

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bellway Homes Ltd (Chris O' Hanlon)	<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 (of which, no more than 30 shall be for private sale and no more than 19 shall 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.</p> <p>Land At, Whitford Road, Bromsgrove, Worcestershire,</p>	05.08.2025	25/00529/S73

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

No objection – comments on proposal 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.

Recent History [application 24/00117/S73]

A planning application for the same site was validated in 2024 (24/0017/S73). The Highway Authority were consulted by the Local Planning Authority during the

consideration of the 2024 planning application. 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.
- A further 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 116 of the National Planning Policy Framework (December 2024). 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.
- The [final] consultation received [under application 24/00117/S73] from the Local Planning Authority was a proposal to alter the condition to allow up to 49 occupations. Traffic modelling submitted for this application was based upon 2024 data and tested the implications of 8, 20, 30, 40 and 49 dwellings. The Highway Authority advised no objection in formal observations dated 19/03/2025.

Application 24/0017/S73 was refused as the proposed amendment to condition 25 of planning permission APP/P1805/W/20/3245111 (16/1132) would result in severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme contrary to paragraph 116 of the NPPF, as noted in the Decision Notice dated 25/04/25.

Current consultation [25/00529/S73]

At present, the planning condition (25) requires this scheme to be in place prior to the consented development site being occupied. The scheme comprises of 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 no more than 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 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 4, WSP, 1st May 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. The latter of 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 4 states that 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 4 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	8.2	81.68	0.92	1.9	23.96	0.66
Rock Hill	0.7	6.62	0.30	1.9	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	8.6	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	8.7	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	9.5	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	9.5	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 minute 22 seconds). Average queuing on this arm is approximately 47m;
- Following the introduction of development traffic (49 dwellings), the junction experiences further deterioration in performance; and,
- Average delays on Fox Lane increase to 95 seconds (1 minute 35 seconds); a total increase in an average delay experienced by drivers of 13 seconds during the AM peak. Queuing on Fox Lane is predicted to reach a length of 55m (an increase of 8m).

2024 Data Collection

As noted in Technical Note 4, the Applicant commissioned traffic count surveys conducted in September 2024:-

- Manual Classified Counts (MCC) at the Fox Lane / Rock Hill junction; and,
- Automatic Traffic Counts (ATC) on the following links:-
 - o Fox Lane
 - o Whitfield Road
 - o A448 Kidderminster Road
 - o St John Street
 - o Worcester Road; and
 - o Charfield Road

The data and analysis are presented in Technical Note 4.

As the original data used to assess the development impact associated with planning permission APP/P1805/W/20/3245111 (allowed on appeal 09/02/2021, LPA 16/1132)

was from 2017, it is considered reasonable to collect updated data to evaluate the current planning application's impact on the highway network.

For both the previous planning application [24/0017/S73] and this current application, the Highway Authority has verified the data collection methodology.

This includes:-

- Parallel axle sensors (tubes) for the ATC data; and,
- Camera installation at the Fox Lane/Rock Hill junction for the MCC video survey.

The methodologies align with industry practice and are deemed acceptable.

Surveys typically occur during a 'neutral' or representative period, depending on the model's purpose. The Highway Authority's review of live traffic management schemes during the data collection period revealed telecommunications work on Fox Lane was undertaken on 11th September 2024, lasting approximately 3 hours. This work occurred outside peak hours, with no traffic operating under temporary signal control on Fox Lane during the peak hours which have been modelled.

Implication of Impact

Supporting Technical Note 4 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

