

## Appendix Two

## Tabulated Response to Deferral Reasons Arising From 31 October 2019 Planning Committee Meeting

## (1) Catesby Estates Limited and Miller Homes Limited

## (2) Mott Macdonald (acting as Transport Planning Advisors to Bromsgrove District Council)

	Topic / request	Raised by	Applicant response (Catesby Estates)	Mott MacDonald response
<b>1. Transport, Highways and accessibility</b>				
<b>Rock Hill Roundabout and environs</b>				
1.1	Number of lanes approaching in all directions	Planning Committee Member	The proposed roundabout sees flares on both the Rock Hill Northbound and Fox Lane to two lanes to improve capacity at the junction	WCC have provided a new GA drawing ref; 7033-S278-101 developed by WSP for the applicant. This has sufficient detail and comes with LHA technical approval.
1.2	Technical Approval of roundabout	WVV	The proposed junction has technical approval, subject to planning permission.	Detailed design is not a requirement for an outline planning application and is not considered appropriate for this stage of the planning process. Similarly, horizontal and vertical cross sections are not usually required at this stage and are a matter of detailed address with the highway authority through the technical approval process.  WCC has accepted the loss of parking as minimal. MM are of the opinion that the junction improvement does provide a degree of betterment to the existing situation.
1.3	Road Safety Audit not provided contrary to NPPF	WVV	The Road Safety Audits process is a requirement for trunk roads and a process driven by Highways England and is not necessary for outline planning applications. The planning system enables planning conditions to be applied that enable these key assessments to be undertaken during the detailed design stage. The relevant designs have been reviewed and approved by the highway authority, who are the controlling authority who are responsible for highway safety.	See section below for response
1.4	Loss of parking space in front of shop	Planning Committee Member	The proposed junction will see significant capacity improvements as set out within the Transport Assessment Addendum. The existing junction will see delay in the 2030 forecast morning peak hour (without development) reduce from over 6 minutes per vehicle on Fox Lane to with the development and proposed improvement to 28 seconds per vehicle. This benefit to both new and existing users would outweigh a small reduction in parking along the frontage of the shop. It should be noted, the majority of the parking provision will still be retained and was agreed with both SCC and MM	As per MM response to point 1.2
1.5	Footpath outside shop very narrow	Planning Committee Member	The proposed roundabout design has been through a Stage 1 and 2 detailed design stage and agreed with WCC. Notwithstanding this, the proposal will see the footway increase in width to 5.3 m by removing the existing parking at the front of the shop.	MM accept WCC response
1.6	Pedestrian crossing safety with cars accelerating away from roundabout	Planning Committee Member	The proposed roundabout design has been through a detailed design stage and Stage 1 & 2 Road Safety Audits and agreed with WCC.	RSA audits have been undertaken in this location
<b>Western Distributor</b>				
1.7	Western Distributor required	WVV/BDC members	No planning policy context currently exists for the provision of the Western Relief Road.	MM repeat response that there is no policy requirement for WDR
1.8	Route for distributor should be protected	WVV/BDC members	This context is fully and accurately set out at paragraphs 24.19.1 and 24.19.2 of the 31 <sup>st</sup> October Committee Report. We agree with this assessment.	The currently adopted LP does not safeguard any land in relation to the WDR
<b>Other Assessments / Road Safety Audits</b>				
1.9	Assessment of Catshill required	WVV / Cllr Mallet	Through pre- application discussions, both MM and WCC agreed to the study area. MM stated 'increase in trips would have a negligible impact both in capacity and road safety terms' within Technical Response 378295-051-C dated 21 August 2019	This has been previously discussed by Mott MacDonald in TN 378295/023/B Final/ Section 2.7 which should be referred to for a full response. In summary, it is Mott MacDonald's considered opinion that the impact of traffic from the Whitford Road development on Catshill whilst perceptible will be small and will not justify either further detailed assessment or generate any requirement for mitigation.
1.1	Assessment of 'Parkside junction' required	WVV / Cllr Mallet	Through pre- application discussions, both MM and WCC agreed to the study area. MM state 'the impact upon Parkside Junction is likely to be minimal' furthermore, MM also state 'they do not take account of the 12% reduction in either the standalone or cumulative adding to the robustness of the assessment'	In Mott MacDonald TN23 Rev B response to WVV Technical Notes, August 2019, the following is comment is given on WVV TN46: "The distribution and assignment of development traffic relating to the Whitford Road scheme has been discussed and agreed based on journey time data and whilst off retail peak trips may well take alternative routes such as noted above (including via the Town Centre and Parkside junction), MM remain of the view that peak hour trips associated with development at Whitford Road will avoid the corridor in question and the Market Street junction as alternative routes to key destinations are likely to be quicker at peak times".
1.11	What funding has been secured for Parkside junction and when does the funding expire	Cllr Mallet	For WCC to provide relevant information	WCC response is noted
1.12	Why have no Safety Audits been carried out on Albert Road	Planning Committee Member	As per 1.3	Refer to response in 1.2 and 1.3 of this response
1.13	Why has the impact on All Saints Road and Victoria Road not been assessed	Cllr Mallet	The roads in question are outside of the agreed study area, with the proposed development have negligible impact on these roads.	MM maintain that multiple route choices are available and any impact on capacity is likely to be insignificant.
1.14	Rat Running through Millfields	Cllr Mallet	The proposals see the introduction of a new roundabout with significant additional capacity. This will reduce the propensity for vehicles to rat run through Millfields	MM accept that a small number of through trips may be travelling through the Millfields residential area in the existing situation, but consider that the proposed junction improvement Fox Lane / Rock Hill junction would appropriately address the potential traffic impact of the Whitford Road and Perryfields developments at this location and should also reduce the relative attractiveness of alternative local routes.
1.15	How could members be confident that that previous inspectors concerns have been addressed.	Planning Committee Member	The 31 <sup>st</sup> October Planning Committee report sets out in full the Inspector's overall conclusions on appeal 3024037 at paragraphs 4.4 – 4.11. The material submitted as part of and in support of the planning application contends that the Inspector's concerns have been fully addressed. The planning officer's report does not indicate in any way that any of the concerns of the Inspector have not been addressed.	MM have worked with the applicant and LHA to develop a full and robust scope of works and study area and are confident that the full traffic impact of Whitford Road has been taken into account using industry standard trip generation and assignment methodologies.
1.16	Further detailed information and possible conditions for improvements to non-motorised movement namely: pedestrians, mobility scooters and cyclists	Cllr Douglas	This a matter for WCC to provide information on the specific proposals for which funding is provided.	MM accept WCC response on this matter
1.17	further detail on how residents could access a sensible route in order to walk from the proposed development to the school in Perryfields	Cllr Douglas	WSP Transport Assessment Addendum and Technical Note 4 sets out the routes options to the proposed school with Perryfields. This will be developed with WCC through relevant conditions and S106 contributions.	WCC have provided a route map which demonstrates safe walking routes to the proposed school. This should be developed further into detailed planning and enforced through S106 head of terms and planning conditions.
1.18	More info require on where and when other s106 contributions such as public transport money are to be spent.	Cllr Baxter	Details of where and when S106 contributions are to be spent are incorporated in the draft S106 agreement which is at an advanced stage. The Heads of Terms are outlined in the committee report. Responsibility for spending the monies rest with the recipient bodies e.g. WCC and BDC	MM have noted that there is an element of risk to this with a service likely to require additional monies to divert an existing service to serve Whitford Rd (and probably Perryfields). However WCC have negotiated heads of terms which will be time bound and this is reasonable and proportionate response for a development site of this size.
1.19	Noise – was raised as issue to discuss but no specifics mentioned	Cllr Hotham	WRS has raised no objection noise – para 11.2 of Committee Report.	Outside of MM scope
1.20	Air Quality was raised as issue to discuss but no specifics mentioned	Cllr Hotham	WRS has raised no objections on air quality grounds –para 10.2 of Committee report.	Air quality has been considered by the applicant in the ES Chapter 9 Vol. 1 using revised traffic data and dispersion modelling is accepted. This report concludes a negligible effect.
<b>2 Healthcare Provision</b>				
2.1	Further review of S106 contributions, with the Committee questioning if a tripartite discussion was possible with regard to seeking funding for the Worcestershire Acute Hospital NHS Trust.	Cllr Hotham	The officer's position in the committee report (paragraph 26.23) was that the request from NHS for a contribution was unlawful as it failed the three tests of para 122 of the CIL regulations and therefore no contribution would be sought.	Outside of MM scope
<b>3 Site Specific issues / other issues</b>				

