<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>Proposal</th>
<th>Expiry Date</th>
<th>Plan Ref.</th>
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<tbody>
<tr>
<td>Miss Fiona Mcintosh (North Worcestershire Water Management)</td>
<td>Creation of flood storage area, involving the diversion of the Marl Brook into an area of Public Open Space and associated footpath diversion (As amended by plans received 28th and 29th July to include new areas of soil spread, variations in design of storage area, site operatives details, revised access arrangements, amended location plan and design and access statement) Land Rear, Sedgefield Walk, Catshill, Worcestershire,</td>
<td>08.07.2014</td>
<td>14/0359</td>
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**RECOMMENDATION:** That planning permission be Granted

**Consultations**

**Highways Department - Worcestershire County Council** Consulted 03.06.2014

No objection, subject to the diversion of the public right of way.

**Catshill and North Marlbrook Parish Council** Consulted 03.06.2014

The Parish Council supports this application.

**Worcestershire County Landscaping** Consulted 03.06.2014

No Comments Received To Date

**County Archaeological Officer** Consulted 03.06.2014

This application affects or may effect a heritage asset or area of archaeological potential (WSM56937) as the site is situated in a location which has been recently identified as being an area of Palaeolithic potential.

Therefore, in this instance it is recommended that an archaeological watching brief is carried out on all ground works in order to accurately assess and record any deposits relating to this period.
The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Catshill footpath 522 (CI-522). I note from the application, that the proposal requires alterations to public rights of way.

Worcester Regulatory Services- Contaminated Land Consulted 03.06.2014

I have reviewed the application against the records held by WRS for potentially contaminated land issues. I have no adverse comments to make with regards to this application.

Landscape & Tree Officer Consulted 03.06.2014

Although a number of trees will be lost, these are small and/or poor specimens and so I have no objection to their removal subject to a scheme of replacement planting elsewhere on the site and suitable protective fencing around the root protection areas of trees to be retained on the southern boundary of the site.

As noted in the ecological report, little information has been provided on what & how ecological features will be incorporated in the proposed scheme. To meet the Council's duty under the NERC Act and the requirements of Para 117 of the NPPF and policies C5, C10A and C12 of the BDLP, these features will need to be included but I am satisfied that full details of these can be provided by condition. I therefore have no objection subject to conditions.

Community Safety Team Consulted 03.06.2014

No Comments Received To Date

Leisure Services Consulted 03.06.2014

The loss of open space to accommodate this scheme will need to facilitate remediation into the natural environment as is reasonably practicable to ensure that the site appears to be as natural as it can to present suitable visual amenity, especially for those homes which overlook the area. Supports the recommendations made by Worcestershire Wildlife Consultancy. The site already has areas of successful flood alleviation ponds/backwashes and it is highly desirable to ensure that these remain viable habitat colonies with fresh water. Wish to retain the existing hedges and brook-side trees to ensure the continuation of established habitat sources and to retain the visual amenity of the site. Wants to see appropriate post construction planting and tree planting.

Drainage Engineers Internal Planning Consultation Consulted 03.06.2014

The Green Lane area is also a known flood location to NWWM and one of the hotspots in terms of clearance when bad weather conditions are expected. Our records show that since 1982 there have been 13 reports of flooding in the area and 14 properties are at risk from flooding though not all of these are internal. The most recent of these reports was in 2012 where 6 properties flooded internally.
This application is part of a package of measures to improve flood risk at this location, including an improved maintenance regime, the installation of trash screens to reduce blockages within culverts and an improvement to channel capacity. It is believed that the construction of a flood storage area with the capacity that the applicant has stated, along with the overflow routes shown, will reduce flows downstream and therefore reduce the risk of flooding to properties around Green Lane.

**Ramblers Association** Consulted 03.06.2014

Thank you for notifying Ramblers of this planning application which affects the route of Public Footpath CI-522. This is a well-used right of way, the convenience and enjoyment of which should be safeguarded.

