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## Appeal Decision

Inquiry opened on 17 November 2020

Site visits made on 24 November 2020

**by Richard Clegg BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> February 2021

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**Appeal Ref: APP/P1805/W/20/3245111**

**Land at Whitford Road and Land at Albert Road, Bromsgrove**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Catesby Estates Ltd & Miller Homes Ltd against Bromsgrove District Council.
  - The application, Ref 16/1132, is dated 30 November 2016.
  - The development proposed is: on site A (land off Whitford Road), provision of up to 490 dwellings, class A1 retail local shop (up to 400m<sup>2</sup>), two new priority accesses onto Whitford Road, public open space, landscaping, and sustainable urban drainage; on site B (land off Albert Road), demolition of the Greyhound public house, provision of up to 15 dwellings, a new priority access onto Albert Road, landscaping, and sustainable drainage.
  - The inquiry sat for four days: 17-20 November 2020
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### Decision

1. The appeal is allowed and outline planning permission is granted for provision of up to 490 dwellings, class A1 retail local shop (up to 400m<sup>2</sup>), two new priority accesses onto Whitford Road, public open space, landscaping, and sustainable urban drainage, on land at Whitford Road, Bromsgrove (site A); and demolition of the Greyhound public house, provision of up to 15 dwellings, a new priority access onto Albert Road, landscaping, and sustainable drainage, on land at Albert Road, Bromsgrove (site B); in accordance with the terms of the application, Ref 16/1132, dated 30 November 2016, subject to the conditions in the attached schedule.

### Application for costs

2. At the inquiry an application for costs was made by Catesby Estates Ltd & Miller Homes Ltd against Bromsgrove District Council (the Local Planning Authority). This application is the subject of a separate Decision.

### Procedural matters

3. Worcestershire Acute Hospitals NHS Trust had served a statement of case in accordance with Rule 6(6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, and it participated in the inquiry. The Trust's concern is to ensure that a planning obligation secures a financial contribution towards its services. A statement of common ground on this matter was agreed with the Appellants (Core Document K1 (CD K1)), and the Local Planning Authority (LPA) had

made it clear that it considered that the question of whether a financial contribution would be fairly and reasonably related to the development would be a matter for the Inspector and the Appellants. Having regard to the views expressed by the main parties, I took the view that formal oral evidence was not necessary on this subject. Proofs of evidence submitted on behalf of the Trust have been considered as written representations, and the Trust's representatives referred to the financial contribution sought during the session on planning obligations.

4. On the application form the location of the proposed development is given simply as land at Whitford Road, Bromsgrove. There are, however, two sites, as is clear from the description of development: site A at Whitford Road and site B at Albert Road. I have identified the location accordingly in the appeal details above.
5. The planning application was submitted in outline form, with approval sought for access at this stage. In the case of site B, the plan of the proposed access does not show the implication of achieving the visibility splay to the south-east on a nearby protected willow tree which is in an elevated position above Albert Road<sup>1</sup>. At the inquiry, the Appellants suggested that the plan of this access (plan ref 7033-SK-012 revision A) should be treated as illustrative. The principle of the access would remain for consideration, and no objection was raised to the approach suggested by the Appellants. I do not consider that prejudice would be caused to any other parties by treating access to site B as a reserved matter, and I have proceeded accordingly. An indicative masterplan was submitted for site A and an indicative site layout for site B<sup>2</sup>, and I have had regard to these documents in my considerations.
6. An environmental statement accompanied the planning application (CDs A10-A12). The original environmental statement was largely superseded by an amended version in 2018<sup>3</sup> (CDs C7-C10), and further information was submitted in 2019 (D1-D9), during the consideration of the application by the District Council. In April 2020, after the appeal had been lodged, the Secretary of State made a request under Regulation 22 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 for further information in respect of landscape and visual impact assessment, flood risk, noise, socio-economic matters, and the implications of the timing of the development. The Appellants responded to this request in May 2020 (CDs I1-I8), and the Regulation 22 submission has been the subject of publicity. The environmental statement relates solely to the proposal on site A, since that part of the development proposed for site B is relatively small and was not considered to give rise to any significant environmental effects. At the inquiry, no objection was pursued to the adequacy of the environmental statement. I do not consider that prejudice would be caused to any party by taking the 2020 Regulation 22 information into account, and I have proceeded accordingly. I am satisfied that the composite environmental statement meets the requirements of the 2011 Regulations.

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<sup>1</sup> The tree preservation order is CD O17.

<sup>2</sup> CD C6 figure 2, and CD A13 Appendix A figure 4.

<sup>3</sup> The Appellants' statement of case (CD F2) says that the original environmental statement was superseded by the 2018 version, but (for example) the 2018 Transport Assessment Addendum (in CD C8) makes clear that parts of the 2016 environmental statement remain valid.

7. A planning agreement has been submitted in connection with the appeal proposal (CD N1). It contains obligations concerning open space, the retail unit, affordable housing, a travel plan, and the payment of a range of infrastructure contributions.
8. A set of core documents was prepared for the inquiry. Certain additional documents and documents submitted after the inquiry opened are detailed in the lists appended to this decision.

### **Main Issues**

9. The appeal was made against the failure of the Council to give notice of its decision on the planning application within the prescribed period. The LPA subsequently resolved that planning permission would have been refused because the scheme would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe<sup>4</sup>.
10. Having regard to the positions of the Appellants, the LPA and the NHS Trust, together with the representations from other parties, I consider that the main issues in this appeal are:
  - i) The effect of the proposed development on traffic movement and highway safety.
  - ii) Whether the proposal would be consistent with the Development Plan.
  - iii) The effect of other considerations on the overall planning balance.

### **Background**

11. In 2015, an appeal for similar development on site A to the current proposal, and including the intended diversion of Whitford Road traffic, was dismissed, the Inspector concluding that the scheme would have a severe residual cumulative impact on traffic congestion, movement and highway safety (CD O8). At that time, the then draft Bromsgrove District Plan was at examination stage: it identified site A as a town expansion site to include a minimum of 490 dwellings and associated community infrastructure. The District Plan was subsequently adopted in 2017<sup>5</sup>, and includes site A as a town expansion site under Policy BDP5A.

### **Planning policies**

12. The Development Plan comprises the Bromsgrove District Plan 2011-2020. Policy BDP2 sets out a settlement hierarchy, in which Bromsgrove is the only main town: this policy also lists four main aspects to housing delivery, including previously developed land within settlements and expansion sites around Bromsgrove. There is a target for the provision of 7,000 additional dwellings over the period 2011-2030 (Policy BDP3), and reference is made to the immediate release of town expansion sites in this regard. Policy BDP5A identifies three town expansion sites at Bromsgrove.: Site BROM3 is appeal site A, which is expected to include approximately 490 dwellings and associated community infrastructure. Amongst other requirements, the policy stipulates that it will be necessary to manage the cumulative traffic impact generated by the new development. In accordance with Policy BDP6,

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<sup>4</sup> Document O2, section1.

<sup>5</sup> The Bromsgrove District Plan 2011-2030.

proposals are expected to contribute towards measures to mitigate their impact through the use of planning obligations, and Policy BDP16 makes specific reference to contributions in respect of public transport, pedestrian, cycle and highway infrastructure.

13. The Greyhound Inn public house (now closed) on site B is recognised by the Appellants and the LPA as a non-designated heritage asset<sup>6</sup>. Policy BDP20 requires that development affecting heritage assets should not have a detrimental impact on their character, appearance or significance. Other policies of relevance to the appeal proposal include those concerned with affordable housing (Policy BDP8), housing mix and density (Policy BDP7), green infrastructure (Policy BDP24), and improving the management of the natural environment (Policy BDP21).

## **Reasons**

### ***Traffic movement and highway safety***

14. The proposal would involve the construction of up to 505 dwellings, the great majority of which (up to 490) would be on site A, a strategic town expansion site in the District Plan. This site is on the western edge of the built-up area of Bromsgrove. Whitford Road is a local road which joins Kidderminster Road (the A448) at a staggered crossroads about 0.4km to the north of site A (the Kidderminster Road junction). To the south, the road continues as Fox Lane to a priority junction with Rock Hill (the Fox Lane junction - about 0.4km from the site): with Worcester Road and Hanover Street, Rock Hill forms the B4091, which runs between the town centre and the A38 to the south side of Bromsgrove. A short distance to the north of Fox Lane the B4091 meets Charford Road (the Charford Road junction), and at its northern end, it joins Kidderminster Road at a junction with St John Street on the edge of the town centre (the Hanover Street junction). The A38 is an important road, which provides connections to the north and south of the town. A series of junctions provide links from its route through the eastern part of Bromsgrove: of most relevance to the appeal proposal are the junctions with the A448 and Regents Park Road (the A448 Road junction), with New Road (the New Road junction), and with Charford Road/ Stoke Road (the Stoke Road junction). It is clear from the Appellants' modelling that, without mitigation, the additional traffic generated by this large housing site would increase pressure on the highway network. The Fox Lane junction is identified as being close to capacity, and both the Charford Road and Hanover Street junctions would be approaching that point in the 2030 baseline scenario.

### ***Mitigation measures***

15. The scheme includes a package of mitigation measures to address the effects on the highway network. The Fox Lane priority junction would be altered with the formation of a roundabout, alterations would be made to the mini-roundabout at the Charford Road junction, and a signalisation scheme is proposed for the staggered crossroads at the Kidderminster Road junction. Conditions have been suggested which would ensure the provision of these junction works. Through planning obligations, financial contributions would be made to schemes at other junctions. The sum of £744,681.58 would be paid to Worcestershire County Council (as the Local Highway Authority (LHA))

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<sup>6</sup> CD G8, para 3.1.

towards alterations at the Hanover Street junction and at Market Street/ St John Street, and a separate obligation would involve a contribution of £1,312,706.94 towards the County Council's A38 Bromsgrove Route Enhancement Programme. In addition, the proposal includes new pedestrian crossing facilities on Whitford Road and Kidderminster Road, and financial contributions towards a bus service between the development, the town centre and the railway station, and towards cycle and pedestrian links.

