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Proof of Evidence – Town Planning
Matters

On behalf of objection by Martineau Galleries
No. 1 Ltd. and Martineau Galleries No. 2 Ltd.

Proposed Midland Metro (Birmingham
Eastside Extension) Order

Appendices

Refs: DPI/P4065/17/9 and TWA/16/APP/08

October 2017

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Client

Martineau Galleries No. 1 Ltd and Martineau Galleries No. 2 Ltd.

Our Reference

HAMQ3005

23 October 2017

Appendix 1: Planning permission for Martineau Galleries

DECISION DOCUMENT
APPLICATION NUMBER: C/07564/05/OUT
BIRMINGHAM CITY COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

Martineau Galleries Limited
Partnership
5 Strand
London
WC2N 5AF

AGENT

Drivers Jonas
Cornwall Court
19 Cornwall Street
Birmingham
B3 2DY

BIRMINGHAM CITY COUNCIL GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Outline planning application, including the approval of access, for the construction of a major mixed use development of up to 266,000 square metres gross internal area, comprising retail, food and drink, offices, leisure, residential, hotel, cultural facility, casino, associated car parking, highway works, service areas, public spaces, and infrastructure [Including Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business), C1 (Hotels), C3 (Residential), D1 (Non-Residential Institutions), Casino (as amended by SI 220/06 and SI 221/06), D2 (Assembly & Leisure), of the Use Classes Order (England), April 2005]

at

Martineau Galleries - Corporation Street, Priory Queensway, Dale End, Chapel Street, Moor Street Queensway, Albert Street, High Street, Bull Street, City - land bounded by, (Martineau Galleries)

REASON(S) FOR APPROVAL

Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with: Proposal M24 of the Birmingham Unitary Development Plan 2005

RESERVED MATTERS CONDITIONS

The approval of the Local Authority is required with respect to the following matters in respect of each phase of development before that phase of the development is commenced.

A1 The design of the building(s).

REASON:

This is an application under the provisions of the Town and Country Planning (General Development Procedure) Order 1995, and no details have been submitted with respect to the matters reserved in this permission.

A2 The external appearance of the building(s).

REASON:

This is an application under the provisions of the Town and Country Planning (General Development Procedure) Order 1995, and no details have been submitted with respect to the matters reserved in this permission.

A3 The landscaping of the site.

REASON:

This is an application under the provisions of the Town and Country Planning (General Development Procedure) Order 1995, and no details have been submitted with respect to the matters reserved in this permission.

- A4 The siting of the buildings other than the external perimeter of buildings as defined by the green line on Drawing No. A10.10 approved under this permission.
REASON:
This is an application under the provisions of the Town and Country Planning (General Development Procedure) Order 1995, and no details have been submitted with respect to the matters reserved in this permission except for details of siting as specified above.

CONDITIONS TO BE MET BEFORE THE DEVELOPMENT IS CARRIED OUT

No phase of the development hereby permitted shall take place until full details of the matters listed below in respect of that phase have been submitted to and approved by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.

- B1 The provision to be made for secure storage of cycles for persons using the premises/site.
REASON:
In order to secure the satisfactory provision of facilities for cyclists using the premises/site, in accordance with the standards adopted by the Local Planning Authority.
- B2 Refuse stores to be provided before the building(s)/development is/are used.
REASON:
In order to secure the satisfactory development of the application site.
- B3 Samples of all external building materials, including sample panels to identify the recess of windows into the facades of buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON:
In order to secure the satisfactory appearance of the development.
- B4 Samples of all hard surface materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON:
In order to secure the satisfactory appearance of the development.
- B5 A landscaping scheme, including details of species, which shall include semi-mature trees, and planting densities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with a timetable of works to be submitted to and agreed in writing by the Local Planning Authority. Any trees and plants that die within 5 years of the implementation of the scheme shall be replaced to the satisfaction of the Local Planning Authority.
REASON:
In order to secure the satisfactory appearance of the development.
- B6 Provision of adequate facilities for the treatment and extraction of fumes, such facilities to be provided before the buildings the subject of this permission are occupied for the purposes proposed.
REASON:
In order to safeguard the amenities of occupiers of premises in the vicinity.