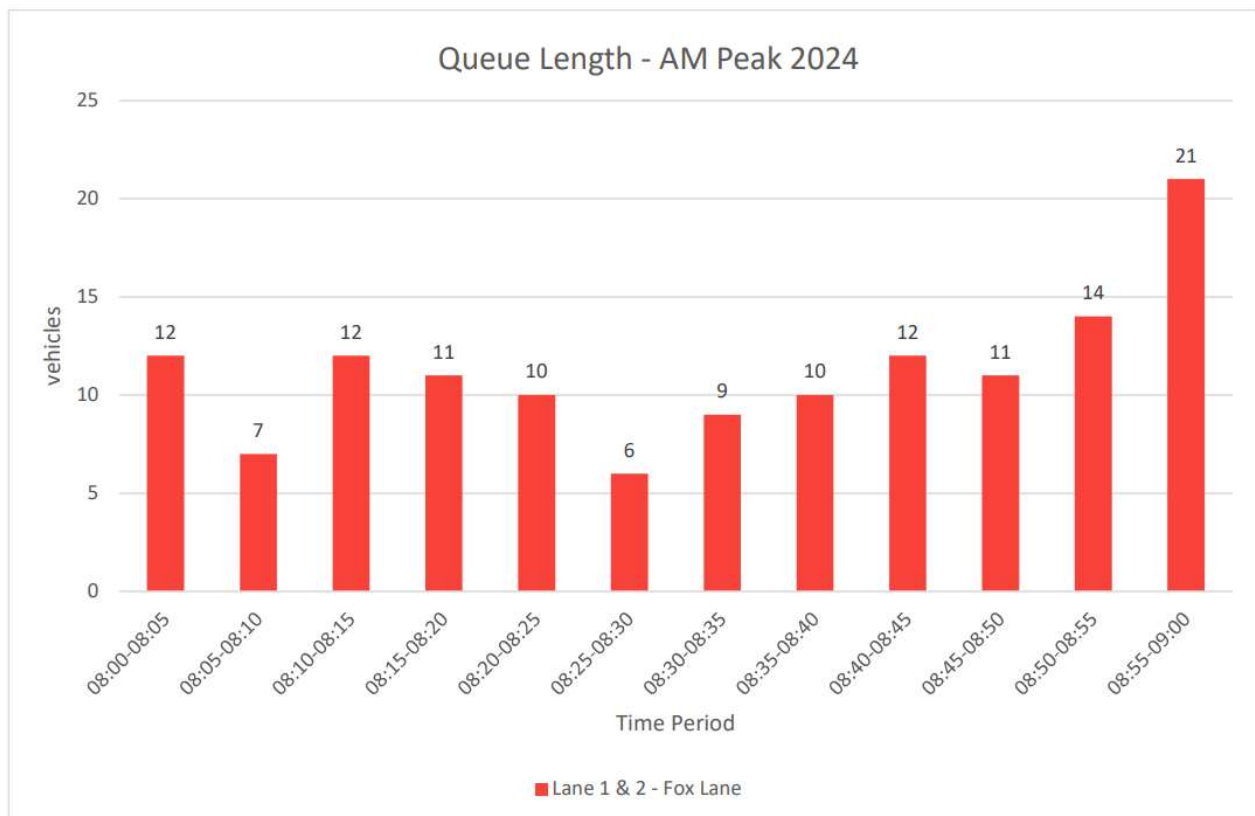
Turning to the specific impacts of the operation of the junction as a result of this current proposal, drivers are anticipated to experience an average increase in delay on Fox Lane during the AM peak of 13 seconds compared to the 2024 baseline situation. The modelling shows that queuing is forecast to increase by 8m with a predicted queue length on Fox Lane of 55m.

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 4. Figure 4 [2024 Baseline Recorded Queue Lengths] is extracted and replicated below: -

Figure 4- 2024 Baseline Recorded Queue Lengths



Technical Note 4 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 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.

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 at this junction are not considered to meet the severity threshold.

The analysis presented in the most recent supporting Technical Note 4 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 congestion.

Timing for the proposed scheme of works

The modelling scenarios indicate a programme where an incremental/ phased 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 June)
- 2024 Baseline + 30 dwellings (End of August)
- 2024 Baseline + 40 dwellings (end of November) – at which point the roundabout works should be completed
- 2024 Baseline + 49 dwellings (end of January 2026)

Technical Note 4 states:-

As noted, it is anticipated that no more than 40 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.

However, 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 (S278) 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 November 2025 as indicated in Technical Note 4 and cannot confirm when works will commence, the duration of the works programme nor the anticipated completion date without a S278 road space permit.

