

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bellway Homes	<p>Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>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.</p> <p>AMEND TO: No more than 49 dwellings 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.</p>	02.05.2025	24/00117/S73

Land at Whitford Road, Bromsgrove

RECOMMENDATION:

- (1) **MINDED** to **GRANT** permission to amend condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132)
- (2) 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 and other conditions attached to the original planning permission.

Consultations

Worcestershire Highways - Bromsgrove

No objection – comments are provided in full:

Worcestershire County Council, acting in its role as the Highway Authority, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposal, the Transport Planning and Development Management Team Leader, on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends No Objection.

Previous responses

A summary of the previous responses to this application are set out below:

- The Highway Authority previously responded to this application in formal observations dated 16th June 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 115 of the National Planning Policy Framework (December 2023). At that time, the application sought to vary the trigger point of the mitigation works at the B4091 Rock Hill/ Fox Lane junction from the trigger of zero dwelling occupations to no more than 75 dwelling occupations. Traffic modelling submitted for this application was based upon 2017 data and tested the implication of 75 dwellings.
- A further consultation was received from the Local Planning Authority where the Applicant proposed to alter the condition to allow up to 39 occupations. The Highway Authority reviewed this and responded to this application in formal observations dated 2nd October 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 115 of the National Planning Policy Framework (December 2023). Traffic modelling submitted for this application was based upon 2017 data and tested the implication of 39 dwellings.
- The most recent consultation was received from the Local Planning Authority where the Applicant proposed to alter the condition to allow up to 49 occupations. The Highway Authority reviewed this and responded to this application in formal observations dated 17th February 2024 advising refusal on the grounds that the residual cumulative impacts of the development on the road network would be severe contrary to paragraph 115 of the National Planning Policy Framework (December 2023). Traffic modelling submitted for this application was based upon 2024 data and tested the implications of 100 dwellings noting the description of the application was for 49 dwellings.

Current consultation

At present, the planning condition (25) requires this scheme to be in place prior to the consented development site being occupied. The scheme comprises the conversion of the current priority junction arrangement to a 3-arm roundabout. The general arrangement of the works is shown in supporting drawing 7033-SK-005 revision F.

This variation of condition application, now seeks to vary the trigger point for the improvement scheme, allowing for 49 dwelling occupations prior to implementation.

In support of this planning application, the following highway information has been submitted by the Applicant:

- 2017 ATC SUMMARY;
- 2024 MCC DATA;
- Non-Technical Summary, WSP, 7th March 2025;
- FOX LANE / ROCK HILL SCHEMATIC PROPOSED ARRANGEMENT, 7033-SK-005 REV G, Rev G; and,
- Technical Note 3, WSP, 7th March 2025.

In addition to the above a series of ancillary drawings 7033-s278-701 rev C02, 2015804 AGE-ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02 are included. These appear to relate to a retaining wall.

The description of this current application, in addition to the proposed variation of the timing/ trigger, relates to the substitution of the scheme of works drawing Revision F to Revision G. Revision G shows the location of the proposed retaining wall. From a highway and transportation perspective, there are no proposed changes to the form, scale and footprint of the roundabout scheme when comparing Revision F and Revision G.

Impact Assessment

Supporting Technical Note 3 states:

Following the previous submission, WSP has:

- Commissioned September 2024 Manual Classified Counts (MMC) traffic counts at the Fox Lane / Rock Hill junction
- Commissioned September 2024 Automatic Traffic Counts (ATC) traffic counts on Fox Lane and various other links in the local area
- Generate forecast development traffic flows for 8, 20, 30, 40, and 49 dwellings
- Undertake updated traffic junction assessment at Fox Lane Rock Hill using 2024 survey data
- Consider the impacts of the additional 49 residential units on the existing junction arrangement and surrounding network.
- Consider potential impacts upon 'rat running' through the Millfield area – a known concern for residents.

Trip Generation

Applying previously agreed trip rates, it is predicted that 49 occupied dwellings would generate approximately 33 two-way trips during the AM peak hour (08:00 – 09:00) and 35 two-way trips during the PM peak hour (17:00 – 18:00).

Traffic Distribution

Using the previously agreed traffic distribution and assignment assumptions, it is anticipated that during the AM peak hour, 49 occupied dwellings would result in 18 two-way trips travelling through the B4091 Rock Hill/ Fox Lane junction. During the PM peak hour, it is predicted that 18 two-way trips would travel through the junction.