- B7 A document defining design principles for all shop fronts and fascia signs.
REASON:
In order to secure the satisfactory development of the application site and to ensure that the development accords with the Council's Shopfront Design Guide.
- B8 A public arts strategy including the identification of individual works of public art to be erected within the application site boundary.
REASON:
In order to secure the satisfactory appearance of the development.
- B9 Details for the disposal of foul and surface water, including the provision of sustainable drainage methods and any measures for the dewatering of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON:
In order to secure the satisfactory development of the site.
- B10 Prior to the commencement of any development, a scheme for the provision and implementation of surface water limitation shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed in accordance with the plans and timetable approved by the Local Planning Authority.
REASON:
To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 - Development and Flood Risk (PPG25).
- B11 A scheme of external lighting to the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON:
In order to secure the satisfactory appearance of the development.
- B12 Prior to the commencement of development in Zones 1,2 or 3, as defined on figure 15.4 of the Martineau Galleries Environmental Statement (2005), the applicant, agent or successors in title shall have secured the implementation of a programme of archaeological work that shall include excavation, post excavation analysis and publication in accordance with a written programme works that has been submitted to and approved in writing by the Local Planning Authority.
REASON:
The site is of known archaeological significance and it is important that archaeological remains are appropriately recorded prior to their damage or destruction by development.
- B13 Details of nature conservation protection measures providing facilities for bats and black redstarts to be included within the development shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the provision of habitats, foraging tray and nesting boxes. The development shall be carried out in accordance with the approved details and the measures implemented prior to the occupation of the buildings.
REASON:
In the interests of nature conservation and in order to comply with the provisions of PPS9.

- B14 The layout of the proposed development shall be designed to ensure that facades containing habitable rooms shall only be situated in areas of the site which, when assessed in accordance with PPG24, fall into Noise Category C. For those facades falling within noise exposure category C, doors and windows to habitable rooms shall have a weighted sound reduction index (Rw) of 38dB or greater. For those facades within noise exposure category B, doors and windows shall have a weighted sound reduction of Rw 30 dB or greater.

REASON:

In order to safeguard the amenities of future occupiers of the development.

- B15 A noise study shall be submitted to demonstrate that the residential development is designed so that cumulative noise from industrial or commercial sources when assessed within habitable rooms does not exceed:

35dB(LAeq) (16hour) 07:00-23:00hours

30dB(LAeq) (8 hour) 23:00 - 07:00 hours

and 45dB (LAFmax) 19:00 - 07:00 hours

REASON:

In order to safeguard the amenities of the residents.

- B16 A management strategy identifying measures to maintain the visual appearance buildings including shopfronts as they become vacant prior to their redevelopment shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include the identification of measures to prevent bill posting and the cleaning of graffiti.

REASON:

In the interests of visual amenity.

- B17 A layout of the proposed car park including service areas, parking bays and manoeuvring space shall be submitted to and approved in writing by the Local Planning Authority. The layout should identify spaces for use by disabled drivers, areas for motor cycle and cycle parking. The development shall be carried out in accordance with the approved details.

REASON:

In order to secure the satisfactory development of the site.

- B18 Details of the design, layout and specification of the proposed roof gardens shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of landscaping (species and planting density), surfaces, boundary treatments and drainage. The development shall be carried out in accordance with the approved details.

REASON:

In order to secure the satisfactory development of the site.

- B19 An access strategy to identify relevant measures introduced to provide full access within and around the site including routes appropriate for use by people with disabilities shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON:

In order to provide satisfactory access to the development.

B20 Unless those highways works required pursuant to Condition B21 have been previously completed, details of highways works to be provided to enable site access prior to the commencement of demolition and construction shall be submitted and agreed in writing by the Local Planning Authority. The submitted details shall be substantially in accordance with the proposed works shown on WSP drawing no 14-245/71, unless otherwise agreed in writing by the Local Planning Authority, and shall be implemented prior to the commencement of demolition and construction.

REASON:

In the interests of highway safety.

B21 Notwithstanding those highways works required as part of Condition B20, details of highways alterations required to provide access to the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be substantially in accordance with the proposed works shown on WSP Drawing 14-245/69B unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, which shall be fully implemented prior to the first occupation of any of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to secure the satisfactory development of the site.

B22 Facilities for the cleaning of the wheels of vehicles associated with the demolition, clearance and construction on the site to avoid the transference of mud onto the highway. The facilities shall be provided before development commences in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained throughout the period of construction.

REASON:

In the interests of highway safety.

B23 Prior to their installation, the detailed design and appearance of the pedestrian crossings as shown on Drawing 14-245/69B shall be submitted to and approved in writing by the Local Planning Authority. The details shall include proposed materials, signage and markings. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety and to secure the satisfactory appearance of the development.

