B R O M S G R O V E D I S T R I C T C O U N C I L

MEETING OF THE PLANNING COMMITTEE

TUESDAY 22ND APRIL 2025, AT 6.10 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), S. J. Baxter, D. J. A. Forsythe, C.A. Hotham, R. E. Lambert, P. M. McDonald, B. McEldowney, J. D. Stanley and S. A. Robinson

Observers: Councillor D. Hopkins

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Mr. S. Evans (of Anthony Collins Solicitors), Mr. A. Hussain (via Microsoft Teams), Mrs. J. Chambers (via Microsoft Teams), Mrs. R. Smith (of Worcestershire County Council Highways, via Microsoft Teams) and Mr. G. Day

The legal advisor for the committee announced that the application 24/00117/S73 - Land at Whitford Road, Bromsgrove was considered at the Committee meeting on 1st April 2025, however, the resolution was ultimately invalid because the meeting was not quorate when the vote was taken on this item. Therefore, the additional Planning Committee meeting was convened to determine the application.

87/24 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors E. M. S. Gray, J. Clarke and A. Bailes with Councillors P. M. McDonald, S. A. Robinson and C. A. Hotham in attendance as substitute Members respectively.

Apologies for absence were also received from Councillor S. M. Evans.

88/24 **DECLARATIONS OF INTEREST**

Councillors S. J. Baxter, D. J. A. Forsythe, M. Marshall, B. McEldowney and J. D. Stanley declared in relation to Agenda Item Number 5 (Minute No. 90/24) – 24/00117/S73 - Land at Whitford Road, Bromsgrove, in that they had been in attendance at the Planning Committee meeting held on 1st April 2025 when the application was considered. However, they stated that they had given no further representations on the application and were in attendance at this meeting with an open mind and would listen to the officer's presentations and other committee Members considerations before coming to a decision.

89/24 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

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

90/24 **24/00117/S73 - 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 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. LAND AT WHITFORD ROAD, BROMSGROVE. BELLWAY HOMES**

Officers presented the report and in doing so highlighted that the application was for the variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132), as follows:-

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 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.

Officers presented the presentation slides, as detailed on pages 25 to 37 of the main agenda pack.

The current proposal sought to allow the occupation of 49 dwellings and was supported by survey data from 2024 and further modelling information (including a non-technical summary).

Officers explained that there had been extensive discussions with Worcestershire County Council, Highways (County Highways) and as detailed in the report that, County Highways acting in its role as the

Highway Authority, had undertaken a full assessment of this planning application and had raised no objections to the current proposal.

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

Officers referred to the retaining wall information, as detailed on pages 32 to 35 of the main agenda pack, County Highways confirmed that from a highways perspective there had been no proposed changes to the form, scale or footprint of the roundabout scheme when assessing the revision and were content with the changes.

The deterioration in the network performance identified in the outputs of the modelling cannot reasonably be considered to meet the severe threshold.

Officers concluded that the occupation of 49 dwellings prior to the alteration of the Fox Lane / Rock Hill junction was considered acceptable with regards to planning policy and other material planning considerations.

At the invitation of the Chairman, Mr. J. Gerner, on behalf of The Bromsgrove Society addressed the Committee in objection to the application. Ms. D. Farrington the applicant's agent addressed the Committee in support of the application. Councillor D. Hopkins, Ward Member also addressed the Committee.

At the request of the Chairman, Ms. R. Smith of County Highways addressed the Committee in order to clarify County Highway's position on the application.

In regard to previous applications being refused, as mentioned during the public speaking, County Highways clarified that there had been three previous proposals submitted under the current application which County Highways had objected to:-

1. June 2024 – 75 dwellings based on 2017 traffic data – Objection Raised, and recommended refusal
2. October 2024 – 39 dwellings based on 2017 traffic data – Objection Raised, and recommended refusal
3. February 2025 – 100 dwellings based on 2024 traffic data (which the applicant has said was for 49 dwellings, but the data was for 100 dwellings) – Objection Raised, and recommended refusal
4. Current Application – 49 dwellings based on 2024 traffic data – No objection

The trip generation data which was agreed by the local authority in 2021 showed that occupancy of 49 dwellings would lead to an increase of 34

two ways trips in the AM peak and 35 in the PM peak. This would equate to 18 AM trips going towards the junction, leading to a 13second delay (82 to 95 seconds) in the peak AM traffic and a 7m (47m to 54m) increase in queue size.