### *The site accesses*

16. There would be two vehicular accesses into site A from Whitford Road. Both accesses would have visibility splays of 120m to the left and 73m to the right. The speed limit on Whitford Road is 40mph, and traffic moves freely along the road past the site. In the Design Manual for Roads & Bridges (DMRB), part CD109 indicates that where the design speed is 40mph, the desirable minimum stopping sight distance is 120m, and the road safety audit refers to this distance<sup>7</sup>. Speed surveys have recorded the northbound 85%ile wet weather speed as approximately 36mph, and taking account of this and the change in character of the road resulting from the proposal, the Appellants suggest that the visibility advice from Manual for Streets can be applied, and that this would indicate a requirement for splays of about 62m<sup>8</sup>. On the other hand, Whitford Vale Voice (WVV) refers to northbound 85%ile dry weather speeds of 38.9mph and 45.8 mph from LHA surveys in May and June 2017<sup>9</sup>. The location of the June survey is close to the north-eastern corner of site A, beyond both points of access, and speed recorded here is not directly relevant for the consideration of northbound traffic approaching the proposed priority junctions. The May survey position is located on the approach to the northern site access, and the speed recorded is not materially greater than that referred to by the Appellants. Manual for Streets 2 explains that it is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for stopping sight distance are recommended. Below that level, Manual for Streets parameters are recommended.
17. Visibility is restricted to 75m to the left and 19m to the right for emerging drivers at the southern junction of Deansway with Whitford Road<sup>10</sup>. This junction lies between the two points of access to site A: it is on the same stretch of road, where traffic conditions are similar, and no record of accidents has been reported. I note, moreover, that in approving the Appellants' response to the Stage 1 Road Safety Audit, the LHA referred to a review of existing visibilities along Whitford Road as showing that the proposed visibilities would be acceptable. On the evidence before me, I am satisfied that adequate visibility splays would be provided at both vehicular accesses to site A.
18. Vehicular access to site B would be taken from Albert Road, at a point where a bell-mouth has been formed in connection with a previous planning permission for housing. The plan showing the site access includes visibility splays which are annotated as having a minor road distance of 2.4m. However, as WVV pointed out, that distance appears to be drawn broadly in line with the back of the footway, which the parties agreed at the site visit has

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<sup>7</sup> Stage 1 Road Safety Audit para 2.3.1, CD O10 Appendix 1.

<sup>8</sup> CD O10 paras 2.3.7 & 2.3.8.

<sup>9</sup> CD O13 page 7.

<sup>10</sup> CD O10 Appendix C.

a depth of 1.02m on the north-west side of the access. From 2.4m back, the splay to the north-west would include a small part of open grassed areas at the front of nearby houses. As the splay would also cross the end of at least one drive, there is the potential for parked cars to partially restrict visibility to the left. However, Albert Road is a relatively short residential street with some on-street parking. I anticipate that traffic speeds are low, and vehicles approaching the access from the north-west would be on the opposite side of the road, where they would be less affected by any restrictions on visibility. To the south-east, a bank encroaches slightly into the visibility splay, above which is a protected willow tree. There is no assessment before me as to whether it would be possible to cut back the bank without adversely affecting this tree, but, given the short distance of about 20m from the junction, vehicles approaching from this direction would not have had the opportunity to increase speed markedly after entering Albert Road, and I do not consider that the existing form of the bank would compromise highway safety.

19. On the information before me, I am satisfied that the proposed vehicular accesses to sites A and B would not reduce highway safety.

#### *The Fox Lane junction*

20. During the morning and afternoon peak periods, the Appellants' modelling predicts that just over half of the vehicles travelling to and from site A would pass through the Fox Lane junction<sup>11</sup>. This is a junction which is already close to capacity, and it is constrained by its surroundings. In order to accommodate the traffic flow from the Whitford Road site, the existing priority junction would be replaced by a roundabout, using land from site B.
21. In 2030, with the roundabout in place, the additional capacity provided would result in an improved performance in terms of traffic movement. Although a queue of 18 vehicles and delay of 71.9 seconds are predicted in the afternoon peak on the Rock Hill south-west arm, a marked improvement would occur on Fox Lane<sup>12</sup>. On this approach the 2017 baseline indicates queues of 20 vehicles in the morning peak with delays of over 200 seconds, increasing to queues of 42 vehicles with delays of over 400 seconds in the 2030 baseline. In contrast, with the development and the junction alteration in place those figures reduce to 3 vehicles and 15.1 seconds. Moreover, a ratio of flow to capacity (RFC) in excess of 1 is shown here in the 2030 baseline, which is an indicator of severe congestion. On all approaches, following the alteration to the junction, the RFC value is calculated as below 0.85, the point at which moderate congestion is recognised.
22. A short distance from the junction, on the Rock Hill north-east arm, is a signalised pedestrian crossing. The LPA had expressed concern that vehicles waiting at the crossing would be likely to have an impact on the performance of the junction. At the inquiry, revised modelling results for the junction were submitted which took into account the presence of the pedestrian crossing (CD 04), and the LPA acknowledged that the results shown were acceptable. WV maintained an objection, referring not only to the position of the crossing, but also to its usage. However, although the Appellants' model has a lower input of 51 pedestrians in the morning peak hour than the 197

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<sup>11</sup> Transport Assessment Addendum, January 2018, figures 5-1 & 5-2, in CD C8.

<sup>12</sup> CD O16, tables 1, 2 & 5.



pedestrians recorded in a survey by WV<sup>13</sup>, the Appellants' highways witness argued that each pedestrian input relates to an activation of the signals when several pedestrians could use the crossing. In any event, the model results submitted by WV with a higher level of pedestrian input (CD O23) do not indicate that there would be a material problem at the roundabout due to the use of the signalised crossing.

23. There is a dispute between the Appellants and the LPA concerning the extent of deflection on the north-east arm of the roundabout. It is common ground between the highway witnesses that DMRB provides the appropriate standards for roundabout design in this respect. Deflection is determined by the entry path radius, and Part CD 116 of DMRB stipulates that, in the case of normal roundabouts, this dimension should not exceed 100m. The DMRB continues to explain that this factor is the most important determinant of safety at roundabouts, since it governs the speed of vehicles through the junction and whether drivers are likely to give way to circulating vehicles. In this case, the Appellants submitted a plan which identifies the line of deflection for vehicles approaching from the north-east arm with an entry path radius of 192m (revision J - CD O5), markedly above the upper limit in the DMRB. At the inquiry, the Appellants' highways witness suggested that the line of deflection shown on this plan simply represented a worst case entry radius, and did not lead to one of the other two arms. A further plan submitted by the Appellants refers to an entry path radius of 110m from the north-east (revision K - CD O15). However the position taken at the inquiry and plan revision K are not consistent with the submission for a departure in respect of highway geometry. That document clearly refers to a proposed deflection of 192m and subsequently to 'straight through' movements from the north-east arm to the south-west arm of the roundabout<sup>14</sup>. Whilst the Appellants acknowledge that deflection would not accord with the standard in the DMRB, the extent of the difference is not clear from the evidence before me.
24. Technical approval has been given by the LHA for the new junction arrangements. Rock Hill is subject to a 30mph speed limit, and the presence of the pedestrian crossing may act as a cautionary factor on driver behaviour. Nevertheless, I do not consider that deflection is unimportant in this situation: even with speeds below 30mph, the absence of adequate deflection could lead to an increased risk of conflict on the roundabout. Whilst the Appellants' highway witness pointed to signage and carriageway markings indicating the presence of the roundabout, these features are not identified in DMRB as appropriate measures to use where deflection cannot be achieved. The juxtaposition to the crossover providing access to the convenience shop and a nearby house is also a relevant factor when considering the safety implications of the north-east approach to the roundabout. I turn next to consider access arrangements to and from Rock Hill on this side of the roundabout.
25. On the south-east side of that part of Rock Hill where the roundabout would be constructed are a house (No 5 Rock Hill), a parcel of land which is used for parking, and a convenience store. There is direct vehicular access from Rock Hill to each of these properties. The surfacing and kerbs plan and a swept

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<sup>13</sup> CD O13 pages 26 & 27.

<sup>14</sup> Departures Note 7033-RH-Dfs-04, in CD J1 Appendix A1.

path analysis show that access to the dwelling and parking area would be taken from the point where the north-east approach of Rock Hill would join the roundabout<sup>15</sup>. Given the position of the crossover it is most likely that its use would involve vehicles approaching from Fox Lane and the south-west arm of Rock Hill turning off the roundabout immediately after passing the Rock Hill north-east entry, although at the inquiry the Appellants' highways witness suggested that vehicles would leave the roundabout and then turn right across Rock Hill. Vehicles reversing from the dwelling and the land used for parking would be able to manoeuvre onto an adjacent grasscrete area before joining the roundabout in forward gear. This would not be a typical arrangement at a roundabout and adds a potential source of conflict between vehicles approaching along Rock Hill from the north-east and those leaving and arriving at the house and adjacent land.

