1. **DEFER**
2. **ENDORSE**
3. **ENDORSE**
4. **ENDORSE**
5. **AUTHORISE**
6. **ENDORSE**

PLANNING COMMITTEE	26-04-2007	C/05066/06/OUT
		See Appendix
DISTRICT	CENTRAL	Ladywood

LOCATION New Street Station, Stephenson Street, Navigation Street, Station Street & Smallbrook Queensway, City

PROPOSAL Outline planning application, including the approval of access, for the major refurbishment and associated development of New Street Station and adjoining land, in connection with alterations and reconfiguration of the station facilities and comprising changes to the Pallasades Shopping Centre, the demolition of Stephenson Tower (Use Class C3), construction of two tall buildings, associated highway works, public spaces and infrastructure works (including uses A1 (retail), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food take-away), A2 (financial and professional services) B1 (business uses including offices) C3 (residential), of the Use Classes Order (England) April 2005

APPLICANT Network Rail Infrastructure Ltd

AGENT Drivers Jonas

OBSERVATIONS

Your Committee will recall this application being presented to your meeting on 30 November 2006. Members deferred consideration pending referral to DCLG under the provisions of the Town & Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993, and pending the completion of a suitable legal agreement.

I can confirm that the DCLG do not wish to intervene in the determination of the application.

The legal agreement is now close to completion, in accordance with the Heads of Terms agreed at your meeting on 30 November 2006.

As a result of on-going discussion, negotiation and legal advice, I would wish to amend the recommendation to include a further resolution relating to a S247 stopping up order, and to amend the suggested conditions in order to clarify the requirements. Some conditions are deleted where there is adequate provision by resolution or within the legal agreement.

The revised conditions and condition wording as listed below show any additions in bold text and, and sections to be removed appear highlighted.

The Section 106 agreement is due to be completed on 30th April 2007. At this stage, due to on-going discussions between the applicant and Legal Services, it is not expected that a suitable agreement will be reached within this time. As a result, I

would request a further extension of time for a period of one month, to enable the S106 to be completed.

RECOMMENDATION

1.That consideration of application no. C/05066/06/OUT be deferred pending the completion of a suitable agreement under S106 of the TCPA to secure:

a) Affordable Housing - a minimum of 10% of the dwelling approved through the Reserved Matters (with 3 1/2% social rented, 3 1/2% shared ownership and 1 1/2% intermediate rent, all with preferred RSL, and 1 1/2% low cost resale covenant, such provision to be increased proportionately to any increase in overall provision).
b) Public Open Space/Public Realm - for enhancement around and through the site, including the new public squares to an agreed specification and to secure 24 hour access through the unpaid concourse area and around the station.
c) Public Art.
d)Contribution to provisions of Shopmobility.
e) Provision of public conveniences.
f) Provision of multi-faith prayer rooms
g) Provision of CCTV
h) Commitment to local training and Employment Initiatives
i) Commitment to parking study prior to development of the two towers, to provide appropriate parking spaces, including a parking management plan, relating to the utilising of existing parking spaces and the making good of any shortfall in provision, together with any other appropriate measures.
j) Provision of/contribution to signage, way finding and variable message systems.

2.In the event of the above obligation not being completed to the satisfaction of the LPA by 31st May 2007, planning permission shall be REFUSED for the following reason;

"In the absence of a suitable planning obligation to secure the provision of affordable housing, and contributions to transportation objectives, enhancement of public realm and open space, public art and public facilities,
and required highway works, the proposed development conflicts with paragraph 6.30 of the UDP (2005).

3.That no objection be raised to the stopping up of parts of the surrounding highways (including Stephenson Street, Navigation Street, Station Street and Smallbrook Queensway, and including pedestrian routes where necessary) and that the DCLG be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

4.That the applicant be required to enter into an agreement under S278 of the Highways Act to secure:

a) Alterations to junctions of
i. Navigation St
ii. Stephenson St
iii. Hill St
iv. Station St
v. Smallbrook Queensway
b) Traffic Regulation Orders to secure on-street waiting restrictions, traffic management signage, signal changes, road markings, highway works, street lighting and other associated measures
c) City Centre wayfinding and VMS signage

5.That the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreements.

6.In the event of the planning obligation being completed by 31st May 2007 outline planning application C/05066/06/OUT be approved subject to the conditions listed below:

1) PLM101R7 Sitinbil/Out-Line
2) PLM102R7 Desinbil/Out-Line
3) PLM103R7 Exterbil/Out-Line
4) PLM105R7 Landsbil/Out-Line
5) PLA101R1 Lay-Site/Satisite
6) PLA102R1 Exlevels/Satisite
7) PLA107R1 Loadprov/Satisite
8) PLA110R8 Parkdis/Disabacc
9) PLA219R8 Accesall/Disabacc
10) PLA302R20 Samplemat/Safelook
11) PLA306R20 Adsplans/Safelook

12) PLA999
Phasing strategy for the development, which shall be agreed in writing with the Local Planning Authority, which shall be followed and not altered, other than with the written agreement of the Local Planning Authority.
REASON:
In order to secure the satisfactory development of the site.

13) PLA999
Specific design / materials for the proposed towers, which must be considered together.
REASON:
In order to achieve a satisfactory design solution and to safeguard the amenity of the area, including the adjacent conservation area.