Rerouting the footpath would have the advantage of making it more readily accessible to walkers from Sedgefield Walk and takes it away from the rear fences of the gardens of properties in Golden Cross Lane which may well be perceived as advantageous by the residents of those properties. It will also, hopefully, leave the south side to develop naturally and so help to encourage wildlife.

We are concerned about the two right angled bends proposed in the path immediately to the south west of the emergency overflow from the flood storage area.

**West Mercia Constabulary** Consulted 03.06.2014

No comments or objections to this application from the Police.

**Worcestershire Wildlife Trust** Consulted 03.06.2014

In light of the findings of the ecological survey, we do not wish to object to the development. I gather that there have been discussions with the NWWM Team about the design and delivery of the attenuation features and now that the protected species issues are resolved we believe that you can progress the application in line with guidance in the NPPF and your biodiversity duty under section 40 of the NERC Act 2006.

**Environment Agency** Consulted 03.06.2014

In this instance the Marl Brook is classified as an 'Ordinary Watercourse' rather than a 'Main River'. I can confirm therefore that we don't need to be consulted. Would advise that NWWM should be consulted as they are responsible for ordinary watercourse matters under their duties as Lead Local Flood Authority. I note that NWWM are also the applicant but I'm not aware that would mean that they couldn't comment.

**Severn Trent Water** Consulted 03.06.2014

No Comments Received To Date

**Catshill And North Marlbrook Parish Council , Highways Department-Worcestershire County Council and Leisure Services** re-consulted on amended plans including all neighbours on 05.08.2014. No subsequent comments received from consultees.
Publicity

Extensive neighbour consultation has been undertaken with respect to this application with some 77 residents receiving a letter directly from the Council and the display of five site notices around the development area as well as press notices.

A total of 10 comments have been received in relation to the proposal, 3 objecting to the proposal and 7 supporting.

The objections relate to;

1. Considers scheme will move flooding issue upstream and result in greater number of homes being affected. References to the formation of ponds by the Environment Agency not resolving the problems and questions whether this solution will work
2. Will result in loss of open space
3. Considers it is residential development and consequential removal of allotments in the area that has resulted in flooding
4. Concerns over safety of children.
5. Visual harm as soil is spread adjacent to dwellings, damp conditions associated with soil spread and pond, questions tree removal when they take up water. Suggests diversion of water course at source.

The supporters, who are all Green Lane residents, comment;

1. About their experience of being flooded and the amount of time they have spent away from their homes as a result.
2. Considers that the topography of the area and the previously constructed holding pools will not allow flooding ‘upstream’
3. Welcomes any works to reduce potential flooding, not only to dwellings, but gardens and garages also.
4. This is a necessary proposal to alleviate flooding downstream occurring during heavy and prolonged rainfall and that the previously constructed ponds helped with the problem, but were in sufficient to cope with rainfall of increasing intensity and frequency.
5. Identifies culvert under Green Lane as being inadequate during periods or surge and resulting in excess water overflowing into Green Lane/Golden Cross Lane area. Considers proposal would add to storage capacity and reduce risk and frequency of flooding. Area could be fenced, but notes areas would be empty for long periods.
6. Considers alternative routing for the footpath is acceptable given the open nature of land in the area.
7. Considers the post construction landscaping will improve the appearance of the currently overgrown area.
8. Parish Council supports the scheme

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):
DS13 Sustainable Development
C10A Development Affecting Other Wildlife Sites
C12 Wildlife Corridors
C17 Retention of Existing Trees
C36 Preservation of Archaeological resources
C37 Excavation around Archaeological Remains
C38 Development Criteria for Archaeological Sites
C39 Site access for Archaeologists
TR11 Access and Off-Street Parking
RAT12 Support for Public Rights of Way
RAT13 Stopping-up a Right of Way
ES1 Protection of Natural Watercourse Systems
ES16 Reforming of Land

Others:
NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History
None

Assessment of Proposal

This Full planning application relates to an open area of land situated south of Sedgefield Walk and to the rear of the private gardens of dwellings in Golden Cross Lane, Catshill. The land in question extends to a hectare and is currently un-used and overgrown; it supports an informal footpath which runs from the Lingfield Walk open space (to the west) to the Birmingham Road (to the east).

