason: Development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

8. Secure cycle parking facilities must be provided at the development as determined by Worcestershire County Council Design Guidance. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development. The development shall be carried out in accordance with the details hereby approved prior to the first use of the development.

Reason: To ensure satisfactory provision is made for the parking of cycles.

9. The Development hereby approved shall not be brought into use until the vehicle parking provision, including Drive-Thru Lane and Grill Bays, as shown on drawing 2918/SK/35A have been sited, provided with a properly consolidated surface, and are available for use by customers. Thereafter, parking spaces shall be kept clear of obstruction and retained only for the parking of vehicles, including delivery and servicing vehicles, in association with the consented use.

Reason: To ensure that satisfactory provision is made for the parking of vehicles and vehicle circulation.

10. Before Development commences, a detailed schedule of works and design for the site access works at Stourbridge Road, including the site access road, visibility splays Stourbridge Road carriageway markings, signage and pedestrian crossing provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the submitted detailed scheme, which is broadly in accordance with drawing 2918/SK/35A, subject to any non-material modifications identified during the detailed design, technical approval and Road Safety Audit processes, has been agreed in writing by the Local Planning Authority and has been implemented in full.

Reason: In the interests of safe and suitable access for all users and highway safety.

11. The Delivery Management Plan hereby approved, dated October 2025 shall be implemented in accordance with the regime contained within the Plan.

Reason: In the interests of highway safety.

12. The Development hereby permitted shall not be brought into use until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, but not be limited to:

- measures and initiatives to encourage and maximise the use of sustainable and active modes for travel to work;
- an accessibility strategy to specifically address the needs of employees with limited mobility requirements;
- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- appointment and contact details of a travel plan coordinator.

Thereafter the Travel Plan shall be implemented, monitored and reviewed in line with the approved details for a minimum period of five years following first occupation.

Reason: To reduce single occupancy car travel and provide a genuine alternative for employees to travel to work by active and sustainable modes of transport.

13. The Development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and
- Details of any temporary construction accesses and their reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety. The condition is required to be pre commencement as the matters relate to works starting on site.

14. Prior to installation on site, full details of the proposed position of the kitchen extraction flue and odour control system shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out in accordance with the details hereby approved.

Reason: To protect the amenities of the area

15. Prior to installation on site, full details of the proposed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out in accordance with the details hereby approved.

Reason: To protect the amenities of the area

16. The approved soft landscaping scheme shown on drawing No. V15672-MCD\_L01 Rev E shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure the development is satisfactory in appearance.

17. Notwithstanding the proposed tree planting shown on drawing V15672-MCD\_L01 Rev E, details for additional tree planting along the Stourbridge Road frontage shall be submitted to and approved in writing prior to the first use of the development hereby approved. Any additional planting shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure the development is satisfactory in appearance.

18. Prior to commencement of development an arboricultural method statement and tree protection plan should be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In order to protect the trees on the application site. The condition is required to be pre commencement as any preliminary ground works could affect the protected trees on the site.

19. Prior to first planting on site, details of the tree planting pits shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details hereby approved.

Reason: In order to protect the proposed tree planting on site.

20. Prior to first occupation of the development, full details of the hard landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following: a) all external surface materials; b) details of all boundary treatments; c) details of all outdoor furniture including bins, benches and play equipment; d) management and maintenance measures. The hard landscaping scheme shall be

# Agenda Item 7

implemented prior to first occupation of the development in accordance with the approved details and thereafter permanently maintained.

Reason: In order to ensure the development is satisfactory in appearance.

21. No development comprising external elevational treatments shall take place until full details, including samples and specifications of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details

Reason: In order to ensure the development is satisfactory in appearance.

22. Prior to installation on site, details of the wall materials to the Stourbridge Road entrance and the brick wall to Birmingham Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is satisfactory in appearance.

23. Prior to the first use of the development hereby approved, a report shall be submitted to and approved by the Local Planning Authority demonstrating the noise from an external fixed plant/ventilation opening will not adversely impact the nearest sensitive receptors.

Reason: To protect the amenities of the area

**Case Officer:** Sarah Hazlewood Tel: 01527881720  
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

17/01468/FUL

Stourbridge Road Car Park, Stourbridge Road,  
Bromsgrove, Worcestershire,

Proposal: Construction of freestanding restaurant with associated  
drive thru, car parking and landscaping and associated works.  
Alterations to access.

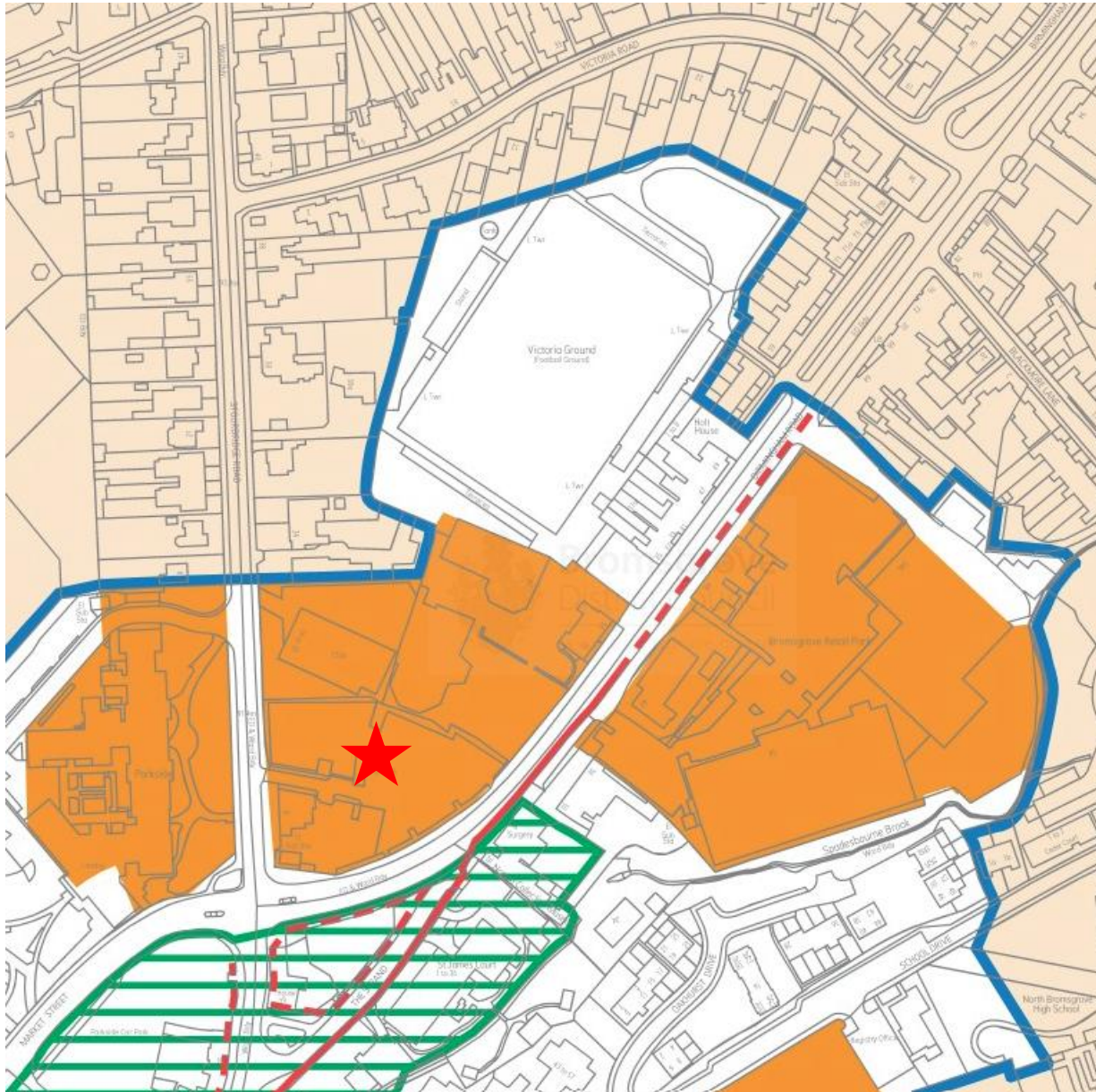
Recommendation:

Minded to Grant full planning permission subject to conditions  
and planning obligation
















# Aerial Photograph



# BDP Proposals Map



## Legend

-  Residential Development Sites **BDP5A , BDP5B , RCBD1**
-  Employment Development Sites **BDP5B**
-  Longbridge AAP **BDP13**
-  District Boundary
-  Employment **BDP13 , BDP14**
-  Green Belt **BDP4**
-  Conservation Area **BBDP20**
-  Open Space **BDP25**
-  Residential Area **BDP19 , BDP7**
-  Shopping **BDP18**
-  Village Envelopes **BDP4**
-  Town Centre Zone **BDP17**
-  Primary Shopping Streets **BDP17**
-  Secondary Shopping Streets **BDP17**
-  Development Opportunities **BDP17 , BDP19**

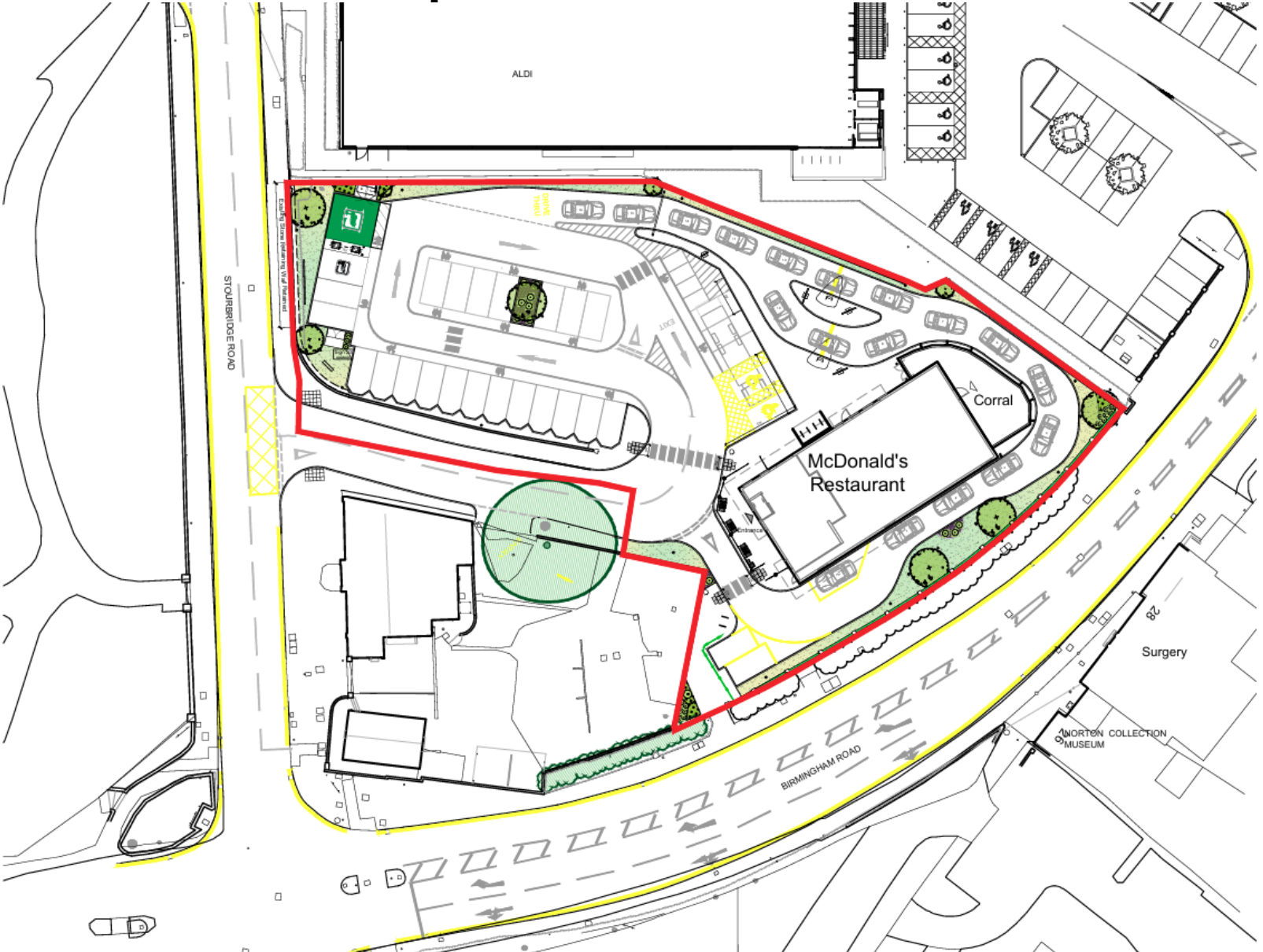
# Application Site



# Application Site

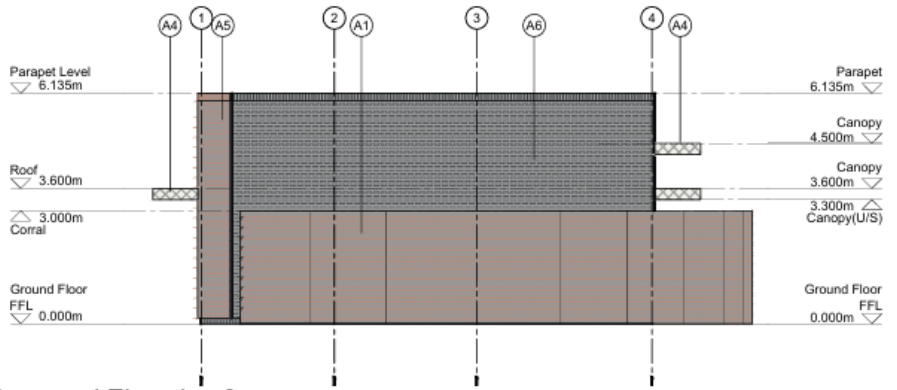
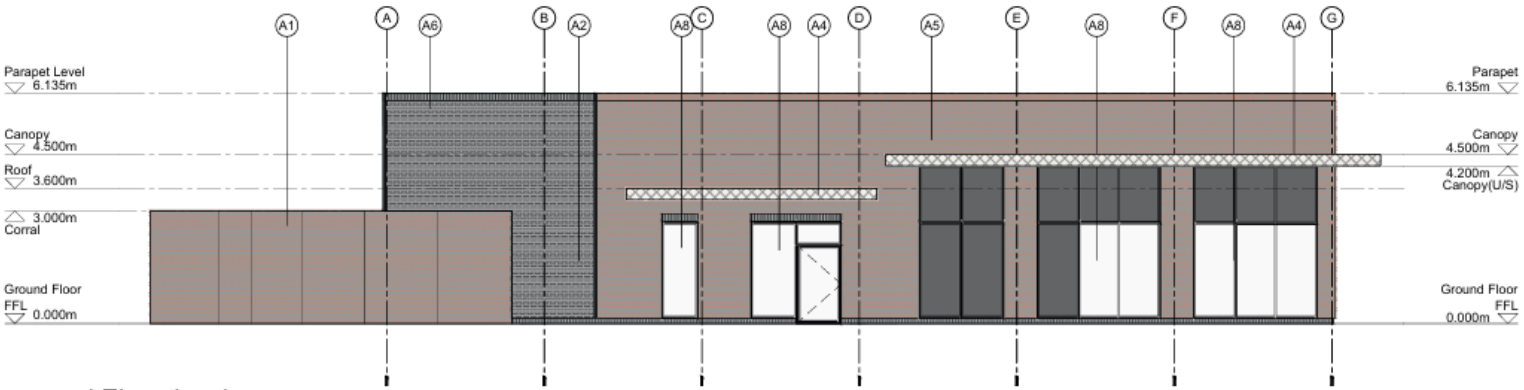