Junction Impact Assessment

Junction modelling has been undertaken using Junctions 11. The Applicant has undertaken the following modelling scenarios:

- 2024 Baseline
- 2024 Baseline + 8 dwellings
- 2024 Baseline + 20 dwellings
- 2024 Baseline + 30 dwellings
- 2024 Baseline + 40 dwellings
- 2024 Baseline + 49 dwellings

Technical Note 3 states:

When using Junctions 11, a DIRECT profile is to be used when you have detailed, specific traffic data for a junction. This profile allows the user to input

precise traffic counts for vehicles entering and exiting the junction at different times, typically broken down into 15-minute intervals. Given that this is an existing junction and traffic surveys of an appropriate level of detail have been obtained, the DIRECT profile has been used in all scenarios to ensure that the model reflects real-world conditions as closely as possible, leading to more reliable results.

The table below summarises the modelling results:

	AM			PM		
2024 Baseline						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.1	81.68	0.92	1.9	23.96	0.66
Rock Hill	0.7	6.62	0.30	1.8	9.45	0.54
2024 Baseline + 8 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.1	81.72	0.92	1.9	24.86	0.67
Rock Hill	0.7	6.62	0.30	1.8	9.48	0.54
2024 Baseline + 20 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.4	85.17	0.93	2.0	26.06	0.69
Rock Hill	0.7	6.62	0.30	1.9	9.70	0.55
2024 Baseline + 30 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	8.6	87.01	0.93	2.0	26.27	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.94	0.56
2024 Baseline + 40 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	9.3	94.53	0.94	2.0	26.27	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.97	0.56
2024 Baseline + 49 dwellings						
Arm	Queue (PCU)	Delay (seconds)	RFC (%)	Queue (PCU)	Delay (seconds)	RFC (%)
Fox Lane	9.4	94.60	0.94	2.0	26.50	0.69
Rock Hill	0.7	6.72	0.31	2.0	9.98	0.56

A summary of the key outputs is presented below:

- The 2024 junction model currently operates over capacity during the AM peak hour;
- Comparing 2017 and 2024 traffic volumes, the data indicates that traffic volumes have generally reduced across the relevant network;

- The predicted current (2024) delay experienced by drivers on Fox Lane (the minor arm which gives-way to the Rock Hill) during the AM peak is 82 seconds (1 minutes 22 seconds). Average queuing on this arm is approximately 47 metres;
- Following the introduction of development traffic (49 dwellings), the junction experiences further deterioration in performance.
- Average delays on Fox Lane increase to 95 seconds (1 minutes 35 seconds); a total increase in an average delay experienced by drivers of 13 seconds during the AM peak. Average queuing on Fox Lane is predicted to reach a length of 54 metres (an increase of 7 metres)

Implication of Impact

Supporting Technical Note 3 presents a commentary of the Applicant's view on the implication of the impact of development traffic at the B4091 Rock Hill/ Fox Lane junction. It is noted that:

To conclude, the traffic modelling has been completed and reviewed, showing that during the worst observed period (8:45 to 9:00) the maximum delay in the 49-dwelling scenario is only 13 seconds. This delay occurs only during a brief part of the 8:45 to 9:00 period. Therefore, it is considered that the additional delay generated by the occupied dwellings is considered to be negligible. For example, at 20 dwellings occupied, there will only be a 3.5 second increase in delay. The peak hour (8:45am to 9:00am) has been identified as the period with the highest delays and serves as a summary of the daily queuing trends, demonstrating that congestion is limited at other times of the day.

As noted in the original Transport Assessment and the Transport Assessment Addendum submitted to support the outline application, "it was identified that improvements to the Rock Hill / Fox Lane junction would be required for any future development at Whitford Road and therefore should be offered by the proposed development to mitigate its impact on the already at capacity junction arrangement"¹