The application site slopes down from this footpath, to the south where a watercourse runs and trees associated with this feature are found. It is also along this southern boundary that the official route of footpath 522(A) runs, although at this time of your Officer's visit this route was completely inaccessible. As a result a more direct footpath route has developed overtime running parallel with the official route, but being sited further up the site and thus running through the centre of the application site.

The application site is owned by Bromsgrove District Council's Leisure Services Department and the relevant notice has been served upon the Council in association with this application.

Proposal

The application, which has been submitted by North Worcestershire Water Management team, seeks to form a balancing area designed to capture and retain flood flows from the Marl Brook in order to alleviate flooding downstream from, in particular, around ten homes.
The balancing area will be formed by cutting into land to the south of the current footpath route to create an area where water can, if necessary, be held during periods of high water flow. Following a flood event and as the water level in the brook begins to reduce, the balancing area will then, via an outlet pipe located at the western margins of the area, begin to allow the stored water to drain down into the brook in a controlled manner.

The Environment Agency undertook flood defence work to the west of the site some years ago and formed a series of pools which sought to increase the capacity of the channel. This current proposal is a little different in that it is not the intention that this feature will be a pool, or retain for any significant period of time an area of standing water. The function of this balancing area is to accommodate the additional or peak flows experienced along the watercourse during flood events, so that they can then be controlled in their release downstream.

The appearance of the balancing area for much of the time therefore will be a grassy hollow. The submitted Design and Access statement refers to the area being planted with native species of wetland plants and Coir Rolls being laid within the balancing area to add stability and add immediate planting opportunities. The proposal has many advantages to individuals, home owners and users of local amenities. There is also the opportunity within the scheme to create some biodiversity enhancements to the water feature and to add to the diversity of species living within its margins.

Other works are also required as a result of the development. In order to work sustainably, the applicants propose to spread the resultant soil on land to the north of the area and a plan has been submitted indicating its extent. Access for operatives has been amended and is now via the turning head of Epsom Road, and matters such as the location of the site compound etc. are all shown on the submitted plans. This area of spread will be a maximum of 1.2m deep and its extent and varied depth is illustrated as part of the associated cross sections. Subsequent planting with wild meadow planting and tree planting will be undertaken in this area.

It is also necessary to divert the official route of the public footpath (i.e. that running along the southern margins of the site and the watercourse). Whilst that process is dealt with via alternative legislation, the applicant has been working with the Ramblers Association to bring about a suitable route for that future process and one which relates to the application under consideration. The applicant will have to ensure that the proposed diversion has been agreed to a suitable stage prior to the development being completed.

Following the works it is proposed that the land will remain public open space, and maintenance inspections will be carried out at the same frequency as at present.

The application has been accompanied by a Design and Access Statement and a Phase 1 Habitat Survey and Protected Species Survey Assessment. This recommended a dedicated reptile survey as the grassland was considered suitable for Slow Worms. A subsequent Slow Worm survey has also been submitted.
Main issues.

The application site is located within the Residential Area as set out in the Bromsgrove District Local Plan. Given the nature of the application and the policies listed above, the following matters require consideration;

1. Consideration as to the impact of the development on the landscape and ecology of the immediate area.
2. Consideration of the effect of the development on water flows below and above stream.
3. The impact of the works on the amenity of neighbours
4. Consideration of the resiting of the existing footpath route.

Consideration as to the impact of the development on the landscape and ecology of the immediate area.