Network Safety Review

The Highway Authority has reviewed the most up-to-date Personal Injury Collision (PIC) data available covering a period between 1st December 2021 and 30th November 2024. The analysis area covers the Fox Lane/ Rock Hill junction, Rock Hill, Fox Lane and the Millfield area including Millfield Road, Shrubbery Road, Dovecote Road and the local residential side roads.

Between that period, there have been a total of six PICs all of which have been classified as slight. A summary is provided below :-

- A PIC occurred approximately 30m east of the Fox Lane/ Rock Hill junction;
- A PIC occurred on Fox Lane approximately 70m north of the Fox Lane/ Rock Hill junction;
- One PIC occurred at the Charford Road mini-roundabout;
- One PIC occurred close to the Shrubbery Road junction where Rock Hill becomes Worcester Road;
- Two PICs occurred close to the Worcester Road/ Ford Road junction; and,
- No PICS have occurred in the Millfield area.

Considering the frequency of collisions across the study area, the data does not indicate a year-on-year increase in the number of collisions occurring annually.

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).

Mott MacDonald

Full comments are available to view on the Council's website and Members are encouraged to review these.

The modest scale of additional traffic associated with the current Section 73 application reinforces the conclusion that the modelling remains proportionate, and a sound basis for decision-making.

In review of the junction modelling, we find no disagreement with the updated position of WCC that: "The scale and duration of the impacts of this development at this junction are not considered to meet the severity threshold.". In our view the increases in queuing and delays associated with small changes in traffic flows therefore do not appear to be 'severe'. This takes into account the context of lower levels of traffic present in the 2024 assessment when compared to the 2017 assessment. This is not to say that development would not have some degree of worsening of queuing at the junction with an average increase in delay for southbound turning traffic from Fox Lane of 13 seconds per vehicle during the morning peak hour.

We agree with the conclusions of the applicant's assessment and WCC that the traffic impacts generated by a first phase of 49 dwellings would not be severe in the context of the assessment of the existing junction, given the new evidence arising from the 2024 base year modelling.

There is a reasonable basis however for BDC to have concerns about the cumulative impact of construction-related disruption and development traffic, which does not appear to have been fully considered at the point that the application was put before the Planning Committee. This does not however imply that such temporary disruptions would, by default, be severe but this point should be appropriately addressed.

Further traffic modelling, e.g. of the temporary traffic management system, are not recommended by this review as this would appear to be disproportionate. Further written evidence however could be provided to clarify the anticipated scale and duration of the temporary works so as to confirm that any cumulative impact with the additional development traffic would not be severe. The position of WCC, as highway authority responsible for managing the network and entering into the Section 278 agreement for the works, remains highly material in consideration of these impacts.

As it remains the responsibility of WCC to agree traffic management plans, including any mitigations that could reduce the impacts of disruption during peak periods, it is recommended that WCC should offer further comment on this matter to ensure their position as to the cumulative impacts of the temporary traffic management scheme and the first phase of development has been adequately considered.

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

I can confirm that 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. Our preference would be for the social rented to be prioritised for this.

Publicity

Site Notice posted (expires 30.05.2025)

Press Notice published (expires 02.06.2025)

14 objections have been received raising the following concerns:

- Infrastructure not provided to support additional residents
- Submitted data not take account of various road closures and traffic lights in vicinity
- No date for completion of roundabout
- Planning Inspector imposed the condition
- Developer showing contempt.
- Proposed is unnecessary and to the detriment of local residents and those using Fox Lane/Rock Hill junction.
- The tenure of housing proposed makes no difference – variation is unacceptable.
- Should use existing vacant houses
- Some houses already occupied contrary to the condition.
- Traffic data flawed.
- Approval will remove pressure to complete the roundabout.

