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Committee Date:	16/02/2017	Application Number:	2016/09735/PA
Accepted:	21/11/2016	Application Type:	Full Planning
Target Date:	17/03/2017		
Ward:	Ladywood		

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

Demolition of existing building and erection of a 9 storey building for office and retail, permanent and interim car parking and landscaping and associated works

Applicant: London & Continental Railways Ltd  
1 Kemble Street, London, WC2B 4AN  
Agent: Quod  
2nd Floor, Ingeni Building, 17 Broadwick Street, London, W1F 0AX

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

1.1 This application is the 1<sup>st</sup> of 2 applications which would result in the redevelopment of the entire site and comprises a full application for the demolition of the existing building, erection of a 9 storey office block, interim car parking and landscaping and associated works.

1.2 **Phase 1** - The proposed building would be erected to the south-west of the site and the existing building. It would be 9 storeys and of a modern appearance. It would be constructed as a simple rectangular glazed block, 'cloaked' by ribbed terracotta panels to the south-east, south-west and north-west elevations. Large, regular window openings would be punched through which would have glazing positioned flush with simple vertical fins whilst some of the openings would be left 'open' to form recessed terraced areas. The panelling would be of a bespoke profile and would be coloured black with a soft gloss finish. The ground and first floor levels across the building would be fully glazed, as would the north eastern elevation, articulated by stainless steel mullions. Break out terraces would be positioned randomly across the elevations and there would be a terrace along both the north and south of the roof top. The southern roof terrace would have fixed and staggered planters along its boundary whilst the upper windows on this elevation (levels 6-8 ) would have a stainless steel modesty screen. Plant on the roof would be screened by perforated metal panels and a green/brown roof is proposed along with rooftop solar panels. It would provide 19,700sqm of new office floorspace and 216sqm of new retail space. The specific materials would be conditioned.

1.3 The existing building would be demolished after the new building has been constructed and plans submitted detail how the site, including parking and pedestrian access, would be laid out during the **construction** of the proposed building, the **demolition** of the existing building and then on an **interim** basis until the second phase of development could be brought forward.

- 1.4 122 car parking spaces would be provided during the construction period, 92 car parking spaces would be provided during the demolition period and 132 spaces provided as part of the interim solution. The car parking would be primarily provided at surface level, via the existing access off Holliday Street. As part of the interim solution 19 spaces would be provided underground, via a proposed new access off Holliday Street, along with 200 cycle spaces, changing facilities, showers and storage.
- 1.5 2 protected trees and 42 non protected trees would be removed. Full landscaping plans have been provided for each part of phase 1 (construction, demolition and interim) resulting in an additional 32 specimen trees, 55 understorey trees, meadow planting, shade garden and species rich lawn being provided across the site. A lighting plan has also been provided which includes bollard lighting along the main pedestrian route as well as spot lighting and building lighting.
- 1.6 **Phase 2** - An outline application for the 2nd phase is expected later this year. Indicative plans submitted with this application show how a further 3 buildings could be provided around the edge of the site with a new, centralised, public square. Indicative plans also show how the site could be landscaped following the completion of phase 2 and how this could utilise planting from the interim scheme.
- 1.7 A Planning Statement (including an 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.
- 1.8 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 Environmental Statement.
- 1.9 [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.
  - 2.4 [Site location](#)

3. Planning History
- 3.1. None relevant to the current submission.
4. Consultation/PP Responses
- 4.1. Lead Local Flood Agency – information not acceptable, revised plans required.
- 4.2. Severn Trent – no objection subject to conditions.
- 4.3. Transportation Development – no objections subject to conditions for S278, travel plan, cycle parking, parking prior to use and a construction management plan.
- 4.4. Regulatory Services – no objections subject to conditions with regard land contamination, plant and machinery, refuse storage and vehicle emissions.
- 4.5. West Midlands Police – no objections subject to various recommendations with regards lighting, cctv, internal access control, access barrier for basement car parking and they also note that works should be carried out to their recognised standards i.e. as identified within Secured by Design Commercial 2015 guide and Lighting Against Crime.
- 4.6. CABE – Consulted as part of the pre-app process and although more interested in the wider site proposals they welcomed the environmental credentials, landscaping proposals and improved biodiversity proposed as part of phase 1.
- 4.6. Local Residents' Associations, neighbours, Ward Councillors and the MP have been notified.
- 4.7. 2 letters of comment have been received noting that the existing building is a good example of its time and it does not need to be demolished but if it is, a well-designed, high quality building should replace it, not a generic one. In addition they comment that the existing green space is of good quality and that the new proposal should include a replacement green lawn. Further, as the site is used daily to access New Street a safe pedestrian route should be secured as part of the new development.
- 4.8. 1 letter of support on the basis that the proposal will revitalise the area and increase the value of properties.
- 4.9. 1 letter noting the positive impact the proposed redevelopment of the Axis site would have on visitors to the Mailbox and this part of the City but expressing concern over the proximity of the proposed building to the Mailbox itself, particularly in relation to the residential residents of the Mailbox and the impact the proposed building would have on their amenities by virtue of overlooking from the upper terrace. Concern also raised about potential noise from the roof top plant and by office users in areas such as the Shade Garden and terraces (more clarification about the hours of use required). Finally, concern expressed over the demolition and construction stage and that this should not adversely impact on existing residents/visitors of existing nearby buildings.
- 4.10. 4 letters of objection raising objections on the basis that the proposed building would be too close to existing boundaries resulting in an overcrowded over intense and inhumane development, loss of privacy, loss of light, loss of trees which currently have a positive impact on the surrounding environment, increase in traffic, poor and inadequate design and the fact that it would adversely affect the resident's outlook.

