

**PLANNING  
COMMITTEE**

**18<sup>th</sup> June 2026**

**Planning Application 26/00230/S73**

**Variation of condition 16 attached to 21/01830/FUL (approved under appeal ref: APP/Q1825/W/24/3350905)**

**FROM: None of the dwellings hereby permitted shall be occupied until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4 (planning permission ref: 19/00976/HYB) have been approved in writing and completed to the satisfaction of the Local Planning Authority and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.**

**AMEND TO: Prior to the occupation of the 101st dwelling, the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4 (planning permission ref: 19/00976/HYB) shall have been approved in writing and completed to the satisfaction of the Local Planning Authority and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.**

**Land West Of, Hither Green Lane, Redditch, Worcestershire, B98 9AZ**

**Applicant: Barratt David Wilson Homes (Mercia)  
Ward: North Ward**

**(see additional papers for site plan)**

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site comprises part of an existing golf course, together with areas of scrubland. There are trees and hedgerows on its boundaries and located internally within the site, as well as ponds and ditches. The trees are protected by a blanket Tree Protection Order. The site slopes gradually north to south. In the north-east corner, there is a brick building, a maintenance area for the golf course and a small car park. The golf course is a private facility and there is no formal public access, apart from a footpath in the southern fringes of the site. There is a further access that is used by golfers. The site area measures approximately 9.85 hectares.

The remaining parts of the golf course outside of the site extend around a residential area known as Abbey Park, which is accessed off Hither Green Lane. The associated Abbey Hotel complex lies on the opposite side of this road to the site. To the south of the site is the River Arrow and the River Arrow Country Park, while to the west is the Meadow Farm

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public house and hotel, and an area of open grazing land. To the north, beyond Dagnell End Road, is a linear arrangement of dwellings that are set back from this road, and some open grazing land.

Commencement of the housing development started in August 2025.

### **Proposal Description**

Condition 16 prevents the lawful occupation of any of the 214 dwellings granted planning permission under the allowed appeal APP/Q1825/W/24/3350905, until the highway improvements to the Dagnell End Road / A441 (Birmingham Road) junction, including MOVA-controlled signals, are completed.

The proposed variation would allow the early occupation of up to 100 dwellings prior to completion of these junction works. The requested variation is linked to delays in the delivery of the junction improvements, which are tied to a separate development at Brockhill East and are not expected to be completed before at least September 2026.

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' section of the PPG.

In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition using a section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent and not yet discharged or where relevant, are carried across to the new section 73 application where those conditions continue to have effect.

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## **Relevant Policies**

### **Borough of Redditch Local Plan No.4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 19: Sustainable Travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 22: Road Hierarchy

### **Others**

NPPF National Planning Policy Framework (2024)

NPPG National Planning Practice Guidance

## **Relevant Planning History**

21/01830/FUL	Residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure	Refused	22.03.2024
		Allowed at Appeal APP/Q1825/ W/24/33509 05	13.02.2025

## **Consultations**

### **Worcestershire Highways**

No objection to the variation of condition

## **Public Consultation**

Site Notices posted (expired 10.04.2026)

Press Notice published (expired 06.04.2026)

No responses received.

## **Environmental Impact Assessment (EIA)**

The aim of the EIA Regulations is to ensure that major projects likely to have significant impacts on the environment are subject to an EIA, so that these impacts are fully assessed and understood before planning permission is granted.

The Secretary of the State confirmed that the original proposal did not constitute EIA development in December 2024. Following the submission of this planning application, the LPA have reviewed the proposal and after considering the potential impacts of the variation of condition that this development is not EIA development.

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## **Assessment of Proposal**

### **Highways Matters**

#### **Background**

A detailed Transport Assessment (TA) was prepared by Mode in support of the original planning application.

In the consideration of the Dagnell End Road / A441 Birmingham Road Junction, the March 2024 Committee Report made the following comments in paragraphs 12.10-12.16. This are outlined below:

#### *Dagnell End Road signal junction*

*12.10 Regarding Dagnell End Road Signal Junction, a committed improvement scheme is identified for the Dagnell End Road / A441 Birmingham Road signal junction, linked to planning permission granted for the hybrid Brockhill Phase 3 proposals part of a S278 Agreement for the Brockhill application and constructed in phase with the developments build out.*

*12.11 Mode first attempted to reproduce the LinSig model created for the Brockhill Phase 3 proposals, but later updated the model with new traffic surveys collected on Tuesday 15th November 2022, covering weekday peak periods between 0700 - 1000 and 1600–1900. Background traffic has been growthed using TEMPro to obtain a 2030 future year, consistent with the end of the current Redditch Local Plan period. Committed development trips include the Webheath, Foxlydiate and Brockhill East Phase 3 proposals.*

*12.12 The junction modelling also indicates that the junction will operate within its practical reserve capacity during a 2030 baseline traffic scenario, and this will continue to be the case following the additional traffic associated with proposed development. These results form an updated position to what was originally included in the Mode TA.*

*12.13 The traffic modelling results indicate that the junction now experiences an improved level of operation, when compared to the modelling results first presented in the TA that accompanied the Brockhill Phase 3 application.*

*12.14 Compared to the background traffic flows surveyed and used in the LinSig model for the Brockhill Phase 3, traffic flows have since slightly reduced post-covid and this has been confirmed by the Highway Authority's own permanent traffic counter, which is positioned on the A441 to the north of the Dagnell End Road junction (the northern arm of the junction). Several months' worth of data was obtained to verify this.*

*12.15 As the junction technically remains within capacity, and is shown to operate at greater capacity, with committed development traffic and the committed improvement scheme included, than was previously accepted by the Highway Authority for the*

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*Brockhill Phase 3 proposals, the Highway Authority accepts that further mitigation measures are not warranted. The capacity results also do not take account of any mode shift potential from travel planning and public transport measures.*

*12.16 On review of this information, the Highway Authority is satisfied that the impacts on the development would not be severe in accordance with paragraph 111 of the NPPF.*

The application was subsequently refused by members at planning committee, however this did not include a highways reason for refusal.