11 letters of support have been received raising the following matters:

- Concerns at impact on purchasers that have sold houses and awaiting to move into new homes on site
- Concern at impact on children enrolled in schools for September unable to move into new home
- Homes standing empty and people needing homes at a time of housing crisis.
- Proposal will result in 13 seconds of delay – not a severe impact
- The condition does not reflect the current traffic. Traffic patterns have changed since the appeal decision – many people now work at home, fewer cars at peak times.
- Planning conditions are designed to be flexible when circumstances change - and in this case, not allowing 49 homes to be occupied causes significant harm and would not help meet urgent housing needs.

- The developer cannot build the roundabout right now without adding to congestion and disruption, yet it is residents - particularly those waiting for homes - who are bearing the brunt of a rigid response.
- Refusal will impact more on those needing homes than on the developer.
- Ordinary families facing distress, housing chains about to collapse, families facing homelessness.

The Bromsgrove Society

- Objects to the application
- The applicant's model cannot be relied upon (observed queue lengths greater than modelled queue lengths)
- Prefer sight of any traffic management plan linked to application for permit/temporary traffic Regulation Order (TTRO)
- The Applicant not having modelled the queues and delays for the junction layout constrained by traffic management measures necessary to complete construction of the roundabout scheme: and
- The likely increased risk of accidents while traffic management measures are in place at the junction.
- 'Lived experience' that traffic management measures for junction improvement schemes add queuing and delays to vehicular journeys. This expected to lead to driver frustration and increased risks
- Application does not provide the necessary information for decision makers to assess highway safety and residual cumulative impacts on highway network (NPPF para 116)

Bromsgrove District Housing Trust

- urgent need for increased social housing in Bromsgrove: current shortage of affordable housing options has left 37 households homeless and living in temporary accommodation. Additionally, over 2000 households are on the Bromsgrove District Council waiting list, needing to move.
- 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.
- increased pressure on families living in unsuitable conditions.
- worsens social inequality but also affects the overall well-being and economic stability of Bromsgrove residents.

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

24/00117/S73	<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>	<p>Refused</p> <p>Appeal in progress</p>	25.04.2025
24/00516/S73	<p>Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):</p> <p>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.</p> <p>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</p>	Granted	12.12.2024

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 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.	Approved S106 Legal Agreement	23.05.2025
25/00027/ADV	Advertisements for a new Sainsbury's Local convenience store including, 3no. Fascia Advertisements, 1no. Wall Advertisement for ATM, 1no. Hanging Sign, 1no. Freestanding Totem and 4no. Pole Mounted Advertisements.	Granted	05.03.2025

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 S106 Legal Agreement	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 s106 Legal Agreement	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

Background

This application follows the refusal of application 24/00117/S73 by Planning Committee at its meeting on 22nd April 2025 for the following reason:

- 1) *The proposed amendment to condition 25 of planning permission APP/P1805/W/20/3245111 (16/1132) would result in severe residual cumulative impact on the road network without the mitigation afforded by the completion of the roundabout scheme contrary to paragraph 116 of the NPPF.*

That refusal has been appealed. An appeal hearing date has been set by PINS for 27th August with a decision date no later than 11th November 2025.

Proposal

Condition 25 prevents the lawful 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 (no more than 30 market housing; no more than 19 affordable housing) before the new roundabout at Fox Lane/Rock Hill is altered.

The current application specifies the split in the number of market and affordable housing units (the type of affordable units is not specified) proposed to be occupied within the 49 dwellings. This distinction of tenure did not form part of the previous refused application.

The current proposal is supported by survey data from 2024 and further modelling information (including a non-technical summary). The applicant has submitted Technical Note 4 providing an explanation of the proposal and provided a response to the comments made by The Bromsgrove Society. Members are encouraged to review the submitted information which is available to view under the application reference on the Council's website.