Consultees have raised the need for the proposed channel to have varied and interesting margins to enable habitat enhancements to occur as part of the development. In particular is the need to incorporate, within the design of the balancing area, shallows that do retain small areas of water in order that the variety of habitats available is increased as part of the development and also to ensure that the feature appears natural in its form and not excessively linear.

Amended plans received 28.07.2014 show a move away from a relatively uniform and unnatural profile to one which is more varied and interesting along its length and thus providing a better visual amenity for local residents and also maximising the biodiversity enhancements as part of the scheme.

The impact of the development upon the trees and habitats along the southern margin has been considered as part of the application, with a desire to retain and protect these features for biodiversity and visual amenity reasons. A 12m root protection zone has been allowed along the boundary of the site to protect the mature trees. Several self-set trees do fall within the proposed balancing area site; however the tree officer has no objections to their removal. A cluster of trees have been planted at some point where the brook is to be diverted into the open space area; these will remain in situ with the exception of possibly two trees. Replacement tree planting is part of the proposal and is proposed in the currently more open part of the site to the west of the Sedgefield Walk access, some of which is proposed by the Parish Council.

Post construction, consultees advise the use of the low fertility soil to be planted with locally sourced seed or Green Hay to compensate for any habitat loss and to contribute to the local indigenous stock.

With respect to protected species, the Phase 1 Survey sought to determine the potential for the area to support protected species as well as identifying habitats and species on the site, as guided by National and European Legislation. The survey considered the impact of the development on a range of species including; Badgers, Bats, Water Voles, Crayfish and Reptiles. In all but the case of the reptiles, there were no obvious or immediate implications of the development upon these species. A subsequent and specialised survey was undertaken with respect to Slow Worms. No reptiles were found
at the site despite extensive survey efforts and thus it was concluded that the proposal will not impact directly or indirectly upon that species. WWT support this finding and do not object to the development on this basis.

Advice in the NPPF (para 188) and under section 40 of the NERC Act 2006 encourages Local Planning Authorities to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. During consideration of this application the Council has worked with the applicant and other agencies to bring about positive enhancements as part of the development and subject to the scheme being implemented in accordance with the recommendations made in the reports sited above, the development will perform this function.

**Consideration of the effect of the development on water flows below and above stream**

The Environment Agency has commented that the Marl Brook is classified as an 'Ordinary Watercourse' rather than a 'Main River' and that therefore they do not need to be consulted on the application. They advise that NWWM should be consulted as they are responsible for ordinary watercourse matters under their duties as Lead Local Flood Authority. They note that NWWM are also the applicant, but do not consider that this removes their ability to be consulted on the application.

The application site falls within flood zone 1 (no risk of fluvial flooding or less than 0.1% chance per year) and where there is a very low risk of surface water flooding. The flood storage pond is designed to safely hold the maximum possible volume of water on the land available and to reduce flows downstream. This will in turn enable the culverts downstream to accommodate the flows rather than surcharging and flooding neighbouring properties. The discharge (or throttle pipe) within the proposed storage area, is the same diameter of the culvert downstream, this has been designed to prevent any increase risk of flooding to land and properties upstream of the balancing feature. The applicants state that in the unlikely event that the pool overflows, it will do so via a defined point into the existing pools downstream. The existing pools that sit downstream from the balancing feature will themselves hold less water than at present and thus their capacity to accommodate any potential overflow should be increased.

**The impact of the works on the amenity of neighbours**

The siting of the compound and access route (off Epsom Road) utilises an existing thoroughfare into the open space adjacent to the site. It is a point where dwellings are largely set back and at their furthest from any potential disturbance. Siting of the compound in a marginally wider area ensures adequate access is provided to the development site. These facilities are only required during construction and will be removed once development is complete. Agreement has been reached with the applicant concerning hours of operation and this will be controlled by condition to ensure amenity of residents is protected.