# Proposed Site Plan



Site Plan  
Scale 1:500

# Proposed Elevations



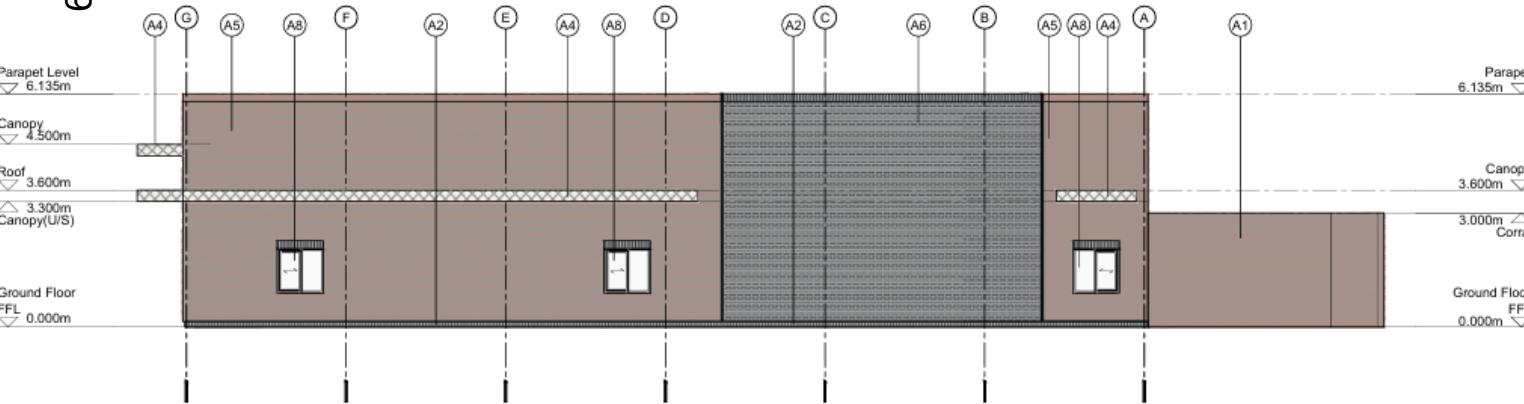
Proposed Elevation 1

Scale 1:100

Proposed Elevation 2

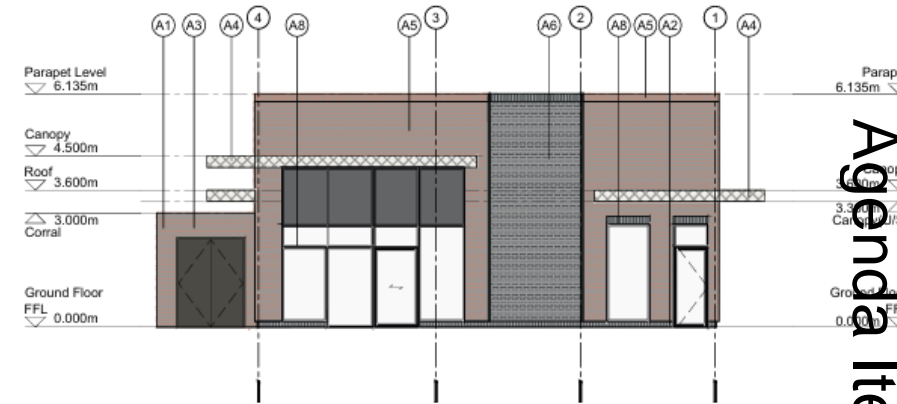
Scale 1:100

Page 59



Proposed Elevation 3

Scale 1:100



Proposed Elevation 4

Scale 1:100

Agenda Item 7

# Proposed CGI Images



View from Birmingham Road

# Proposed CGI Images



View from proposed entrance on Stourbridge Road

**17/01468/FUL**

**Stourbridge Road Car Park, Stourbridge Road, Bromsgrove, Worcestershire**

**Construction of freestanding restaurant with associated drive thru, car parking and landscaping and associated works. Alterations to access.**

Main Matters:

- Principle of development
  - Public Health
  - Design and the Historic Environment
  - Highway Matters
  - Trees
- 
- Recommendation: Minded to grant full planning permission subject to conditions and planning obligation

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Sainsbury's Supermarkets Limited	Change of use from bulky goods retail to a mix of convenience and comparison goods retailing  Unit 1, Brook Retail Park, Sherwood Road, Bromsgrove, Worcestershire B60 3DR	05.06.2026	25/00118/FUL

**RECOMMENDATION:**

- (a) **MINDED to GRANT Full planning permission**
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to determine the application following the receipt and completion of a suitable and satisfactory legal mechanism in relation to the following matters:
  - (i) The securing of secure funding towards Town Centre mitigation measures (details TBC)
- (c) and that **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

**Consultations**

**Worcestershire Highways - Bromsgrove**

No objection subject to condition relating to conformity with submitted details

- A shared car park consisting of 164 parking spaces is available to the proposed development. It is noted 53 spaces are provided in front of the store and a further 111 west of the brook and no changes are proposed to the car park.
- The applicant has provided Parking Beat Surveys as evidence which was undertaken at Brook Retail Park every 30 minutes between 08:00 and 20:00 on Friday 20th September and Saturday 21st September 2024, these periods being when demand was at its peak. The surveys confirmed the greatest parking demand occurs on a Saturday at 13:00, when the car park is at 58% occupancy, with 69 spare spaces.
- Trip generation - please refer to Transport Statement. Trip generation associated with the existing Homebase and proposed Sainsburys has been calculated with reference to the TRICS database, and the details can be found on page 12 of the Transport Statement. Table 4.2 indicates that the existing unit generates approximately 56 vehicle movements in the AM peak hour, 122 in the PM peak hour and 247 in the Saturday peak hour. Table 4.3 presents the surveyed supermarket trip rates and resulting level of vehicle trips proposed by the 2,375 Sqm Sainsbury's. The proposed unit generates approximately 106 vehicle movements in the AM peak hour, 212 in the PM peak hour and 282 in the Saturday peak hour.

**Passer-by and Diverted Retail Trips**

- The A38 Stoke Road is a main transport corridor within Bromsgrove and provides access to a large number of commercial and industrial uses immediately south of the site. It is therefore reasonable to assume that there will be a high level of pass-by trips and therefore a discount of 30% could be applied to the trips in Table 4.3 (proposed vehicle trips). Table 4.4 illustrates that once pass-by and diverted trips are accounted

for, the proposals will likely generate one additional trip in each direction every 3 minutes in the AM peak hour, every 2 minutes in the PM peak hour and every 5 minutes in the Saturday peak hour.

- This evidence submitted within the Transport Statement has demonstrated that the change of occupier type will not have a severe impact to the local road network or parking capacity at the site. The parking survey undertaken at the site in combination with surveyed occupancy data at existing Sainsbury's sites illustrates that there is sufficient parking capacity to cater for customer demand.

### **Servicing**

- As part of the proposals, the service yard has been redesigned to accommodate a Sainsbury's delivery vehicle as provided on Drawing TK01 included in Appendix E, illustrating that delivery vehicles can enter and exit the service yard in a forward gear. Applicant has confirmed for a store of this size there will be 1 to 2 Sainsbury's delivery lorries per day, plus direct deliveries for bread/dairy goods, plus newspapers from smaller vehicles

### **Conclusion**

- The Highway Authority has undertaken a full assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe highway impact and therefore there are no justifiable grounds on which an objection could be maintained.

### **Worcestershire Highways (Travel Planning)**

- The Travel Plan (Mayer Brown, dated January 2025) has been reviewed by the WCC Travel Planning Team. The matters raised related to the appointment of a Travel Plan Coordinator, Site Audit, Travel Plan measures, marketing, funding and monitoring.
- In the previous response, it was advised that references to Modeshift STARS site and requested that the Travel Plan included interim contact details for the Travel Plan Coordinator role. The comments have now been addressed in the updated document, and the Travel Plan can be approved.
- The following condition is recommended to be attached to the decision notice:
- The Employment Travel Plan hereby approved, [dated 27th October 2025 - Rev C] shall be implemented and monitored in accordance with the regime contained within the approved details for a minimum period of five years following occupation.

### **North Worcestershire Water Management**

- No objection subject to condition relating to an updated flood evacuation management plan
- The site is predominantly located within flood zone 1, with the car park areas and front of the building within flood zones 2 & 3.
- As there is no change in vulnerability class or impermeable area, there is no reason to withhold permission on flood risk or drainage grounds.
- The applicants and future occupiers attention is drawn to condition 19 of the 2012 application, which required a flood evacuation management plan to be submitted which should include details of training and should be retained and updated.

### **Bromsgrove Centres Manager**

- Having reviewed the Nexus Supplementary Advice Report (Retail Assessment), it is clear that the proposed development will generate trade diversion from Bromsgrove town centre, including from existing comparison and convenience operators. While the

report concludes that these impacts are not significantly adverse in policy terms, it nevertheless confirms a measurable diversion of expenditure away from the defined centre, which is directly relevant in considering mitigation.

- In this context, and having regard to the Bromsgrove Town Centre Strategic Framework, there is a clear and justified basis for seeking a financial contribution toward improvements that support:
  - Town centre vitality and viability
  - Public realm quality and attractiveness
  - Connectivity and pedestrian movement
  - Overall resilience of the centre in response to out-of-centre competition
- The Framework explicitly prioritises enhancement of public realm, streetscape, accessibility and visitor experience, and seeks to secure funding to deliver these improvements.
- Given that Bromsgrove is not a CIL charging authority, it is appropriate to apply a proportionate, floorspace-based approach to ensure consistency, transparency, and compliance with Regulation 122.
- Based on:
  - The scale of the proposed retail floorspace (1,573 sqm net sales area)
  - The confirmed trade diversion impacts identified in the Nexus assessment
  - The need to secure a proportionate contribution (not full scheme funding)
  - Comparable approaches to commercial contributions in the absence of CIL
- It is considered reasonable to seek a contribution in the order of:  
£75,000 (seventy-five thousand pounds) (*equivalent to approximately £48/sqm of retail floorspace*)

This level of contribution is considered to:

- Represent a proportionate response to the scale of the development and its identified impacts
- Sit within a reasonable and defensible £/sqm range for commercial schemes
- Provide a meaningful contribution toward priority public realm improvements, without placing an unreasonable burden on the development
- Comply fully with the Regulation 122 tests:
  - Necessary to support town centre resilience
  - Directly related to the impact of out-of-centre retail provision
  - Fairly and reasonably related in scale and kind
- It is important to note that while identified public realm interventions within the town centre may have a significantly higher total delivery cost, it is not appropriate for a single development to fund these in full. The requested contribution instead reflects a fair proportionate share toward cumulative improvements.
- The contribution should be ring-fenced for town centre public realm and accessibility improvements, including (but not limited to):
  - Streetscape enhancements (surfacing, planting, street furniture)
  - Lighting and safety improvements
  - Wayfinding and pedestrian connectivity
  - Works supporting key town centre regeneration priorities

## **WRS - Noise**

- No objection

## WRS - Air Quality

- No objection subject to a condition in relation to the provision of an Air Quality Assessment

## Relevant Policies

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP16 Sustainable Transport

BDP17 Town Centre Regeneration

BDP18 Local Centres

BDP23 Water Management

### **Others**

National Planning Policy Framework (2024)

National Planning Practice Guidance

## Relevant Planning History

25/00991/FUL	Minor external store alterations	Pending	
25/00992/FUL	Plant installation in the rear service area	Pending	
25/01012/ADV	Erection of fascia, directional and totem advertisements related to the store	Pending	
24/01004/FUL	Variation of Condition Number 4 attached to 12/0300 to allow Unit 1 (existing Homebase store) to operate as a supermarket selling a mix of convenience and comparison goods	Withdrawn	23.01.2025
12/0300	Demolition of existing building and development of bulky goods retail units (use class A1) with associated parking and infrastructure. (as amended by variation of condition 20 Clause 5 dated 14.03.2014)	Granted	24.09.2012
B/2005/0293	Retail Warehouse (Bulky goods) with associated parking and infrastructure.	Recovered appeal allowed	15.03.2007

### **Publicity**

Site Notice posted 06.05.2025 (expired 30.05.2025)

Press Notice posted 04.04.2025 (expired 21.04.2025)

220 representations received. These are grouped and summarised below.

## Public Comments

### Comments in support

- Strong support for bringing the vacant former Homebase site back into active use rather than leaving it empty and derelict.
- The proposal would create new local jobs and support employment opportunities for residents.
- Expectation of a positive economic impact for Bromsgrove, including increased spending and support for nearby businesses.
- The store would improve consumer choice and variety particularly in food shopping. Support for having a Sainsbury's in Bromsgrove, some residents currently travel to other towns to use one.
- Perception that the development would be a sign of confidence and investment in the town.
- The store would be convenient for local residents, especially those within walking distance. There would be a reduced need to travel elsewhere for groceries and household shopping.
- Support for access to additional in-store brands such as Argos, Tu and Habitat.
- The proposal would help meet needs arising from population growth and new housing development in Bromsgrove.
- Increased supermarket competition could combat inflation.
- Wider social benefits, including support for community and local charities.
- Whilst there are traffic concerns, these could be addressed through mitigation such as: a one-way system, improved access arrangements, extra parking, traffic calming or completion of current roadworks prior to opening.

Approximately 180 very similar representations in support raising the following matters:

- Proposal would bring a vacant or disused retail unit back into active use.
- Expected to create new local jobs and improve employment opportunities.
- Reduction of commuting keeping more spending within the local community.
- Viewed as an investment in Bromsgrove and a sign of confidence in the town.
- Expected to provide an economic boost and support surrounding businesses.
- Would improve shopping choice, variety and competition for residents.
- Access to additional brands and such as Argos, Tu and Habitat would be a benefit.
- Proposal would meet demand from population growth and new housing.

### **Cllr Sam Ammar Worcestershire County Council (support)**

- As an Economy Scrutiny Member, the increased unemployment figures for Worcestershire are a concern. The proposal would create local jobs, helping to address unemployment and support the Bromsgrove economy through increased local spending.
- A vacant unit could attract vandalism and become a visual blight if left unused. The store would have limited impact on the town centre, particularly if the High Street Argos remains open. The store would mainly serve nearby residents and regular local users, rather than replacing all existing shopping habits.
- Concern about current BREP roadworks is acknowledged, these should be nearing completion by the time the store opens. The employer is considered to offer good working conditions and staff support.

## Comments in objection

- The proposal would cause significant additional traffic congestion, especially on Sherwood Road, Stoke Road, the A38, and nearby junctions.
- The traffic modelling and transport assessments are out of date, flawed, or based on unrealistic assumptions. The assumptions that many customers would walk or cycle for supermarket shopping are misplaced.
- The local road network and current infrastructure are not suitable for a supermarket at this location.
- There should be a new access/exit arrangement, such as a one-way system or direct access onto the A38.
- The ongoing roadworks already create severe congestion and safety issues that the development would worsen.
- Pedestrian safety concerns, there are risks within the car park and on surrounding roads.
- It is considered that the site is the wrong location for a food store and should remain a non-food retail unit.
- A supermarket would be better located elsewhere, including to the north of Bromsgrove or near new housing growth areas.
- Concern that the development would have a negative impact on Bromsgrove town centre and other existing stores through trade diversion. Harm to the vitality and viability of town-centre and local centre foodstores.
- Concern that the proposal may lead to closure or weakening of existing stores, including fears over the future of the town centre Argos.
- Conflict with local and national planning policy, including: failure to comply with the sequential test, inadequate retail impact assessment and conflict with policies intended to protect town centres.
- The submitted travel plan is inadequate and does not properly support sustainable transport objectives.
- Inadequate publicity and consultation
- Limited need for another supermarket in Bromsgrove because there are already several nearby.

## **Cllr Sam Evans Worcestershire County Council** (objection)

- Whilst employment opportunities are welcome, it is noted that a lot of residents have raised traffic concerns and as the County Councillor representing the neighbouring Warwick Avenue, I would therefore be grateful whether a potential one-way system in and out of the car park with a new exit on the A38 will be considered a pre condition for planning approval for this matter.

## **Cllr Jane Elledge**(objection)

- The applicant's retail survey predicts a large amount of trade being diverted both from stores outside Bromsgrove and from existing stores within Bromsgrove, which would generate substantial car trips to the site. The site is not realistically accessible by sustainable transport. Walking or cycling would only be practical for small top up shopping rather than regular supermarket trips. Local bus services are limited, with routes only serving certain areas and reduced or no service at weekends. The railway station is unlikely to be used by shoppers carrying groceries.

