
Committee Date:	20/07/2017	Application Number:	2017/01882/PA
Accepted:	22/03/2017	Application Type:	Outline
Target Date:	21/06/2017		
Ward:	Ladywood		

The Axis, 10 Holliday Street, City Centre, Birmingham, B1 1TF

Outline application for the development of three buildings comprising of up to 94,680sqm (GIA) B1 Office and 3,684sqm (GIA) of A1 retail, public square, access and associated works. Matters of landscaping, layout, scale and access to be considered with appearance reserved.

Applicant: London & Continental Railways Ltd
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Agent: Quod
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Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This application is the 2nd of 2 applications which would result in the complete redevelopment of this site and comprises of an outline application for three buildings providing up to 94,680 sqm (GIA) of B1a office and 3,684 sqm (GIA) of A1 retail space. The application seeks consent for landscaping, scale, layout and access.

1.2. Phase 1 approved building 1, a 9 storey rectangular office building to the south-west of the site. The buildings now proposed would range in height between 6 and 23 storeys and these would be positioned around the edge of the rest of the site, around a centralised public square. More specifically:

Building 2 – would have a max stepped height of between 23m and 27m (max 6 storeys) and would be the main building when viewed from Navigation Street and sit in front of building 1. It would consist of two retail units around a small reception area serving offices on the upper floors and the layout shows that this building would be angled to direct pedestrians towards the landscaped public square in the centre of the site. It would have a max gross external floor area of 5,302 sqm.

Building 3 – would have a max height of 85.5m to Holliday Street and 99m (max 20 and 23 storeys, min height of 17 and 20 storeys) to Suffolk Street Queensway and would be positioned to the northern edge of the site, on the corner of Suffolk Street Queensway and Holliday Street. It would comprise of flexible office space with retail on the lower floors and its footprint would be the same whether the minimum or maximum height were opted for. It would be accessed from the public square via a full height atrium and the footpath running alongside Suffolk Street Queensway. It would have a max gross external floor area of 65,033 sqm.

Building 4 – would have a max stepped height of between 57m and 62m to Holliday Street (max 14 storeys) and between 31 and 34m (max 7 storeys) to the internal square/Centenary Plaza and would be positioned towards the north west of the site, adjacent to Centenary Plaza. It is envisaged that a small full height atrium would mark this buildings entrance off the public square with retail wrapping around the ground floor reception and this building would have a triple height colonnade along the northern pedestrian access. It would have a max gross external floor area of 30,290 sqm.

The appearance of the proposed buildings is reserved for future consideration.

- 1.3. Across the site 16 protected trees and 55 non protected trees would be removed. Full landscaping plans have been provided which show how, in addition to 33 retained trees, a further 16 specimen trees, 67 multi-stem trees, meadow planting, shade garden and species rich lawn would be provided across the site along with details of hard landscaping to demonstrate how the centralised public square would be provided. The centralised public square would be 35m x 43m accessed via a pedestrian route of between 17.5m and 26m to the south east of the site between buildings 2 and 3 and a pedestrianized route from the north 11.5m wide between buildings 3 and 4, part of which would be under a colonnade. A lighting plan has also been provided which includes bollard lighting, spot lighting, strip lighting and building lighting across the site. A pallet of materials to include copper patinated handrails, timber seating to tree planters, pop up fountain, upstand details, slot drains and raised planters are also included within the Design and Access Statement but specific details would be conditioned.
- 1.4. 54 car parking spaces (5 disabled), 7 motor cycle spaces and 798 secure cycle parking spaces would be provided at basement level. Vehicles would enter the basement via a new access road from Holliday Street and exit via Royal Mail Street. Cycle parking would be accessible via the vehicular access from Holliday Street or a new two-way ramp from Royal Mail Street. A further 12 cycle parking spaces would be provided at ground level within the public square. Site servicing would be via the basement. Pedestrian access to the site would be from Holliday Street and Royal Mail Street at surface level.
- 1.5. A Planning Statement (including Economic Statement), Design and Access Statement, Statement of Community Involvement, Transport Assessment, Travel Plan, Tree Survey, Flood Risk Assessment, Contaminated Land Desktop Study, Phase 1 Ecology Report, Archaeology and Built Heritage Assessment, Daylight, Sunlight and Overshadowing Report, Wind Survey, Energy Statement, BREEAM pre-assessment Report, Sustainability Statement, Townscape and Visual Impact Assessment and Construction Environmental Management Plan have been submitted in support of the application.
- 1.6. The application has been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environment Statement.
- 1.7. [Link to Documents](#)
2. [Site & Surroundings](#)
- 2.1. The site is approx. 1.68 ha and currently comprises of a centrally located 11 storey 'T' shaped building with associated car parking and landscaping which provides