Notwithstanding that fact, in considering the planning appeal, the Inspector did consider transport matters by way of traffic impact and the use of modes of transport other than the car. The Inspector concluded in paragraphs 54 and 55 the following:

*“54. I conclude that the proposal would not have an unacceptable effect on transport matters by way of traffic impact and the use of modes of transport other than the car. Hence, it would comply with Policy 19 of the Local Plan which sets out to reduce the need to travel by car and increasing public transport use, and that cycling and walking are to be maximised. It would also comply with Policy 20 of the Local Plan where it concerns transport assessment and travel plan matters, safe and convenient access, accessibility to local services, parking standards, cumulative effects and use of conditions and obligations.*

*55. The proposal would also accord with paragraphs 115 and 117 of the Framework where they concern the prioritising of sustainable travel modes, safe and suitable access, a vision led approach, pedestrian and cycle movements and the needs of people with disabilities and reduced mobility. It would also comply with paragraph 116 as this is not a situation where the proposal should fail due to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.*

At the time of allowing the appeal in February 2025, there was an expectation that no dwellings would be occupied until the Dagnell End Road improvement scheme was completed. Subject to the planning condition, this would be acceptable in terms of the highway network.

### Current application

As part of this application, a Technical Note (TN) by the applicant's Highway Consultant (Mode) has been provided to justify this proposal.

The proposed variation would allow the early occupation of up to 100 dwellings prior to completion of these junction works. The requested variation is linked to delays in the delivery of the junction improvements, which are tied to a separate development at Brockhill East and are not expected to be completed before at least September 2026.

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No increase in the overall scale of development is proposed, the scheme would still deliver no more traffic in total than previously approved, but some traffic would arise earlier.

The Technical Note concludes that allowing the occupation of up to 100 dwellings at Hither Green Lane prior to junction improvements would not result in a material impact on the operation or safety of the Dagnell End Road / A441 junction. Total traffic at the junction would still be lower than the previously consented position. The additional development traffic is more than offset by a sustained reduction in background traffic levels compared with those previously accepted through earlier permissions. The need for the junction improvement scheme remains, but its delivery can reasonably follow later.

The Highway Authority has undertaken an assessment of the proposals and the supporting information including a technical note on behalf of the applicant by Mode Transport Planning. The Highway Authority has considered carefully the information provided within the technical note dated 11<sup>th</sup> February 2026 and based on its assessment accepts the evidence to justify the variation of condition and amend the timing from 1st occupation to prior to the occupation of the 101st dwelling.

### **Conclusion on Highway Matters**

On that basis the Highway Authority offers no objection to the variation of condition and there are no justifiable grounds on which an objection could be maintained on highway grounds. Therefore, it is considered that the proposed development would deliver sustainable development in accordance with the requirements of Policy 20 and 22 of the BRLP.

### **Legal Agreement**

The requirements of the s106 Legal Agreement attached to the original appeal decision (such as affordable housing, education, off site open space, etc) continue to apply to any planning permission granted because of this s73 application and thereby ensure that the impact of the development is satisfactory mitigated.

### **Other Matters**

Technical matters regarding the number of affordable housing units, flood risk, drainage, ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous application and appeal and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not result in any material change to these matters, subject to relevant conditions under appeal decision being imposed.

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## **Conclusion**

In conclusion, whilst officers note that the variation will add to existing traffic on the local road network, the detailed transport note accompanying the application has been reviewed by the Highway Authority and they have no objection. It is concluded that the impacts of the development arising from the variation of Condition 16 cannot reasonably be described as severe. In accordance with paragraph 116 of the NPPF and BRLP policies, the s73 variation should not be refused on highways grounds. The proposal is therefore recommended for approval.

## **RECOMMENDATION:**

### **a) MINDED to GRANT PLANNING PERMISSION**

**(b) That DELEGATED POWERS be granted to the Assistant Director for Planning, Leisure and Cultural Services to agree the final scope and detailed wording and numbering of conditions**

## **Conditions:**

Re-impose conditions attached to APP/Q1825/W/24/3350905 allowed on appeal 13/02/2025 (LPA 21/01830/FUL) and amend condition 16 to:

16) Prior to the occupation of the 101st dwelling, the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4 (planning permission ref: 19/00976/HYB) shall have been approved in writing and completed to the satisfaction of the Local Planning Authority and is open to traffic. The junction is to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.

Reason: To ensure the safe and free flow of traffic onto the highway.

## **Procedural matters**

This application is reported to Planning Committee for determination because the application is for major development and as such the application falls outside the scheme of delegation to Officers.