- The traffic on Sherwood Road would increase significantly if the development proceeds. A supermarket would generate far more frequent trips than the former Homebase use, so the comparison is not valid. It is likely that queues would build up on Stoke Road for vehicles turning into Sherwood Road, with congestion affecting the A38. It is likely that vehicles leaving the site would also queue heavily when trying to turn out of Sherwood Road. These traffic problems already existed when Homebase operated and would become more frequent and more severe with a supermarket.
- Traffic impacts might be reduced by a one way system in the car park and a new exit onto the A38, similar to Aldi. It is requested that highways review mitigation options and for traffic improvements to be made a condition of any planning approval.

## Assessment of Proposal

The proposal seeks permission to change the use of Unit 1 at Brook Retail Park (formerly Homebase) to enable the sale of both convenience and comparison goods. The current building has a gross area of 4,217 sqm and a net sales area of 3443 sqm, including a mezzanine and external garden centre. The proposal is seeking to operate with a reduced net sales area of 1,598sqm, through not using the mezzanine or garden centre. A planning condition is proposed to cap the sales area at 1579sqm, with up to 316sqm allowed for comparison goods.

It is important to note that Unit 2 (currently Pets at Home) remains unchanged and does not part of the application. No physical alterations to the building or car park are proposed at this stage though minor works (plant equipment, lobby adjustments, escape routes, service yard alterations, signage) are the subject of separate applications which are pending consideration (Reference 25/00991/FUL (minor store alterations), 25/00992/FUL (plant installation in the rear service area) and 25/01012/ADV (advertisements).

The former Homebase unit has a gross internal area GIA of 3278sqm, comprising 2375 sqm at ground floor level and 904sqm at mezzanine level, together with a 939sqm external garden centre located at the rear. The total net sales area of the unit, including the garden centre, is 3443sqm.

There are a number of internal changes to the building in order to facilitate the proposed change of use. These include the following: The ground floor space within Unit 1 will be amended in two ways. Firstly, associated with the removal of part of the existing mezzanine floor, the existing staircase area in the central part of the store will be removed. The mezzanine was formerly a sales area associated with the Homebase store. Secondly, a new warehouse area at the rear of the store will be provided (which will reduce the size of the ground floor sales area). The existing 'garden centre enclosure' area at the rear of the unit will remain but will be converted to a warehouse enclosure area. In addition, the existing warehouse area in the main part of the unit (along with the staff offices and facilities) will also remain unaltered.

The submitted proposed mezzanine floor plan shows that the existing warehouse area will remain and the residual (former sales area) will be converted to warehouse space.

The proposal would fall within Class E of the Use Class Order (1987) as amended, which allows for a wide range of commercial, business, and service uses, and provides flexibility to switch between shops, offices, restaurants, gyms and other commercial uses.

The application is accompanied by Retail and Planning Statement and Appendices, Two additional Retail Assessments and Appendices, Flood Risk Assessment, Sustainability Statement, Waste Management Statement, Transport Statement, Travel Plan.

## **Site Description**

The application site is located within Brook Retail Park, which comprises two retail units and a shared customer car park. Unit 1, formerly occupied by Homebase, is the subject of this application, while Unit 2 is currently occupied by Pets at Home. There is car parking to the north and west of the units, providing a total of 164 spaces. The car park is divided in two sections by the Sugar Brook, 111 spaces to the west of the brook and 53 spaces to the east.

The retail units are accessed from Sherwood Road at the eastern side of the site. There is a service yard located to the rear (south) of the building which is accessed from Sherwood Road via a separate entrance located further south of the main customer access. Sherwood Road comprises footways and street lighting on both sides, and parking restrictions (No Parking 8am-6pm, Monday-Friday) operate in the vicinity. There are bus stops nearby and facilities to encourage pedestrian connectivity. Stoke Road borders the northern boundary of the retail park, while the A38 (Stoke Road) runs along its western edge.

There are residential dwellings to the northeast and commercial/employment units to the east and south. On the opposite side of the A38 are a KFC restaurant and drive thru, Charford First School, and further residential areas. Additional housing lies to the north beyond a belt of trees

## **Background - Planning History**

Members should note that there is a long and complex planning history. The site had been used for manufacturing (B2) purposes prior to 2005. Under application, B/2005/0293, the planning committee resolved to approve the application for a change of use to a retail warehouse, subject to referral to the Secretary of State and the completion of a satisfactory planning obligation. The application was called in by the Government Office for the West Midlands on behalf of the Secretary of State in March 2006. Following a public inquiry in November 2006, an Inspector recommended that the Secretary of State refuse planning permission for the development. However, the Secretary of State overruled the Inspector and granted planning permission in March 2007.

The 2005 consent was not implemented and planning permission was granted in 2010 (B/2010/0115) for an extension of time of application B/2005/0293. In 2011, condition 3 attached to this permission was slightly varied to broaden the range of goods sold (B/2011/0387).

The most relevant planning decision on the site is (Ref:12/0300) which was granted on 24th September 2012 for the demolition of the existing building and development of bulky goods retail units (use class A1) with associated parking and infrastructure. (as amended by variation of condition 20 Clause 5 dated 14.03.2014). Condition 4 attached to 12/0300 consent restricts the range and type of goods to be sold from the unit. The condition is worded as follows:

*The range and type of goods to be sold from the retail warehouse hereby permitted shall be restricted to comparison goods within the following range: DIY, home improvement and garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; electrical goods and gas appliances; car accessories; kitchens, bathrooms and associated accessories; homewares; soft furnishings; pets and pet products including animal foods, cages and animal accessories. Goods falling outside this range may be sold only where they form a minor and ancillary part of the proposed store's operation.*

The preceding application to the current proposal (Ref: 24/01004/FUL) sought the variation of condition number 4 attached to 12/0300 to allow Unit 1 (existing Homebase store) to operate as a supermarket selling a mix of convenience and comparison goods. This application was withdrawn on the 23<sup>rd</sup> of January 2025 following the advice of Officers in the context of the Court of Appeal decision in *Finney v Welsh Ministers [2019]* (EWCA Civ 1868) which ruled that Section 73 applications which are used to vary or remove planning conditions) cannot be used to change or contradict the operative description of development in an original planning permission. Thereby, the current application relates to a change of use from bulky goods retail to a mix of convenience and comparison goods retailing.

## Principle

Planning decisions must be made in accordance with the Development Plan currently the Bromsgrove District Plan (BDP) unless material considerations indicate otherwise. (Section 38(6) Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) Town and Country Planning Act 1990 (TCPA 1990). The National Planning Policy Framework (NPPF) (2024) is a material consideration.

The site is allocated for employment purposes in the BDP. There are no specific local plan policies which deal with the assessment of retail land use proposals located outside the defined 'town centre' boundaries in the District, and therefore the proposal needs to be considered in the context of the national policies in Section 7 (paragraphs 91 - 94) of the NPPF. These are set out in full to provide clarity for the policy context in which retail planning proposals are assessed.

Paragraph 91 (in relation to the sequential approach) states that:

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 92 states: When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 94 (in relation to retail impact assessment) states:

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

The site is located equidistant between two local centres lies (Stoke Road/Aston Fields to the east and Buntsford Park to the west). These are located approximately 650 metres away from the site. Bromsgrove Town Centre is located approximately 2km to the north. Thereby, in the context of the NPPF, the application site is classified as out of centre. The Council has sought the advice of an external retail consultant (Nexus Planning) to provide an independent analysis in relation to the sequential test and retail impact assessment provided by the applicant. This includes assessment of the initially submitted Retail and Planning Statement dated Jan 2025, assessment of the Retail Rebuttal provided by the applicant dated September 2025 and the 2nd Response on Retail Policy Tests, dated Feb 2026. The independent retail consultant has carried out assessments in relation to each of these documents. (June 2025, November 2025 and April 2026. Members are encouraged to read the applicants Retail Assessments and the independent retail consultants comments in full. The initial independent assessments both raised concerns in particular in relation to the methodology, assumptions within the applicants initial Retail and Planning Statement and Appendices (January 2025) and subsequent documents.

### Sequential Test

The Retail and Planning Statement dated Jan 2025 sets out a detailed sequential analysis of the availability and suitability of sites within and on the edge of Bromsgrove Town Centre which would facilitate a foodstore of the same scale and format. It has been accepted that the proposed store proposal would require a site area of 1.29 hectares, a foodstore scale of 2,375 and 123 parking spaces. The following sites have been considered: (numbered TC1 - TC10; the coding refers to Map 11 on page 74 of the BDP)

TC1 - Market Hall Site. There are ongoing redevelopment proposals, so unavailable  
TC2 - Recreation Road. This site is no longer available and can therefore be discounted from the assessment.

TC3 - The Recreation Ground. This site is unlikely to be available for development due to the Local Plan desire to maintain it as open space.

TC4 - Parkside Middle School. Clearly no longer available.

TC5 - School Drive/Dolphin Centre. The northern element of this Local Plan allocation is now no longer available, redevelopment has occurred under application 15/0919. The site is included in the Bromsgrove Town Centre 2040 Vision document with a focus on residential-led redevelopment. The site is also smaller (0.71Ha) than the minimum requirements for the proposal.

TC6 - Windsor Street. This site is considered too small to accommodate the proposal, accounting for flexibility in scale and format.

TC7 - Birmingham Road. This site has been redeveloped (Birmingham Road Retail Park) with no large vacant units.

TC8 - Birmingham Road/Stourbridge Road. Part of this Local Plan allocation has been redeveloped for an ALDI foodstore and is therefore no longer available. The site is considered too small to be a genuinely suitable alternative to accommodate the proposed development

TC9 - Mill Lane. This site is considered to be too small to be a suitable alternative for the proposal.

TC10 - Worcester Road Employment Area. This area would be large enough to accommodate the proposal. Policy BDP 17 of the Local Plan envisages redevelopment for employment purposes in the longer term (post 2030), subject to the outcome of a flood risk assessment. It is reasonable to assume that it will not be available for redevelopment within a reasonable time period.

Churchfields car park - this has been discounted as an alternative site to the proposal due to size and potential redevelopment for residential use. In addition to the above, the availability of sites or premises around Broad Street, Aston Fields and Buntsford Park Local Centres have also been investigated without success.

In summary, it is considered that the proposal would meet the provisions of the sequential test and there are no sequentially preferable sites or premises which would reasonably accommodate the proposal in the context of paragraphs 91 and 92 of the NPPF.

### Retail Impact Assessment

There is some dispute between the applicant and the Councils appointed retail consultant as to whether a retail impact assessment is required. The NPPF sets an indicative floorspace threshold of 2,500sqm and the BDP is silent in respect of any local threshold. The retailing floorspace of the store is stated to be 1598sqm but this does not include the storage/service areas which would the total floorspace to 2,656sqm and thereby above the threshold.

Paragraph 95 of the NPPF states that: "Where an application fails to satisfy the sequential test or is likely to have *significant* adverse impact on one or more of the considerations in paragraph 94 it should be refused" (emphasis added).

The External Retail Consultant raised concerns in relation to the Applicant's Retail and Planning Statement for a number of reasons including the trading effects of the comparison goods element of the proposed supermarket, insufficient information in relation to the function of the convenience and comparison goods sectors in town centre and in relation to the Argos element of the proposed supermarket. The reliability of the 2019 household survey information was also questioned.

In response to the above consultation response, the applicants Agent (Alder King 'AK') provided a 'Retail Rebuttal' note and an 'Updated Quantitative Retail Impact Assessment' dated September 2025.

These documents were reviewed, alongside the results of a new survey of household shopping patterns. A number of concerns being raised in relation to the additional

evidence base information and analysis, including significant shortcomings with part of the applicant's new household survey, including market share data for grocery stores in Bromsgrove and also an over-estimate of grocery shopping expenditure from south west Birmingham. There was also failure to include all of the comparison goods turnover of the proposal and an over-reliance on 'claw back' expenditure from stores in other settlements, which has not been justified via the provision of a trade draw assessment. There was considered to be an underestimate of the amount of retail expenditure being diverted from convenience and comparison goods retailers in Bromsgrove town centre. There was insufficient evidence to demonstrate that there would not be a significant adverse impact on Bromsgrove Town Centre contrary to the provisions of paragraph 94 of the NPPF.

In response to the above matters, the applicant has submitted updated evidence, (entitled 2nd Response on Retail Policy Tests) which included a revised household shopping survey and the removal of the proposed Argos comparison goods concession. In summary, the proposal would still cause a clear and notable adverse impact on Bromsgrove town centre. This is due to expected trade diversion from existing convenience and comparison retailers, overlap with key town centre stores, and the loss of linked trips.

However, the Retail Consultant also concludes that with strict controls on comparison goods sales and appropriate mitigation, the impact is unlikely to be "significantly adverse" as defined in the National Planning Policy Framework (NPPF). There is an important distinction to be drawn between having a clear adverse impact and a significant adverse impact as set out in paragraph 95 of the NPPF.

The results of the independent assessment are set out in Table 12 at Appendix A of the Supplementary Advice No.2 on Retail & Town Centre Planning Policy Issues dated April 2026 and these indicate that the forecast overall impact on the comparison goods sector in Bromsgrove town centre would be -1.6%. This is, due to the assumed removal of all Argos related sales from the proposal and the store remaining in the town centre, less than half of the -4.2% forecast impact in the previous (November 2025) advice report. Table 13 of Appendix A brings the convenience and comparison goods impacts together to provide a forecast impact for the whole of the Class E(a) retail sector in Bromsgrove town centre. This assessment is based on the impact on the overall Town Centre as defined in policy BDP17 of the Bromsgrove District Plan. The results show a forecast -5.2% impact on the retail land use sector in the centre. This is around one third lower than the previous forecast. The reasons for the difference based on the following factors:

- (i) the turnover is based on the sale of comparison goods from the net sales area of the proposed store;
- (ii) there are no Argos-related sales associated with the store, with the sale of Argos-related goods in Bromsgrove continuing to be associated with Bromsgrove town centre

Similarly, the forecast direct financial impact on Buntsford Park local centre has also been reduced from -11.3% in the advice dated November 2025 advice to -6.8%.

The applicant's assessment outlines a lower impact on the 2028 total turnover levels of the town centre (-1.9%).

The identified adverse impacts must be weighed against other material considerations in the overall planning balance.

## Overall Retail Impact/Planning Balance

The Retail Consultant and your Officers consider that the proposal's impact should be considered on the wider town centre boundary as defined in policy BDP 17 and the Local Plan Proposals Map. The applicant argues that the impact should only be assessed against Bromsgrove's Primary Shopping Area. The latter approach is accorded limited weight in the planning balance.

The likely loss of trade from the town centre's convenience and comparison retailers, due to the degree of overlap between the proposed store and existing town-centre and edge-of-centre shops, and the risk of reduced linked trips and footfall needs to be considered. The retail consultants conclusions are that there would be a net loss of 5.2% in respect of town centre turnover compared to the lower figures of the applicant (1.9%). The difference is partly due to the applicants interpretation of the town centre boundary for the purposes of the retail analysis. The independent retail consultants figures are accorded more weight than those of the applicant and significant weight against the proposal is attached to the identified adverse impact on the town centre.

Members are aware from the planning history outlined that the site has an existing lawful use for comparison goods retailing permitted under 12/0300. Whilst the unit has been vacant, the lawful use has not been abandoned and the consented use, location and scale of the unit are likely to attract an occupier retailing comparison goods, including in the floorspace of the mezzanine. It is evident that a fallback position exists.

The legal position in relation to fallback are set out within *R v Secretary of State for the Environment and Havering BC (1998)*. The fallback test had three elements: First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use, secondly whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is yes, then a comparison must be made between the proposed development and the fallback use. In *Gambone v Secretary of State for Communities and Local Government [2014]*, the fallback position amounts to material consideration where there is greater than a theoretical possibility that the development might take place and it is for the decision taker to determine the appropriate weight to be attached to the fallback which will materially vary from case to case. It is considered, in this case, that there is a greater than theoretical likelihood for the fallback to taking place, for the reasons set out above. This is given moderate weight in the planning balance.

The proposal has been amended to remove the Argos concession element. The applicant has agreed to conditions stating that the building shall be used solely as a single retail store and shall not include any concession (including, but not limited to, any catalogue showroom retailer), subdivision or separately operated unit, whether internal or external to the main unit.