B24 A Sustainable Construction Plan and Site Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the provisions of the approved plans unless otherwise agreed in writing by the Local Planning Authority. The submitted plans shall include details of the following:

- Routing of construction and demolition traffic
- Construction and demolition operations and hours of working
- Control of demolition and construction noise, vibration and air quality
- Location of site compounds, offices concrete batching plants
- Measures for any reasonably necessary reinstatement following construction.

REASON:

In order to secure the satisfactory development of the site and in order to safeguard the amenities of adjoining occupiers during development.

OTHER CONDITION(S) WHICH APPLY TO THE DEVELOPMENT/USE

C1 Application(s) for approval of any reserved matter(s) must be made before the expiration of EIGHT years from the date of this permission. The development for which permission is granted must be begun before one of the following dates, whichever is the later:

1) The expiration of five years from the date of this permission.

2) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990, (this section limits the duration of the planning approval).

C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, with or without modification), no structures, extensions, satellite antenna, apparatus or plant of any sort, (including structures or plant in connection with any use for telecommunications systems), are to be erected on any roof, or within the curtilage of the premises without the prior written consent of the Local Planning Authority.

REASON:

In order to safeguard the visual amenity of the area.

C3 No refuse or other waste shall be disposed of by burning within the application site at any time.

REASON:

In order to safeguard the amenities of the occupiers of premises/dwelling(s) in the vicinity.

C4 The building(s) shall not be occupied until the occupiers of the premises have affiliated to "Company Travelwise in Birmingham". In the event that the occupiers cease to affiliate to Travelwise they shall come forward, within three months of them ceasing to affiliate to Travelwise, with further proposals for decreasing reliance on the private car and continuing staff use of alternative means of transport, such proposals to be agreed in writing by the Local Planning Authority and thereafter implemented.

REASON:

In order to decrease reliance on the private car and encourage the use of public transport.

C5 There shall be maintained at all times a Master Plan for the whole of the development site, to the satisfaction of the Local Planning Authority, which shall be updated, from time to time as each application for approval of reserved matters or other scheme in respect of each phase of the development is submitted. Such Master Plan shall be in substantial accordance with the general disposition of buildings and uses around the site, consistent with the floorspace and massing levels as shown on the Indicative Masterplan (Drawing No.A10.03), be in general accordance with the illustrative Martineau Galleries Design Statement (Nov 2005) and be in general accordance with the illustrative Martineau Galleries Design Statement Addendum (March 2006), and shall show the relationship between the completed development, the phase in respect of which reserved matters or other scheme is submitted and the remainder of the site.

REASON:

In order to secure the satisfactory development of the application site.

C6 Details of reserved and any other matters required by conditions in respect of the development shall be in substantial accordance with the Indicative Masterplan (Drawing No.A10.03), be in general accordance with the illustrative Martineau Galleries Design Statement (Nov 2005) and be in general accordance with the illustrative Martineau Galleries Design Statement Addendum (March 2006), hereby approved or such further master plan principles as may be agreed by the Local Planning Authority, and the development shall not be carried out otherwise than in accordance with such details as have been approved by the Local Planning Authority.

REASON:

In order to secure the satisfactory development of the application site.

- C7 Prior to the construction of the development hereby approved, a site assessment shall be carried out to determine the levels of contamination on the land and the results provided to the Local Planning Authority. The assessment shall be carried out in accordance with the relevant British Standard and shall include consideration of historical land uses and intrusive site investigations. If contamination is found to be present, the applicant shall provide a remediation scheme for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the applicant shall certify upon the completion of development and prior to occupation that the approved scheme has been implemented in full.

REASON:

In order to secure the satisfactory development of the site and to ensure the protection of Controlled Waters.

- C8 Prior to the first use of the development, details shall be submitted for approval of the Local Planning Authority of the measures taken to ensure that the quality of any television or other telecommunications services are not affected by the proposals.

REASON:

In order to safeguard the amenities of adjoining occupiers.

- C9 A scheme of noise insulation between commercial and residential premises shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON:

In order to safeguard the amenities of the residents.

- C10 The detailed design of any pavilion building shall be submitted to and approved in writing. The details submitted for agreement shall include height, design and appearance of the proposed building.

REASON:

In order to secure the satisfactory development of the site.