## 5. Policy Context

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

## 6. Planning Considerations

### Principle

- 6.1. The Birmingham Development Plan 2017 was adopted at Full Council Tuesday 11<sup>th</sup> January 2017 and now forms the basis of the statutory planning framework. It contains policies 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. Policy PG1 goes on to set out overall levels of growth for the City whilst policy TP21 identifies specific growth targets for the City Centre of 160,000sqm comparison retail floorspace and 700,000 sqm of office floorspace.
- 6.2. The application site is located in the Westside and Ladywood quarter close to the City Centre core area but within the City Centre Growth Area. The proposal is for the redevelopment of the site and phase 1, of 2, would result in a small net increase in office floor space along with a modest amount of retail floor space. Therefore in land use terms the proposal would accord with policy making a positive contribution to the office targets within the BDP whilst the level of retail proposed would complement it as a mixed use redevelopment of the site.
- 6.3. The existing building is a T-shaped, 11 storey, concrete framed building with a façade system comprising pre-cast concrete panels with inset glazing, constructed in the 1970s. It is dated and no longer meets modern office occupier requirements. Local residents have expressed a view that they consider that the existing building should be retained as a good example of 'its time'. However, it is neither locally or statutorily listed nor is it in a conservation area and I therefore consider there would be insufficient reasons to object to its demolition.

### Design

- 6.4. The building would be of a simple rectangular form positioned to the south west of the plot which would allow for further future development (phase 2) and a much more efficient use of the site. At 9 storeys it would be a lower height than the existing Axis building and slightly higher than the adjacent Mailbox with the 9<sup>th</sup> floor and plant level recessed to ensure that the buildings scale and mass is not over dominant. The profile of the cladding has been designed specifically for this building and would result in a texture unique to the building. Therefore, whilst the specific materials would be controlled by condition the applicant has indicated that the profiled terracoata cladding would be black in colour with a soft gloss finish and this along with the use of high quality glazing and stainless steel mullions and fins would help create a distinct building. Further, the materials proposed, the large regular window openings and the extent of glazing across the building would result in a high open/solid ratio to ensure the buildings mass would be broken up and well-articulated.

- 6.5 My City Design Officer considers that the design has been well considered and that the proposal would result in an appropriately scaled development which would be well-articulated, functional, secure and sustainable. I concur with this view and welcome the development which would be in accordance with local and national policies.

#### Impact on residents

- 6.6 The adjacent Mailbox is a mixed use development which includes residential accommodation on the upper floors with habitable windows and private terraces to the north. Local residents have therefore expressed concerns about the proximity of the proposed building and the adverse impact this would have on their amenity by virtue of loss of light, overlooking and noise.
- 6.7 There are no policies that specify minimum separation distances between proposed office accommodation and existing residential accommodation. However, Places for Living provides guidance for existing and proposed new residential accommodation and suggests that there should be a separation distance of 27.5 m between facing elevations for 3 storeys and above and 5m per storey set back to prevent overlooking to private amenity space.
- 6.8 The proposed building would be between 26m and 29.6m from the residential facing elevations in the Mailbox and I note that both the scale and mass of the building has been reduced in size and moved away from the boundary since pre-application discussions. Further, there would be 17m between the proposed new build and the end of the external terraces, in excess of the 15m required by Places for Living. Overlooking from the rooftop terrace would be prevented by the positioning of fixed planters along the boundary. Privacy screens on the office windows are also proposed on floors 6-8 on the southern elevation to angle views out, reducing further the opportunity for overlooking and the perception of overlooking from these windows. I also note that the distance separation achieved is comparable to many other City Centre developments.
- 6.9 A Daylight, Sunlight and Overshadowing report has been submitted in support of the application which assesses the impact of the development in relation to the surrounding residential accommodation in relation to BRE Guidelines. It considered the impact of the development in relation to Centenary Plaza, 26 Bridge Street, 24 Bridge Street, The Orion Building, Plot G Arena Central and the Mailbox, concluding that only the Mailbox would be affected. However, the report notes that even in the Mailbox there would only be 6% of rooms where sunlight/daylight provision would neither meet BRE Guidelines or be considered good given the sites urban location. Notwithstanding this the report goes on to note that even in these locations the retained levels of sunlight/daylight are similar too, or better than, the light level loss experienced by other residential properties following other developments within the City. The report therefore concludes that with the exception of an isolated number of rooms within the Mailbox building, the effect of the development upon the daylight and sunlight amenity of the surrounding residential properties and areas of amenity space is considered to be negligible to the extent that the occupiers and users of these rooms and spaces will not notice any alteration to the levels of amenity that they currently enjoy. I am therefore satisfied that the impacts on residential amenity will be acceptable.
- 6.10 Regulatory Services raise no objection to the proposal in terms of noise.