Paragraph 3.7 of the Retail Consultants Supplementary Advice No.2 on Retail & Town Centre Planning Policy Issues of our latest advice states

"In this particular instance, the proposed retail store will have a clear adverse impact upon the town centre but, taking into account suitable controls and mitigation, the scale and type of that impact is unlikely to be significantly adverse".

In conclusion, the proposal will not be a significant adverse impact if there are suitable mitigation measures and controls (in the form of planning conditions as set out above).

In respect of mitigation measures, these are proposals which seek to enhance the accessibility, attractiveness and overall vitality of Bromsgrove Town Centre. The mitigation would amount to funding secured from the applicant through an appropriate legal mechanism in compliance with CIL Regulation 122. The contribution would be ring-fenced for town centre public realm and accessibility improvements, including (but not limited to):

- Streetscape enhancements (surfacing, planting, street furniture)
- Lighting and safety improvements
- Wayfinding and pedestrian connectivity
- Works supporting key town centre regeneration priorities

The applicant has agreed, in principle, to funding the above town centre mitigation measures. Members will be provided with an update in relation to the specific mitigation measures which will be undertaken in relation to the proposal.

## Highway matters

The public consultation exercise has generated a number of representations raising concerns in relation to the highway impact of the proposal. The application is accompanied by a Transport Statement and Travel Plan. The response of WCC Highways (including those of the Travel Planning Team) should be noted. The initial response of the Highway Authority, dated 8th April 2025, recommended no objection, subject to conditions. A number of detailed representations challenged the assumptions within the Transport Statement and Travel Plan and Worcestershire Highways provided a further response on these matters on 26th February 2026.

The representations raised concerns in respect of whether alternative modes of transport such as bus, train or bicycle would be employed, the availability of crossing points, parking demand and survey results. Overall, whilst the concerns raised in the representations are acknowledged, the updated information does not alter the Highway Authority's previous conclusions. The Authority therefore maintains its position of no objection, subject to conditions, as set out in its formal response dated 8th April 2025.

There has been separate representations made during the course of the application in relation to the impact of the proposal on traffic flows in the context of the ongoing A38 improvement works, including, but not limited to, the provision of a one way system through the site and onto the A38. Highways have been requested to comment further on these points and any additional comments will be provided as an update to Members at your Committee.

## Other Matters

The site is mainly located within flood zone 1, with the car park areas and front of the building within flood zones 2 and 3. The response of NWWM is noted with no objection subject to the imposition of a condition in relation to the provision and approval of an updated flood evacuation management plan prior to occupation. There have been no objections raised by Worcestershire Regulatory Services in relation to noise or air quality subject to a condition in respect of the provision and approval of an Air Quality Assessment prior to occupation.

## Other Material Considerations

The Retail and Planning Statement outlines that the proposal will generate up to 100 new full and part-time jobs for local people (circa 2/3 part time and 1/3 full time) and that the proposal to reuse the building would generate new employment quickly. It is understood that there were 25 employees at the Homebase store, there has been no assessment in relation to the employment impact of trade diversion and the appraised impact of the proposal on the town centre. In this context, the overall benefit of employment creation is accorded neutral weight in the planning balance.

## Response to Public Consultation Exercise

The public consultation exercise in relation to the application has been lengthy and extensive. Detailed representations in objection to the scheme have been received from a number of retail operators in the Town Centre, with concern raised in relation to compliance with the sequential and impact tests.

The application has been the subject of three rounds of assessment by an independent retail planning consultant (Nexus Planning) to address the tests set out in the NPPF, which have also been raised in these objection representations.

The assessments have concluded and your Officers accept the findings that the sequential test has been passed. The revised retail impact assessment, whilst showing a clear adverse impact on the town centre and Buntsford Park Local Centre (the magnitude of which varies between the applicant and the consultant), the outcome is that a significant adverse effect is considered unlikely. Thereby the tests of paragraphs 91 - 95 of the NPPF have been passed. This is contingent on conditions to ensure that the Argos concession outlet is not provided at the site and appropriate mitigation measures for the town centre (as set out in the above recommendation) are employed.

## **RECOMMENDATION:**

- (a) **MINDED to GRANT Full planning permission**
- (b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to determine the application following the receipt and completion of a suitable and satisfactory legal mechanism in relation to the following matters:
  - (i) The securing of secure funding towards Town Centre mitigation measures (details TBC)
- (c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report

## Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The use hereby approved shall not be carried out other than in accordance with the plans and documents detailed below:

Drawing No: 24059\_SK-A-1005-Rev 4 Site Location Plan

Drawing No: 24059\_SK-A-1003-Rev 3 Proposed Ground Floor Plan

Drawing No: 24059\_SK-A-1004-Rev 1 Proposed Mezzanine Floor Plan

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) The range and type of goods to be sold from Unit 2 (as defined in the Site Location Plan, 24059\_SK-A-1005-Rev4) hereby permitted shall be restricted to comparison goods within the following range: DIY, home improvement and garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; electrical goods and gas appliances; car accessories; kitchens, bathrooms and associated accessories; homewares; soft furnishings; pets and pet products including animal foods, cages and animal accessories. Goods falling outside this range may be sold only where they form a minor and ancillary part of the proposed store's operation.

Reason: In order to ensure that the restrictive trading condition applied in 12/0300 continues in relation to Unit 2 in order to protect the vitality and viability of Bromsgrove Town Centre in accordance with the NPPF.

- 4) The maximum net sales area within unit 1 (as defined Drawing No: 24059\_SK-A-1003-Rev 3) shall not exceed 1,579 square metres of floorspace, of which up to 316 square metres of floorspace can be used for the display and sale of comparison goods.

Reason: In order to protect the vitality and viability of Bromsgrove Town Centre in accordance with the NPPF.

- 5) Unit 1 (as defined in the Site Location Plan, 24059\_SK-A-1005-Rev4) shall be used solely as a single retail store and shall not include any concession (including, but not limited to, any catalogue showroom retailer), subdivision or separately operated unit. For the avoidance of doubt a concession is defined as a retail use selling non-food goods selected and purchased by the visiting public from a catalogue or digital browser (either within Unit 1 or elsewhere) and supplied to them fully packaged.

Reason: In order to protect the vitality and viability of Bromsgrove Town Centre in accordance with the NPPF.

- 6) Unit 1 (as defined in the Site Location Plan, 24059\_SK-A-1005-Rev4) shall not be used as a 'click and collection' point for the collection of comparison goods purchased either in Unit 1 or elsewhere and not displayed within the net sales area of the unit (as defined Drawing No: 24059\_SK-A-1003-Rev 3).

Reason: In order to protect the vitality and viability of Bromsgrove Town Centre in accordance with the NPPF.

- 7) Prior to occupancy of the building, an updated flood evacuation management plan, including confirmation of flood warning signage in the car parking area, should be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate against the impacts of flooding on site.

- 8) The external former garden centre area shall not be used for retailing purposes.

Reason: In order to protect the vitality and viability of Bromsgrove Town Centre in accordance with the NPPF.

- 9) The Employment Travel Plan hereby approved, [dated 27th October 2025 - Rev C] shall be implemented and monitored in accordance with the regime contained within the approved details for a minimum period of five years following occupation.

Reason: To ensure residents of the development site are offered a genuine choice of sustainable travel modes and to promote sustainable access to the development site.

- 10) Prior to the commencement of development, the developer must provide an Air Quality Assessment. The AQA must be undertaken by a suitably qualified professional(s) and comply with Worcestershire Regulatory Services recommendations for AQA. The AQA must consider the impact of the development on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation. Additionally, the cumulative impact of all locally committed developments (small scale and large scale major sites i.e. >10 properties) on existing local air quality must be considered to assess if further mitigation measures, other than those recommended as part of the above, are required. The details of all required mitigation measures identified as part of the above must be agreed with the Local Planning Authority. All required mitigation measures must be carried out in accordance with the details agreed by the Local Planning Authority prior to the operation/occupation of the development.

Reason: To assess the potential health risks to relevant sensitive receptors from local air quality and identify required mitigation measures in accordance with the NPPF.

25/00118/FUL

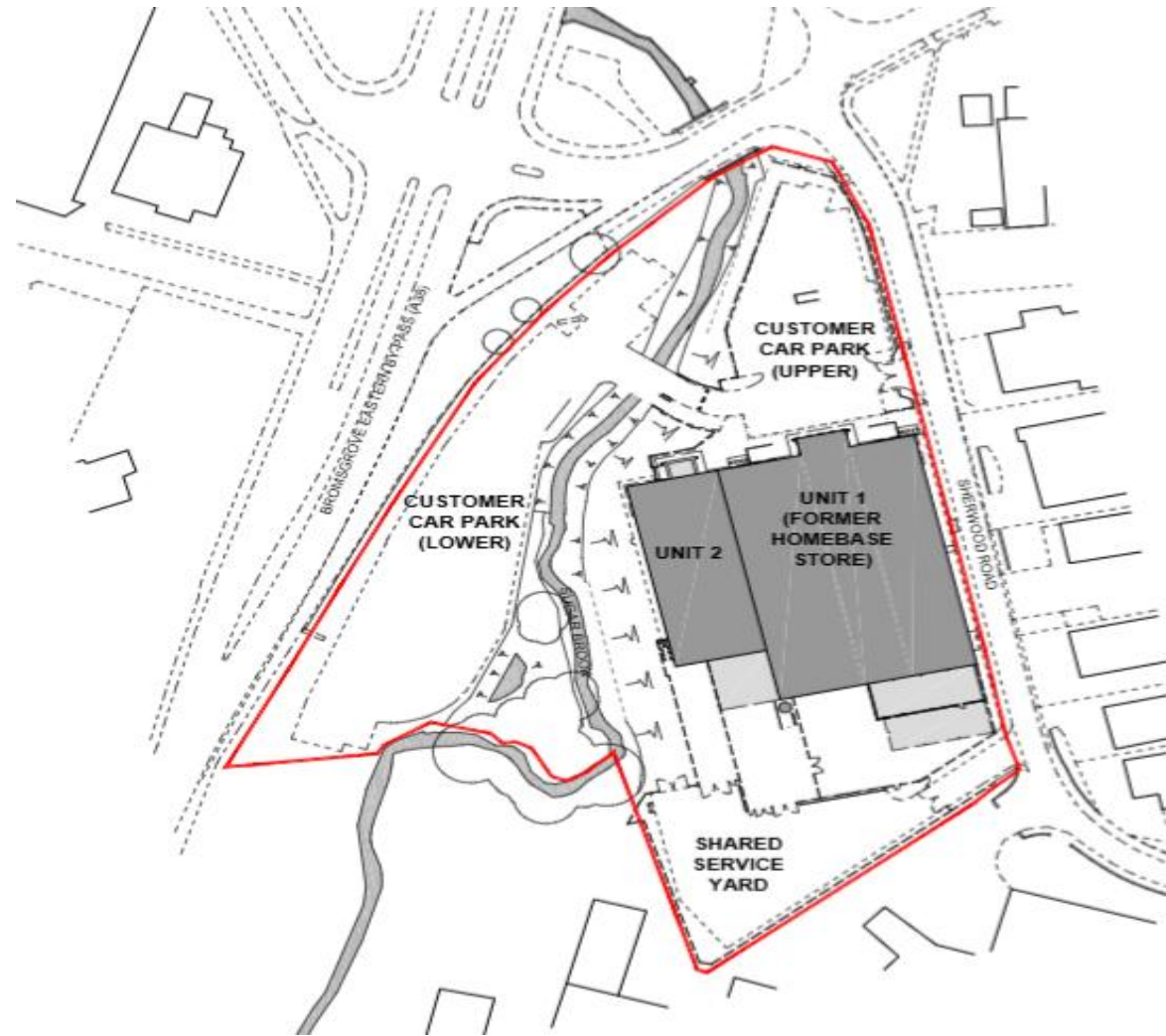
**Case Officer:** David Kelly Tel: 01527 881666  
Email: david.kelly@bromsgroveandredditch.gov.uk

25/00118/FUL

Unit 1, Brook Retail Park Sherwood Road  
Bromsgrove Worcestershire B60 3DR

Change of use from bulky goods retail to a  
mix of convenience and comparison goods  
retailing