26. I have also taken into account the existing situation at No 5 Rock Hill and the adjacent land used for parking. Whilst there appears to be space at No 5 for a car to turn around and leave the property in forward gear, there is less space for manoeuvring on the adjacent land and vehicles are likely to reverse onto or from Rock Hill. Vehicles approaching, other than from Rock Hill north-east, would need to turn right into these properties across the flow of traffic on the through road. These manoeuvres have the potential to reduce highway safety and interrupt traffic flow, and I do not consider that the changes to these access arrangements introduced by the junction alterations would in themselves be materially more harmful.
27. On the south-west side of the convenience shop is a hardstanding, to which a swept path analysis shows access for a 7.5 tonne box van and a 4.6 tonne light van<sup>16</sup>. The hardstanding is of restricted depth and width and is used to accommodate several storage containers. There is photographic evidence of a car parked here<sup>17</sup>, and a light van would probably also be able to use this space. However I agree with WVW that a box van would not be able to park on the hardstanding. The swept path analysis shows vehicles accessing the parking space by reversing on the south-west exit from the roundabout. Unless heading in that direction, vehicles leaving the shop would cross the south-west exit and turn right into the south-east approach lanes at the roundabout entrance. Given the restricted size of the hardstanding, it is likely that some service vehicles would park on the crossover, as occurs in the existing lay-by, which could also necessitate reversing. At present, use of the parking space would involve reversing from the through road, and although the extent of the lay-by which continues across the shop frontage may avoid the need for reversing to access space there, as a photograph from WVW illustrates<sup>18</sup>, some service vehicles cross Rock Hill to reach the lay-by, increasing the risk of conflict. It does not seem to me that the construction of the roundabout would worsen the position in respect of highway safety and traffic movement in this location.
28. The existing lay-by extends from the shop as far as the first junction to the south-west. It is intended that about one third of its length, providing space

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<sup>15</sup> Swept path analysis, plan ref 7033-S278-151 revision D; Surfacing & kerbs plan ref 7033-S278-701 revision F. Both plans are included in CD O21.

<sup>16</sup> Swept path analysis, plan ref 7033-S278-154 revision B, in CD O21.

<sup>17</sup> Document O6, page 97.

<sup>18</sup> Document O6, page 98.



for three cars, would be removed<sup>19</sup>. WVV has expressed concern about the loss of spaces, and has suggested that it may lead to parking occurring on paved, grassed and grasscrete areas near the shop. However no detailed assessment of use of the lay by has been drawn to my attention, and I note that the LHA has taken the loss of some parking spaces into account in agreeing to the junction works. Accordingly, I give only limited weight to the loss of lay-by parking close to the shop.

29. WVV has raised concern about the extent of forward visibility on the Fox Lane and Rock Hill south-west approaches to the roundabout. On Fox Lane, forward visibility of 71m is available and there is a shorter distance of 43m on Rock Hill. For a design speed of 60kph the desirable minimum stopping sight distance specified in DMRB is 90m, and this distance is mentioned in the departures submissions. However reference to the speed limit of 30mph would indicate a lower stopping sight distance of about 70m which would be achieved on Fox Lane. Manual for Streets (which has relevance to lower speed urban areas) specifies a shorter stopping sight distance of 43m on a 30mph road, and I note that, other than a single vehicle at the give way line on Rock Hill, vehicles in a queue on this arm would be visible at a greater distance than 43m. For these reasons, I do not consider that these aspects of the roundabout design would adversely affect highway safety. Having regard to the constraints of the existing junction, I have reached the same view about other detailed criticisms made by WVV.
30. There are aspects of the proposed roundabout junction which would not fully accord with modern design expectations, notably the entry path radius from Rock Hill, given its relationship to vehicle movements to and from adjacent premises. Whilst that is not desirable, and a few parking spaces in the lay-by would be lost, most of the changes proposed would not worsen highway safety or hinder traffic movement. Importantly, the additional capacity provided by the proposed roundabout would result in improved performance of the Fox Lane junction.

#### *The Charford Road junction*

31. With mitigation in place, there would be a marginal improvement in the performance of this junction compared with the 2030 baseline. At 0.92, the RFC figure for the Worcester Road arm of the roundabout would exceed the 0.85 threshold in the morning peak, but that simply maintains the situation expected in 2030 without the development in place.
32. WVV criticises the capacity assessment for not including trips from the Perryfields development, having regard to the location of employment sites within Bromsgrove. Perryfields is the largest of the town expansion sites in the District Plan (BROM2), and is further north than site A. In their Transport Technical Note 5 (CD E3), the Appellants' highways consultants have reviewed the distribution of traffic generated by the residential and employment elements of the Perryfields proposal. That approach, which does not include routing traffic through the Charford Road roundabout has been agreed with the LHA and the LPA's own highway consultants (Mott McDonald (MM)). The latter have commented that the distribution is reasonable and that the use of journey to work census data is a suitable method for distributing trips<sup>20</sup>.

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<sup>19</sup> CD F2.14 para 1.2.73. The length of the lay by to be removed is shown on the plan at CD O14.

<sup>20</sup> CD F2.16 section 2.9.

There is no detailed technical evidence to indicate that the cumulative assessment undertaken is unreliable.

33. The LPA has drawn attention to one aspect of the modelling of this junction. A capacity correction in the form of an intercept adjustment relating to queueing has been applied on the Worcester Road arm. The adjustment has been removed in the mitigation modelling, whereas the LPA maintains that the small scale of the mitigation is unlikely to have any impact on the local characteristics relating to queueing, and that it is unclear why the correction should be removed, leading to uncertainty about performance at the junction.
34. The question of intercept corrections is addressed in the Junctions 9 User Guide<sup>21</sup>. It explains that a correction may be appropriate in a new design where minor changes are made to the geometric parameters used in the capacity calculations, and it gives the example of moving a kerb line to increase entry width. However the Guide continues to say that the use of previously calculated corrections is not appropriate if other changes are made, with examples including re-marking of the junction and complete re-surfacing. In this case, the mitigation proposed at this junction would involve widening each of the approaches to provide additional capacity, but the plan (ref 7033-SK-013 revision E) also indicates that re-marking would occur. It seems to me that, notwithstanding the altered position of the kerbs, that is sufficient to permit omission of the intercept correction in the mitigation modelling, and the evidence before me does not indicate that the approach taken to modelling at this junction was inappropriate.
35. A consequence of widening the roundabout approaches would be a reduction in width of certain lengths of footway. On the south side of the junction with Highfield Road, the footway along Rock Hill would be reduced to about 1.8m in width<sup>22</sup>, below the minimum width of 2m for lightly used streets set out as guidance in Manual for Streets. I note that only a short section of footway would be narrower than 2m, and that the Appellants' make reference to the Department for Transport document *Inclusive Mobility* indicating that a footway width of 1.5m is acceptable in most circumstances. However Rock Hill is not a lightly used street, but a well-used local road leading to the town centre, and the Local Transport Plan identifies Worcester Road/ Rock Hill as a key corridor for the improvement of infrastructure for all suitable transport modes. I share the view of the LPA's highway consultants that the loss of footway is undesirable, although this is a marginal change.
36. As a consequence of the alterations proposed, the junction would accommodate development traffic without an adverse effect on its capacity. A reduction in width below 2m of a short section of footway would be a negative but minor consequence of the works.

#### *The Hanover Street junction*

37. WVV has expressed concern about the validation of models with regard to queue lengths. Specific mention is made of the Hanover Street junction where WVV argues that the bend on Hanover Street prevented the video surveys showing the full extent of the queue on that approach. This matter

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<sup>21</sup> The Junctions 9 ARCADY module is a software package for modelling roundabouts.

<sup>22</sup> WVV suggested that the width would be reduced below 1.5m, but the Appellants are clear that the design is for 1.8m.

has been considered in detail by the LPA's highways consultants<sup>23</sup>. MM acknowledge that the visibility of potential queues from fixed camera positions is a common challenge when undertaking traffic surveys. They also point out that there is often a large daily variation in queue lengths during peak periods, and consider that the data from the LHA surveys demonstrates that the queue lengths at the times of the surveys were largely within the maximum visible distance. Moreover queue length values are not a direct input into the modelling program, but are compared with other outputs to determine if a particular junction model is validated. I note also that MM points out that the model outputs show that the arms identified by WVV are at or close to capacity. The concern raised by WVV has been rigorously reviewed by MM, and I am satisfied that it does not call into question the validity of the modelling exercises at Hanover Street and other junctions.

38. The Appellants have proposed a scheme at Hanover Street which would involve some realigning and widening of the approach arms to accommodate two formal lanes. I observed that, on occasions, vehicles do approach in two lanes. However marking out the arms to show two lanes is likely to encourage drivers to enter the roundabout from two lanes as a matter of course, and provide capacity to accommodate additional traffic flow.
39. As at Charford Road, the LPA raised the question of treatment of an intercept correction, which was included in the first instance on the Kidderminster Road approach, but which has not been applied to the mitigation modelling. Re-marking of the junction, including relocating the centre island is a change which indicates that the use in a new design of previously calculated intercept corrections is not appropriate (above, para 34).
40. With mitigation in place and the housing on site A, the junction would operate satisfactorily, with RFC levels below 0.85 and relatively modest queues on all arms during the peak periods<sup>24</sup>. Whilst the theoretical capacity at a roundabout is reached with an RFC value of 1, in my experience a value of 0.85 indicates that acceptable capacity has been exceeded, and the Appellants' Transport Assessment Addendum (TAA) refers to values below 0.85 as desirable for consistent junction performance. When the Perryfields development is taken into account in the cumulative assessment, RFC values would exceed 0.85 on the St John Street and Hanover Street arms in the afternoon peak and on the Kidderminster Road arm in the morning peak<sup>25</sup>. The latter is the highest figure, at 0.92, accompanied by a queue length of 9 vehicles. This is an undesirable consequence, although the additional size in queue length of 4 vehicles and a further 10 seconds delay are not of great magnitude.