16,095 sqm of office space and accommodates approx. 2000 employees. The site is privately owned and although pedestrians regularly cross the site there is no public right of way across it.

2.2. The site is bounded by Holliday Street to the north, the elevated Suffolk Street Queensway to the east and the Mailbox development to the south. It is within the Westside and Ladywood part of the city centre and surrounded by a wide range of uses, including residential. The site is highly accessible by foot and bike and close to train, bus and tram stops.

2.3. The site has a natural incline, which falls from north to south, creating a steep slope and there is a TPO which covers some of the trees to the northern part of the site. The nearest listed building is Alpha Tower to north North West beyond the Dandara residential development which is currently under construction.

2.4. [Site location](#)

3. Planning History

3.1. 12th April 2017 - 2016/09735/PA. Demolition of existing building and erection of a 9 storey building for office B1(a) and retail A1, permanent and interim car parking and landscaping and associated works. Approved subject to conditions and a S106.

4. Consultation/PP Responses

4.1. Lead Local Flood Authority – Overall accept the principles of the Sustainable Drainage Assessment but some points will need to be addressed as part of the detailed design phase, conditions are therefore required.

4.2. Regulatory Services – Air pollution compensation required during build period and conditions with regard plant/machinery noise, electric charging points, emission restrictions on commercial vehicles, differential car parking charges and a travel plan are required.

4.3. West Midlands Police – Development should be constructed in accordance with our commercial; lighting and CCTV guidance and controlled access to the basement and all building access should be secured. Otherwise welcome glazing levels across the development.

4.4. Transportation Development – Additional details including additional tracking plans, a stage 1 Road Safety Audit and additional video surveys (of Royal Mail Street) to confirm how it is used have been submitted which satisfies initial concerns. Therefore no objections subject to conditions.

4.5. Network Rail – If the site works include vibro-impact then the details should be agreed with Network Rail.

4.6. Severn Trent – No objections subject to drainage conditions.

4.7. CABE – Consulted as part of the pre-app process and commented on the need to ensure that it did not ‘turn its back’ on the surrounding streets and that the trees should be removed if necessary.

4.8. Local Residents Associations, neighbours, Ward Councillors and the MP have been notified. Site and press notices have also been displayed.

4.9. 8 letters of objection have been received. Objections have been raised on the basis that the proposal would result in an overdevelopment of the site, have a detrimental visual impact, would raise parking and road safety issues, result in overshadowing, overlooking, loss of light and loss of privacy to existing residents, there is no need to demolish the existing high quality building, no need for supporting retail, the tall building is out of character with its surroundings, there would be an adverse impact on existing residents due to construction noise and light pollution.

4.10. 1 letter of support has been received.

5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), High Places (SPG), Places for All (SPG), Places for Living (SPG), Car Parking Guidelines (SPD), Access for People with disabilities (SPD), NPPF and NPPG.

6. Planning Considerations

Policy/principle

6.1. The application site is located within the City Centre Growth Area and is adjacent to the City Centre retail core. Policies within the BDP seek to support the City's vision of growth and development across the plan period with policy GA1 identifying that the City Centre will be the focus for retail, office, residential and leisure activity and that appropriate scale retail development will be supported where it complements the existing Retail Core as part of mixed-use redevelopments.

6.2. This proposal, along with the already consented phase 1 building, would provide a net increase of approximately 98,000sqm of office floor space and approximately 4,000sqm retail floor space. The proposed increase in the office floor space would make a positive contribution to the floor space targets identified within the BDP and the level of retail proposed would complement this as part of a mixed use redevelopment of the site.

