

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

RECOMMENDATION:

(a) MINDED to GRANT FULL PLANNING PERMISSION

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

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

Consultations

Worcestershire County Council Highway Authority

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

Mott MacDonald Highway Consultants

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

Strategic Planning and Conservation

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

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

Conservation Officer

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

Worcestershire Archive and Archaeological Service

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

North Worcestershire Water Management

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

Worcestershire Regulatory Services - Contaminated Land

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

Worcestershire Regulatory Services - Air Quality

- No objection

Worcestershire Regulatory Services

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

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

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

Worcestershire Regulatory Services – Noise

No objection subject to a condition relating to:

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

Arboricultural Officer

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

Publicity

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

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

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

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

A total of 15 letters were sent on 16 October 2025

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

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

The application now has recorded a total of 450 comments, of which 423 are recorded as objection and 26 recorded as support.

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

- Would raise Bromsgrove's profile
- Would improve the range of eateries in the town bringing jobs, visitors and footfall
- Congestion will happen regardless

- Helps support other local businesses and increase trade
- Provide a safe place for young people to meet and socialise
- Would improve the health of the High Street and provide a facility enjoyed by other towns and cities
- The site is currently an eyesore and a waste of a prime location in the town centre
- Established KFC has done no harm
- Young families and children should be catered for to support a vibrant community

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

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

- Loss of the car park would leave no car park for football fans to park on. The local and surrounding roads are already full on match days with as many as 3000 plus fans on a full game. The removal of this car park leaves no North Car Park. The towns other car parks will not be able to cope with the volume of cars needing to park.

Relevant Policies

Bromsgrove District Plan

BDP1 – Sustainable Development Principles

BDP16 – Sustainable Transport

BDP17 – Town Centre Regeneration

BDP19 – High Quality Design

BDP20 – Managing the Historic Environment

BDP25 – Health and Wellbeing

Others

NPPF – National Planning Policy Framework

NPPG – Planning Practice Guidance

Relevant Planning History

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

Assessment of Proposal

1. Site and surroundings

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

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

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

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

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

2. Proposal

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

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

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

3. Principle of development

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

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

3.3 Policy BDP17.15 itself outlines four development principles that will apply to the site, as well as reiterating that the site offers an opportunity for office led mixed use development. These criteria relate to encouraging the reinstatement of street frontages through a perimeter block arrangement, the requirement for high quality distinctive architecture to establish the crossroads as a key gateway in to the town, any development proposed respecting the scale of development on the Birmingham Road Retail Park and

that the Stourbridge Road frontage would need to have regard to the former Parkside School opposite.

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

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

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

4. Public Health

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

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

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

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

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

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

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

Meadows First School: 430m

Parkside Middle School: 430m

North Bromsgrove High School: 569m

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

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

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

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

5. Design and the Historic Environment

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Highway Matters

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

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

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

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

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

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

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

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

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

Vehicular Access

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

Development Impact Assessment – Parkside Junction

- Review of the microsimulation modelling of the Parkside Junction indicates that the development proposals result in regular instances of drivers waiting to turn right into the site from Stourbridge Road blocking back into the Parkside Junction as vehicles on the Stourbridge Road approach to the junction and queue across the proposed site access.
- The applicant has agreed to provide carriageway markings and signage to prevent queuing vehicles from blocking the site access.
- The micro-simulation modelling also indicates that as a result of the traffic demand generated by the proposed development, the performance of the Parkside signalised junction will deteriorate over time. WCC Highways accepts that the limitations of the microsimulation model and the local context of the site mean that the impact of the proposed development at the Parkside junction is overestimated within the model.
- The Parkside junction has recently been improved to enhance performance and operational capacity, comprising an upgrade to MOVA (Microprocessor Optimised Vehicle Actuation) control, queue detection and the refurbishment of signalling equipment. The improvements to the Parkside junction enable the signal operation to be optimised and dynamically respond to actual vehicle demands, queues and delays during network peak hours
- The modelling assessment demonstrates that that the proposed development will attract and generate additional vehicle trips and turning movements during network peak hours, proximate to the Parkside junction, that were not known/taken into account within the Parkside junction improvement scheme. Should the LPA be minded to approve the application, WCC Highways requests that a proportionate contribution of £10,000 is secured via S106 Agreement towards the revalidation and optimisation of the MOVA signal timings specification, to enable the actual development impact to be

adequately monitored and managed and to ensure any associated deterioration in junction performance can be satisfactorily mitigated.

Delivery Management Plan

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

Site Layout

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

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

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

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

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

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

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

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

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

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

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

6.16 In view of the above, and the application of paragraphs 109, 110, 115, 116 and 117 of the NPPF it is your officers view that it has not been demonstrated that there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. In addition, in view of the advice of the Highway Authority, the requirement to carry out further modelling work may render the development of the site unviable contrary to paragraph 115(d) of the NPPF. As such it is considered that there is no policy basis on which to resist the application on highway grounds.

7. Trees

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

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

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

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

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

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

8. Other matters

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

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

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

9. Conclusion

9.1 The application proposes the redevelopment of a site within the Bromsgrove Town Centre, which, along with the adjacent Aldi supermarket site is allocated for development in the Bromsgrove District Plan. Whilst the proposal is not for the favoured office development, BDP17 sets out that the site will be considered for a variety of different uses. For the reasons set out above, the proposal complies with Policy BDP25 with respect to concerns relating to public health.

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

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

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

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

RECOMMENDATION:

a) MINDED to GRANT FULL PLANNING PERMISSION

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

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

Conditions:

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

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

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

2918/SK/35A Proposed site access
V15672-MCD_L01 Rev E Proposed Landscape Plan
Block Plan 14583_AEW_2770_0002 Rev B
Proposed Building Elevations and Sections 14583_AEW_2770_0005 Rev A

Proposed boundary wall 2961_AEW-8096_0019

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

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

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

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

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

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

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

6. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

Reason: To protect the amenities of the area

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

Reason: To protect the amenities of the area

16. The approved soft landscaping scheme shown on drawing No. V15672-MCD_L01 Rev E shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

17. Notwithstanding the proposed tree planting shown on drawing V15672-MCD_L01 Rev E, details for additional tree planting along the Stourbridge Road frontage shall be submitted to and approved in writing prior to the first use of the development hereby approved. Any additional planting shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

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

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

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

21. No development comprising external elevational treatments shall take place until full

details, including samples and specifications of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details

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

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

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

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

Reason: To protect the amenities of the area

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