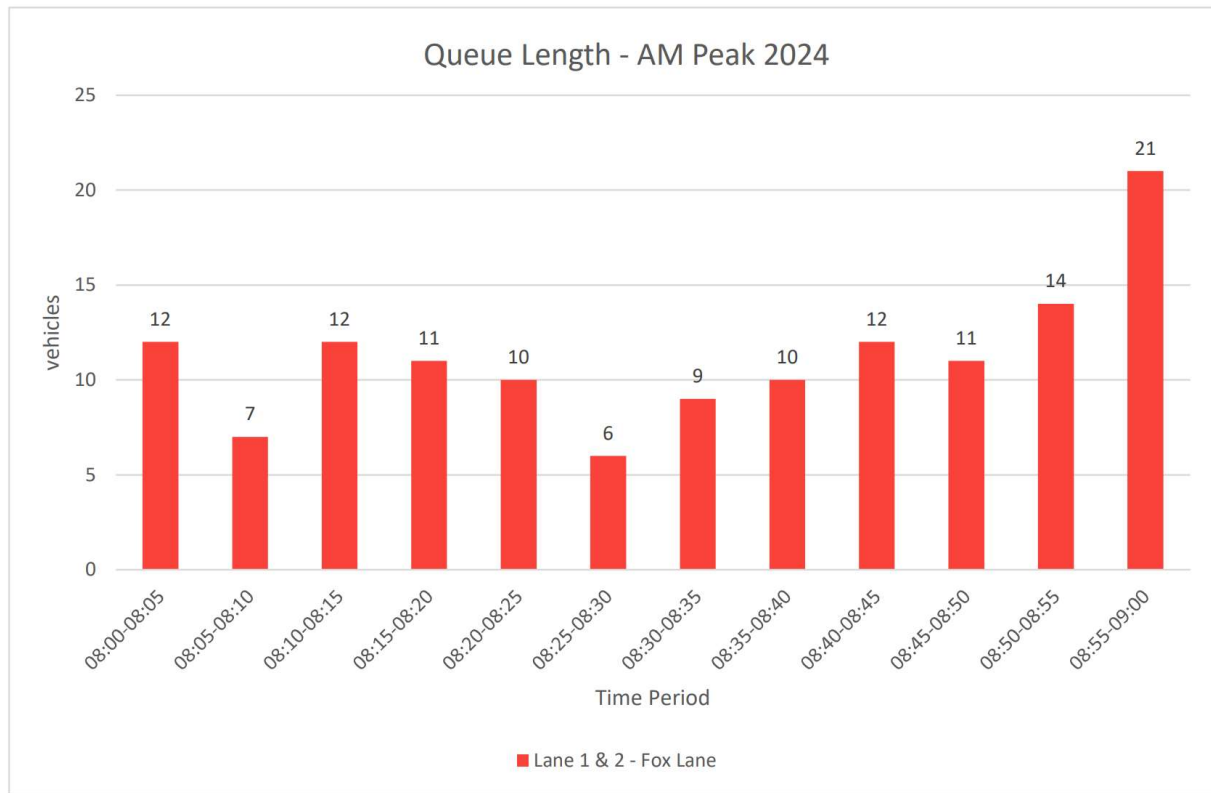
¹ Land at Whitford, Transport Assessment Addendum, WSP, January 2018, paragraph 5.2.30

Turning to the specific impacts of the operation of the junction as a result of this current proposal, drivers are anticipated to experience an average increase in delay on Fox Lane during the AM peak of 13 seconds compared to the 2024 baseline situation. The modelling shows that queuing is forecast to increase by 7 metres with a predicted queue length on Fox Lane of 54 metres.

The proposed junction improvement scheme, in addition to providing capacity relief, seeks to change the priorities at the junction where traffic demand on the minor arm (Fox Lane) is forecast to increase as a result of the overall development. Based on the current arrangement, where the minor arm (Fox Lane) gives-way to Rock Hill, the modelling evidence presented predicts increases in delay some 16% greater than those currently experienced in 2024.

The Highway Authority has reviewed the performance of the model to replicate observed queues. The Applicant presents an assessment of the observed queuing on Fox Lane in Technical Note 3. Figure 4 [2024 Baseline Recorded Queue Lengths] is extracted and replicated below:

Figure 4- 2024 Baseline Recorded Queue Lengths



Technical Note 3 states:

As shown, the between 8:00 and 8:55 the maximum queue observed was 14 vehicles which results in 77m queue based on a 5.5m PCU value per vehicle and average being 11 vehicles. The queue is then observed to increase to 21 vehicles between 8:55 to 9:00 time period. The 21 vehicle queue at 8.55am which only occurs in that one 5 minute period appears to be an anomaly compared to the rest of the recorded hour, a review of the camera footage has been completed which indicated this was just a short period of queueing that was cleared within 1 minute.

