

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS  
PROCEDURE)(ENGLAND AND WALES) RULES 2006

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THE MIDLAND METRO (BIRMINGHAM CITY CENTRE EXTENSION LAND ACQUISITION  
AND VARIATION) ORDER

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**RULE 10(6) REQUEST FOR PLANNING PERMISSION**

1. West Midlands Passenger Transport Executive requests, pursuant to rule 10(6) of the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I. 2006 No. 1466) ("the Applications Rules"), a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that, subject to paragraphs 2 and 3 below, planning permission, so far as it is required, shall be deemed to be granted for the development proposed to be authorised by the draft Midland Metro (Birmingham City Centre Extension Land Acquisition And Variation) Order ("the draft Order").
2. The development for which planning permission is requested is development which, in respect of any works or matters, is carried out within any of the limits or at any of the places authorised by the draft Order.
3. The planning permission requested is intended to be granted subject to the proposed planning conditions set out in Schedule 1 to this request, in accordance with Rule 10(6)(b) of the Applications Rules. These include conditions reserving for subsequent approval of the local planning authority matters relating to design and external appearance, materials, landscaping, archaeology, construction, contamination, access, noise and ecological mitigation.

Dated: 4 December 2013

Signed: Windworth Sherwood LLP

On behalf of West Midlands Passenger Transport Executive

## SCHEDULE 1

### PROPOSED PLANNING CONDITIONS

#### INTERPRETATION

In the following conditions:–

“the development” means the development authorised by the Order;

“the environmental statement” means the statement of environmental information submitted with the application submitted on 4 December 1013 for the draft Order pursuant to Rule 10(2)(g) of the Applications Rules;

“the local planning authority” means, Birmingham City Council;

“the Order” means the proposed Midland Metro (Birmingham City Centre Extension Land Acquisition And Variation) Order;

“the limits of deviation” has the same meaning as the Order

#### Conditions

##### Time limit

1. The development hereby permitted shall be begun before the expiration of 5 years from the date that the Order comes into force.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework 2012.

##### Design and External Appearance

2. Works of construction shall not begin in respect of any:

- (i) permanent boundary treatment;
- (ii) poles and brackets required to support the overhead line system;
- (iii) poles and brackets required to provide lighting;
- (iv) electricity substation and ancillary electrical equipment; and
- (v) highway infrastructure over Easy Row subway.

until details of the design and external appearance of that element have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site and safeguard the character and appearance of the Colmore Row and Environs Conservation Area and setting of listed buildings in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16A, 3.22, 3.23, 3.25 and 3.27 of the Birmingham UDP 2005 and the National Planning Policy Framework.

##### Materials

3. Details of materials to be used in any external surface of any:

- (i) permanent boundary treatment;
- (ii) poles and brackets required to support the overhead line system;
- (iii) poles and brackets required to provide lighting;
- (iv) electricity substation and ancillary electrical equipment;
- (v) highway infrastructure over Easy Row Subway

shall be submitted to and approved in writing by the local planning authority before that element of the development is commenced. The materials shall be in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site and safeguard the character and appearance of the Colmore Row and Environs Conservation Area and setting of listed buildings in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16A, 3.22, 3.23, 3.25 and 3.27 of the Birmingham UDP 2005 and the National Planning Policy Framework.

### **Landscaping**

4. Development shall not being until details of all proposed landscaping and the proposed times for the implementation of planting shall be submitted to and approved in writing by the local planning authority. All landscaping shall be carried out in accordance with those details and at those times. If, within a period of two years from the date of the planting, that planting, or any replacement planting, is removed, uprooted or dies, another plant of the same species and size as that originally planted shall be planted at the same place in the next available planting season, unless the local planning authority gives its written consent to any variation.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment, reinforce local landscape character and safeguard the character and appearance of the Colmore Row and Environs Conservation Area and setting of listed buildings in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16A, 3.22, 3.23, 3.25 and 3.27 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

### **Archaeological Investigation**

5. Development shall not begin until a scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. All archaeological work shall be undertaken in accordance with the agreed scheme of investigation.

Reason: In order to secure a scheme of archaeological assessment requiring observation, analysis of the significance and recording of any surviving archaeology in accordance with Paragraphs 3.31 and 8.36 of the Birmingham UDP 2005, the National Planning Policy framework 2012 and the archaeology strategy SPG.

### **Code of Construction Practice**

6. Development shall not begin until Part 1 and Part 2 of the Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved in each part.

Reason: In order to ensure adequate environmental protection during construction and to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with

Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

### **Contamination**

7. Development shall not begin until a scheme to deal with any contamination of the land has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to be taken to avoid risk to the public and the environment when the works are carried out. The development shall not begin until the measures approved in the scheme have been fully implemented.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

### **Means of Access**

8. Details of the siting, design and layout within the limits of deviation of any new permanent means of access to a highway to be used by vehicular traffic, or of any permanent alteration of an existing means of access to a highway used by vehicular traffic, shall be submitted to and approved in writing by the local planning authority before the development begins. The development shall be carried out in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

### **Noise and Vibration**

9. The development shall be designed and operated in accordance with the Midland Metro Extension Noise and Vibration Policy 2003. For the purposes of Section 5 of the policy, Noise Mitigation at Source, the pre-existing ambient noise levels shall be those in Tables 9.5 and 9.6 of the Environmental Statement (Volume 1 Main Statement), or from any later survey which has been agreed in writing by the local planning authority.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity from airborne noise caused by the running of trams in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

### **Ground Borne Noise**

10. Where the dominant source of noise is ground-borne, the following noise standards shall be applied to the development for the application of Sections 6 and 7 of the Noise and Vibration Policy:
  - (i) Inside noise sensitive rooms in residential buildings – L<sub>Amax</sub>,S40dB; and
  - (ii) Inside noise sensitive rooms in offices – L<sub>Amax</sub>,S45dB

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity from ground-borne noise and vibration caused by the running of trams in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

## **Ecological Checks**

11. Prior to the commencement of development, check survey for species of interest together with details (to include timescales) of any necessary programme of mitigation measures for any protected species affected by the development shall be submitted to and approved in writing by the local planning authority. The approved programme of mitigation shall be implemented in full in accordance with the timescales agreed in writing by the Local Planning Authority.

Reason: In order to ensure that protected species and its habitat within and adjacent to the development site are properly protected and appropriate ecological mitigation is undertaken in accordance with the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

## **Electro-magnetic compatibility**

12. The development shall be designed and constructed in accordance with the electro-magnetic compatibility standards set out in BS EN 50121-4:2006: Railway applications – Electromagnetic compatibility, or any successor standards.

Reason: In order to ensure that the tramway does not give rise to unacceptable electro-magnetic interference in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.