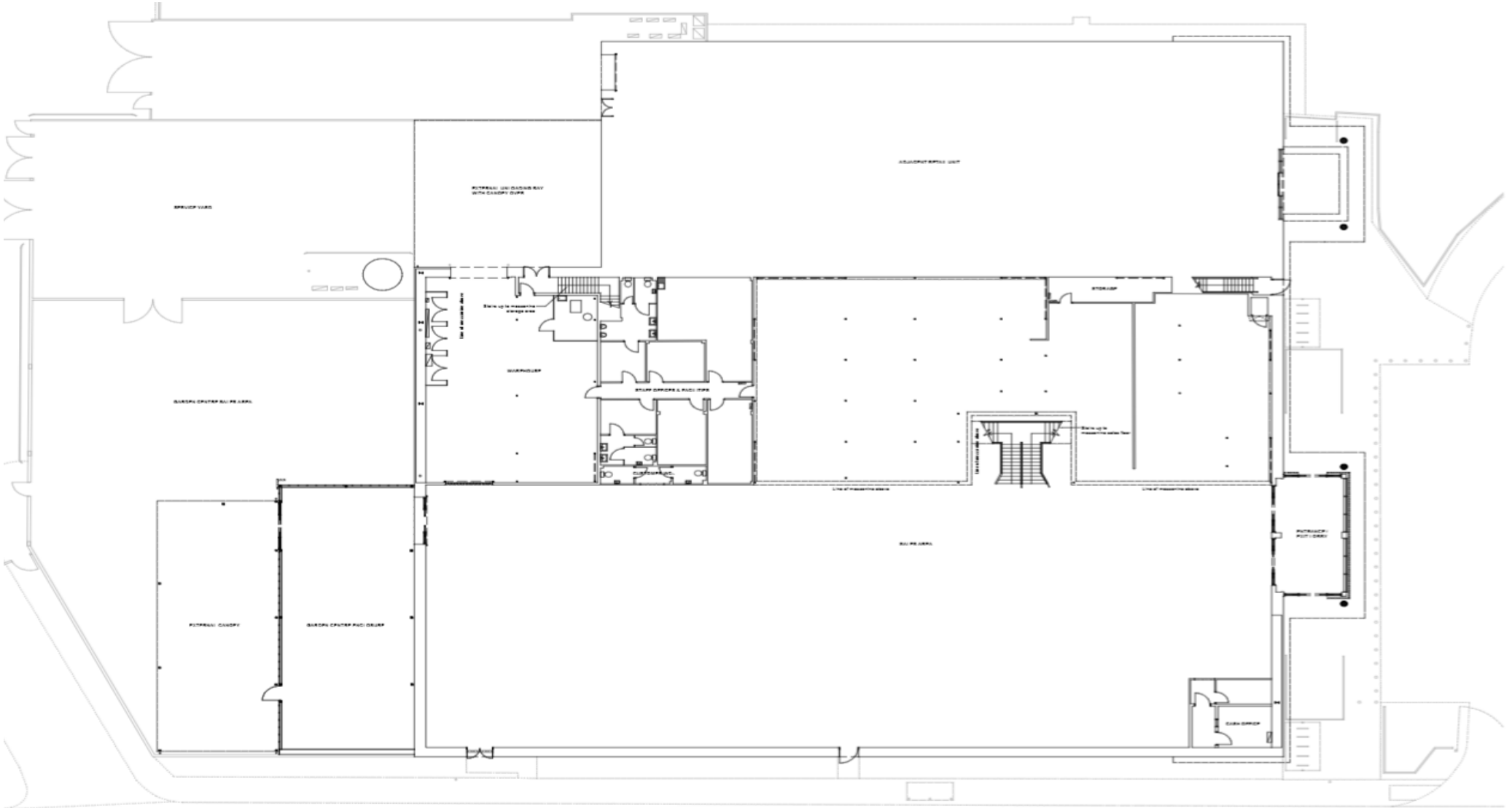
# Site Location Plan



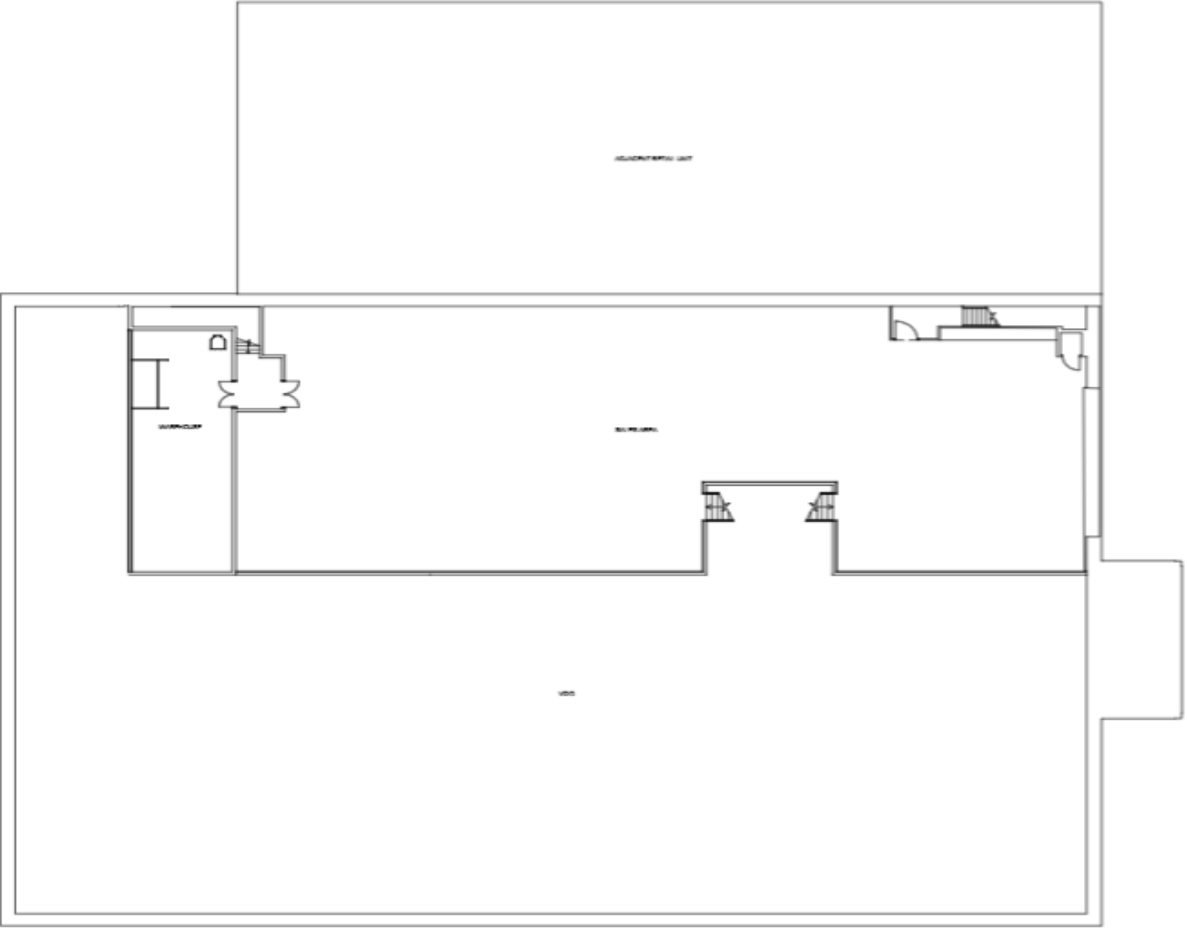
# Site Overview



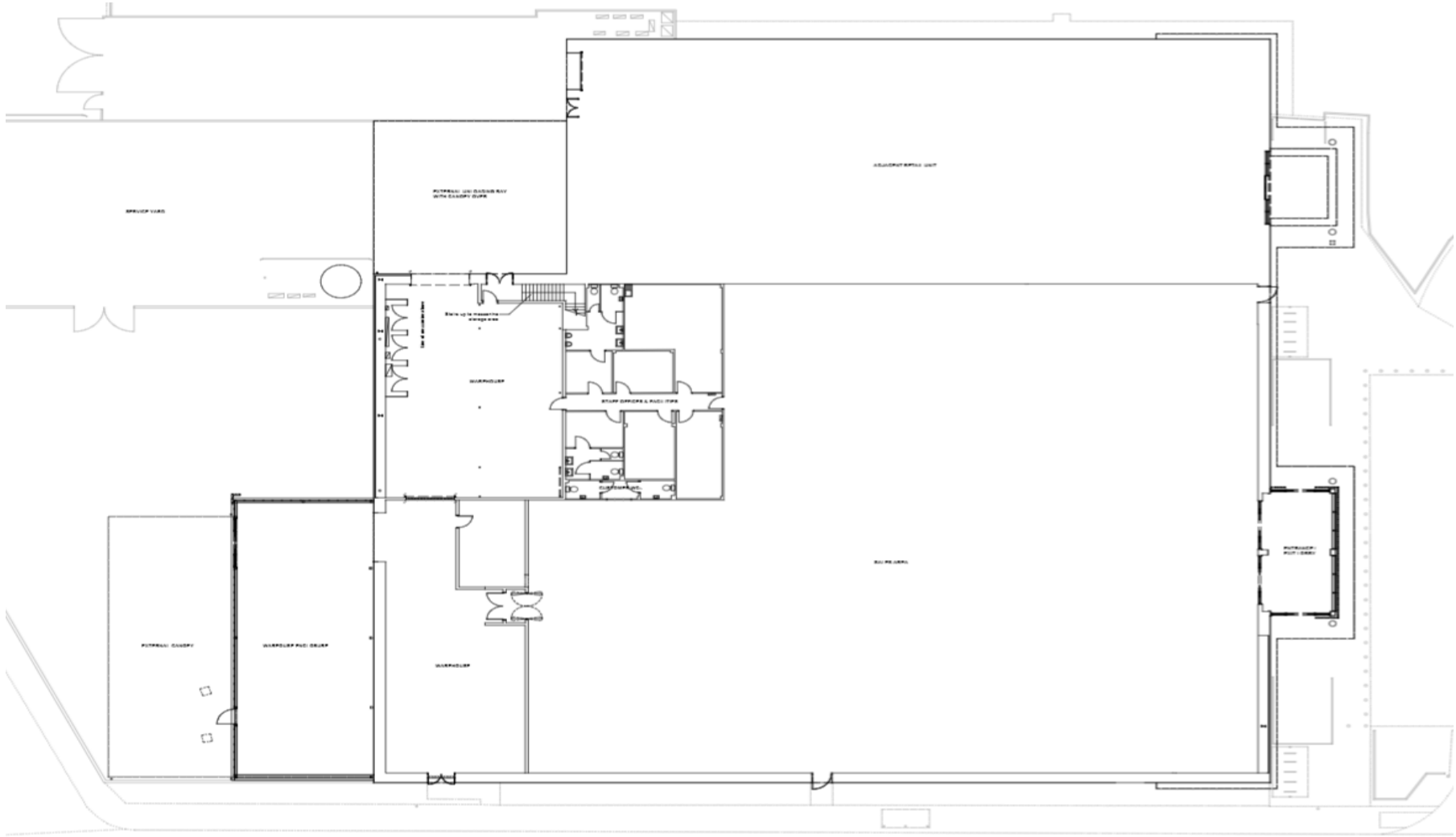
# Existing Ground Floor Plan



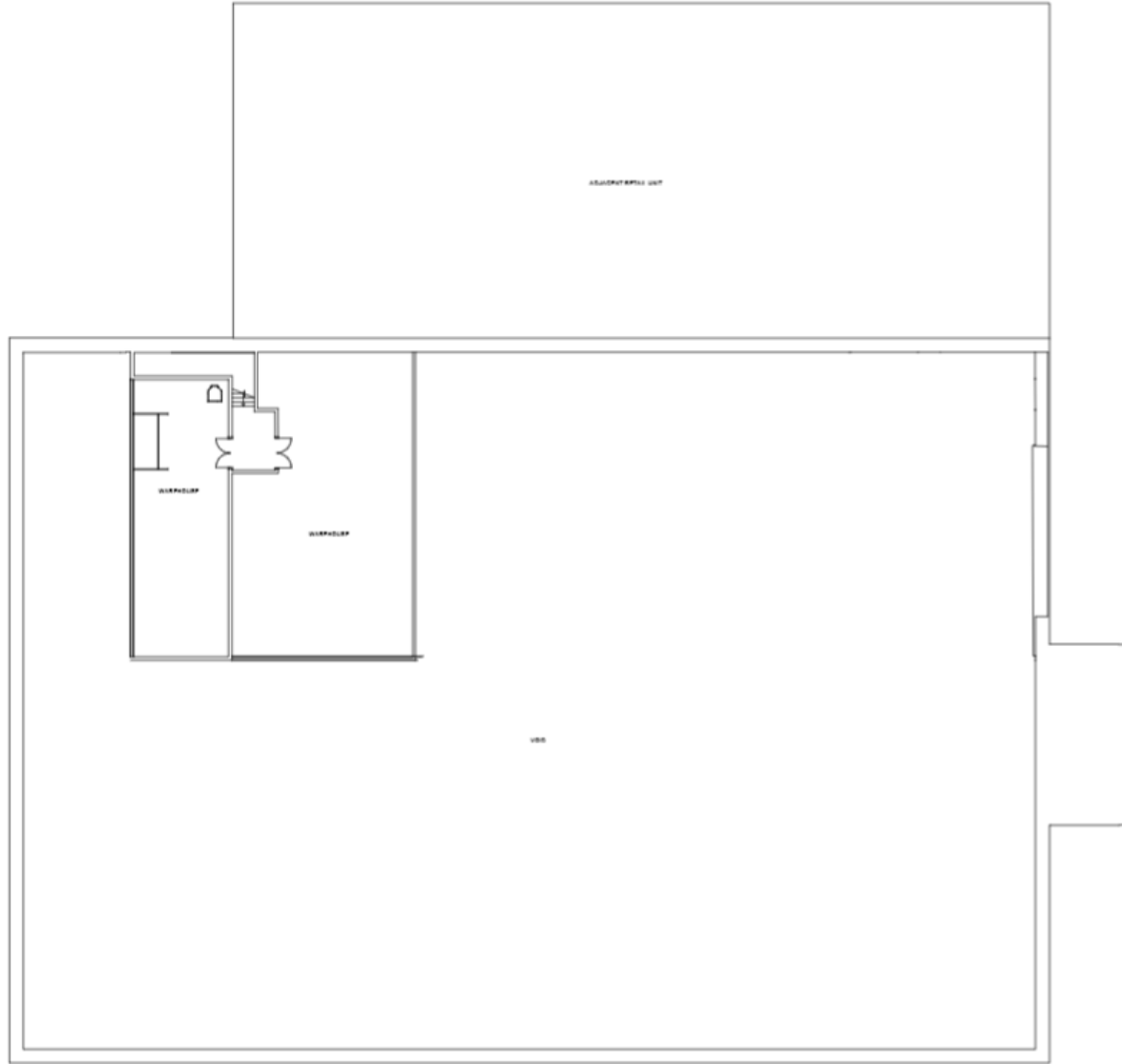
# Existing Mezzanine Floor Plan



# Proposed Ground Floor Plan



# Proposed Mezzanine Floorplan



# Views of Site Looking to the North and South from Sherwood Road



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Taylor Wimpey UK Ltd.	<p>Application for the variation of part of the wording of Conditions 32 and 33 of Outline Planning Application 16/0335 (allowed at appeal (Appeal Reference: APP/P1805/W/20/3265948)) to amend the occupation trigger numbers included within the aforementioned conditions comprising the following:</p> <p>Condition 32 Amending the occupation trigger for a roundabout at the Junction of Rock Hill / Fox Lane from 100 dwellings to 398 dwellings ; amending the occupation trigger for cycle improvements along Stourbridge Road from 100 dwellings to 153 dwellings; amending the occupation trigger for improvements at the Worcester Road / Shrubbery Road junction from 100 dwellings to 550 dwellings and;</p> <p>Condition 33 Amending the occupation trigger for a signal-controlled junction on the A448 Kidderminster Road from 200 dwellings to 396 dwellings; and roundabout works on the A448 Kidderminster Road from 200 dwellings to 332 dwellings.</p> <p>Land At, Perryfields Road, Bromsgrove, Worcestershire,</p>	23.01.2026	25/00798/S73

**RECOMMENDATION:**

- a) **MINDED to GRANT** planning permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

**Consultations**

**Worcestershire County Highways - Bromsgrove**

- No objection - comments on proposal are provided in the body of the report.

**Mott MacDonald**

- No objection - comments on proposal are provided in the body of the report.

**The Bromsgrove Society**

- Objection

- Concerns with delay in traffic despite using the new roundabout facility.
- Increased traffic delay generally.
- More information needed in respect to understanding the junction modelling.

## **North Worcestershire Water Management**

- This application has no drainage or flood risk implications.

## **WRS - Noise**

- No nuisance comments

## **WRS - Air Quality**

- The variation will not contribute additional traffic to the completed development, WRS have no adverse comments in regard to Air Quality.

## **Housing Strategy**

- Happy to support this application for the amendment of occupation triggers as it will mean that the affordable housing elements will be available sooner and will help mitigate the impacts of homelessness on families and associated costs to the council.

## **Dodford with Grafton Parish Council**

- No comments provided.

**Full copies of the responses from consultees are available to view on Public Access and Members are encouraged to review these.**

## **Publicity**

### **First consultation**

Site Notices posted 9 September 2025 (expire 3 October 2025)

Press Notice published 5 September 2025 (expire 22 September 2025)

3 representations including comments from CPRE submitted from the first public consultation. Comments summarised as follows:-

- Traffic and travel was a significant issue prior to the development.
- Kidderminster Road junction is a significant risk. These developments link to travel to schools.
- Difficult to move around by bike due to failure to implement meaningful infrastructure.
- Trigger numbers too high at present.
- Need infrastructure in place urgently for developers and we need the council to develop an effective sustainable transport plan.
- The requirements for highway improvements were a significant part of the rationale for consent being granted for the Whitford and Perryfields development due to the extra traffic that would be generated as a result of the schemes.
- Concern that the road improvements will not be delivered. Need to ensure that improvements are delivered.
- The developers seek to significantly weaken the highway occupation triggers originally imposed by the Inspector at appeal. The Inspector's original decision deliberately

imposed strict limits to safeguard Bromsgrove from unacceptable congestion and safety risks.

- The junctions identified are already under severe pressure. Rock Hill and Fox Lane are well known for congestion at peak times. Stourbridge Road, Worcester Road, and Shrubbery Road form part of the town's main movement corridors and suffer from queuing and delays. The Kidderminster Road (A448) junction and roundabout are critical for both local and through traffic, as well as for access to the motorway network. To allow additional homes without the agreed mitigation would worsen congestion, increase delays, and elevate the risk of accidents.
- Impact on air quality and the health of residents living along these busy corridors.
- Flawed Evidence
- Concern relating to the details expressed in the Technical Note in respect to traffic flows data recorded in 2025, and change in working/ commuting patterns since Covid. To base a relaxation of conditions on such temporary circumstances is flawed and irresponsible.
- Residents were assured throughout the consultation and appeal process that off-site highway works would be delivered early in the development to manage its impacts.
- Revision trigger points for highway improvements would set a precedent.
- The proposal conflicts with the NPPF requirement that development should only be approved if the residual cumulative impacts on the road network would not be severe. By deferring key works, the residual impact will be severe.