6.3. Further the applicant identifies how the proposed redevelopment of the site (both phases) would support the net creation of in excess of 8000 new jobs, potentially increase business rates by £9m per annum, provide a £19m yearly uplift in employee spending in the local economy and £287m yearly contribution to the wider economy and approx. 300 full time equivalent roles during construction.

6.4. My Strategic Planning colleagues consider the proposal would be in accordance with the BDP, a view with which I concur, and I therefore raise no objection in principle subject to detailed matters.

Layout/Scale

6.5. The application is in outline and seeks consent for layout, scale, landscaping and access with appearance reserved. Consequently the plan shows how, in addition to phase 1, three further buildings would be positioned to the perimeter of the site around a centralised public square. Minimum and maximum heights and maximum floor space has been proposed with the largest and tallest (building 3) proposed to the north of the site on the corner of Holliday Street and Suffolk Street Queensway. The northern part of the site, on a road junction fronting a strategic city centre road,

is an appropriate location for a tall building on a site that is located within the central ridge zone, as defined within High Places (SPG). The maximum height would not compromise Aeordrome safety, would not detract from key views across the City and would allow it to respond to its immediate context, including future development at Paradise Circus, and the City's topography. Access points to each building have been indicated off the public square and the footpath along Suffolk Street Queensway and indicative floor plan layouts have demonstrated how active frontages to the public square and streets could be achieved which would also be safeguarded by conditions. Further, whilst appearance is a reserved matters the applicant has demonstrated how, within the scale parameters, the building detail could be developed to ensure that the proposed buildings could be articulated to reduce the bulk and mass, reflect the sites city centre character and ensure they would not adversely affect the visual amenity of the area.

- 6.6. I therefore consider the buildings have been orientated to maximise the site constraints and respond to the immediate building context such as Alpha Tower, Centenary Plaza and the Orion building and reflect its City Centre context, a view with which my City Design Manager agrees.

Impact on residents

- 6.7. There are a mix of uses within the immediate context, including residential with the nearest at Centenary Plaza, Mailbox, 24 and 26 Bridge Street, The Orion Building and Plot G Arena Central (currently being constructed). Local residents have raised concerns that the proposed development would adversely affect their amenity by virtue of loss of light, loss of privacy and overlooking.
- 6.8. There are no policies that specify minimum separation distances between proposed office accommodation and existing residential accommodation. However, Places for Living suggests there should be a separation distance of 27.5m between facing elevations of 3 storeys and above.
- 6.9. The nearest proposed building to existing residential accommodation is Building 4 located to the east of Centenary Plaza. This building would be a max of 7 and 14 storeys in height and would be positioned 27.3m from the facing elevation of Centenary Plaza. As the application is in outline only, detailed matters such as window positioning and potential screening are not available for consideration. Notwithstanding this, I note that the site is within an urban environment, that the separation distances achieved would be in line with Places for Living and that the separation achieved would be at least comparable to many other City Centre developments. I do not therefore consider the amenities of existing occupiers would be adversely affected by virtue of overlooking.
- 6.10. A Sunlight, Daylight and Overshadowing report has been submitted in support of the application which assesses the impact of the development in relation to BRE Guidelines. It considers the impact of the development in relation to residential properties at Centenary Plaza, 24 + 26 Bridge Street, The Orion Building, Plot G Arena Central and the Mailbox. The report acknowledges that the proposal would result in alterations to the Vertical Sky Component (VSC), Daylight Distribution (NSL) and Average Daylight Factor (ADF) beyond BRE guidelines on windows within all of the assessed properties except for the 24 and 26 Bridge Street and would in particular reduce sunlight to the eastern elevation of Centenary Plaza. However, the report notes that this is in part a function of the current and uncharacteristically undeveloped open nature of the application site and the limitation of using BRE guidelines which are designed for a suburban environment

rather than a more urban context. Further it goes on to note that this development would perform well and preserve daylight and sunlight levels commensurate with and in some cases better than would be expected for a city centre site. The report is comprehensive and I have no reason to question it, I am therefore satisfied that the loss of light impact on residential amenity would be acceptable.