- C11 The following sustainable measures shall be incorporated in to the detailed design and construction of the development unless otherwise agreed in writing by the Local Planning Authority:

- a) sustainable drainage systems.
- b) measures for rainwater collection and grey water recycling.
- c) provision of green roofs.
- d) minimum dwelling Ecohome/BREEAM rating of "good" with provision for "very good" where appropriate.
- e) measures to enable the collection of domestic and commercial refuse suitable for recycling.

REASON:

In the interests of sustainability and the satisfactory development of the site.

C12 Prior to the occupation of the development hereby approved, a management plan for the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate provisions including details of pricing, to promote short stay parking for retail and leisure users. The Plan shall identify the spaces dedicated to the residential use within the development which shall be provided at a rate of 100%, details of measures and controls to ensure the availability of the residential parking spaces at all times and measures to ensure that 15 managed spaces designated for drivers with disabilities are free of charge. 6% of the spaces shall be designated as wider spaces for parent and child and people with mobility problems. The Car Parking Management Plan shall not be varied without the prior written consent of the Local Planning Authority.

REASON:

In order to secure the satisfactory development of the site.

C13 During the development of the site a pedestrian route shall be maintained between High Street/Bull Street and Moor Street Queensway along the route of Albert Street, or as otherwise agreed by the Local Planning Authority and shall be available for use by the public 24 hours a day 7 days a week. The route shall be appropriately way marked and lit.

REASON:

In order to secure appropriate pedestrian access during the development of the site.

C14 Within the completed development, publicly accessible routes shall be maintained with 24-hour access between High Street and Priory Queensway and between Corporation Street and Moor Street Queensway in accordance with details to be submitted and agreed by the Local Planning Authority.

REASON:

In order to secure the satisfactory development of the site.

C15 Access into the development from Dale End shall be designed in accordance with the provisions shown on Drawing SK10 unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of highway safety and to secure the satisfactory appearance of the development.

C16 This permission shall relate to the provision of up to 266,000sqm of floorspace (gross internal area) and shall include the provision of up to:

85,000sqm (gross lettable area) retail floor space (Use Class A1) of which no more than 21,250sqm (25%) shall be given over to food and drink uses (Use Classes A2, A3 and A4)

25,000sqm (maximum), 10,000sqm (minimum) of office floorspace (Use Class B1)
Offices (Use Class B1)

50,000sqm residential (Use Class C3) to provide a minimum of 340 dwellings and a maximum of 850 dwellings.

30,000sqm Hotel (Use Class C1) as an alternative, not in addition to, the equivalent amount of residential floorspace.

5,000sqm Cultural Facility (Use Class D1)

20,000sqm Leisure (Use Class D2) and casino

2550 parking spaces.

REASON:

In order to define the permission.

- C17 All highways improvements as required by the s278 agreement shall be completed prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
REASON:
In the interests of highway safety.
- C18 The maximum number of car parking spaces provided as part of the development hereby approved shall not exceed 2550.
REASON:
In order to secure the satisfactory development of the site.
- C19 Any casino provided as part of the development shall not exceed the floorspace figure for a large casino as defined in the Gambling Act 2005 (or any act revoking or re-enacting the Act with or without modification).
REASON:
In order to secure the satisfactory development of the site.
- C20 The tall building hereby approved in principle shall not exceed 239m Above Ordnance Datum. Development shall not begin until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall address those matters set out in Civil Aviation Authority Safeguarding of Aerodromes Advice Note 4 "Cranes and other Construction"
REASON:
In order to define the permission and to avoid endangering the safe operation of aircraft.
- C21 A multi-faith prayer room, including washing facilities, shall be provided for up to 20 people and shall be made available for use by members of the general public.
REASON:
In order to secure the satisfactory development of the site.
- C22 Before the commencement of any works within such phase adjacent to the Bull Street/Corporation Street junction that is within the Limits of Deviation of the proposed Birmingham City Centre Extension to the Midland Metro (Statutory Instruction 2005 No 1794), the detailed scheme layout and method of construction of the works within that phase shall be submitted to be approved in writing by the Local Planning Authority.
REASON:
In order not to prejudice the timely, safe and efficient implementation of the Birmingham City Centre Extension to Midland Metro, in accordance with the Development Plan.

Date: 21st December 2006



DIRECTOR OF PLANNING AND REGENERATION

P.O. Box 28, Alpha Tower, Suffolk Street Queensway, Birmingham, B1 1TU

**PLEASE NOTE
THIS IS NOT A BUILDING REGULATION APPROVAL
PLEASE READ THE NOTES ENCLOSED WITH THIS DOCUMENT**

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