## **Second consultation**

Site Notices posted 24 April 2026 expiry date 11 May 2026

Press Notice published 24 April 2026 expiry 11 May 2026

Neighbour letters sent to interested parties 17 April 2026 expiry date 4 May 2026

No further representations have been submitted following on from the second consultation.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP3 Future Housing and Employment Development

BDP5A Bromsgrove Town Expansion Sites

BDP16 Sustainable Transport

BDP19 High Quality Design

### **Others**

National Planning Policy Framework (2024)

National Planning Practice Guidance

Bromsgrove High Quality Design SPD

National Design Guide

## **Relevant Planning History**

25/00346/REM	Reserved Matters Application (appearance, layout and scale as appropriate to the development) for the creation of a spine road with associated drainage infrastructure and a temporary site compound, pursuant to Outline planning permission reference 16/0335 (allowed at appeal under reference APP/ P1805/W/20/3265948) for 1,300 dwellings at Perryfields, Bromsgrove.	Granted	07.11.2025
24/00246/REM	Reserved Matters Application for Phase 2: 437 residential units (Class C3) on land abutting Kidderminster Road/Perryfields Road, in accordance with the Outline Planning Permission for 1,300 dwellings (application reference 16/0335) allowed at appeal under reference APP/ P1805/W/20/3265948. The Reserved Matters application seeks consent in line with condition 1 for detailed matters of appearance, landscaping, layout, and scale.	Granted	16.01.2025
23/00869/REM	Resubmission of Reserved Matters Application of Phase 1 (21/01626/REM), 149 residential units on land abutting Stourbridge Road/Perryfields Road, which is in line with the Outline Planning Permission for 1,300 dwellings (application reference 16/0335) allowed at appeal under reference APP/ P1805/W/20/3265948. The Reserved Matters application seeks consent in line with condition 1 for detailed matters of appearance, landscaping, layout, and scale.	Granted	10.11.2023
21/01626/REM	Reserved Matters Application of Phase 1, 149 residential units on land abutting Stourbridge Road/Perryfields Road, which is in line with the Outline Planning Permission for 1,300 dwellings (application reference 16/0335) allowed at appeal under reference APP/ P1805/W/20/3265948. The Reserved Matters application seeks consent in line with condition 1 for detailed matters of appearance, landscaping, layout, and	Refused	06.07.2023

scale.

16/0335	<p>Outline application for the phased development of up to 1,300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); First School; open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster Road and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road / Kidderminster Road and Perryfields Road / Stourbridge Road) submitted for consideration at this stage.</p>	Granted at appeal subject to a S106	05.08.2021
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Other relevant applications – Land at Whitford Road site

25/00901/S73	<p>Variation of condition 25 of planning permission 24/00516/S73: FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK 005 revision F TO: No part of the development shall be occupied other than No more than 49 dwellings (of which, no more than 30 shall be for private sale and no more than 19 shall be for affordable housing) until the junction of Fox Lane/ Rock Hill has been altered in accordance with the temporary scheme shown on the plan WSP Drawing 7033-WSP-HGN-00-SK C-0022-V2 Rev P02. Thereafter, no part of the development shall be occupied other than no more than 365 dwellings (of which, no more than 219 shall be for</p>	Granted	05.12.2025
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private sale and no more than 146 shall be for affordable housing) until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033- SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE- ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02

25/00900/S73	<p>Variation of condition 27 of planning permission 24/00516/S73:            FROM: No more than 99 dwellings shall be occupied until the junction of the A448/ Whitford Road/ Perryfields Road has been altered in accordance with the plan Whitford Road/ Perryfields Road proposed junction arrangement ref 461451-D-014, and until a pedestrian crossing on the A448 has been provided in accordance with the plan Potential A448 signalised crossing ref 7033SK-015 revision A.            AMEND TO: No more than 250 dwellings shall be occupied until the junction of the A448/ Whitford Road/ Perryfields Road has been altered in accordance with the plan Whitford Road/ Perryfields Road proposed junction arrangement ref 461451-D-014, and until a pedestrian crossing on the A448 has been provided in accordance with the plan Potential A448 signalised crossing ref 7033-SK-015 revision A.</p>	<p>Delegated powers to approve from 11 May 2026            Planning Committee</p>	
25/00529/S73	<p>Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):            FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033- SK 005 revision F            AMEND TO: No more than 49 dwellings (of which, no more than 30 shall be for private sale and no more than 19 shall</p>	Granted	24.06.2025

be for affordable housing) shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE- ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02.

16/1132	Reserved Matters Application (appearance, layout and scale as appropriate to the development) for the creation of a spine road with associated drainage infrastructure and a temporary site compound, pursuant to Outline planning permission reference 16/0335 (allowed at appeal under reference APP/ P1805/W/20/3265948) for 1,300 dwellings at Perryfields, Bromsgrove.	Granted on Appeal with S106	09.02.2021
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## **Assessment of Proposal**

### **S73 The Town and Country Planning Act 1990**

Members are advised that the grant of a S73 application is a grant of a new planning permission. The S106 Legal Agreement for the Perryfields Road development continues to apply to any subsequent S73 planning permission. This ensures that the required contributions and mitigation would continue to be secured.

### **Proposal**

Permission is sought to vary the wording of conditions 32 and 33 in respect to 1300 dwellings granted planning permission under the allowed appeal APP/P1805/W/20/3265948.

The current wording of condition 32 is as follows:-

- 32) No more than 100 dwellings hereby approved shall be occupied until the highway improvements/offsite works/site access works comprising:**
- (i) *A roundabout at the Junction of Rock Hill / Fox Lane in general accordance with drawing WSP 7033-SK-005F*
  - (ii) *Approved Access Plan for a signal-controlled junction on B4091 Stourbridge Road in general accordance with drawing 173050B\_A09*
  - (iii) *Cycle Improvements along Stourbridge Road in general accordance with drawing 20086\_08\_020\_08*
  - (iv) *Improvements at the Church Street/ Market Street junction in general accordance with drawing 173050B-A11*
  - (v) *Improvements at the Worcester Road / Shrubbery Road junction in*

*general accordane with drawing 173050B-A12*

*Have been constructed and completed.*

Proposed wording for condition 32 to correspond with the following:-

- Amend the occupation trigger for a roundabout at the Junction of Rock Hill / Fox Lane from 100 dwellings to **398** dwellings;
- Amend the occupation trigger for cycle improvements along Stourbridge Road from 100 dwellings to **153** dwellings;
- Amend the occupation trigger for improvements at the Worcester Road/Shrubbery Road junction from 100 dwellings to **550** dwellings

The current wording of condition 33 is as follows:-

**33)** *No more than **200** dwellings hereby approved shall be occupied until the works for a signal-controlled junction and roundabout on the A448 Kidderminster Road in general accordane with drawing 173050B\_A08B has been constructed and completed.*

Proposed wording for condition 33 to correspond with the following:-

- Amend the occupation trigger for a signal-controlled junction on the A448 Kidderminster Road from 200 dwellings to **396** dwellings;
- Amend the occupation trigger for roundabout works on the A448 Kidderminster Road from 200 dwellings to **332** dwellings.

In respect to condition 33, these figures have changed from the initial submission that proposed: -

- Roundabout delivery at 396 dwellings; and,
- A448/Whitford Road/Perryfields Road works at 550 dwellings.

The two conditions set out trigger points associated with highway improvements required as part of a broader package of highway infrastructure necessary for the scale of the development allowed on appeal. The scale of works varies from small enhancements such as cycle improvements, to the provision of a major roundabout on the A448 Kidderminster Road. It is intended that the trigger points for the relevant scale of highway improvement works be varied as per the requested variation of conditions. For ease, please find enclosed the change in trigger points summarised in table format.

Condition No.	Works	Current Trigger (dwellings)	Proposed Trigger (dwellings)	Change
32 - i	Roundabout at Fox Lane/ Rock Hill	100	398	Increase of 198 dwellings
32 - ii	Signal controlled junction on B4091 Stourbridge Road (site access)	100	100	No change
32 - iii	Cycle Improvements along Stourbridge Road	100	153	Increase of 53 dwellings
32 - iv	Improvements at Church Street / Market Street junction	100	100	Works completed
32 - v	Improvements at Worcester Road / Shrubbery Road	100	550	Increase of 450 dwellings
33	A448 Roundabout (site access) and stopping up of Perryfields Road	200	332	Splitting the works package and increase of 132 dwellings
33	Signalisation of A448/Whitford Road/Perryfields Road	200	396	Splitting the works package and increase of 196 dwellings

The applicant states that the requirement for this Section 73 application arises from the need to amend the occupation triggers included within conditions 32 and 33 as a result of the delays experienced in the process of implementing the relevant off-site highways works as per in the affected conditions. In order to ensure the continued delivery of housing in line with the Council's expectations – including affordable housing units – amending these triggers is necessary to continue the build out of the Perryfields Road development site and continuing completions on properties. This is set out in further detail below:-

- Taylor Wimpey have been progressing with the build out of the wider Perryfields Site since the grant of the Phase 1 Reserved matters application in November 2023. Throughout this time the applicant has actively engaged with Worcestershire County Council (WCC) Highways and other relevant stakeholders to progress the required off-site Highways works, amongst other considerations. The variation of these conditions is being requested due to a number of factors that have caused delays in securing the Section 278 (S278) agreements and implementing the mitigation.
- WCC Highways, has restricted roadworks in specific locations in the vicinity of the Site due to other works in Bromsgrove scheduled simultaneously such as high voltage cableworks and the A38 improvement works. In order to ensure that there is sufficient capacity on the remainder of the local highway network and so that diversions can be accommodated where necessary whilst these ongoing works are completed, the applicant is unable to secure road space to implement its S278 obligations at the current time. Following discussions with the WCC Highways, the applicant understands that they are unlikely to be able to secure road space to progress their off-site highway obligations. 2026 has been indicated as the first opportunity for road space for utility diversion works to Kidderminster Road and any tie in of a new roundabout.
- It is important that Taylor Wimpey are able to continue delivering plots on the Perryfields Site. The site forms a critical part of Bromsgrove District Council's five-year housing land supply moving forward, and delays in delivery will have a significant impact on this. As such, Taylor Wimpey are seeking to amend the occupation triggers for the off-site highway works as detailed above to allow this much needed housing delivery to continue whilst S278 matters are concluded.

- Based on the likely timing of being able to secure road space on the local highway network to implement the offsite works, alongside the results of the Transport Planning Technical Note, Taylor Wimpey have afforded careful consideration to the trigger points being proposed within the amended conditions 32 and 33.

Since the submission of the application, and following on from discussions with consultees, the initial trigger figures originally sought under this application have been revised and condition 33 has now been split in respect to the trigger points for the works to the Kidderminster Road signal controlled junction, and the new A448 Kidderminster Road roundabout. This is proposed due to timings in terms of securing of road space for each element of the works. However, it is clear from the occupation trigger points that works to provide the new A448 roundabout would be implemented in advance of the proposed signal controlled works on Kidderminster Road.

A Transport Planning Technical Note (2025 Revision) has been prepared by SLR consulting in support of this S73 application. A traffic impact assessment methodology has been developed to evaluate the implications of the proposed changes, particularly for two key junctions i.e. Perryfields Road/Kidderminster Road/Whitford Road junction and Rock Hill/Fox Lane. The applicant has submitted updated traffic data and modelling in support of the application utilising much of the same transport evidence prepared in association with the Whitford Road application 25/00900/S73 that was considered recently at Planning Committee on 11th May 2026, to increase the occupation trigger points in respect to the timings of the highway works proposed to the A448/Whitford Road/Perryfields Road junction.

Following on from further discussions with WCC Highways and Mott MacDonald, additional supporting transport documents have been submitted as well as a S73 Trigger Dates and Delivery Strategy (16th April 2026).

Members are encouraged to review the submitted information which is available to view under the application reference on the Council's website.

## Background

Members will be aware that the site is allocated for development as Bromsgrove Town Expansion Site BROM2 in policy BDP5A of the Bromsgrove District Plan.

This application follows the grant of planning permission on appeal by the Planning Inspectorate in 5 August 2021 (16/0335/OUT appeal reference: APP/P1805/W/20/3265948). Subsequent Reserved Matters applications have been submitted and approved for residential development under Phase 1 (Ref: 23/00869/REM) and Phase 2 (Ref: 24/00246/REM) of the overall development site. These development phases are currently under construction.

## Perryfields Road Planning Permission and Whitford Road Planning Permission

As mentioned above the original Perryfields Road planning permission was granted on appeal in August 2021 whilst the original Whitford Road planning permission was granted on appeal in February 2021. The planning permissions are separate, stand-alone planning permissions. However, each includes a condition requiring alterations to the

junction of the A448/Whitford Road/Perryfields Road but provide different highway improvement schemes. The Whitford Road permission requires a signalised junction to be installed at the junction with Kidderminster Road and Perryfields Road; whilst the Perryfields Road permission requires more extensive works including the closure of Perryfields Road to through traffic, the installation of a signalised junction, and the creation of a roundabout further along the A448 to the west of the site. As a result, the signalised junction requirements differ for each scheme.

This application also seeks to vary various trigger points for site access works and off-site junction improvement schemes. In the case of the A448 roundabout works, and the A448/Whitford Road/Perryfields Road signalisation upgrade, the applicant is proposing a staged approach to delivering the works package.

WCC Highways and Mott McDonald have been consulted on both applications. Members are encouraged to read the full comments provided by the consultees that are available to view under the application reference on the Council's website.

## Highway Matters

Initial comments in October 2025 from WCC Highways advised deferral of the application requesting additional information be provided in respect to proposed trip rates, queue and traffic survey data.

Given that the two Whitford Road section 73 applications were also under consideration (25/00900/S73) and (25/00901/S73), as mentioned above; the applicant was encouraged to engage with the Whitford Road developers (Bellway Homes) to undertake a cumulative scenario test based upon the current and proposed temporary road arrangements including the most recently adapted Fox Lane/ Rock Hill junction. The applicant was requested to confirm the build out rate to ensure the cumulative scenario for the two schemes reflected the most up-to-date information.

In addition, the applicant was requested to consider a hybrid option for splitting the works package at the A448/ Whitford Road/ Perryfields Road junction, and the proposed A448 roundabout site access. The applicant provided this information within an additional Transport Response (SLR, dated 10th November 2025).

Whilst the updated transport and highway information addressed some highway concerns meaning that the trigger points for some highway improvements could be varied and considered acceptable; such as works to cycle improvements along Stourbridge Road (Condition 32 – iii); and improvements at Church Street / Market Street junction (Condition 32 – v). There were still concerns regarding a delay to works to the Roundabout at Fox Lane/ Rock Hill (Condition 32 – i) and delay to the A448 roundabout triggered at 396 dwellings (including the temporary stopping up of Perryfields Road and the through connection provided to the northern arm of the roundabout); and the signalisation of the A448/Whitford Road/Perryfields Road triggered at 550 dwellings.

The applicant was requested to provide additional traffic modelling data in respect to the above highway improvements; and to reconsider the scale of housing occupation trigger points requested.

Mott Macdonald, appointed as the Local Planning Authority's independent Transport Advisors, undertook a review of the submitted information and requested additional transport information.

Additional technical notes have since been submitted. In addition, meetings have been held with the applicant, WCC Highways, and Mott MacDonald, resulting in the submission of a S73 Trigger Dates and Delivery Strategy (16th April 2026) as well as a revision to the trigger housing occupations to those cited above.

## **Impact Assessment**

For the proposed cycle improvements on Stourbridge Road and works at the Church Street/ Market Street junction, WCC Highways does not consider that this variation would result in a severe residual cumulative impact on capacity or congestion nor an unacceptable impact on highway safety. The proposed increase in dwellings, despite its timing, remains consistent with the overall transportation, access and movement strategy of the development.

In respect to the Church Street/Market Street junction improvement, these works comprise principally of lining and road marking upgrades, given the scale of these works and the balance of minimising disruption in light of constraints to roadspace availability, as previously outlined WCC Highways considers that increasing the occupation trigger point would allow further occupations on site without giving rise to a severe residual cumulative impact or an unacceptable impact on highway safety.

In respect to the Fox Lane/Rock Hill roundabout improvements; a committed "interim" scheme which involves widening Fox Lane to create an additional short lane has been approved under planning consent 25/00901; and implemented on site. Technical and transport supporting details submitted for this application reflect this interim scheme in respect to the increased occupation trigger points.

The interim scheme with a flare offers greater capacity allowing more vehicles to queue side-by-side on Fox Lane effectively increasing the discharge rate of vehicles entering Rock Hill. This improved efficiency can lead to reduced delays for traffic on Fox Lane and enhanced overall junction performance, particularly during peak periods when traffic volumes are highest. The introduction of the Land at Perryfields development is expected to impact the junction's performance at peak times. However, this impact is not considered to result in an unacceptable impact on highway safety or severe impact upon congestion, as set out in the National Planning Policy Framework (NPPF).