3.1	Access points more detail required of internal layout.	Cllr Baxter	Not necessary as explained by the planning officer at committee – see minutes page 5, 5th para	Internal layouts are not a matter for outline planning and can be dealt with at a later stage.
3.2	Comments by urban designer on site regrading		The Council's urban designer acknowledges that the application is in outline and as reiterated by the planning officer at the committee on page 3 of the minutes (6th paragraph) "the master plan should be treated as purely illustrative but if necessary other elements could be secured by suitable conditions". The list of draft conditions states that development should be "in substantial compliance with the indicative master plan, Parameters Plan 16912/1017B and the principles described in the D&A Statement (received 7 January 2016) and the D&A Addendum (dated 3 January 2018).	Considered a matter for RM/ Detailed planning permission
3.3	40% affordable housing, what would the percentage be for - social housing and shared ownership?	Cllr McDonald	The affordable housing mix is set out in the committee report under the heading of 'Strategic Housing': No objection subject to compliance with the following: <ul style="list-style-type: none"> <li>• Policy Compliant provision of 40%</li> <li>• Proposed Mix and Tenure</li> <li>• Social Rented 60%</li> <li>• 100% x 1 bed flats</li> <li>• 100% x 1 bed 2 person houses</li> <li>• 100% x 2 bed 4 person houses</li> <li>• 100% x 3 bed 5 person houses</li> <li>• 100% x 3 bed 6 person houses</li> </ul> <ul style="list-style-type: none"> <li>• Shared Ownership 40%</li> <li>• 50% 2 bed houses</li> <li>• 50% 3 bed houses</li> </ul> The applicants can confirm that the affordable provision will be in accordance with these requirements	Outside of MM scope
3.4	How do the Council maintain that 40% affordable housing will be provided?	Cllr McDonald	This will be controlled through standard mechanisms contained within the s106 obligation which has been formulated to meet the requirements of the Council's housing officer.	Outside of MM scope
3.5	Open Space Management – can the Council adopt the open space	Cllr King	Page 6 of the minutes of the committee report confirms (3rd para) that "the development services manager reported that the proposed open space would not be adopted by the Council's leisure services". This accurately reflects the wish of the Council. However, since the committee meeting officers have contacted the applicants who are willing to engage with the Council to discuss this option.	Outside of MM scope