#### *The A38 junctions*

41. The LHA is promoting a package of measures to improve the A38 through Bromsgrove, and a planning obligation will provide for a financial contribution towards these works. Detailed concerns have been expressed by the LPA in respect of three junctions on the A38; the A448, New Road and Stoke Road junctions.

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<sup>23</sup> See CD F2.15, section TN BDC 17.

<sup>24</sup> CD O16, table 9.

<sup>25</sup> CD O16, table 10.

42. At the A448 roundabout, the proposed works include the formation of an additional entry lane on the A38 north-east arm. In consequence the splitter island on this arm would be reduced in size. It was suggested by the LPA's highways witness that the proposed scheme would reduce deflection on this approach, and that the required level of deflection would not be achieved. This claim is not, however, supported by any clear evidence.
43. Intercept corrections have been made to validate the queues with survey data. The LPA makes the point that queues exceeded the camera limits for at least some of the peak hours. As previously noted (para 37), however, there is often a large daily variation in queue lengths during peak periods, and queue length values are compared with other outputs to determine if a particular junction model is validated. It does not seem to me that application of the intercept correction would have led to unreliable modelling. The increase from two to three approach lanes on the A38 north and A448 east approaches represents a significant change in the junction arrangement, and as such I am satisfied that it was not necessary to retain the intercept correction in the mitigation modelling.
44. Splitter islands at this junction provide pedestrian crossing facilities. It is the LPA's view that, due to the proposed reduction in width of the islands on the A38 north and A448 east arms, adequate crossing facilities would not be able to be maintained there. This was disputed by the Appellants, and their highways witness expressed the view that a width of 3-5m would be sufficient to provide a pedestrian refuge. More significantly, the plan of the junction (ref 473946.LS.00.10-07) indicates that following the alterations, the two splitter islands in question would be comparable in width to others there which do include crossing facilities. The evidence before me does not show that the scheme proposed at the A448 junction would preclude the retention of crossing facilities.
45. Although the model results give RFC values above 0.84 on two arms during the morning peak in the cumulative development scenario, the results represent a marked improvement compared with the 2030 baseline. In that scenario, most RFC values would be above 0.84 with the theoretical capacity of roundabout arms exceeded in four instances. The mitigation is also predicted to bring about a reduction in queue lengths: in the 2030 baseline queues of over 50 vehicles are predicted on the A38 south in both peak periods, of 51 on the A448 west in the morning peak, and of 49 on the A448 east in the afternoon peak. The comparable figures with the development and mitigation in place are queues of 10 and 8 vehicles on the A38 south in the morning and afternoon peak periods, and 19 and 3 vehicles on the A448 west and east.
46. At the two signalised junctions to the south, New Road and Stoke Road, there are two straight ahead lanes on the A38, apart from the north-east approach at New Road. The lanes merge at distances of between 100m and 200m beyond the junctions. Modelling has proceeded on the basis of even traffic flows across the two straight ahead lanes. Surveys indicate greater use of the nearside lane on the A38 south-west at Stoke Road, but the balance of traffic does not differ markedly in the other two cases<sup>26</sup>. The Appellants acknowledge that the pedestrian phase of the signals at the New Road

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<sup>26</sup> The survey results are at CD D5 Appendix F.

junction has not been included in the assessment on the basis that it is not expected to be called very often. The modelling has been accepted by the LHA and MM: the model results predict a higher degree of saturation at New Road on the A38 south arm, but overall there is expected to be an improvement in performance at both these junctions in comparison with the 2030 baseline, and there is no clear evidence before me to demonstrate that that would not occur.

#### *The Millfield area*

47. The Millfield area comprises a network of residential streets situated between Fox Lane and Rock Hill/ Worcester Road. Concern has been expressed by WVW that the appeal proposal could lead to more traffic passing through this area. In dismissing the appeal concerning site A in 2015, the Inspector found that that development would be likely to have a severe adverse impact on traffic and highway safety there. That would have been a consequence of the proposal for a Whitford Road diversion failing to achieve its aim, and a resultant increase in congestion and queueing at the Fox Lane junction, for which there would have been no direct mitigation.
48. The situation now is very different. A new roundabout would be built at the Fox Lane junction, and performance here would represent a clear improvement in comparison to both the 2017 and 2030 baselines, particularly on Fox Lane itself (above, para 21). Travelling through the Millfield area would involve negotiating narrow streets and several sharp turns. In places there is no footway. It does not offer a direct alternative to travelling through the Fox Lane junction, and the nature of the roads would inevitably lead to lower journey speeds. In view of the improved performance of the Fox Lane junction, there would be no incentive for drivers to leave the through roads, and to cut through the Millfield area.

#### *Other traffic and highway matters*

49. Eleven junctions were considered in the transport assessment, including those referred to above (para 14). WVW argued that this exercise should have been extended to Parkside and Market Street/ St John Street in the town centre and to Catshill to the north. The first two junctions are to the north of the Hanover Street junction which is within the study area. In the statement of common ground between the Appellants and the Highway Authority (CD G9), it is agreed that only a small percentage of trips would arrive at Parkside. Trip distribution has been agreed with the LHA and MM. The town centre has been identified as the destination for 8.32% of peak period development trips. Although the plan shows the town centre route extending to the Parkside junction, I note that this is intended to show a route into the centre, and there are parking opportunities and destinations before this point is reached. Consequently I would expect only a small proportion of the development traffic to pass through the Parkside junction. More development traffic would be expected to pass through the Market Street/ St John Street junction, but the amount would still be relatively modest. Moreover, I have read that the LHA is preparing a scheme for the route through this junction, which would address the effect of traffic from site A and Perryfields. A planning obligation would provide a contribution towards works at this junction and the nearby Hanover Street junction.



50. The Appellants acknowledge that there will be some level of traffic impact in Catshill. Whilst 33.2% of trips are expected to be made to the north through Catshill, there are several routes in that area which could be used, diluting the effect. MM has calculated that in this scenario, traffic levels could increase by between 1.3% and 6%<sup>27</sup>. For these reasons I do not consider that it was necessary for further assessment to have been made of the locations referred to above.
51. A related matter concerns the assignment of traffic heading north to reach the M42 and M5 motorways. WVW points out that MM has identified that a main local option for such journeys would be via the town centre<sup>28</sup>, but that no such trips are included in the assessment of the development in the town centre. MM has explained that a core assumption is that the A38 Bromsgrove Route Enhancement Programme will have been implemented by 2030, and that as the town centre roads would continue to be busy, it was a reasonable assumption that drivers would choose the A38 where that option is available, without going through the town centre. I agree that this was a reasonable basis on which to proceed, and I do not consider that the modelling has under-estimated vehicle movements through the Hanover Street junction. That said, the reference by MM to use of the town centre as a main local option in journeys to the north is inconsistent with their view about the nature of the local road network in 2030; however their calculations of the impact of northbound traffic are based on journeys to Catshill using Stourbridge Road and not the A38 from the town centre.
52. WVW maintains an objection that more vehicle trips would head south towards the Fox Lane junction from site A than allowed for in the Appellants' modelling. This position is based on a survey of the Friarscroft estate, whereas the TAA used census journey to work data, a recognised approach for determining distribution. The average distribution from the three Friarscroft surveys is for 37% of trips to be made to and from the north and 63% from the south. The comparable proportions from the TAA are 43% and 57%. The previous appeal decision noted that the surveys referred to by WVW suggested that the development's effects on Fox Lane may be understated. However there is variation between the Friarscroft surveys, and I agree with MM that caution must be adopted when using a small sample size. I do not consider that the distribution of trips along Whitford Road suggested by the Friarscroft should be preferred to that used in the TA modelling.
53. WVW also makes specific mention of school escort trips, and suggests that the impact of development trips on parts of the local road network has been under-estimated by considering journeys to work. MM acknowledges that separate consideration of school trips can be robust in certain situations but points out that school specific and catchment data is not available in this case and that such journeys would need to be extracted from other journey data used to avoid double-counting. As mentioned above (para 52), the use of census journey to work data is a recognised approach for trip modelling, and MM makes the point that car trips to primary schools are generally bypass or diverted trips, and do not add more than a small number of vehicles to the network at peak times.

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<sup>27</sup> CD F2.15 table 8.

<sup>28</sup> See CD F2.15 page 9.

54. Councillor Mallett suggested that the proposed development would remove the opportunity to provide a cost-effective western distributor road. Worcestershire's Local Transport Plan states that a longer-term transport strategy is under development for Bromsgrove, and refers to a range of options, including the case for a potential Western Bypass. There is, though, no policy in the current Local Transport Plan which provides for a western bypass at Bromsgrove. Of greater significance is the allocation of site A for housing in the District Plan. That is not outweighed by a non-specific reference to a bypass as a possible option for the future.
55. WVV has referred to the downgrading of Perryfields Road to discourage through traffic as part of the development of the town expansion site there. The inquiry was advised that a north-south route will remain with the Perryfields development in place, a point which was not disputed by WVV. It is common ground between the Appellants and the LHA that traffic travelling to and from the north would use this route. Perryfields Road provides a relatively direct route to the north, and, given the position of this route in the local road network, I do not doubt that it would fulfil an important role in carrying development traffic.
56. At the southern end of Perryfields Road, the existing staggered crossroads would be signalised. Although degrees of saturation are predicted to exceed 90% on the A448 west and Whitford Road arms in the morning peak, that represents a clear improvement over the existing arrangement with the junction predicted to exceed capacity on both minor road arms, with lengthy queues, by 2030<sup>29</sup>. Moreover signalisation would also reduce the prospect of conflict at this junction. That arrangement is put forward for the appeal proposal alone. Should the Perryfields development come forward, it includes an alternative scheme which would involve the construction of a separate junction on the north side of Kidderminster Road.
57. Trips generated by the proposed housing on site B have not been included in the modelling. Site B is a minor part of the overall appeal proposal, involving a maximum of 15 dwellings, and would result in approximately 10 additional peak hour trips. That is a modest increase in traffic movement, and having regard to the improved performance of the nearby Fox Lane (above para 21), I do not consider that inclusion of site B in the assessment would have materially altered the outcome.