In respect to the A448/ Whitford Road/ Perryfields Road Junction, the technical and supporting information submitted for the variation of conditions demonstrates that the hybrid approach offers short-term capacity and safety benefits at the A448/Whitford Road/Perryfields Road junction. This solution essentially involves closing the old Perryfields Road arm when delivering the roundabout, thereby eliminating the movement onto the A448 where visibility is reduced.

This means that any impacts on the existing junction configuration will persist up to 332 dwellings, until such time as the roundabout is constructed and the connection through the development to the roundabout is made available.

The current trigger for the roundabout works is 200 dwellings, of which 149 are located in the north as part of the consented Phase 1 development and will access the network via the Stourbridge Road signalised junction. As these dwellings do not utilise the A448/Whitford Road/Perryfields Road junction, the number of dwellings relying on the existing arrangement increases from 51 at the original trigger to 183 under the revised 332 dwelling scenario. This represents a net increase of 132 dwellings using the existing arrangement prior to delivery of the new infrastructure. Whilst this means there are shorter term impacts on the current junction arrangement, these impacts are not considered severe.

The applicant has a requirement under condition 35 of 16/0335/OUT to sever parts of Perryfields Road including its junction with Kidderminster Road. To improve safety, and in line with their approved severance plan submitted to discharge condition 35, the applicant will implement the temporary stopping up on Perryfields Road's southern end once the roundabout is open to traffic. This would then direct all traffic to use the new roundabout and reduces traffic on the problematic sections of Perryfields Road and enables an opportunity to open up old Perryfields Road connection to active travel users earlier. WCC Highways welcome this approach and consider the proposed variation, in line with the hybrid option acceptable; and that the residual cumulative impacts of development are not severe with no unacceptable impact on highway safety.

Mott MacDonald has reviewed the revised proposals and updated evidence provided by the applicant and note that the revisions have been made to the proposals to mitigate the temporary traffic impacts of the development during the phases of delivery controlled by these conditions. They acknowledge that the application is being brought forward in a context where significant coordination is being undertaken by WCC Highways to direct the timing and delivery of various packages of works on the highways network. In all cases there would also inevitably be some residual level of temporary traffic impact that would arise from delivery of the consented works, due to the need for the development including its associated highways works to come forward via a phased approach. In this regard and recognising the approach also has the support of WCC Highways, the discreet issues arising from the S73 application have generally been mitigated to a sufficient degree.

Mott MacDonald concludes that whilst a level of traffic disruption can be expected from the proposed delivery strategy, the strategy is appropriate to bring forward the delivery of the residential dwellings within the constraints that exist.

Mott MacDonald has previously made suggestions of potential right turn options for the signal controlled junction of Kidderminster Road as a temporary mitigation measure; but they have since acknowledged that the reduction in the trigger threshold from 550 to 396 for the permanent works at this junction mitigates original concerns they had on this matter. Mott MacDonald consider that the revised strategy presented is not expected to result in a severe impact.

Mott MacDonald considers the revised approach to be a more proportionate, and controlled management of the traffic impacts during the build-out of the development. A level of additional impact is always likely to arise during construction works, especially during a multi-staged delivery of a complex scheme that will require works on the highway network.

WCC Highways have considered Mott MacDonald's recommendations and clarify that the transport modelling indicates some increased potential for blocking back between junction arms under the interim scenario particularly along the A448 Kidderminster Road towards the proposed roundabout. In network terms, such effects may result in a degree of reduced short term operational efficiency. However, when considered alongside the enhanced safety benefits arising from the closure of Perryfields Road, which is constrained by substandard geometry, the hybrid approach is considered to deliver a greater safety benefit. The identified impacts of blocking back are likely to be limited in duration and will be alleviated upon delivery of the roundabout and the signalisation scheme. The interim impacts are not considered severe in the context of the NPPF.

Although alternative interim mitigation measures could be considered, such as the provision of dedicated right-turn lanes on the A448 Kidderminster Road, it is considered that the delivery of such short-term interventions on a principal A-road would be substantial, taking into account the scale of works required, impacting on existing utilities, as well as the need for traffic management and potential road closures to deliver such a scheme. This is particularly relevant given the proximity in timing to the proposed signalisation upgrade, as well as the associated constraints on the availability of road space. In the absence of a material safety benefit, WCC Highways would not consider such measures to represent a reasonable or optimal short-term solution.

It should be noted that the S73 Trigger Dates and Delivery Strategy represent a considered attempt to demonstrate the proposed approach to implementation. But the timing of the proposed works remains subject to the granting of road space, which constitutes a separate process from that established under the Town and Country Planning Act.

To conclude WCC Highways has undertaken a robust assessment of the application and based on analysis of the information provided, advises no objection. It has considered that increasing the occupation numbers in conditions 32 and 33 of planning permission 16/0335/OUT would not result in a severe residual cumulative impact on capacity or congestion nor an unacceptable impact on highway safety. Paragraph 116 of the NPPF states that planning permission should only be refused where that would be the result.

## Housing Delivery

The variation in conditions 32 and 33 would allow for the continued delivery of housing in the District, including affordable housing much needed in this area.

## Conclusion

As with the original planning permission granted on appeal, it is essential to secure mitigation against otherwise severe highway impacts associated with the development of the Perryfields Strategic housing site during construction as well as after construction. The current application continues to propose appropriate mitigation whilst construction work continues on site. WCC Highways has advised that there is no concern regarding severe impact or highway safety. Similarly, Mott MacDonald's review has not identified severe impact or highway safety reasons for refusal. Therefore, the threshold for refusing the application on highway grounds is not met; the proposal does not conflict with paragraph 116 of the NPPF.

Other conditions attached to the outline planning permission will be applied to the S73 decision to ensure satisfactory development is achieved. WCC Highways has requested clarification that the proposed altered wording of the condition appropriately captures the temporary stopping up of Perryfields Road as part of the roundabout works. The wording of revised condition 33 will be altered to reflect this.

The requirements of the S106 Legal Agreement attached to the original appeal decision continue to apply to any planning permission granted as a result of this S73 application and thereby ensure that the impact of the development is mitigated in a satisfactory manner.

The increase in occupation numbers together with the proposed mitigation is considered acceptable. To conclude, the proposed variation of conditions 32 and 33 are considered acceptable with regard to planning policy and other material planning considerations.

## **RECOMMENDATION:**

- a) **MINDED to GRANT** planning permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Cultural Services following consultation with the Planning Committee Chairman, to agree the final scope and detailed wording and numbering of conditions as set out at the end of this report.

## **Conditions:**

Amended conditions 32 and 33

Re-impose conditions attached to appeal decision APP/P1805/W/20/3265948 as amended to reflect details previously approved.

**Case Officer:** Sharron Williams Tel: 01527 534061 Ext 3372  
Email: sharron.williams@bromsgroveandredditch.gov.uk

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# 25/00798/S73

Land At Perryfields Road, Bromsgrove

Variation of part of the wording of Conditions 32 and 33 of Outline Planning Application 16/0335 (allowed at appeal (Appeal Reference: APP/P1805/W/20/3265948)) to amend the occupation trigger numbers.  
(summarised description)

Recommendation: Delegated / Minded to Grant subject to conditions

**Variation of condition 32** of of Outline Planning Application 16/0335 (allowed at appeal (Appeal Reference: APP/P1805/W/20/3265948)) to amend the occupation trigger numbers:

**FROM:**

No more than 100 dwellings hereby approved shall be occupied until the highway improvements/offsite works/site access works comprising:

- (i) A roundabout at the Junction of Rock Hill / Fox Lane in general accordance with drawing WSP 7033-SK-005F
- (ii) Approved Access Plan for a signal-controlled junction on B4091 Stourbridge Road in general accordance with drawing 173050B\_A09
- (iii) Cycle Improvements along Stourbridge Road in general accordance with drawing 20086\_08\_020\_08
- (iv) Improvements at the Church Street/ Market Street junction in general accordance with drawing 173050B-A11
- (v) Improvements at the Worcester Road / Shrubbery Road junction in general accordance with drawing 173050B-A12

Have been constructed and completed.

**TO:**

- Amend the occupation trigger for a roundabout at the Junction of Rock Hill / Fox Lane from 100 dwellings to 398 dwellings;
- Amend the occupation trigger for cycle improvements along Stourbridge Road from 100 dwellings to 153 dwellings;
- Amend the occupation trigger for improvements at the Worcester Road / Shrubbery Road junction from 100 dwellings to 550 dwellings

**Variation of condition 33** of of Outline Planning Application 16/0335 (allowed at appeal (Appeal Reference: APP/P1805/W/20/3265948)) to amend the occupation trigger numbers:

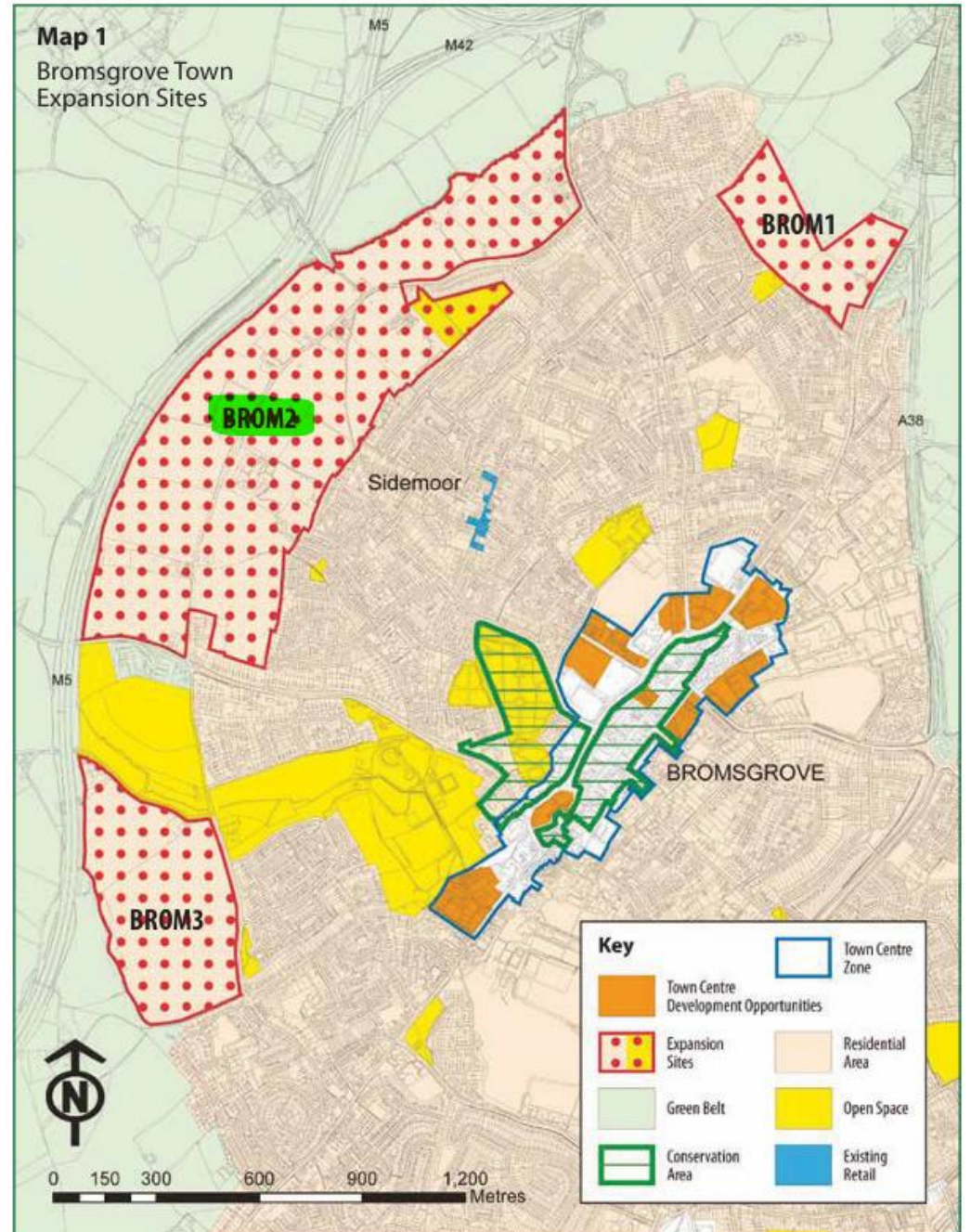
**FROM:**

No more than 200 dwellings hereby approved shall be occupied until the works for a signal-controlled junction and roundabout on the A448 Kidderminster Road in general accordance with drawing 173050B\_A08B has been constructed and completed.

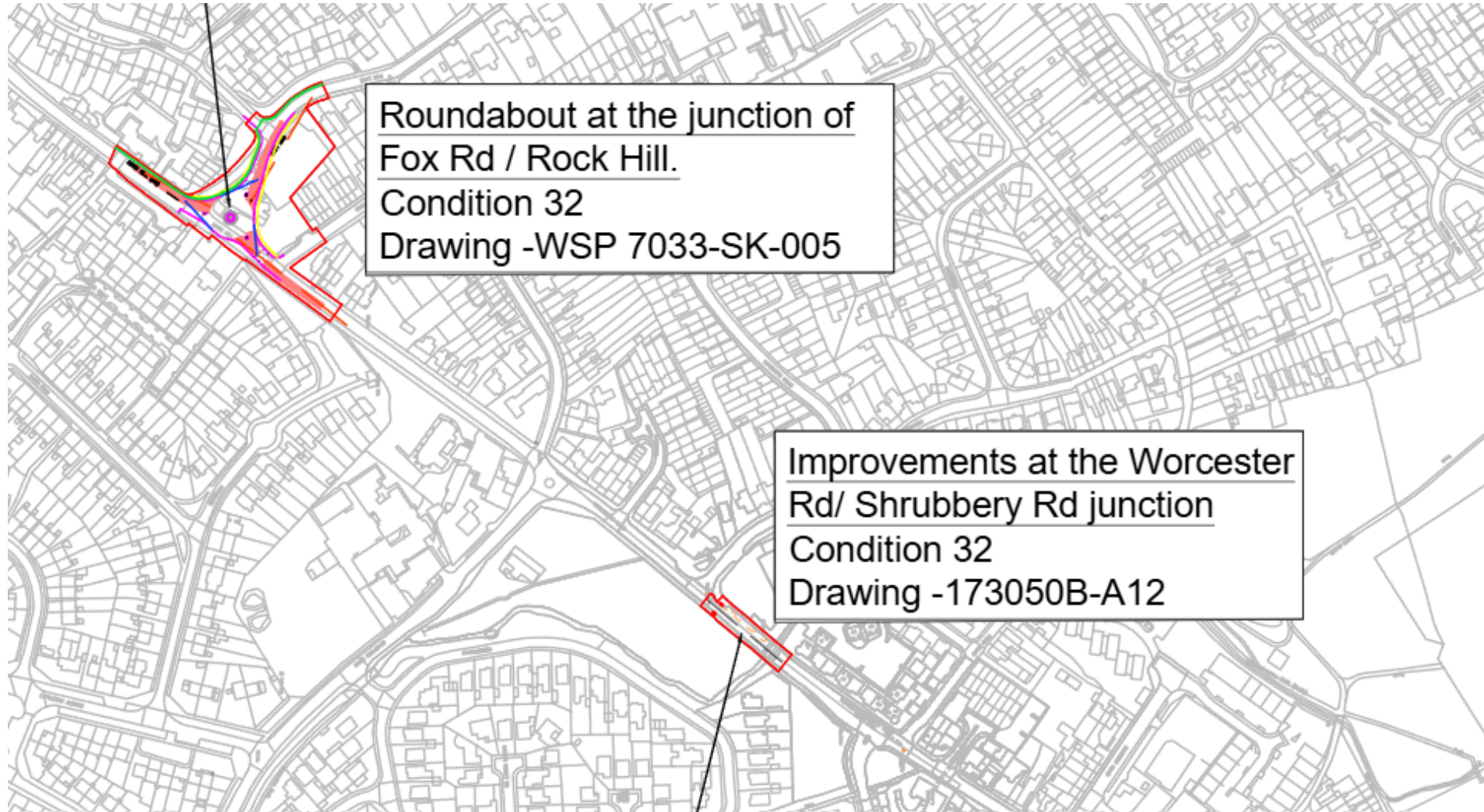
**TO:**

Amend the occupation trigger for a signal-controlled junction on the A448 Kidderminster Road from 200 dwellings to 396 dwellings;  
Amend the occupation trigger for roundabout works on the A448 Kidderminster Road from 200 dwellings to 332 dwellings.