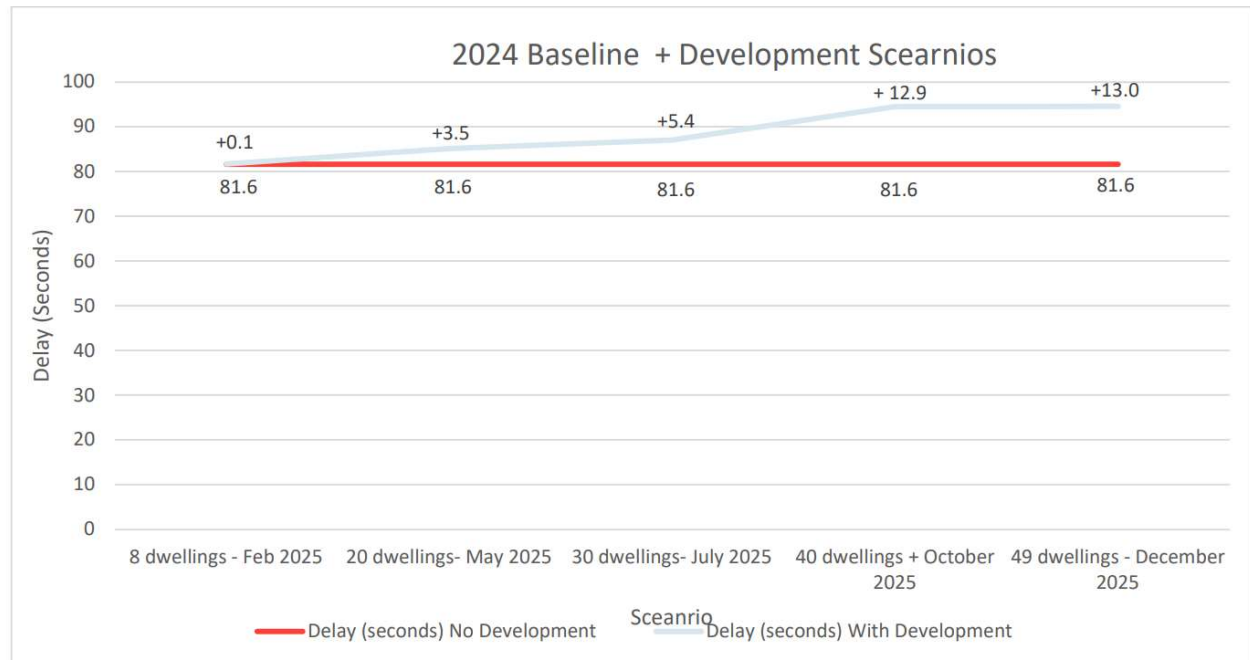
Highway Matters

The highway information submitted with the application tests the following occupation scenarios:

- +8 dwellings (end of February)
- +20 dwellings (end of June)
- +30 dwellings (end of August)
- +40 dwellings (end of November)
- +49 dwellings (end of January 2026)

The impact of these various scenarios on the Fox Lane / Rock Hill junction is presented in 15-minute intervals during the peak period. The image below shows the baseline queueing and provides a visual comparison of how the junction performs over the peak hour.

The table below shows a visual perspective of the additional queuing over the worst 15 minutes of the baseline.



Reviewing the impact of the development scenarios during the observed worst 15-minute period (8:45- 9:00) where the baseline queueing is at highest the following impact is 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

The submission was supported by video surveys.

The National Planning Policy Framework states at paragraph 116 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.

WCC is the statutory consultee on the planning application providing specialist advice on Highway related matters.

WCC Highways comments confirm that the approach taken in the information submitted is considered acceptable with regard to the data collection and modelling; methodologies align with industry practice.

Drivers are anticipated to experience an average delay on Fox Lane of 95 seconds (1 minute 35 seconds); a total increase in an average delay experienced by drivers of 13

seconds during the AM peak, compared to the 2024 baseline situation. The modelling shows that queuing is forecast to increase by 8m with a predicted queue length on Fox Lane of 55m. The WCC Highway comments advise that based upon the information presented, the deterioration in network performance cannot reasonably be considered severe in accordance with the National Planning Policy Framework. It also advises that consideration has been given to viable alternatives or transport options for residents. Highways comments conclude that the impact of the proposal is not considered to be severe in accordance with NPPF paragraph 116.