14) PLA999
Specific design /materials to be used for the external elevations including provision for attachment of any fittings relating to installation of required equipment for Metro, to the station and shopping centre, including all entrance points.
REASON:
In order to achieve a satisfactory design solution and to safeguard the amenity of the area, including the adjacent conservation area.

15) PLA999
Access strategy for the railway station and shopping centre, which will make full provision for people with disabilities.
REASON:
In order to secure the satisfactory development of the site.

16) PLA999
Scheme of construction management, including scheme for use of cranes, including mitigation measures against noise, dust and vibration, taking into account any nearby sensitive operators.
REASON
In order to secure the satisfactory development of the site.

17) PLA999
Detailed design and layout of pedestrian access points to the railway station and shopping centre.
REASON:
In order to secure the satisfactory development of the site.

18) PLA999
Detailed design of layout to Pallasades, including vertical access points to the railway station and details of the proposed atrium.
REASON:
In order to secure the satisfactory development of the site.

19) PLA999
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.

20) PLA999
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 the approved details. The approved scheme 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 plants that die within 1 year 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.

21) PLA999
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.

22) PLA999
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.

23) PLA999
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.

24) PLA999
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.

25) PLA999
A flood risk analysis of the site shall be submitted to and approved 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.

26) PLA999
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.

27) PLA999
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, existing private water supply 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.

28) PLB403R3 Plans Schedule

29) PLB914R206 Travwise/Transport

30) PLB999
The development shall not be occupied until A package of measures of highways works have been **shall be** agreed with the Highway Authority, all necessary consents, licences, permits or agreements have been **shall be** completed or obtained and all such measures have been substantially completed **prior to 31/12 2011 or such other period as agreed with the Local Planning Authority**. These works will include new traffic signal control requirements, revised vehicle access positions and removal of redundant accesses on all surrounding highway boundaries, revised Traffic Regulation Orders, pedestrian crossing improvements around the site along with new paving and lighting, including any necessary measure to protect the route for
the Metro City Centre extension.
REASON:
In order the satisfactory development of the site.

31) PLB999
A plan of the proposed limits of public highway along with a s247 resolution for stopping up any parts of highway; outline plans provided do not clearly indicate this with potential for this to occur on Stephenson Street, but also for the existing pedestrian routes that may have gained highway status from Smallbrook Queensway.
REASON:
In order to secure the satisfactory development of the site.

32) PLB999
Detailed plans of the access arrangements are required to provide suitable widths for pedestrian and vehicle movement, visibility splays and operational requirements ie control barriers. **The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to secure the satisfactory development of the site.

33) PLB999
A car park management plan and taxi management plan are required to detail the operation and controls of these facilities ie barrier controls, parking charges and off-site requirements such as the taxi queuing system for Smallbrook Queensway, and require BCC approval of these plans and any changes in the future. **The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to secure the satisfactory development of the site.

34) PLB999
A detailed servicing strategy for all uses on the site is required and require Birmingham City Council approval of these plans and any changes in the future. **The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to secure the satisfactory development of the site.

35) PLB999
Applicants to cover associated costs with any Variable Message Signage or other necessary signage required in line with Birmingham City Council strategy for signing in the city centre.
REASON:
In order to secure the satisfactory development of the site.

36) PLB999
Parking, servicing, circulation and manoeuvring areas as noted on plans all to remain clear for such purposes only.
REASON:
In order to secure the satisfactory development of the site.

37) PLB999
A “construction travel plan” is required to define phases of development and activity that may have an effect on the surrounding highway network, to include details of demolition, construction, deliveries and temporary works, and again require Birmingham City Council approval of these plans and any changes in the future or the course of the development. **The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to secure the satisfactory development of the site.

38) PLB999
Cycle parking is required for the various uses across the site; staff and customer parking for the rail station, parking for the residential block (guidelines recommend 1 space per 4 units) and secure parking for the office block with changing rooms, storage and shower facilities (guidelines recommend 1 space per 400m2). **Such**

provision shall be maintained and not altered other than with the prior written consent of the Local Planning Authority.
REASON:
In order to secure the satisfactory development of the site.

39) PLB999
Prior to the first use of the **tower** 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. **The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to safeguard the amenities of adjoining occupiers.

40) PLB999
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.

41) PLB999
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.
f) combined heat and power scheme.
REASON:
In the interests of sustainability and the satisfactory development of the site.

42) PLB999
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.

43) PLB999
The tall building hereby approved in principle shall not exceed 242m 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"**. The development shall be carried out in accordance with the approved details and not varied other than with the prior written consent of the Local Planning Authority.**
REASON:
In order to define the permission and to avoid endangering the safe operation of aircraft.

44) PLB999
This permission shall relate to the provision of 166,546 sq m of floorspace (gross internal area) and shall include the provision of up to: 55,173 sq m (GIA) of retail (including food and drink uses) 30,773 sq m (max), 15,000 (min) 0f office space (B1a) 30,773 sq m of residential (C3) 15,000 sq m hotel (C1).
REASON:
In order to secure the satisfactory development of the site **define the permission**.

45) PLD22R54 Mattrs-5/Durat

Reason for Approval
Birmingham City Council grants Planning Permission subject to the condition(s) listed below. The reason for granting permission is because the development is in accordance with: Policies 6.28, 6.29, 6.30, 15.28 and 15.29 of the Birmingham Unitary Development Plan 2005.