# Application site in relation to Bromsgrove District Plan site – BROM 2



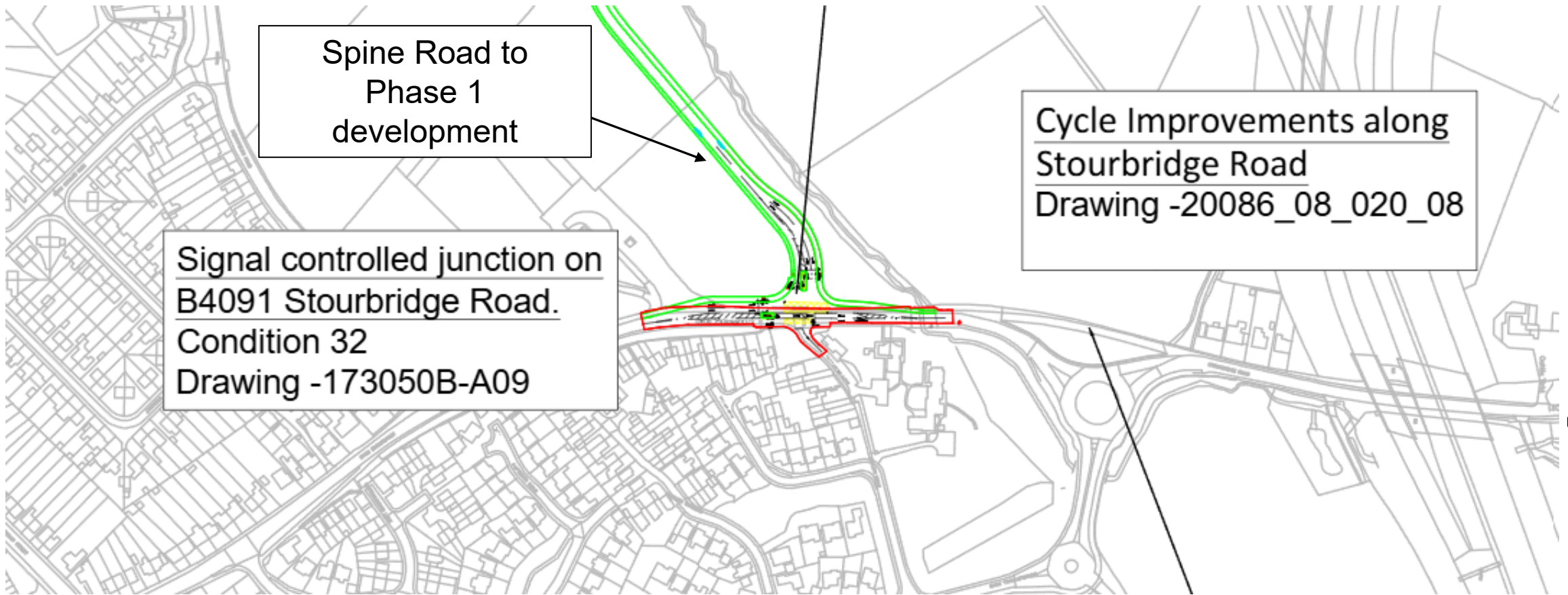
# Works in relation to condition 32



# Rock Hill/Fox Lane roundabout



# Works in relation to condition 32

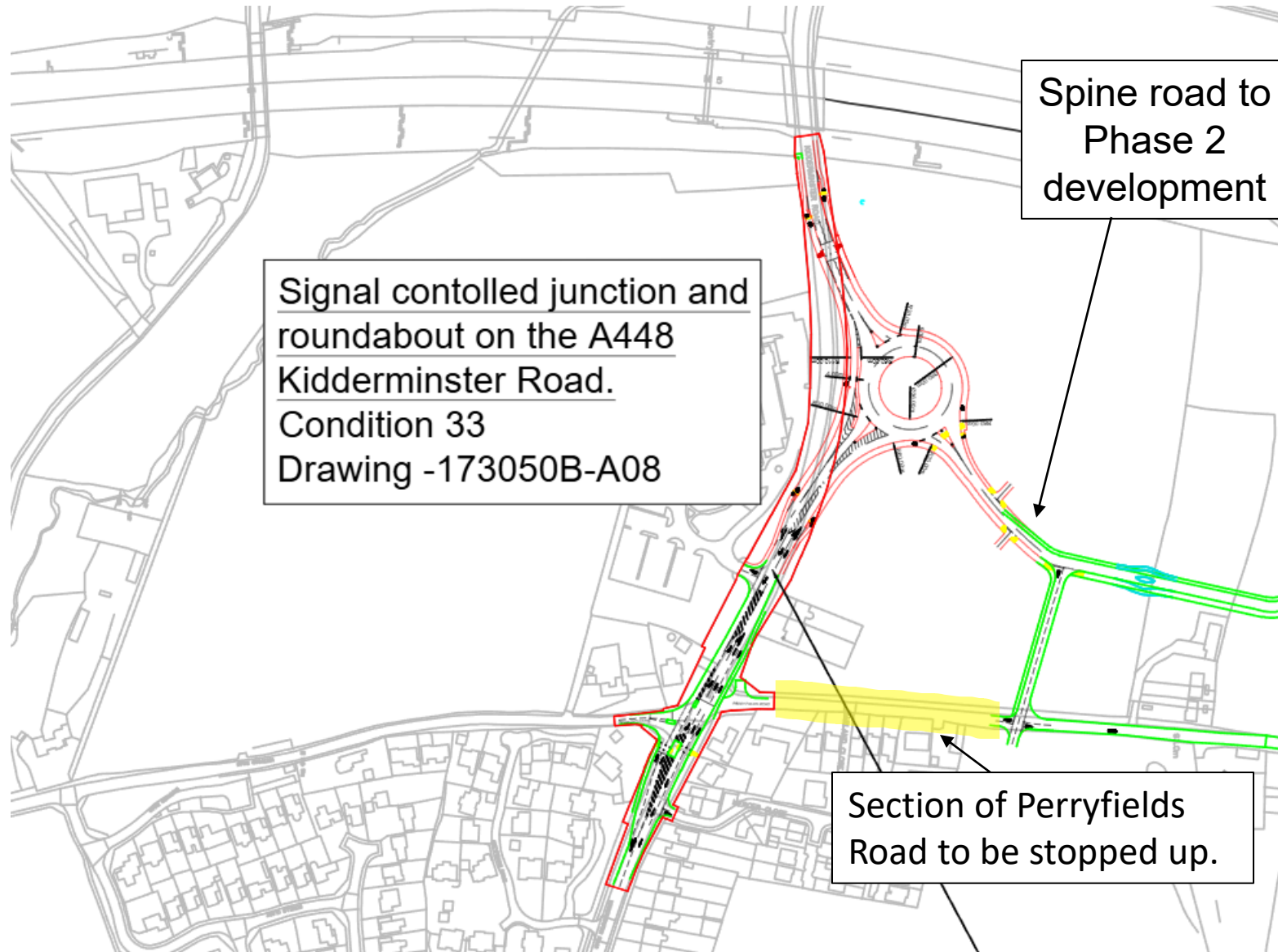


Spine Road to  
Phase 1  
development

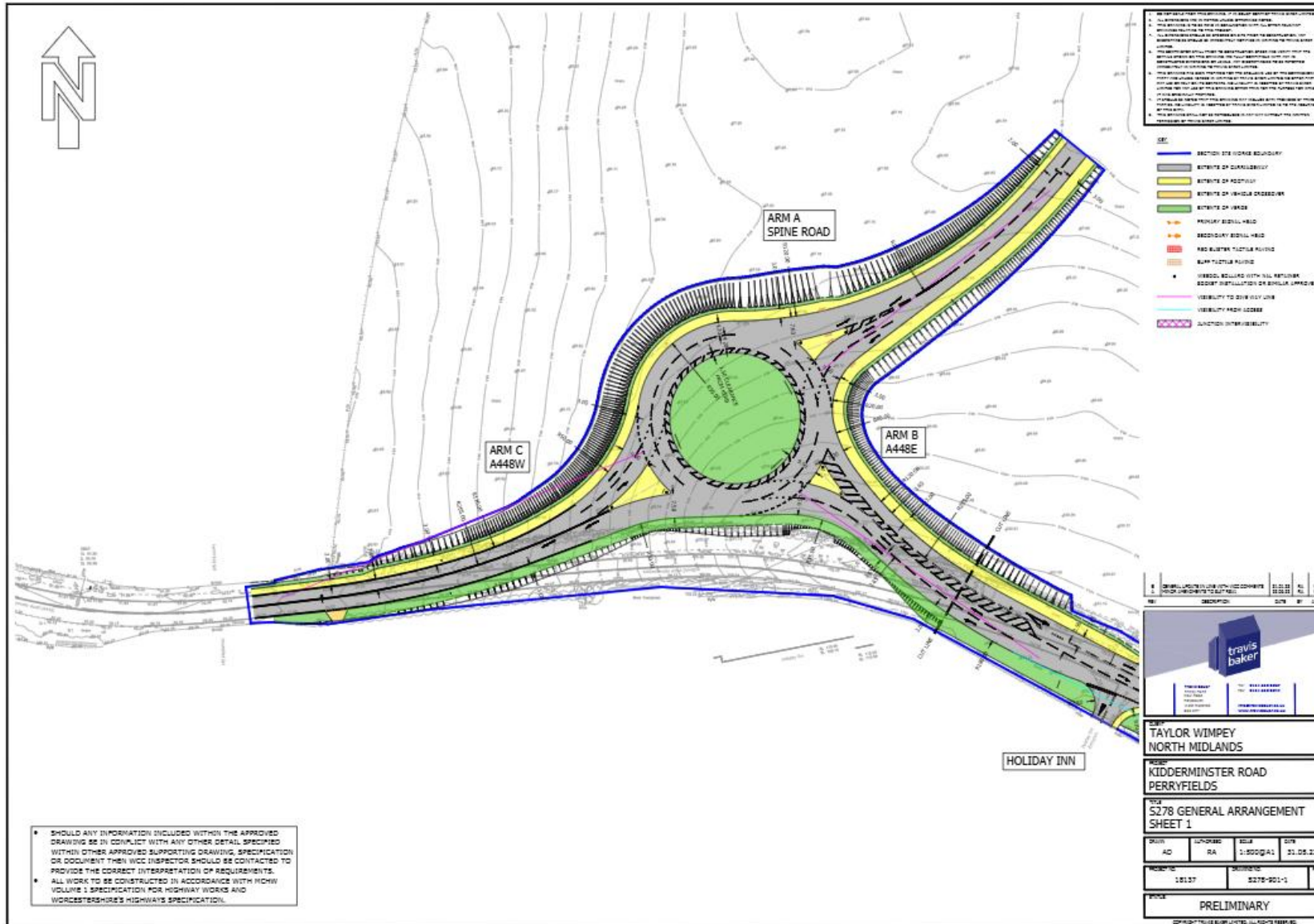
Signal controlled junction on  
B4091 Stourbridge Road.  
Condition 32  
Drawing -173050B-A09

Cycle Improvements along  
Stourbridge Road  
Drawing -20086\_08\_020\_08

# Works in relation to condition 33

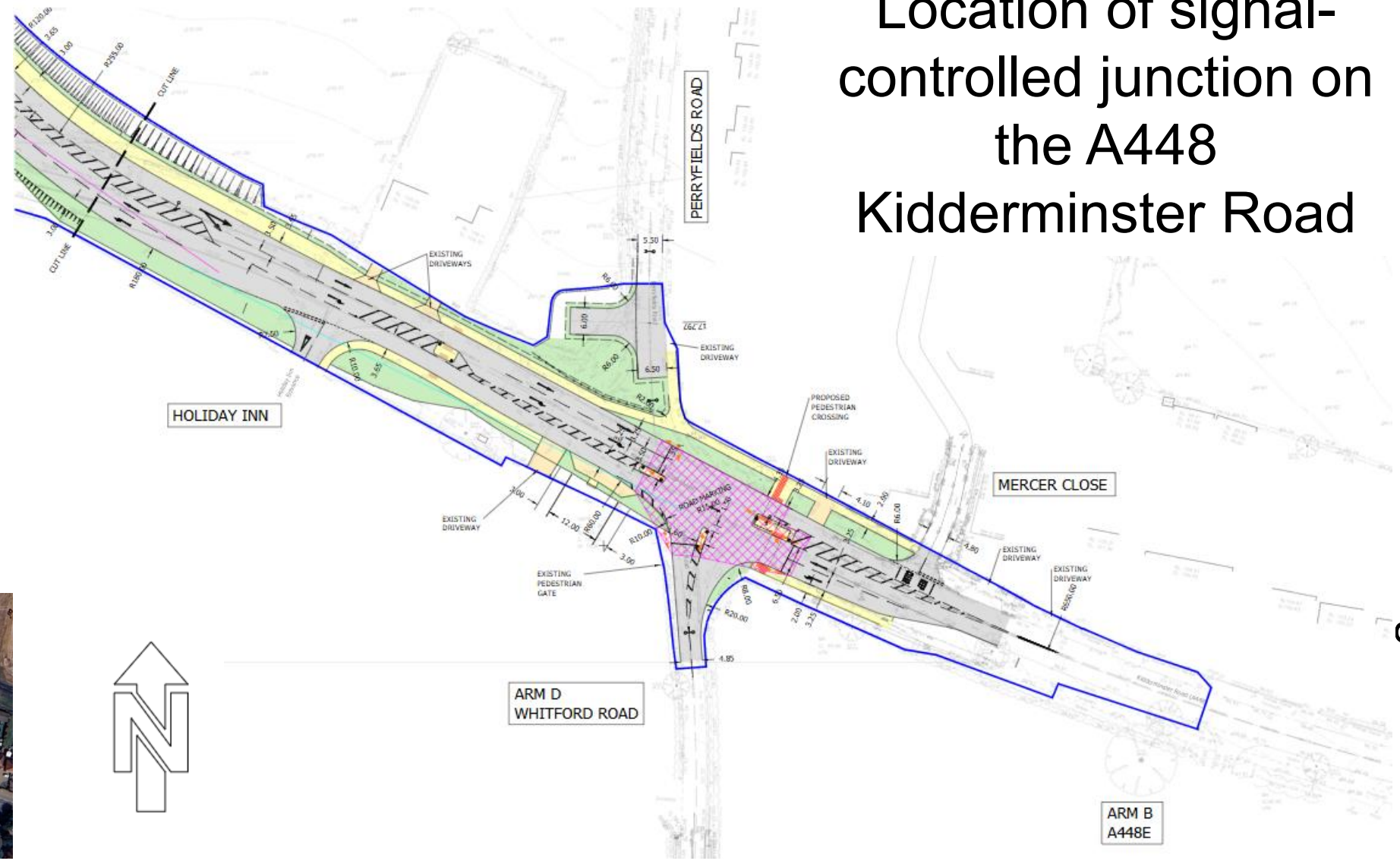


# A448 Kidderminster Road roundabout



# Location of signal-controlled junction on the A448 Kidderminster Road

- KEY**
- SECTION 278 WORKS BOUNDARY
  - EXTENTS OF CARRIAGEWAY
  - EXTENTS OF FOOTWAY
  - EXTENTS OF VEHICLE CROSSOVER
  - EXTENTS OF VERGE
  - PRIMARY SIGNAL HEAD
  - SECONDARY SIGNAL HEAD
  - RED BLISTER TACTILE PAVING
  - BUFF TACTILE PAVING
  - WEEDOL BOLLARD WITH NAL RETAINER SOCKET INSTALLATION OR SIMILAR APPROVED
  - VISIBILITY TO GIVE WAY LINE
  - VISIBILITY FROM ACCESS
  - JUNCTION INTERVISIBILITY



# Images



StreetView along Perryfields Road looking south



StreetView along A448 looking east



StreetView along A448 looking west



StreetView along Whitford Road looking north

Agenda Item 9