#### *Conclusions on traffic and highway matters*

58. Several junctions on the local highway network are under pressure, and the appeal proposal would generate a significant amount of additional traffic from site A. An extensive package of mitigation measures is proposed, and the implications of the development have been assessed in detail by the LHA, MM and WVV. Taking into account the extensive documentation submitted, I am satisfied that, considered overall, the increased capacity which would be provided would offset the effect of the extra vehicle movements to and from the proposed development in accordance with Policy BDP1.4(a) of the District Plan. There would, however, be certain negative consequences: the extent of deflection on the north-east arm of the Fox Lane roundabout in close proximity to individual accesses on the south-east side of the road, the loss of a few parking spaces in the lay-by at this junction, and the narrowing of a

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<sup>29</sup> CD E2 table 31 & TAA table 14 in CD C8.

short section of footway to below 2m at the Charford Road roundabout. In each case these adverse effects would be limited in extent, and I do not consider that they would give rise to an unacceptable impact on highway safety. In addition, in the cumulative scenario with the Perryfields development there would be a limited increase in RFC levels at the Hanover Street junction, although that is not of sufficient magnitude to call into question the prospect of that other town expansion site coming forward. I conclude that the proposed development would not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe: it would not, therefore be contrary to paragraph 109 of the National Planning Policy Framework (NPPF). The proposal would manage the cumulative traffic impact generated as required by Policy BDP5A.7(e), and it would incorporate safe and convenient accesses, thereby complying with Policy BDP16.1.

### ***Consistency with the Development Plan***

#### *The settlement strategy*

59. Site A is on the edge of Bromsgrove and site B is within the built-up area of the town, which is the main settlement in the District. As site A is one of the development sites identified in the District Plan and site B comprises previously developed land, the principle of housing in these locations is consistent with Policy BDP2 and the settlement hierarchy set out therein. Both sites would contribute to the target of 7,000 additional homes for Bromsgrove District specified in Policy BDP3, and site A is one of the town expansion sites which this policy earmarks for immediate release.

#### *Town expansion site BROM3*

60. The proposed development on site A would be consistent with that sought on town expansion site BROM3 under Policy BDP5A, including up to 490 dwellings, public open space and small scale local retail provision. Affordable housing of 40%, as required under part 7a of the policy, would be secured by a planning obligation. This part of the policy also requires the provision of a high proportion of 2 and 3 bedroom properties to reflect local need. It is intended that a mix of 1, 2, 3, 4, and 5 bedroom properties would be built on the land. Layout is a reserved matter, and details of the housing mix could be the subject of conditions.
61. On the opposite side of Whitford Road a combined cycle and footpath leads through Sanders Park towards Kidderminster Road and the town centre. A planning obligation provides for the payment of £708,252.55, to be used for the provision of a new cycleway between Whitford Road, St John Street and Kidderminster Road through the park, and for the enhancement of pedestrian and cycle links through the town centre. A toucan crossing of Whitford Road is proposed, a short distance from the access into Sanders Park, and a signalised crossing on the A448 would facilitate journeys on foot to the north of Kidderminster Road. The Appellants have no objection to conditions to secure footway/ cycleway links to the southern boundary of the site where there is a public footpath and to Timberhonger Lane to the north. These routes, and the nearby Monarchs Way footpath provide opportunities to access the open countryside to the west of the site. I am satisfied that the overall transport proposals for the development of site A would maximise opportunities for walking and cycling in accordance with criterion (c).

62. Criterion (d) requires significant improvements to passenger transport including bus services providing a connection to the railway station which is on the other side of Bromsgrove. There are existing bus services along Kidderminster Road, Worcester Road and Rock Hill, which provide access to other parts of the town centre and also to Birmingham, Kidderminster, Redditch and Worcester, although the nearest stops are in excess of recommended maximum walking distances from site A<sup>30</sup>. A contribution of £233,822.71 would be provided to the County Council's public transport strategy which will take into account all of the allocated sites. No route has been finalised, but the service from site A is intended to provide a link to the town centre and the railway station. Should other schemes not come forward as expected, the planning agreement also includes an obligation for an additional contribution to support the bus service. The proposal would provide the significant improvement sought to passenger transport in the area, and although it would be needed to serve the new housing on the Whitford Road site, the additional service would provide a benefit to the wider community.
63. I have found that the package of transport proposals would manage the cumulative traffic impact generated as required by Policy BDP5A.7(e). A financial contribution towards travel plan initiatives is intended to encourage the use of more sustainable modes of transport.
64. Site A is close to the M5, with part of the western boundary running alongside the motorway. Housing would be set back from this side of the site, and a noise attenuation barrier is proposed on the north-west part. No objection has been raised to the development by Worcestershire Regulatory Services on air quality or noise grounds (the subject of criterion (f)), and with the safeguard of a condition concerning provision of the noise barrier, I do not consider that there would be an adverse effect in respect of these matters.
65. Financial contributions would be provided, not only for transport matters, but also towards other areas of infrastructure provision, notably education and healthcare. These obligations would meet the requirements of criterion (p) in Policy BDP5A and also of Policies BDP6 and BDP16 (paras 76-78, below).
66. There is nothing before me to indicate that the proposed development on site A would fail to comply with any other of the requirements of Policy BDP5A. Certain matters, such as those concerning character and topography, would be fully assessed as part of the consideration of reserved matters. Conditions would be appropriate to ensure that the site is properly drained, and that landscape features and habitats are the subject of a management plan.

### *Heritage*

67. It is common ground between the Appellants and the LPA that the former Greyhound Inn (site B) is a non-designated heritage asset. The building itself is situated on the north side of the junction of Fox Lane and Rock Hill where it is elevated above the latter road. Within the site, a car park extends to the north-west along Fox Lane, and there is an open area with trees between the building and Albert Road. The building dates from at least the mid-nineteenth century: the Appellants' heritage statement and the LPA's conservation officer

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<sup>30</sup> Recommended maximum walking distances to bus stops by the Chartered Institution of Highways & Transportation are given in Document O6 page 169.

both explain that the tithe map of 1839/40 refers to a house and shows a building in the position of the present structure<sup>31</sup>. Shortly afterwards there are references to the occupier of the building being a beer seller, and subsequently to a public house on the site.

68. The Appellants and the LPA agree that the oldest part of the building appears to be the southern corner. It has subsequently been considerably altered and extended, and much of the main Rock Hill elevation comprises twentieth century additions. The building has some historic value as an example of a vernacular dwelling which has evolved into a public house, and it acts as a reference to the limited built development in the area at a time when it was outside Bromsgrove. Whilst the form of the building's evolution can be discerned, extensive alterations and additions have eroded the evidential value of the former public house, and in this regard I note that the Appellants and the LPA agree that there is little internal evidence of the age of the building. Sections of roof over the left hand side of the front elevation and above the front gable have been badly damaged, and the brickwork has been painted. These factors all reduce the significance of the Greyhound Inn, which I consider is of limited value. Redevelopment of site B would conflict with Policy BDP20 which seeks to safeguard heritage assets. However, I give only moderate weight to the loss of the building, given its limited value. If demolition were to take place, the building should be recorded given its status as a heritage asset, and a condition could be imposed for this purpose.

#### *Other policies*

69. Policy BDP8 is concerned with affordable housing. On greenfield sites or any site accommodating 200 or more dwellings, provision should be at a level of up to 40%, and up to 30% affordable housing should be provided on brownfield sites accommodating less than 200 dwellings. By means of a planning obligation, the appeal proposal would provide 40% affordable housing on both sites, and details of the location and size of the dwellings could be secured by condition. The development would comply with Policy BDP8.
70. With the maximum number of dwellings provided, site A would have a density of 31 dwellings per hectare (dph), and site B would have a density of 54dph. A higher density is appropriate on site B, which is within a built-up area where there are some closely-grouped properties nearby and which is also closer to existing bus routes. Both sites would make efficient use of land in accordance with Policy BDP7. The policy also requires proposals to take account of identified housing needs in terms of the size and type of dwellings, and a condition could be imposed requiring the submission of these details.
71. The development on site A would include substantial areas of open space, notably on the western side of this land, and a linear park is shown on the illustrative masterplan extending across the site from Whitford Road. The LPA has calculated that the open space requirements set out in Policy BDP25 would be exceeded, and the areas of open space within the site would contribute to the network of green infrastructure on this side of Bromsgrove, consistent with Policy BDP24.

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<sup>31</sup> The heritage statement is CD A17, and the Conservation Officer's comments are in a consultation response to the planning application.