Transportation

- 6.11 There are 206 car parking spaces currently on site and phase 1 previously agreed a reduction to 132 car parking spaces, 22 motorcycle spaces and 200 cycle spaces. This phase would result in the reduction to 54 car parking spaces and 7 motorcycles spaces but an increase to over 800 cycle spaces along with showers, changing facilities and secure storage. The proposal would also result in a single access in from Holliday Street and a single access out onto Navigation Street.
- 6.12 Transportation Development had initially raised an objection to the proposal on the basis of a Highway Improvement Line (HIL) which crosses the site, which if required would significantly impact on the provision of building 3, and concerns over the exit onto Navigation Street. However the HIL has now been revoked and additional information has been submitted to demonstrate that the new access road can be adjusted to accommodate the proposed development access without compromising existing and future pedestrian and vehicular user's needs and include indicative plans for how Royal Mail Street could look.
- 6.13 Local residents have also raised concerns about the lack of car parking provision on site, particularly if it becomes residential. However, the application seeks consent for new office accommodation and retail only, it is excellently located for public transport close to bus, tram and train stops/stations within the City Centre and close to a number of existing public car parks. The proposals would also contribute to improving pedestrian routes through the site, as encouraged by policy GA1.4, and this would be safeguarded in perpetuity by condition. The development would also have good facilities for cyclists. I therefore concur with Transportation Development who raise no objection to the proposal subject to conditions, including a travel plan and cycle parking prior to occupation, which I attach accordingly.

Trees/landscaping and Sustainability

- 6.14 There are currently 100 individual trees and 4 small groups of trees on the site. Phase one included agreement to remove 2 protected trees and 42 non protected trees. The plan now submitted deals with the site in its entirety and proposes that a total of 16 protected trees and 55 non protected trees would be removed. The trees need to be removed to create the proposed access, accommodate new buildings and for good tree management reasons.
- 6.15 As previously, my Tree Officer notes that the non-protected trees could be removed at any point and that there are a number of trees to the rear of the site that do not provide a significant contribution to the public view. Further he considers the supporting information is comprehensive and provides a well-reasoned justification for the removal of the protected trees and notes he has approved the removal of the the TPO trees as part of a separate Tree Works application. My Tree Officer therefore raises no objection to their removal subject to conditions. He also welcomes the significant provision of 83 additional trees. My Landscape Officer also welcomes the hard and soft landscaping proposed, as it would not only improve the sites appearance but improve its diversity, increase its resilience to disease and significantly improve its landscape longevity. I concur with these views

and consider that the proposed public square would make a positive contribution to the City's environment and that the active, and continued, management of the proposed landscaping, including trees, would enhance the sites contribution to the character and visual amenity of the area and recommend conditions to secure this accordingly.

- 6.16 My Ecologist agreed with the preliminary ecological appraisal which concluded that the existing site habitat is of negligible ecological value. Furthermore, he welcomes the retention of the mature trees and considers that the ecological enhancements proposed, which in line with phase 1, could include the provision of bird and bat boxing and a living roof, would significantly improve the bio diversity value of the site in line with both local and national planning policy. Conditions are recommended accordingly.
- 6.17 The BDP confirms the Council's commitment to reducing total carbon dioxide (CO₂) emissions by 2027 and a number of policies in the plan seek to contribute to achieving this and encourage good principles of sustainable development. The proposed buildings would be constructed to a minimum level of BREEAM good and, as an overall package; the development would have a positive impact on sustainability.

Planning Obligations

- 6.18 BDP policies require that new development should be built to a high design and contribute to a strong sense of place within attractive and safe environments and that financial contributions may be required to meet the needs associated with the development.
- 6.19 The proposed development is expected to increase, significantly, the pedestrian footfall to/from the site and the immediate surrounding area. Therefore to make the proposed development acceptable in planning terms, improve the visual amenity of the area and safeguard pedestrian movements it is necessary to improve the public realm around the site. The applicant concurs with this view and has agreed a financial contribution of £985,000. This contribution along with improvements required by the s278 would cover; on Navigation Street, footway resurfacing, enhanced pedestrian crossing facilities and street lighting improvements and on Holliday Street; footway resurfacing, traffic calming measures, creation of a pedestrian link to Arena Central, enhanced lighting below the Birmingham Canal Old Line bridge and way finding measures. This contribution would comply with the CIL Regulations.
- 6.20 The CIL charging schedule was introduced in January 2016 however given the nature of the application and uses proposed no charge would be required.