It goes on to state: -

While the model forecasts 8 vehicles in the queue, the average maximum recorded queue over the AM hour is 11 vehicles, whilst the average queue record at the end of each five-minute period over the hour is 4 vehicles. As such, the model queue forecast of 8 vehicles provides an appropriate balance between representing the maximum queues and also recognising the fluctuations in queuing across the hour. This must be considered as there are clear periods across the hour where there are no queues present at the junction, and artificially 'throttling the junction to reflect a maximum queue in likely to lead to unrealistic results.

JUNCTIONS 11 modelling software is a widely used software for analysing priority junctions. But like all models, there are limitations. One of these is the ability of the model to accurately represent actual fluctuations in traffic volume, as evidenced by the queue survey data provided. The model is also not able to quantify the impacts of redistribution/

demand responses as a result of congestion on the network. The Highway Authority does not accept a PCU value of 5.5m and instead has used a PCU value of 5.75m.

Based upon the model submission, the Highway Authority does not consider the model a unrealistic representation of network conditions where congestion, queuing and delays do occur and are shown to in the model outputs.

Based upon the information presented, the deterioration in network performance cannot reasonably be considered severe in accordance with the National Planning Policy Framework. Since development was planned to be supported by this infrastructure from first occupation but this has not happened, the impacts of development are shown to lead to further deterioration of network performance, increasing queuing and delay and therefore associated inconvenience to road users where the junction is shown to operate over capacity. The scale and duration of the impacts of this development are not considered to meet the severity threshold.

The analysis presented in the most recent supporting Technical Note demonstrates the need to deliver the scheme at no later than the 49th dwelling occupation.

In its consideration of the impacts of the development, the Highway Authority has also given due consideration to viable alternatives or transport options for residents. The Highway Authority can confirm that there is a new toucan crossing on Whitford Road close to the site access providing an active travel connection to Sanders Park towards the town centre. As a minimum, this offers a viable alternative to car use in light of existing congestion²

² <https://www.worcestershire.gov.uk/sites/default/files/2024-09/1%20Whitford%20Road%2C%20Bromsgrove%20-%20Toucan%20Crossing.pdf>.

Timing for the proposed scheme of works

The modelling scenarios indicate a programme where an incremental approach to understanding the implications of development has been taken by the Applicant. This represents a build and occupation trajectory for the housing, and timeline for the completion of the proposed scheme of works:

- 2024 Baseline
- 2024 Baseline + 8 dwellings (end of February)
- 2024 Baseline + 20 dwellings (End of May)
- 2024 Baseline + 30 dwellings (End of July) – at which point the roundabout works should be completed
- 2024 Baseline + 40 dwellings (end of October)
- 2024 Baseline + 49 dwellings (end of December)

Technical Note 3 states:

As noted, it is anticipated that no more than 30 dwellings would be in place by the completion of the highway works, however by the end of December 2025, it is anticipated that the full 49 units could be occupied.

The timing and coordination of works to the public highway is subject to separate permissions/ agreements in accordance with the New Roads and Streetworks Act and Highways Act.

A Section 278 road space permit is required to work on the public highway to alter the layout of the highway in line with a signed S278 legal agreement. Work on the public highway cannot lawfully commence until a permit has been issued and the signed permit has been received. The necessary Temporary Traffic Management Permits must also be received in suitable time to allow all phases of the works to be completed.

At the time of writing, the Highway Authority can confirm:

1. There is a S278 legal agreement for the scheme of works; and,
2. The Promoter does not currently have a S278 road space permit.

The Highway Development Management Team cannot confirm that the scheme of works will be completed by July 2025 as indicated in Technical Note 3 and cannot confirm when works will commence, the duration of the works programme nor the anticipated completion without a S278 road space permit.

Conclusion

The Highway Authority has undertaken a robust assessment of the application. Based on analysis of the information provided, the Highway Authority does not consider the impacts of the development to be severe in accordance with the National Planning Policy Framework (December 2024).

WRS – Air Quality

No adverse comments.

Strategic Housing & Business Support Manager Bromsgrove District & Redditch Borough Councils

- Further to discussion I am advised that the developer of the above planning application has applied for a variation to planning condition 25 that no part of the development shall be occupied to the occupation of no more than 49 dwellings on the development until the appropriate highway works are undertaken.
- I am aware that the affordable housing on this site is being delivered through BDHT, and contracts have exchange. The need for this affordable housing is significant. The Council has large numbers of households residing in temporary accommodation for lengthening periods which could be housed in the affordable housing from this development or it can provide move on accommodation to those housed in unsuitable accommodation on the housing register, thus freeing up additional affordable accommodation in the district. Given the significant need for affordable housing and the evidenced detrimental impacts on households living in unsuitable accommodation the Strategic Housing Team would support the variation should it be amended to provide for the occupation of the affordable housing in this instance.