In addition, the Highway Authority has reviewed the most up-to-date Personal Injury Collision (PIC) data available covering a period between 1st December 2021 and 30th November 2024 (including Fox Lane/ Rock Hill junction, Rock Hill, Fox Lane and the Millfield area including Millfield Road, Shrubbery Road, Dovecote Road and the local residential side roads). The data does not indicate a year-on-year increase in the number of collisions occurring annually. No highway safety concern has been identified. Thus no conflict has been found with regard to paragraph 116 and highway safety is not considered to be a reason for refusal.

The Highway Authority has concluded that there is no highway objection and there is no highway related reason for refusal.

Your officers have sought an independent review of the application from Mott MacDonald. This same company provided advice to the Council on the original Outline planning application and appeal. Mott MacDonald has advised that it agrees with the conclusion of WCC Highways that the severity threshold is not met.

The Mott MacDonald review confirms that the modelling is a sound basis for decision-making. It has also confirmed that the 2017 and 2024 baseline PICADY assessments, and the key input parameters are equivalent between the two models. In neither the 2017 nor 2024 base year assessment are traffic congestion issues demonstrated to be significant in the PM peak period. Mott MacDonald's review points out that in deriving the 'with development' assessments, the 2024-year assessment also remains consistent with the other core principles and assumptions agreed in assessment of the original development. This includes the development trip rates and distribution and assignment of traffic from the development, as accepted through the appeal process.

Mott MacDonald points out that the submission includes highly detailed technical analysis - the review advises that this introduces a risk of too much emphasis being placed on very small changes in the overall results. There is a concern that undue weight could unintentionally be placed on the individual steps within the junction modelling results. These steps should be ignored, and the relevant question relates to how the junction arm currently operates (at 0.92 RFC) and how material the increases in development traffic are to its future operation (at a max of 0.94 RFC) over the period prior to opening of the roundabout scheme.

Mott MacDonald points out that the observed queue data is derived from five-minute maximums, whereas the PICADY model outputs represent average queue lengths at the start and end of each 15-minute period. This distinction is important in understanding the nature of the comparison and the potential for isolated peaks in observed data to appear more significant than they are in operational terms. The applicant has supplemented the

model outputs with a review of video survey footage to contextualise these observations, identifying the most extreme queue lengths as short-lived and not representative of typical junction operation. This approach is consistent with good practice and allows for a more balanced interpretation of junction performance over the full peak hour.

In review of the junction modelling, Mott MacDonald find no disagreement with the updated position of WCC that: “The scale and duration of the impacts of this development at this junction are not considered to meet the severity threshold” and confirms that no further modelling is necessary (as has been suggested by The Bromsgrove Society) – it would be disproportionate.

Mott MacDonald acknowledges that temporary disruptions caused by highway works are an ordinary impact typically expected to arise during such works and can reasonably be understood to have been anticipated and accepted in the original grant of planning permission. It also states that the detailed management of such impacts is a matter for WCC’s agreement under the Section 278 process. Your officers agree.

It goes on to suggest that further information could be submitted to clarify the anticipated scale and duration of the temporary works so as to confirm that any cumulative impact with the additional development traffic would not be severe. Whilst the detailed management is considered to lay with the Highway Authority as part of the S278 process, a further response has been requested from both WCC and the applicant. The responses provided by both WCC and the applicant have been added to public access and Members are encouraged to review the submitted information prior to the Committee meeting.

WCC concurs that:

- the developer requires a Section 278 road space permit to work on the public highway to alter the layout of the highway in line with that signed S278 legal agreement.
- temporary disruptions caused by highway works are an ordinary impact and can typically be expected to arise during such works

It explains that permit schemes provide for better co-ordination of all works, monitoring and to ensure that disruption to local communities and road users are reduced. These well-established processes were introduced by Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and are regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007.

Each permit application is scrutinised by the Highway Authority to reduce the impact upon the existing highway by means of the scheme programme, clarification of working arrangements, safety management to both the public and contractors as well as reviewing temporary traffic management proposals. The contractor undertaking the works will need to provide accreditation to verify their suitability to implement the relevant scheme meeting safety and constructional expectations.