Regulatory Services

- 6.21 Regulatory Services require a number of conditions including compensation for air pollution during demolition and construction phases, restrictions on commercial vehicle emissions, low emission vehicle parking and differential parking charges dependent on emissions. Whilst the importance of these measures are noted in terms of air pollution I consider there is limited/no policy basis for these requests and do not therefore consider it reasonable to attach such conditions. Notwithstanding this I note the applicant, within section 9.2 of the Framework Construction Environmental Management Plan, has identified numerous steps to assist with the City's air quality objectives. It is however appropriate to attach

conditions with regard ground contamination, plant noise and electric charging points.

Other considerations

- 6.22 Local residents have raised concern over the noise and dust during the construction period. Whilst this is largely controlled by other legislation the applicant has included details of construction hours within a Management Plan which Regulatory Services have seen and raised no concerns.
- 6.23 The Employment Access Team have requested that the developer commits to engage with the City Council and other agencies in relation to local training and employment opportunities during construction of the development. Given the size of the development and policies within the BDP I consider this is a reasonable request and that this can be secured by way of a condition which is attached accordingly.
- 6.24 The Police's comments have been passed on to the applicant and conditions with regard lighting and CCTV have been attached.
- 6.25 A Wind Report has been undertaken which concludes that, upon completion and including the landscaping, the proposed development is not expected to have any significant adverse impact on the pedestrian level wind conditions within the surrounding area and may have a slight beneficial effect at the main entrance to Centenary Plaza. It should however be noted that a further wind assessment may be required should building 3 be built and occupied prior to building 4 and an appropriate condition is therefore recommended.

7. Conclusion

- 7.1. The proposal would follow on from the previously approved phase 1 scheme establishing the foundations for a comprehensive office led redevelopment of the site with three further buildings of an appropriate layout and scale within this city centre location. The site would be well landscaped, provide a new public square, and an appropriate access. The proposal would accord with both local and national planning policies and should therefore be approved.

8. Recommendation

- 8.1. That consideration of planning application 2017/01882/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) A financial contribution of £985,000 (index linked from the date of resolution) towards public realm enhancements within the vicinity of the Axis site.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the public realm contribution subject to a maximum of £10,000.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 30th August 2017 that planning permission be refused for the following reason(s):

a) In the absence of any suitable legal agreement to secure a financial contribution towards public realm enhancements the proposal would be contrary to policies GA1.1, GA1.4 and TP39 of the Birmingham Development Plan 2017 and National Planning Policy Framework.

8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th August 2017, favourable consideration be given to this application, subject to the conditions listed below.

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- 1 Requires the prior submission of contamination remediation scheme on a phased basis
 - 2 Limits the maximum gross floorspace of the unit
 - 3 Limits the building heights
 - 4 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 5 Requires the prior submission of a sustainable drainage scheme in a phased manner
 - 6 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the prior submission of a contamination remediation scheme
 - 8 Limits the noise levels for Plant and Machinery
 - 9 Secures electric charging points
 - 10 Secures differential height in building 3
 - 11 Requires a construction management plan
 - 12 Requires the prior submission of sample materials in a phased manner
 - 13 Requires the prior submission of a landscape management plan
 - 14 Secure public access
 - 15 Requires the scheme to be in accordance with the listed approved plans
 - 16 Requires the prior submission level details on a phased manner
 - 17 Requires the prior submission of a drainage scheme
 - 18 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 19 Requires the prior submission of a commercial travel plan
 - 20 Requires the provision of cycle parking prior to occupation
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- 21 Requires the parking area to be laid out prior to use
 - 22 Requires the prior submission of extraction and odour control details in a phased manner
 - 23 Requires the prior submission of details of green/brown roofs
 - 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of a lighting scheme in a phased manner
 - 26 Requires the prior submission of details of refuse storage
 - 27 Requires the prior submission of hard and/or soft landscape details
 - 28 Requires further wind assessment
 - 29 Secures an employment policy
 - 30 Requires the prior submission of a CCTV scheme
 - 31 Requires Implementation of CCTV
 - 32 Requires the submission of reserved matter details following an outline approval
 - 33 Requires the prior submission of cycle storage details
 - 34 Tree Survey and Arboricultural Implication Assessment Submission Required (Outline Application)
 - 35 Arboricultural Method Statement - Submission Required
 - 36 Requires tree pruning protection
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Case Officer: Joanne Todd