72. An updated ecological walkover survey report (CD D8) records that three trees on the western boundary of site A have the potential to support roosting bats: these trees are within the area identified as open space and do not need to be removed for the proposed development. A subsidiary badger sett is present on site A, which would require closure as a consequence of the development proposals. The main sett is considered to be outside the site, and it is recommended that corridors of movement be established to enable continued connectivity to the off-site areas used by badgers. I note, moreover, that, subject to the imposition of conditions, there is no objection by Worcestershire Wildlife Trust to the proposed development. Conditions suggested concern a construction environmental management plan, a landscape and ecological management plan, sustainable drainage and lighting. The landscape and ecological management plan should include measures for badger connectivity, and with conditions on these matters in place I consider that the proposed development would not cause harm to protected species, and would comply with Policy BDP21 which seeks to achieve better management of Bromsgrove's natural environment.

#### *Conclusions on the Development Plan*

73. The proposal would conflict with Policy BDP20 of the District Plan due to the loss of the Greyhound Inn, a non-designated heritage asset. However that conflict concerns a relatively small part of the overall development, and the significance of the building on site B has been reduced by alterations and damage. Otherwise the proposal, on both sites, would be consistent with policies in the District Plan, and notably the development of site A would bring forward town expansion site BROM3, an important allocation in the Plan. I conclude that the proposed development would comply with the Development Plan considered as a whole.

#### **Other considerations**

##### *Whether site A is a sustainable location for housing*

74. Site A is on the edge of the built-up area, and significantly the site is allocated as a town expansion site in the District Plan. The supporting text to Policy BDP5A refers to the town expansion sites as sustainable urban extensions, and explains that Bromsgrove Town is the most sustainable location for development in the District due to the wide variety of services, facilities and employment opportunities available. There is a combined cycle and footpath leads through the nearby Sanders Park towards the town centre, a distance of approximately 2km. Whilst this is greater than the preferred maximum distance for journeys on foot to shops and other services, journeys of this length are suitable for cycling. A number of schools are within walking distance of the site, as is the convenience store at the Fox Lane/ Rock Hill junction. Moreover the development proposal would take opportunities to augment accessibility through enhancing pedestrian and cycle links and contributing to a bus service (above, paras 61 & 62), and the inclusion of a local shop within the scheme. I consider that site A would be a sustainable location for the housing development proposed.

##### *Housing land supply*

75. The LPA's most recent housing land supply report calculates a requirement for an additional 2,643 dwellings in the five years from April 2020 to March

2025<sup>32</sup>. A supply of 1,684 dwellings is recorded which would only be sufficient for 3.18 years, rather than the five years required by paragraph 67 of the National Planning Policy Framework (NPPF). The supply includes the delivery of 410 dwellings from site A: if this site does not come forward, the supply of available housing land would only be sufficient for 2.41 years<sup>33</sup>. It is clear that the availability of site A is crucial to the provision of housing land in Bromsgrove, a matter to which I give considerable weight.

### *Healthcare*

76. The NHS Trust provides planned and emergency hospital services for Worcestershire, and a contribution is sought towards its services. The Trust explained that its hospitals were operating at full capacity (without taking account of the current covid-19 pandemic), and that the development would bring new people into the area who would make use of its services. I have read that 85% bed occupancy is taken as a benchmark for patient safety, whereas in the three years from 2016/17 – 2018/19 occupancy of the general bed base exceeded 93%<sup>34</sup>. In response to increasing demand, programmes have been introduced to improve patient flow and the efficiency of outpatient clinics. Funding is not provided until at least eighteen months after the new population has occupied the development, and does not apply retrospectively. The Trust argued in its written representations that the only way in which it can maintain its 'on time' service delivery without compromising quality requirements is with the receipt of contributions towards the cost of providing the necessary additional capacity during the first year of the occupation of each phase of the development.
77. The Appellants and the LPA agree that a payment should be made towards the Trust's services. This is a view which I share: the occupants of the new development would clearly make use of healthcare services, and a contribution is needed to bridge the gap until the funding mechanism reflects the increased activity. A detailed explanation of how the contribution sought has been calculated is set out in the evidence of the Trust's planning witness<sup>35</sup>. Having regard to migration rates, it is calculated that 44% of the population of sites A and B (603 persons) would be new to Worcestershire. The level of healthcare activities in the local area and their cost have been applied to the incoming population of 603 persons to provide the cost of 12 months service provision. On this basis, a contribution of £289,027.87 is sought, and this amount would be provided by means of a planning obligation. No other calculation is before me, and the methodology employed by the NHS Trust has not been disputed by the other main parties. I am satisfied that the payment of this contribution is necessary to make the development acceptable in planning terms, and that it would meet the other requirements in Regulation 122(2) of The Community Infrastructure Regulations 2010.

### *Education*

78. The nearby Millfields First School has recently increased its intake from 45 to 60 reception pupils, and the Local Education Authority (LEA) has advised that

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<sup>32</sup> CD O19 tables 11 & 9.

<sup>33</sup> CD O20.

<sup>34</sup> CD M1 Appendix 3.

<sup>35</sup> CD M2 section 5.

admissions are expected to be at about this number for the foreseeable future<sup>36</sup>. South Bromsgrove and North Bromsgrove High Schools both serve the area in which the appeal sites are situated. Whilst there has been a recent dip in numbers at South Bromsgrove High School, there is limited capacity to support the numbers of pupils expected to arrive from the middle schools. The LEA seeks contributions towards the provision of additional capacity in both the first and high school sectors. Insofar as first school accommodation is concerned £885,000 (9/60ths) is sought towards the cost of a new school or the expansion of an existing establishment. A contribution is also sought towards education facilities at South Bromsgrove High School on the basis of the following rates for market housing: £867 per two or more bedroom flat, £2,168 per two/ three bedroom unit (except flats), and £3,252 per four or more bedroom unit (except flats). Given the size of the overall development and the lack of capacity in nearby first and high schools to accommodate children from the new housing, I consider that contributions towards the expansion of local education provision are necessary, and that the amounts sought, which are included in planning obligations, are fairly and reasonably related in scale and kind to the development.

#### *The tree preservation order*

79. The protected willow tree on site B is situated in an elevated position close to the position of the proposed access from Albert Road. It is intended to retain the tree within the residential development on this site. The bank below the tree encroaches slightly into the visibility splay to the right from the access. No assessment is before me as to whether it would be possible to cut back the bank without affecting the viability of the tree. However, even if that were not possible, I do not consider that it would be necessary to remove the tree, given the limited impact on highway safety of retaining the bank in its existing form (para 18, above).

#### *The NPPF*

80. Paragraph 59 of the NPPF refers to the Government's objective to significantly boost the supply of homes, and continues to say that it is important that a sufficient amount and variety of land comes forward where it is needed. LPAs should identify a supply of specific deliverable sites to provide a minimum of five years' worth of housing (paragraph 73). Site A is currently part of the District's housing land supply, and as a large strategic site it has an important role in efforts to ensure that sufficient land for housing becomes available. The District Plan makes clear that there is a significant unmet demand for affordable housing in Bromsgrove, and the proposal would provide this on-site, in accordance with paragraph 62 of the NPPF. In putting forward a mix of house sizes, the development would also be consistent with the intention of paragraph 62 to provide housing for different groups in the community.
81. The development would not be unacceptable in respect of highway safety or traffic movement: it would not, therefore be contrary to paragraph 109, and appropriate opportunities to promote sustainable transport modes have been included in the scheme, in line with paragraph 108(a). Paragraph 192 refers to the desirability of sustaining and enhancing the significance of heritage assets, whereas the proposal would involve the loss of the former Greyhound

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<sup>36</sup> See Education Planning Obligations Assessment in CD O25.

Inn. In accordance with paragraph 197, that is a matter which I take into the balance in my overall conclusions.

82. The provision of green infrastructure and a local shop would align with paragraph 91(c) of the NPPF, which seeks to support healthy lifestyles, and with the safeguard of conditions concerning a construction environmental management plan, a landscape and ecological management plan, sustainable drainage and lighting, the impact on biodiversity would be minimised, as required by paragraph 170(d).

#### *Planning obligations*

83. I have already referred to planning obligations concerning financial contributions to junction alterations, a bus service, cycle and pedestrian links, and education and healthcare provision. The planning agreement also contains obligations providing for several other contributions. Waste and recycling bins, which are a necessary service for new housing, would be funded by a contribution. I agree with the LPA that the appeal proposal would increase pressure on facilities in Sanders Park and the scout and guide huts on Kidderminster Road which are available for community use, and the contributions in the agreement which would be used to enhance provision there are reasonably related in scale and kind to the development. A contribution towards personal travel plan initiatives is intended to encourage the use of more sustainable modes of transport, an objective which is in accord with paragraph 102(c) of the NPPF, and this would be necessary to make the development acceptable in planning terms.
84. A planning obligation concerns arrangements for the provision of affordable housing, which is required by Policy BDP8 of the District Plan. It is important that public open space is not only provided, but maintained thereafter, and this would be secured by the terms of the agreement. To ensure compliance with Policy BDP5A, details of the retail unit on site A are required to be submitted to the LPA.
85. I find that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met, and that the provisions of the planning agreement are material considerations in this appeal.

#### *Conditions*

86. An extensive list of possible conditions was discussed at the inquiry (CD N3). Conditions concerning an acoustic barrier, recording of the former Greyhound Inn, housing mix, a construction environmental management plan, a landscape and ecological management plan, sustainable drainage and lighting have already been referred to in this decision, and each of these conditions would be necessary for the development to proceed.
87. A condition specifying the relevant drawings would be important as this provides certainty, and other conditions should require reserved matters to be prepared in accordance with the parameters plan, masterplan, and design and access statements to ensure that the development would be consistent with this outline proposal and that it would be in keeping with the surroundings. For the same reasons the number of dwellings on each site and the size of the retail unit should be specified. Given the size of site A, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory

manner. Other conditions required to ensure that the development would be in keeping with its surroundings concern approval of the cut and fill works and level details on site A, refuse storage arrangements, and safeguarding the protected tree on site B.