The safety and coordination of these works at this particular location are of paramount importance, given the traffic volumes that extends beyond that attributed to the 49 dwellings. The nature of this route necessitates careful consideration of traffic management to ensure minimal disruption and maximum safety for all road users and established processes will be utilised to ensure this is effectively managed. Thus, your officers advise

that this falls within the remit of the Highway Authority and can be satisfactorily addressed within established processes and associated legislation.

The applicant has provided the following response. A significant element of the roundabout works has been completed offline within the land controlled by the applicant. The remaining works at the roundabout, which will require some temporary traffic management. Bellway estimates that the work can be completed within approximately 15 weeks. The planned works will see the temporary closure of a short section of Fox Lane and implement a two-phased temporary traffic signal on Rock Hill. This will reduce traffic on Fox Lane to levels residents experienced during previous closures for site access construction. Bellway and WCC are still discussing the timings for road space to minimise disruption to local residents as much as possible.

It is considered that the impact of development traffic and co-ordination related to the alteration of the roundabout falls to be addressed under relevant highway related legislation and does not constitute a matter to be resolved as part of the determination of the current planning application.

Both WCC Highway Authority as the statutory consultee and Mott MacDonald agree that the proposal would not meet the severity threshold for refusal referred to in paragraph 116 of the NPPF.

The applicant is seeking permission to vary the timing of occupancy related to the alteration of the Fox Lane / Rock Hill junction. This would allow a maximum of 49 units to be occupied. It is acknowledged in the submitted details and in consultation responses that there would be a worsening in queuing at the junction. A worsening of the existing situation does not automatically mean that the proposal is unacceptable. 49 occupied dwellings would result in 18 two-way trips travelling through the Fox Lane/Rock Hill junction. A delay of 13 seconds would be added at the morning peak hour with queues forecast to increase by 8 metres on the occupation of 49 dwellings. Both the Highway Authority and Mott MacDonald agree that this would not meet the 'severity test' set out in paragraph 116 of the NPPF. Your officers have no reason to disagree with this conclusion.

The applicant's submission includes some commentary on when the roundabout might be completed however, this will be dependent on the issuing of a permit by WCC to allow access to the necessary road space. At the current time no permit has been issued. Further advice from WCC has been sought on this issue.

The earliest road space availability for the permanent Rock Hill roundabout works is now Summer 2026 (it has always been 2026). It is acknowledged by WCC that Bellway Homes have worked very hard in exploring options to deliver this scheme and have carried out all preliminary works that can be achieved off-line. However, the nature of this scheme is that once final construction starts there is no ability to postpone and reinstate the original junction.

A road space permit application in relation to the Rock Hill scheme was detailed sufficiently in February 2025 by Bellway. This application offered two options to deliver the scheme, one with a 14-week programme, the other with a 17-week programme. Neither of these are achievable before Summer 2026 because of the adjacent A38 BREP works, which has the road space booked with permits in place up until 31 May 2026.

The significant delay to the permitting of developer works in Bromsgrove is due to there being no possibility for permitting significant roadworks that impact traffic flow on both the A38 and B4091 concurrently. These parallel routes carry 20,000 and 16,000 vehicles per day respectively and any capacity constraint on both at the same time carries a high risk of critical loss of access to essential services for residents and businesses in Bromsgrove. There is additional risk with the A38 being the diversion route for M5 and Rock Hill acting as a release for local essential access during such an incident. Allowing these works concurrently would constitute a major failure of Worcestershire County Council's (WCC) Network Management Duty.

It is accepted that the increase in traffic flow from development overloads the current priority junction at Fox Lane/Rock Hill, however the temporary congestion on Fox Lane, although undesirable and inconvenient to those using the junction, is not near the scale of highway network capacity overload of concurrent works on A38 and B4091 and does not carry the high impact/high probability risk to critical and essential access.

At the very least, the works on A38 BREP must be north of New Road junction prior to any major works on Rock Hill. There is no possibility of a pause to A38 BREP works to accommodate the Fox Lane/Rock Hill roundabout, and there is no requirement for WCC to offer this as A38 BREP is an existing scheme with a programme for delivery and has permits in place for works to the south of New Rd.