**MM response to 1.3**

RSA Stage 1 (July 2016) findings have been taken into consideration by WSP, and detailed design and subsequent RSA stage 2 would be expected to be dealt with as the design moved through the technical approvals process.

MM have variously stated over the past 2 years that it is advisable for the applicant to undertake Preliminary design along with a RSA (Stage 1) on significant mitigation schemes as part of this consultation (ref; 16/1132) and we would maintain this position, noting that it is for Worcestershire County Council (WCC) as the Highway Authority to determine and agree any requirement for safety review or audit where appropriate. It is however not mandatory to do so, although in cases where there is clear benefit it is undoubtedly good practice as we have noted.

WVV take the view that WCC should have required the applicant to submit an RSA (Stage 1) along with each and every mitigation scheme on the local highway network. The guidance below informs this view and MM are of the opinion that this requirement would be unreasonably onerous at this stage in the process given the relatively simple nature of several of the improvements proposed, together with the traffic volumes, speeds and degrees of potential conflict anticipated.

It is MM's view that ultimately all highway improvements proposals should be subject to appropriate safety review and audit at an appropriate level and time as part of the detailed design process in order to assure safety through good design. In this respect MM would anticipate the requirement for safety audit of all significant mitigation measures on the public highway as part of the detailed design process and prior to occupation of any built development, and after opening of the scheme to confirm its efficacy.

The national standards for undertaking Road Safety Audits are set by Highways England and are contained in the 'Design Manual for Roads and Bridges' at HD 19/03 (Volume 5, Section 2, Part 2), which is now superseded by GG119 and linked below for reference:  
<http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol5/section2/GG%20119%20Road%20safety%20audit-web.pdf>

The Highways Act 1980 and the Road Traffic Act 1988 are the two main pieces of legislation in respect of road safety. Section 41 of the Highways Act states that:  
"The authority who are for the time being the highway authority for a highway maintainable at the public expense, are under a duty ... to maintain the highway".

Section 39 of the Road Traffic Act states that:  
"... in constructing new roads, [each authority] must take such measures as appear... to be appropriate to reduce the possibilities of such accidents when the roads come into use."

GG119 provides the requirements for road safety audit for highway schemes on the trunk road and motorway network. Previously, HD 19/03 also required agencies responsible for trunk roads to undertake road safety audits, however HD 19/03 was only "commended" for use by local highway authorities. It did not require Councils to ensure that road safety audits were undertaken and therefore in this case it is for WCC to make a judgement on this matter in respect of the mitigation schemes being considered.

In this instance, MM understand that it is not WCC practice to require an RSA (Stage 1) at preliminary design and outline planning stage in line with Manual for Streets Guidance:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

MfS Para 3.7.6 states that:  
"RSAs are not mandatory for local highway authorities. Many residential streets, where the design is carried out by a developer's consultant, are assessed independently by the local highway authority. In some authorities there is no requirement for a further check by an RSA team, particularly where it is clear that motorised traffic volumes and speeds, and the degree of potential conflict between different user-groups, are not going to be significant."

There is therefore no absolute requirement in any relevant guidance for the submission of road safety audits at outline planning stage and whilst our view is that it is advisable to do so in some instances in order to give comfort to decision makers that the scheme under consideration can be delivered, submissions are essentially at the discretion of the applicant and the highway authority and a balanced and reasonable approach is clearly required.

MM understand that WCC and the applicant are currently undertaking the technical approval process in parallel to the planning application process and it is worth noting that the RSA Stage 1 prepared for the Rock Lane / Fox Hill junction was undertaken in July 2016.

In any event, MM suggest that suitably worded planning condition be offered to the effect that no occupations of development could proceed unless and until suitable mitigation measures are designed in detail, subject to RSA Stage 1 & 2 and formally agreed with the highway authority through their normal processes and implemented as required to address any impacts. Such a condition would provide the mechanism to ensure that appropriate audits take place through the design process and any resulting design change to address local safety issues can be fed into the process at the appropriate stage prior to final agreements and implementation.

In addition, MM would not usually expect to see a Design and Compliance Report before all design has been completed and therefore, they would not be appropriate at this stage. Such reports should be produced toward the end of the design process where all aspects of the design can be considered against standard and guidance and reported.