Publicity

Site notices posted 02.05.2024, 09.07.2024, 11.03.2024 (expires 01.04.2025)

Press notice published 08.07.2024, 10.03.2025 (expires 31.03.2025)

62 objections have been received raising the following concerns:

- Contrary to the Inspector's decision requiring roundabout before houses occupied which was accepted by the developers
- Roundabout was a key enabler for the appeal to be allowed

- Existing infrastructure insufficient for current number of residents.
- Bellway may apply for more occupations prior to completing the island
- Will cause even more disruption at already compromised junction
- More vehicles queuing, more air pollution, more driver frustration
- More likelihood of vehicles going down Millfield Road endangering children going to school along a narrow road with, in places, no footpath.
- Existing residents require quick access for emergency vehicles/deliveries – increased congestion puts these at risk.
- Existing infrastructure cannot cope/make existing situation worse
- The former Greyhound pub site is unsightly
- Any survey reports showing a reduction in traffic is due to road closures and should be disregarded.
- No date is stated for completion of the roundabout

Other matters have been raised but these are not material to the determination of the application and have not been reported.

The Bromsgrove Society

- Objects to the application.
- It was acknowledged by the developer (Catesby) at the appeal that the junction is over capacity and was agreed that mitigation be provided prior to first occupation. The Inspector imposed a no occupation condition.
- The Bromsgrove Society is concerned that this application will cause inconvenience and cost to the local community and a deterioration in air quality.
- The junction is incorrectly modelled: number of lanes is inaccurate.
- It appears to The Society that drivers will react to the increased delays purportedly shown in the Applicant's junction model by rat-running through Millfields in increasing numbers, thereby compromising road safety and residential amenity in the Millfields residential area

Bromsgrove District Housing Trust (BDHT)

- Supports the application - referring to the urgent need for increased social housing in Bromsgrove. BDHT state that it is critical that the planning committee considers the consequences of not approving the occupation of the affordable housing on Whitford Road. This decision not only significantly affects individual families' lives but also increases the council's financial expenditure on temporary accommodation, which is at its highest level in over a decade.
- The limited supply of social housing in Bromsgrove in recent years has increased pressure on families living in unsuitable conditions. This includes homelessness, disabled individuals in inappropriate housing, and overcrowded families facing exacerbated damp and mould issues, directly impacting children's health.
- This lack of housing not only worsens social inequality but also affects the overall well-being and economic stability of Bromsgrove residents. By prioritising the release of social housing properties on Whitford Road, we can ensure that 20 households have access to safe and affordable homes. We urge you to consider this pressing issue when determining whether the properties on Whitford Road can be occupied before the roundabout is built.

Councillor Hopkins

- Has requested that the application be submitted to Planning Committee.

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

Relevant Planning History

24/00516/S73	Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132): FROM: 22) No dwelling shall be occupied until the acoustic fencing on the north western part of the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. AMEND TO: 22) No dwelling shall be occupied in relation to the reserved matters 23/00993/REM (Miller Homes phase) including plots 291 to 293 & plots 342 to 353 only of the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof until the acoustic fencing on the north-western part of the site, has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. The noise mitigation measures of glazing, ventilation and garden	Granted	12.12.2024
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fences referred to in the Environmental Noise Assessment (22336-1- R8) prepared by Noise.co.uk dated 25 October 2024 shall be applied to the approved reserved matters 22/00090/REM (Bellway Homes phase) or subsequent variations thereof in accordance with the following details: the Glazing and Ventilator Performance table version 4 submitted on 09/12/24 and Acoustic Private Garden Fence drawing number SD-9-03 dated October 2024 unless alternative other minor variations of these details are submitted to and agreed in writing by the Local Planning Authority prior to installation.