This is a major infrastructure project of regional importance on a strategic road and is government funded. WCC cannot afford to underwrite additional costs now and in the future from slippages in the programme. In addition there are a number of major utility upgrades along the A38 route that are on hold for the area and must start immediately after BREP. Included in this is the national gas main replacement programme as the metal gas mains have expired their lifespan and are at high risk of leaks and a risk to public safety. Those within 30 metres of buildings must be upgraded to plastic within the timescale mandated by the Health & Safety Executive (HSE).

WCC can issue the permit to Bellway for summer 2026 (pending a full application from Bellway with defined and an updated achievable programme) as currently the road space is available. However, WCC Street Works cannot guarantee the progress of schemes currently working on the highways and therefore can never guarantee the road space even when a permit has been granted. However, if the A38 BREP scheme overruns, the advanced detailed works permit and road space booking for Summer 2026 at Fox Lane/Rock Hill provides more opportunity to negotiate a programme amendment with BREP.

In concluding on highway matters, the amended condition continues to require the provision of the roundabout and limits the occupation to a maximum of 49 dwellings. The submitted information has been found to demonstrate severity threshold has not been met and the Highway Authority (and Mott MacDonald) have confirmed that there is no concern regarding highway safety. The proposal is considered to be acceptable. To be clear, although Members have been provided with detailed information on road space for clarity, it is not necessary for the date of completion of the junction alteration to be confirmed in order to make a decision on this planning application.

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.

The position of the retaining wall is shown to extend close to a TPO Willow tree within the site of the former Greyhound PH. A tree work application has previously been granted for work to the tree. The Tree Officer has previously confirmed that there are no concerns arising from the proposed amendment to condition 25 regarding the impact on the TPO tree.

The retaining wall has a stepped design acknowledging the topography of the adjoining land and has been constructed with the installation of Tobermore Country Stone facing brick in colour type Bracken. This is considered to reflect the appearance of existing retaining walls in the vicinity of the site and is considered acceptable.

Housing Delivery / Affordable Housing

The proposed amended condition sets out that the 49 units would comprise no more than 30 no. private market dwellings and no more than 19 no. affordable dwellings (no information has been provided regarding the split between social rent/shared ownership affordable).

The Council's Strategic Housing and Business Support Manager has confirmed that the need for affordable housing is significant. These are reinforced by comments Bromsgrove District Housing Trust.

A number of letters have been received in support of the proposal and that it would help towards mitigating the existing housing need in the District. A number of purchasers have advised of the particular difficulties they are facing with regard to delays in the delivery of housing with consequences for social cohesion, health and well-being, housing chains and potential homelessness.

The thrust of the 2024 NPPF is to encourage the provision of housing. NPPF paragraph 79 states that where housing delivery falls below 75% over the previous 3 years, the presumption in favour of sustainable development applies.

Given that there is an identified need for housing in the District, that this site is part of an allocated site, that the Council has not met its housing delivery target, and in particular that the effect of the proposed amended condition would not result in concerns of highway safety or result in severe harm (NPPF paragraph 116) as expressed in comments received from both the Highway Authority and Mott McDonald, the NPPF supports the approval of the application.

Other Matters

Some objections suggest that the application should be refused on principle (e.g. planning condition is long standing, imposed by PINS and would mean that suitable infrastructure is not provided, condition has been breached). Planning legislation requires the proper consideration of a valid planning application. It does not prohibit the consideration of retrospective or part retrospective proposals and there is a requirement for the Local Planning Authority to be positive and proactive. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the development plan, national planning policy and is considered acceptable with regard to material planning matters.

Conclusion

The Highway Authority has advised that there is no concern regarding highway safety and that although the amendment would result in a delay of 13 seconds and an additional 8 metre queuing, this cannot reasonably be considered severe. The Mott MacDonald review agrees with the conclusion. 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 application is considered acceptable.

The appearance of the retaining wall is considered satisfactory.

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 satisfactorily 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: That planning permission be granted subject to conditions.

Conditions

Re-impose conditions attached to APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132) and amended by 24/005176/S73 (condition 22):

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