88. In the interest of highway safety, conditions would be required concerning the provision of the accesses to site A, and the pedestrian crossings proposed on Whitford Road and Kidderminster Road. The works proposed at the Fox Lane, Charford Road and Kidderminster Road junctions should also be the subject of conditions to assist with the free flow of traffic. In line with policy objectives to promote more sustainable modes of travel, it would be important to provide cycle parking and to secure intended footway and cycleway links. For wider reasons of sustainability, details of the installation of telecommunications and broadband infrastructure should be submitted and electric vehicle charging points should be provided.
89. Paragraph 170(d) of the NPPF encourages the provision of net gains for biodiversity. To this end, a scheme of bird and bat boxes would need to be submitted for approval. In order to protect ground and surface water, and to ensure a satisfactory environment for future residents, it would be necessary to require that an investigation for contamination and any remedial work be undertaken. To ensure that the sites would be satisfactorily drained, schemes for the disposal of foul and surface water should be submitted for approval. The Environmental Statement refers to trial trenching on site A ahead of construction, and the County Archaeological Service has suggested a condition for a programme of archaeological. I agree that this is necessary to safeguard potential archaeological interest.
90. Conditions concerning materials, landscaping, boundary treatment and the access to site B would be unnecessary as these matters should be addressed at reserved matters stage. Similarly a condition requiring the provision of public open space in accordance with an approved scheme should not be imposed, as it would duplicate provisions of a planning obligation.

## **Conclusions**

91. I have found that the appeal proposal would comply with the Development Plan, considered as a whole. Other material considerations must also be taken into account, and paragraph 197 of the NPPF requires that a balanced judgement takes account of the effect on the significance of the non-designated heritage asset of the former Greyhound Inn.
92. As a consequence of the appeal proposal there would be limited negative effects of inadequate deflection on the north-east arm of the Fox Lane roundabout, the loss of a few parking spaces in the lay-by at that junction, and the narrowing of a short section of footway to below 2m at the Charford Road roundabout. The performance of the Fox Lane junction would, however, improve in terms of traffic movement. Limited increases in RFC levels at the Hanover Street junction when the Perryfields development is included in the assessment would not prejudice that other scheme. Overall the proposal would have neither an unacceptable impact on highway safety nor on traffic movement. Taking account of mitigation measures, in most other areas the scheme would have a neutral effect. The former Greyhound Inn on site B would be demolished, although as the value of this building is limited, I give only moderate weight to its loss.



93. Not only does the appeal proposal comply with the Development Plan as a whole, it would bring forward one of the key town expansion sites allocated under Policy BDP5A. Site A has a crucial role in contributing to the supply of housing land, and its development would boost the provision of market and affordable housing in Bromsgrove. These are considerable benefits which clearly outweigh the limited harm which I have identified.
94. The appeal proposal would involve the same amount of residential development on site A as in the previous scheme which was dismissed on appeal for reasons concerning highway safety and traffic movement. There are, however, differences to the highway elements of the scheme, notably the construction of a roundabout at the Fox Lane junction which would improve its performance, and no diversion of traffic from Whitford Road through the site. Furthermore a different methodology has been used for modelling the traffic implications of the development, and the model results have been accepted by the LHA and MM. The District Plan has now been adopted, and, although substantial weight was previously given to relevant policies, their status is now enhanced as they form part of the Development Plan.
95. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*Richard Clegg*

INSPECTOR

## **Schedule of conditions**

### **Conditions relating to sites A and B**

- 1) On each phase of site A details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place, and on site B details of the access, appearance, landscaping, layout, and scale shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and shall be carried out as approved.
- 3) On each phase of site A and on site B the development hereby permitted shall begin not later than three years from the date of approval of the last reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans:
  - i) Composite location plan ref 16912/1015
  - ii) Location plan land off Whitford Road ref 16912/1004
  - iii) Location plan Greyhound public house ref 16912/1014
  - iv) Proposed site access Whitford Road (north) ref 7033-SK-031 revision A
  - v) Proposed site access Whitford Road (south) ref 7033-SK-032 revision A
  - vi) Proposed informal pedestrian crossing Whitford Road ref 7033-SK-033 revision A
  - vii) Potential toucan crossing location ref 7033-SK-009 revision B
  - viii) Fox Lane/ Rock Hill schematic proposed arrangement ref 7033-SK-005 revision F
  - ix) Potential mitigation for Rock Hill/ Charford Road mini-roundabout ref 7033-SK-013 revision E
  - x) Potential A448 signalised crossing ref 7033-SK-015 revision A
  - xi) Whitford Road/ Perryfields Road proposed junction arrangement ref 461451-D-014.
- 5) The reserved matters submitted pursuant to this permission shall be in accordance with the indicative masterplan for site A ref 16912/1012 revision B, the development areas parameters plan for site A ref 16912/1017B, and the principles described in the Design & Access Statement received by the local planning authority on 7 January 2016 and the Design & Access Statement Addendum dated 3 January 2018. Any reserved matters application shall include a statement providing an explanation as to how the design of the development responds to the relevant Design & Access Statement.
- 6) The reserved matters submitted pursuant to this permission shall be in accordance with the maximum scale parameters for buildings as set out in paragraph 5.5.4 of section 5.5 of the Design & Access Statement for

site A and paragraph 5.3.1 of Section 5 of the Design & Access Statement for site B.

- 7) No development in a particular phase of site A or on site B shall take place until details of sheltered and secure cycle parking on that land, including a programme for implementation, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and implementation programme. Thereafter the cycle parking shall be kept available for the parking of bicycles.
- 8) No part of the development shall be occupied in a particular phase of site A or on site B until bat and bird boxes (to include swift boxes) have been installed on that land in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
- 9) No development in a particular phase of site A or on site B shall take place until the following components of a scheme to deal with the risks associated with contamination of that land have been submitted to and approved in writing by the local planning authority:
  - i) A site investigation scheme, based on the Preliminary Risk Assessment and Environmental Site Assessment prepared by RSK Ltd December 2012, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - ii) The site investigation results and the detailed risk assessment and, if necessary, a scheme and programme of remediation measures.
  - iii) A verification plan providing details of the data that will be collected in order to demonstrate that any remediation measures have been completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Should remediation measures be required, no part of the development on that phase of site A or on site B shall be occupied until a verification report demonstrating completion of the measures has been submitted to and approved in writing by the local planning authority.
- 10) Should any contamination be found when carrying out the 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 in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. Where necessary, remediation measures must be implemented in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. No part of the development on that phase of site A or on site B shall be occupied until a verification report demonstrating completion of the remediation measures has been submitted to and approved in writing by the local planning authority.
- 11) No development shall take place on a particular phase of site A or on site B until a Construction Environmental Management Plan (CEMP) for that land has been submitted to and approved in writing by the local planning authority. The CEMP shall include a foundation works risk assessment and general details of measures to avoid risks to controlled waters during

construction, pollution control measures, tree and hedge protection measures, dust suppression, construction lighting, hours of operation, 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 operative facilities, the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring, details of any temporary construction accesses and their reinstatement, a highway condition survey, timescale for re-inspections, and details of any reinstatement. The development shall be carried out in accordance with the approved CEMP.

- 12) No development shall take place on a particular phase of site A or on site B until details of the mix of type and size of market dwellings to be provided on that land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No part of the development shall be occupied on a particular phase of site A or on site B until external lighting has been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall include scaled plans and drawings illustrating the design of the light units and columns. The external lighting shall be retained thereafter.
- 14) Any reserved matters application relating to layout shall include details of the facilities for the storage of refuse to be provided on that phase of site A or on site B. No dwelling nor the retail unit shall be occupied until the refuse storage facilities to serve that dwelling or the retail unit have been constructed in accordance with the approved details.
- 15) No development shall take place on a particular phase of site A or on site B until details of the installation of fixed telecommunication infrastructure and high speed broadband on that land have been submitted to and approved in writing by the local planning authority. No dwelling nor the retail unit shall be occupied before the telecommunication infrastructure and broadband to serve that dwelling or the retail unit have been installed in accordance with the approved details.
- 16) No development shall take place on a particular phase of site A or on site B until a sustainable urban drainage system (SUDS) has been constructed on that land in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to secure the on-going maintenance of the SUDS following the completion of the development. Thereafter, the SUDS shall be maintained in accordance with the approved scheme.
- 17) No dwelling shall be occupied on a particular phase of site A or on site B until a drainage system for the disposal of foul and surface water on that land has been completed in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

**Conditions relating to site A (land off Whitford Road) only**

- 18) The number of dwellings on site A shall not exceed 490.