With respect to the spreading of soil, the balancing area will have a final volume of 4,615m³, resulting from 3,890m³ of cut and 1,095m³ of fill. The excess spoil material (approximately 1,900m³) will be spread on approximately 3,018m² of land to the North of the pedestrian path, land also owned by the Council, with a maximum depth of 1.2m
adjacent to the footpath reducing to 0.45m adjacent to property boundaries. Soil will not be racked up against property boundaries, in fact a 3m buffer area will be provided around the dwellings in Sandown Drive and Sedgefield Walk where no level change will occur, before a 1 in 3 slope will be formed to the areas of additional spread.

Some residents have raised concerns about potential overlooking from the areas of higher land to the west and into their private garden areas. I am mindful that the area of spread will be 450mm in height at a position 5m away from the garden of 8 Sandown Drive. There will then be a gradual increase so that at a distance of 25m from the garden area the height of spread will be 750mm. I am also mindful that the applicant has indicated in a draft landscaping plan, the planting of trees in this area of spread. Considering the use of this area at present, the height increase proposed and the opportunity to mitigate any impact with appropriate tree screening, I consider that this matter has been satisfactorily addressed.

The area of spread will be landscaped and re-seeded with a meadow flower grass seed mix or similar. Maintenance of this area will be in the form of a twice yearly cut in order to balance recolonization of the area with the control of self-set shrubs and brambles. The balancing area will be managed as required but emphasis will be placed on naturalising the feature and retaining habitats whilst vegetation will be controlled to ensure the flood capacity of the feature is not compromised.

It is noted that it is not proposed to fence the balancing area. The Police have not objected to this, although this issue does feature in some of the objections made. As previously stated the area will not retain water on a permanent basis and given the position of dwellings in Sedgefield Walk which provides some surveillance to this area, retaining an open treatment is considered more appropriate.

**Consideration of the resiting of the existing footpath route**

The line of the definitive foot path (522A) currently passes through the proposed balancing area, running along the southern margins of the brook, although as noted above this route is currently impassable and what has developed over time is an alternative informal path that runs east - west from the A38 to Green Lane.

As a result of this development it is necessary to divert the formal route of footpath 522(A). This footpath can be redirected using the Town and Country Planning Act (s257) and an application has been duly submitted to enable this work. Initial consultation with the Ramblers Association as part of this application suggests that they support the resiting stating that; it would make the path more accessible to users; bring it away from residential boundaries and thus allows a more natural margin to the balancing area to develop. However concerns have been expressed about the two right angled bends proposed in the path given the natural tendency of walkers to follow a direct route. The Council is in the process of resolving this issue with the Ramblers Association.

The timing of the footpath diversion depends on a number factors including; the position of the development in relation to the footpath; whether the development can be started without interfering with the use of the footpath ; as well as the time taken to implement the development. Whilst it is appropriate to resolve the outstanding detail of the diversion
through the footpath diversion process, it is necessary to add a condition to this application making it clear that that matter requires resolution.

**Conclusions and matters for control through conditions**

It is recognised that there is an established problem with flooding in the immediate area of the site and this scheme seeks to address that problem by providing a balancing area where excessive flows can be temporarily stored, before being allowed to discharge downstream in a controlled manner.

Amendments have been secured to provide a more natural feature with a greater amount of biodiversity enhancements and to provide a suitable access arrangement for the development. Residents have raised issues in connection with potential for displacement of flood flows and these have been addressed as a result of appropriate flow control and overflow areas in the existing channel. Matters such as overlooking from elevated land are to be mitigated for. There remains a need for an Archaeology watching brief to be imposed through a condition and the satisfactory diversion of the footpath through the appropriate legislation, however overall the proposal is seen to bring forward benefits and is considered acceptable in this residential location.