Photo(s)

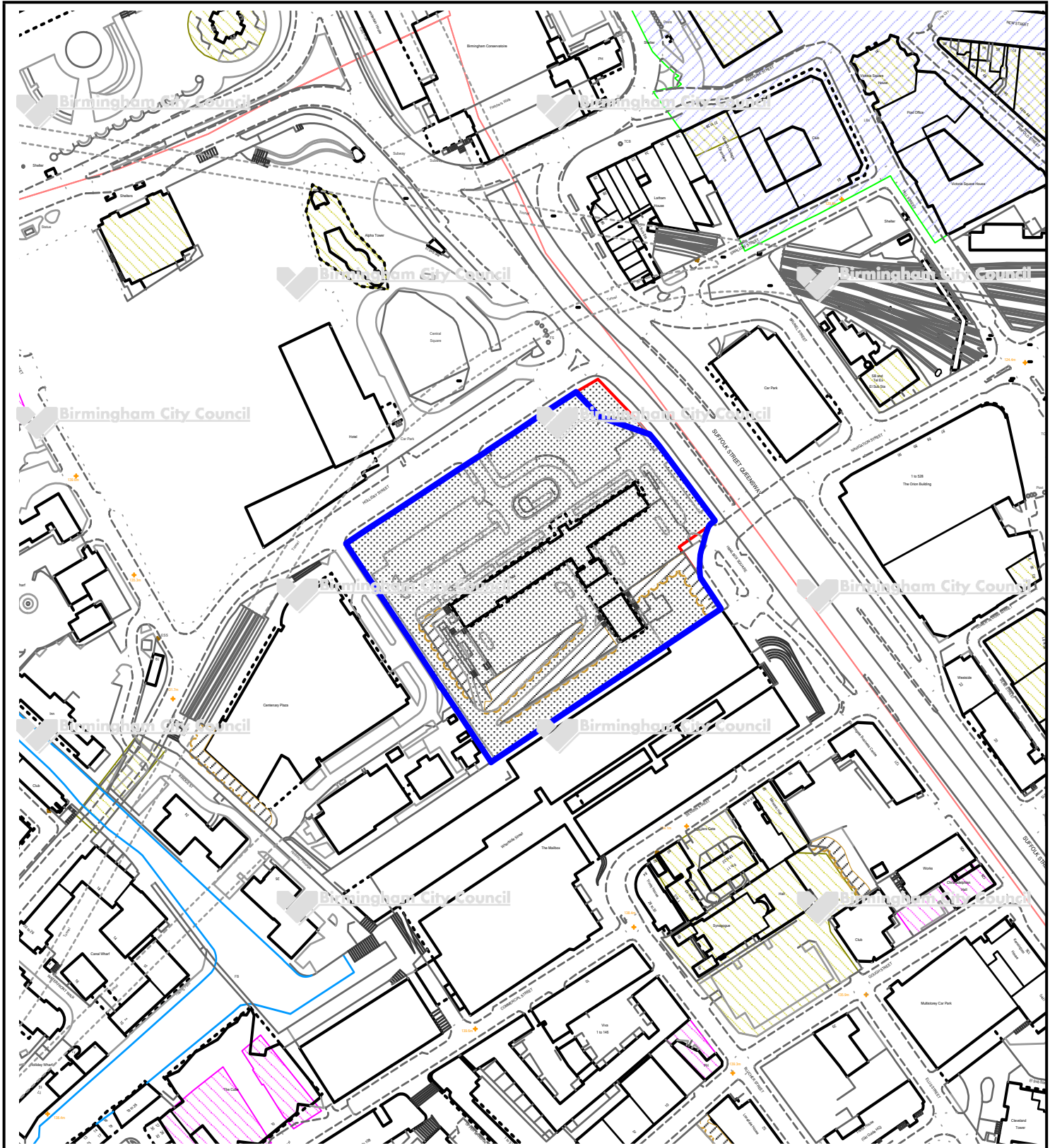


Picture 1: Existing site from the north



Picture 2: Existing site from Mailbox frontage

Location Plan



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