- 19) No development shall take place until details for the timescale and order of the delivery of the development have been submitted to and approved in writing by the local planning authority. The phasing of the development shall be carried out in accordance with the approved details.
- 20) No development in a particular phase shall take place until a scheme involving a full engineering design, specification, extent and methodology of the cut and fill works for that phase has been submitted to and approved in writing by the local planning authority. The scheme should clarify how the undisturbed ground at higher levels is to be retained in a stable manner, together with the foundation design at lower levels. The development shall be carried out in accordance with the approved scheme.
- 21) The first reserved matters application relating to layout shall include a plan identifying the number and location of the affordable housing units to be provided on the site. The plan shall identify the size (bedroom numbers), type and tenure of each affordable housing unit. The development shall be carried out in accordance with the approved details.
- 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.
- 23) No dwelling shall be occupied until an electric vehicle charging point to serve that dwelling has been provided. Where apartments are provided, one electric charging point per three parking spaces shall be provided. The electric vehicle charging points shall be retained thereafter.
- 24) The retail unit shall have a maximum gross floor space of 400m<sup>2</sup>.
- 25) 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*.
- 26) No part of the development shall be occupied until detailed drawings of the site accesses and the pedestrian crossings on Whitford Road, together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. The detailed drawings for the site accesses shall be prepared in accordance with the plans *Proposed site access Whitford Road (north) ref 7033-SK-031 revision A* and *Proposed site access Whitford Road (north) ref 7033-SK-032 revision A*, and the detailed drawings for the pedestrian crossings shall be prepared in accordance with the plans *Proposed informal pedestrian crossing Whitford Road ref 7033-SK-033 revision A* and *Potential toucan crossing location ref 7033-SK-009 revision B*. The development shall be carried out in accordance with the approved detailed drawings and implementation programme.
- 27) No more than 99 dwellings shall be occupied until the junction of the A448/ Whitford Road/ Perryfields Road has been altered in accordance with the plan *Whitford Road/ Perryfields Road proposed junction arrangement ref 461451-D-014*, and until a pedestrian crossing on the A448 has been provided in accordance with the plan *Potential A448 signalised crossing ref 7033-SK-015 revision A*.



- 28) No more than 249 dwellings shall be occupied until the junction of Charford Road/ Rock Hill/ Worcester Road has been altered in accordance with the scheme for a roundabout shown on the plan *Mitigation for Rock Hill/ Charford Road mini-roundabout ref 7033-SK-013 revision E*.
- 29) No development shall take place until a site A wide landscape and ecological management plan (LEMP) for the long-term protection and management of the trees, hedgerows, habitats and species present on the site has been submitted to and approved in writing by the local planning authority. The LEMP shall incorporate a mitigation strategy based on Chapter 11 of the Environmental Statement and the Ecological Walkover Survey Report (April 2019), and a programme for implementation. The development shall be implemented in accordance with the approved LEMP and implementation programme.
- 30) No development in a particular phase shall take place until details of the finished ground floor levels of all the buildings and the finished ground levels for all other areas of the site have been submitted to and approved in writing by the local planning authority. The details shall include sections which show the development relative to the ground levels adjoining the site. The development shall be carried out in accordance with the approved details.
- 31) No development shall take place until a scheme for archaeological investigation, including a programme for implementation, arrangements for the publication of the results, and archive deposition, has been submitted to and approved in writing by the local planning authority. The archaeological investigation shall be carried out in accordance with the approved scheme and programme.
- 32) No dwelling shall be occupied until a footpath/cycle path up to public footpath BM-587 at the southern boundary of site A and a footpath/cycle path up to Timberhonger Lane at the northern boundary of the site have been constructed in accordance with schemes which have been submitted to and approved in writing by the local planning authority.

**Conditions relating to site B (land off Albert Road) only**

- 33) The number of dwellings on site B shall not exceed 15.
- 34) The reserved matters application relating to layout shall include a plan identifying the number and location of the affordable housing units to be provided on the site. The plan shall identify the size (bedroom numbers), type and tenure of each affordable housing unit. The development shall be carried out in accordance with the approved details.
- 35) The development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan covering site B.
- 36) No demolition shall take place until heritage recording of the former Greyhound Inn has been undertaken, in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority. The scheme shall include the timescale for recording, the methodology to be used, and details of how the record will be maintained.

END OF CONDITIONS

## **APPEARANCES<sup>37</sup>**

### FOR THE LOCAL PLANNING AUTHORITY:

Miss S Clover of Counsel She called Mr T Colles BEng(Hons)	Instructed by the Council's Solicitor Associate Director – Engineering, Design & Project Management, Atkins Ltd Development Management Manager, Bromsgrove DC
Mr D Birch BA(Hons) DipTP MRTPI	

### FOR THE APPELLANTS:

Mr R Warren QC He called Mr R Hutchings BSc CEng MICE FCIHT EurIng Mr G Mitchell BA(Hons) DipTP MRTPI	Instructed by Mr Mitchell Director, WSP UK Ltd Director, Frampton Town Planning Ltd
Mr D Dixon MSc MCIHT Mr D Morris	Associate Director, WSP UK Ltd Planning & Operations Director, Catesby Estates Ltd

### FOR WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST:

Ms Antaa-Collier Dr L Peaty Mr A J Roberts BSc (Joint Hons) AssocRTPI	Partner, The Wilkes Partnership LLP Worcestershire Acute Hospitals NHS Trust Director, DLP Planning Ltd
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### INTERESTED PERSONS:

Councillor L Mallett	Member of the District Council for Hill Top Ward, and Member of the County Council for Bromsgrove West Division
Mr A Bailes CTPP MSc FCILT FCIHT TPS	Transport planning & traffic engineering professional. Transport advisor to Whitford Vale Voice
Mr R Skidmore	Chair of the Environment Committee, The Bromsgrove Society

## **CORE DOCUMENTS SUBMITTED BEFORE THE INQUIRY OPENED**

G0 Mr Mitchell's proof of evidence.  
H0 Mr Hutchings' proof of evidence.

## **CORE DOCUMENTS SUBMITTED AFTER THE INQUIRY OPENED**

CD N1 Planning agreement relating to the appeal proposal.

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<sup>37</sup> Mr Birch, Mr Dixon, Mr Morris, Dr Peaty and Mr Roberts were not called formally to present evidence to the inquiry, but they contributed to the sessions on planning obligations and possible conditions.

- CD 01 Mr Warren's opening statement on behalf of the Appellants.
- CD 02 Miss Clover's opening statement on behalf of the LPA.
- CD 03 Ms Antaa-Collier's opening statement on behalf of the NHS Trust.
- CD 04 Revised appendix H13 to Mr Hutchings' proof of evidence.
- CD 05 Plan of the proposed general arrangement of Rock Hill/ Fox Lane roundabout, ref 7033-S278-101 Revision J. Submitted by the Appellants.
- CD 06 Bundle of plans of proposed alterations to junctions on the A38. Submitted by the Appellants.
- CD 07 Plan of Kidderminster Road/ St John's Street/ Hanover Street junction, potential mitigation option with swept paths, ref 7033/ATR/003 revision A. Submitted by the Appellants.
- CD 08 Appeal decision ref APP/P1805/A/14/2225584 for up to 490 dwellings and associated development on site A.
- CD 09 Highway Authority's approval of CD 10. Submitted by the Appellants.
- CD 010 The Appellants' Response to Stage 1 Road Safety Audit at the Proposed Site Accesses – site A. Submitted by the Appellants.
- CD 011 Highway Authority's approval of CD 12. Submitted by the Appellants.
- CD 012 The Appellants' Response to Stage 1 Road Safety Audit at the Greyhound Inn Site – site B. Submitted by the Appellants.
- CD 013 Mr Bailes' presentation to the inquiry.
- CD 014 Rock Hill/ Fox Lane roundabout schematic proposed arrangement showing features on south-east side of Rock Hill, ref 7033-SK-005 revision F.
- CD 015 Rock Hill/ Fox Lane roundabout general arrangement – approach deflection, ref 7033-SK-29 revision K. Submitted by the Appellants.
- CD 016 Summary tables of junction performance.
- CD 017 Tree preservation order (No 15) 2016.
- CD 018 Rock Hill/ Fox Lane roundabout – plans of approach deflection. Submitted by Mr Colles.
- CD 019 Housing Land Supply in Bromsgrove District 2011-2020, Bromsgrove DC, April 2020.
- CD 020 Email dated 19 November 2020 from Mr Mitchell concerning housing land supply and Rock Hill/ Fox Lane junction.
- CD 021 Bundle of documents concerning the Rock Hill/ Fox Lane junction referred to in Document CD 020.
- CD 022 Mr Bailes' comments on Documents CD 09 - CD 012.
- CD 023 WVV note, Modelling the Rock Hill/ Fox Lane Junction.
- CD 024 Extract from the Perryfields Transport Assessment. Submitted by WVV.
- CD 025 The County Council's CIL compliance statement and supporting documents.
- CD 026 Ms Antaa-Collier's closing submissions on behalf of the NHS Trust.
- CD 027 Miss Clover's closing submissions on behalf of the LPA.
- CD 028 Appeal decision and report for mixed use development at Newton Abbot. Submitted by Ms Antaa-Collier.
- CD 029 Mr Warren's closing submissions on behalf of the Appellants.

- CD O30 Plan of proposed access (north) to site A, ref7033-SK-031 revision A.
- CD O31 Plan of proposed access (south) to site A, ref7033-SK-032 revision A.
- CD O32 Plan of proposed toucan crossing location (site A), ref 7033-SK-009 revision B.
- CD O33 Plan of Kidderminster Road/ St John's Street/ Hanover Street junction, potential mitigation option, ref 7033/SK/010 revision B. Submitted by the Appellants.
- CD O34 Plan of proposed informal pedestrian crossing (site A), ref 7033-SK-033 revision A.
- CD O35 Emails from the Appellants and the LPA concerning possible conditions Nos 4 & 28.

### **OTHER DOCUMENTS**

- O1 The Appellants' supplementary statement of case, March 2020.
- O2 The LPA's statement of case.
- O3 The LPA's supplementary statement of case, March 2020.
- O4 The NHS Trust's statement of case.
- O5 Supporting documents to Document O4.
- O6 Mr Bailes' statement, June 2020.
- O7 Whitford Vale Voice's comments on the Appellants' proof of evidence on highways and transport matters.
- O8 Cllr Mallett's letter about the appeal.
- O9 Supporting documents to Document O8.