24/00150/REM	Reserved Matters application (Layout, Scale, Appearance and Landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of a retail unit and associated infrastructure within Site A.		Delegated by Planning Committee 08.08.2024 Awaiting Legal Agreement
23/00993/REM	Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A.	Approved	06.02.2025
22/00090/REM	Reserved Matters (layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) - for the erection of 370 dwellings with associated car parking, landscaping and other infrastructure within the southern section of Site A Non Material Amendment to condition 1 landscaping drawings of Reserved Matters approval 22/00090/REM: Replacement of translocated hedge. New hedge planting along Whitford Road	Approved	08.07.2022

16/1132	Outline Planning Application for: Site A (Land off Whitford Road) Provision of up to 490 dwellings, Class A1 retail local shop (up to 400 sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and Site B (Land off Albert Road) Demolition of Greyhound Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage.	Allowed at Appeal APP/P1805/ W/20/324511	09.02.2021
13/0479	Residential development comprising up to 490 dwellings and small retail (Class A1) shop; together with two new accesses onto Whitford Road; provision of new public open space; landscaping; and sustainable urban drainage	Refused Dismissed at Appeal	21.08.2014 03.08.2015

Assessment of Proposal

Proposal

Condition 25 prevents the occupation of any of the 490 dwellings granted planning permission under the allowed appeal APP/P1805/W/20/3245111, until the junction at Fox Lane/Rock Hill has been altered in accordance with the roundabout details shown on drawing 7033-SK-005 revision F. The current application seeks to vary this in 2 respects:

- To amend the drawing details to also include a retaining wall required to support the adjoining land at the former Greyhound Pub site.
- To allow occupation of 49 dwellings before the new roundabout at Fox Lane/Rock Hill is altered.

The applicant has submitted a response to comments made by the Bromsgrove Society. This has been added to the planning record and is available to view on the website. The response states that:

- New survey data has been provided and suggests lower queueing occurring at the Fox Lane/Rock Hill junction reducing further any likelihood of traffic routing through Millfields.
- Surveys were undertaken on the specified date so that road works would not impact the survey.
- TBS assume that the model for Arm A (Rock Hill NE bound) has two live lanes within the model when there is in effect only a single lane on the approach. This is not correct. The layout shown by Junctions 11 is a graphical representation of the movements that wish to occur but is not specifying that number of lanes provided.
- Whilst there is a maximum queue of 21 vehicles on the approach as identified by TBS, this occurs between the last 5 minutes of the peak hour (08:55 - 09:00) and last for no more than 1 minute before the queue dissipates.

Background

Bromsgrove District Council resisted the appeal in 2021 on the grounds of highway impact. The alterations to the Fox Lane/Rock Hill junction were crucial in the appeal decision to grant planning permission. This point is picked up in several of the public comments received.

The proposal to vary the condition to allow occupation of some dwellings prior to the alteration of the roundabout has been subject to amendments and the submission of additional supporting information. This has occurred in response to concerns expressed by both the Highway Authority and your officers.

Highway Matters

The current proposal seeks to allow the occupation of 49 dwellings and is supported by survey data from 2024 and further modelling information (including a non-technical summary) which is available to view under the application reference on the Council's website.

Bellway Homes anticipates that the roundabout could be completed by the end of the school summer holidays and estimates the gradual occupation of 49 dwellings by the end of December 2025. Supporting information has been provided on the following scenarios with estimated dates of occupation:

- +8 dwellings (end of February)
- +20 dwellings (end of May)
- +30 dwellings (end of July)
- +40 dwellings (end of October)
- +49 dwellings (end of December)

Figure 4 from the applicant's modelling sets out the 2024 baseline recorded number of queuing vehicles at Fox Lane / Rock Hill. Figure 4 is included within the Worcestershire Highways - Bromsgrove Comments section above. The associated baseline AM Peak delay on Fox Lane is 82 seconds. During the observed worst 15-minute period (8:45- 9:00) where the baseline queueing is highest, the following additional time delays are added:

- 8 dwellings + 0.1 of a second
- 20 dwellings + 3.5 seconds
- 30 dwellings + 5.4 seconds
- 40 dwellings + 12.9 seconds
- 49 dwellings + 13 seconds

It is clear that the supporting information demonstrates that occupation will result in an increase in delays and queuing at the Fox Lane / Rock Hill junction.

Paragraph 116 of the National Planning Policy Framework sets out 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. Therefore, it is necessary to consider whether the impact of the occupation of 49 dwellings would be severe.

The supporting information has been assessed by Worcestershire County Council Highways. WCC is the statutory consultee providing specialist comments to the Local Planning Authority on highway related matters. The Highways comments are provided in full within the consultations section of this report. Members will note that the modelling software used by the applicant is a widely used means of analysing priority junctions. Whilst there are limitations in all models, based upon the submission, the Highway Authority does not consider the model an unrealistic representation of network conditions where congestion, queuing and delays do occur and are shown to in the model outputs.