**RECOMMENDATION:** That planning permission be Granted

**Conditions**

1) **No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing.** The scheme shall include an assessment of significance and research questions; and:

   a. **The programme and methodology of site investigation and recording.**
   b. **The programme for post investigation assessment.**
   c. **Provision to be made for analysis of the site investigation and recording.**
   d. **Provision to be made for publication and dissemination of the analysis and records of the site investigation.**
   e. **Provision to be made for archive deposition of the analysis and records of the site investigation.**
   f. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

   **Reason:** To ensure the satisfactory provision for excavation or recording of archaeological remains in accordance with Policy C36 - C39 of the Bromsgrove District Local Plan 2004.

2) **No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).**

   **Reason:** To ensure the satisfactory provision for excavation or recording of archaeological remains in accordance with Policy C36 - C39 of the Bromsgrove District Local Plan 2004.
3) The site investigation and post investigation assessment must be completed by 31st March 2015 in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the satisfactory provision for excavation or recording of archaeological remains in accordance with Policy C36 - C39 of the Bromsgrove District Local Plan 2004.

4) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, suitable fencing or other protective measures in accordance with British Standard BS 5837:2005 shall be erected to the satisfaction of the Local Planning Authority around the Root Protection Areas of all trees on and adjacent to the application site as shown being retained on the approved plans. These protective measures shall be maintained as approved until all works subject of this permission have been completed. No works of any kind are to be carried out within the Root Protection Areas without the prior approval of the Local Planning Authority.

Reason: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004.

5) The proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation.

6) Whilst the site is being prepared, cleared and the development is being carried out it will only be possible to work on the site between 8am and 6pm, Mondays to Fridays and 9am to 12 noon on a Saturday. It will not be possible to work outside of these hours or at any time in the day on a Sunday or a Bank or Public holiday unless previously agreed with the Council. This restriction will apply to all on site workers, contractors and sub-contractors.

Reason: To make sure that the living conditions of the residents leaving near to the site are not harmed as a result of the works in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

7) Before the end of the tree planting season (31st March 2015) you must provide drawings and written details of how you will deal with soft landscaping areas of the site. These details shall include the time at which the planting will be carried out as well as sizes and species to be used. The Council will agree these details with you in writing and you must implement the agreed scheme by the end of the first planting season, i.e. 31st March 2015. If within five years of the development being finished, any of the soft landscaping is removed, seriously damaged, diseased or dies, they shall be replaced in the next planting season with others of a similar size or species any change to size or species will need to be agreed with the Council.
Reason: To make sure that the appearance of the development is acceptable in relation to the area in which it is found and in order to comply with DS13, C12, C17 of the Bromsgrove District Local Plan January 2004.

8) Vehicular access to the development site shall be as defined on the submitted application, via Epsom Road, and no other route shall be used at any time.

Reason: To protect the amenity of residents in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

9) The site operatives compound shall be removed from the site in its totality and the area returned to its original condition, as soon as reasonably practicable after the completion of the development.

Reason: To protect the amenity of residents in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

10) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

001C Site Location; Amended received 25.07.14
002 Aerial view of site
003 Proposed and existing pond areas
007 Location of site operatives compound; Amended received 25.07.14
Existing and proposed footpath plans 1 and 2; Amended received 25.07.14

Earthworks sections P2190/21/35/6/3/A; Amended received 25.07.14
Cross sections 50 - 150 P2190/21/35/10/B; Amended received 25.07.14
Longitudinal section and indicative Cross sections 20 - 40 P2190/21/35/11/B; Amended received 25.07.14
Cross sections 160 -190, X-X, Y-Y and Z-Z P2190/21/35/12; Amended received 25.07.14
Cross section 20; Amended received 25.07.14
Cross section 30; Amended received 25.07.14
Cross section 40; Amended received 25.07.14

Reports
Design and Access Statement; Amended received 25.07.14
Landscape plan; Amended received 25.07.14
Phase 1 Habitat Survey and Protected Species Survey Assessment April 2014
Reptile Survey Report May - June 2014

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

Case Officer: Mrs Helena Plant Tel: 01527 881335
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