The assessment was undertaken using automatic techniques, by an established specialist 3rd party company called Advanced Transport Research. The data was collected over a 1-week period across 6 sites, and there was a one day turning count at the junction including queue surveys. It was highways position that the traffic data was acceptable.

County Highways addressed Members concerns with regards to the modelling data which did not adequately reflect the real world situation at several assessment locations, County Highways assured Members that they were satisfied that the data and geometry had been checked and that it accurately reflected the junction and congestion.

Members then considered the application which officers had recommend be granted.

The following was clarified after questions from Members

- That although delegated decision making was requested, the only amended Conditions were those already addressed by the application before Members and previously confirmed amendments, other conditions would remain the same.
- That there was no control over the tenure of the dwellings as part of the rewording of the Condition, the applicant would decide this.
- That a three-way traffic light could not be considered in the traffic assessment as the plans had not been finalised. Furthermore, it would not be suitable to include in the model, due to the temporary nature of any traffic managing measures.

Members drew Officers attention to page 21 of the Public Reports pack and questioned why the traffic data did not follow a linear path when increasing the number of occupied dwellings from 30 to 40. County Highways was asked to comment on the figures and the meeting stood adjourned from 18:52 hours to 18:57 hours for Officers (joining via Teams) to locate the correct part of the report to answer the Members query.

Having reconvened the meeting, County Highways stated that they could not identify why the data was showing the jump from 5.4seconds to 12.9seconds and therefore could not comment on the data in question.

Members questioned the validity of the 2024 traffic data which suggested that traffic had decreased during the 2017-2024 period which Members did not agree with considering the expansion of the area in that time. County Highways stated that they could not speculate on why this happened, and that they could only assess the data supplied.

Further stating that from their analysis there would only be a 13meter/7sec delay in traffic based on the 2024 data. Officers further noted that the increase would be temporary until the roundabout was completed, which could not be seen as significant and therefore, no objection was raised.

The accuracy of the data and its interpretation was called into question by Members. It was noted that some data was discounted as being an "anomaly," however, Members questions how that decision was arrived at, when the data was assessed during a single day. A query was also raised as to why one set of data was measured in 15-minute and another in 5-minute intervals. County Highways could not provide any clarity on these questions but further reaffirmed that their assessment only highlighted a 7sec delay which they did not consider severe.

Councillor M. Marshall proposed an alternative Recommendation that planning permission be refused due to the severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme, the Alternative Recommendation was seconded by Councillor C. A. Hotham.

Members commented that in their opinion the highways data did not adequately support the recommendation, with Members repeatedly expressing their concern that the traffic assessments showed that traffic volume decreased between 2017 and 2024. Concern was also voiced in regard to discounting the three-way traffic lights that may appear on site in the near future which would further impact the junction.

However, Members also noted that they were considering 49 properties but could not quantify the scale of the impact caused by the additional dwellings. Additionally, there was also no technical information supplied which supported the Alternative Recommendation.

On being put to the vote, it was

RESOLVED that permission be refused due to the severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme.

91/24 **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.**

The Chairman announced that there was no Urgent Business to be considered.

92/24 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETINGS**

OF THE PLANNING COMMITTEE HELD ON 4TH MARCH 2025 AND 1ST APRIL 2025

Councillor M. Marshall asked for a correction to the minutes of the meeting held 1st April 2025, in that under Minute Number 80/24 as detailed on page 4 of the Supplementary Agenda pack, had stated that the applicant was his election agent. Councillor Marshall asked for it to be amended in that the applicant worked with his election agent (but was not his election agent), however, he had not discussed the application with either party.

RESOLVED that subject to the amendment detailed in the pre-amble above, the minutes of the Planning Committee meetings held on 4th March 2025 and 1st April 2025, be approved as correct records.

The meeting closed at 7.20 p.m.

Chairman