The Highway comments explain that based on the information submitted, the deterioration in network performance cannot reasonably be considered severe. Whilst the effect of occupation will result in a deterioration of network performance, increased queuing and delay and therefore inconvenience to road users, the scale and duration of the impact are not considered to meet the severity threshold. No concerns have been raised by the Highway Authority with regards to highway safety. Thus, it has been satisfactorily demonstrated that there is no conflict with paragraph 116 of the NPPF, nor Policy BDP16 of the BDP.

The Committee is advised that the amended condition 25 would continue to require the junction to be altered to provide the roundabout. The consultation response from the Highway Authority confirms that the analysis of the supporting Technical Note 3 demonstrates the need to deliver the scheme at no later than the 49th dwelling occupation. This aligns with the proposed amendment. On the basis of the information provided, consultee comments and planning judgment, the proposal for occupation of 49 dwellings is considered acceptable.

Bellway Homes anticipates that the roundabout will be completed by the end of the school summer holidays. However, at the time of preparing this report a s278 road space permit has not been issued by WCC. Therefore, although some works have been undertaken off the adopted highway as part of the provision of the roundabout scheme, it is not yet known when work can be undertaken to the adopted highway. This information is not required in order to determine this planning application. The proposal is seeking occupation of 49 dwellings prior to the alteration of the junction and this has been demonstrated to be satisfactory.

Some public comments express concern that another application may be submitted in the future to further vary the number of dwellings that may be occupied before the junction is altered. Any future application would be assessed on its own merits and has no bearing on the assessment of this application before Committee.

Retaining Wall

The Highway Authority has confirmed that from a highway and transportation perspective, there are no changes to the form, scale and footprint of the roundabout when comparing 7033-SK-005 revision F and 7033- SK-005 REV G. Revision G includes a retaining wall.

Retaining walls are a feature of this stretch of Fox Lane and Rock Hill and this is considered acceptable in principle. It is proposed that the appearance of the new retaining wall will emulate country stone – an additional condition will be required to approve the material to ensure the satisfactory appearance of the wall in accordance with policy BDP19. The position of the retaining wall is shown to extend close to a TPO tree. A tree work application

has previously been granted under permission TPO23/019 to 'Reduce canopy to allow access for piling rig to install the retaining wall required for the junction improvement works approved as part of the approved 470 home residential Development known as Whitford Green, Whitford Road, Bromsgrove, Worcestershire' with the submitted drawing indicating a retaining wall close to the Willow tree. The Tree Officer has confirmed there are no concerns regarding the impact of the development on the TPO tree - the impact on the tree is considered to be acceptable.

Air Quality

Some public comments have objected to the application on the basis that air quality would be adversely affected. WRS (Air Quality) has raised no concerns regarding air quality as a result of a variation to occupation. The proposal is considered acceptable with regard to air quality matters.

Affordable Housing

Comments in support of the application refer to the provision of affordable housing. Members are advised that the proposed variation to the condition makes no reference to the tenure of the 49 dwellings. The developer has indicated that it is aiming for a split of 20 affordable housing units (no information has been provided regarding the split between social rent/shared ownership) and 29 private units but is unable to confirm the number of units to be occupied as affordable housing. Members should be aware that the determination of the application would have no control over the tenure of the dwellings to be occupied. This would be at the discretion of the developer.

Conclusion

The further information submitted by the applicant has satisfactorily demonstrated that the impact on the highway from the occupation of 49 dwellings cannot reasonably be considered severe, as confirmed by the Highway Authority. Therefore, the threshold for refusing the application on highway grounds is not met; the proposal does not conflict with paragraph 116 of the NPPF.

The appearance of the retaining wall can be satisfactorily achieved by means of planning condition.

The proposed amended condition continues to secure the provision of the roundabout. Other conditions attached to the outline planning permission will be applied to the s73 decision to ensure satisfactory development is achieved.

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 satisfactory mitigated.

To conclude, the occupation of 49 dwellings prior to the alteration of the Fox Lane / Rock Hill junction is considered acceptable with regards to planning policy and other material planning considerations.

RECOMMENDATION:

- (1) **MINDED to GRANT** permission to amend condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132)
- (2) 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 and other conditions attached to the original planning permission.

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