- 6.11 Therefore, whilst I acknowledge that there will be a marked change in outlook for the residential occupiers of the Mailbox, on balance I consider that the siting and design of the building and its City Centre locality would not cause demonstrable harm to the amenities of residents, by virtue of loss of light or overlooking, sufficient to warrant refusal of the scheme. Furthermore, given the nature of the proposed use and the comparatively limited external terrace areas, I consider it unlikely that the proposal would give rise to noise levels which would adversely affect existing residents, particularly given the background noise levels of the area in this urbanised city centre location

#### Trees/landscaping

- 6.12 There are currently 100 individual trees and 4 small groups of trees on the site. It is proposed that 2 protected trees and 42 non protected trees would be removed to facilitate the development. The 2 protected trees are to be removed to create a new vehicle access. The new access would be used initially for construction vehicles and upon completion of construction and demolition it would provide access to the basement parking. Indicative plans show that this new access would become the sole access off Holliday Street with the existing vehicular access being removed when phase 2 is brought forward. An additional 87 new trees would be provided along with hard and soft landscaping across the site as part of the interim proposal.
- 6.13 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. The supporting information is comprehensive and provides a well-reasoned justification for the removal of the 2 protected trees, one of which is damaged. My Tree Officer therefore raises no objection to their removal subject to conditions. He also welcomes the significant provision of 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 and thereby its resilience to disease and its landscape longevity. I concur with these views and consider 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.
- 6.14 In addition, my Ecologist agrees with the preliminary ecological appraisal which concludes 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 include the provision of bird and bat boxes, a living roof and use of native/species, would significantly improve the bio diversity value of the site in line with both local and national planning policy.

#### Transportation

- 6.15 There are currently 206 car parking spaces, 30 cycle spaces and 2 disabled spaces available on the existing site. During the build out of phase 1 the car parking would be reduced to between 92 and 122 surface parking spaces with the new building ultimately being provided with a total of 132 car parking spaces (19 underground), 22 motorcycle spaces and 200 cycles spaces along with showers, changing facilities and storage. Servicing would be via the basement car park.
- 6.16 Adopted policy would allow for the provision of up to 443 car parking spaces for this development. However, this would be a maximum provision rather than a minimum provision. The site is excellently located for public transport close to bus, tram and

train stops/stations within the City Centre as well as being close to a number of existing public car parks. 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.

#### Planning obligations

- 6.17 Local 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.
- 6.18 The site is in close proximity to New Street, accessed via Navigation Street. However Navigation Street does not currently meet the City's vision for a high quality, clear and legible street and the applicant has therefore agreed to make a financial contribution of £300,000 towards the 'Navigation Street - Making Connections project' which seeks to improve the City's connectivity. This contribution would accord with policy and comply with the CIL Regulations 2010.
- 6.19 The CIL charging schedule was introduced in January 2016 however as a rate of £0 is applied to both B1 office and A1 retail below 2,700sqm, this development would not be subject to a CIL charge

#### Other considerations

- 6.20 A local resident has 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.
- 6.21 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.
- 6.22 Regulatory Services have raised no objections to the proposal subject to conditions which I recommend with the exception of the specific requirements on car emissions and car park charging as I do not consider these relevant to this development.
- 6.23 The Police's comments have been passed on to the applicant and conditions with regard lighting and cctv have been attached.
- 6.24 A Wind Report has been undertaken which concludes that the development is not expected to have any significant impact on the pedestrian level wind conditions within the surrounding area.
- 6.25 The proposed building would be constructed to a minimum level of BREEAM good and, as an overall package, given its location; facilities and landscaping would have a positive impact on sustainability.

#### 7. Conclusion

7.1. The proposal would result in a modern replacement office building within the Westside and Ladywood part of the City Centre. It would be well designed, set within good landscaping and have an adequate level of car parking provision which would be in situ until the second phase of development could be progressed. 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 2016/09735/PA be deferred pending the completion of a planning obligation agreement to secure the following:-

a) A financial contribution of £300,000 (index linked from date of resolution) towards public realm enhancement (Making connections project, Navigation Street).

b) Payment of a monitoring and administration fee associated with the legal agreement of 1.5% 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 by 17<sup>th</sup> March 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 off site public realm the proposal would be contrary to policy PG3, TP39 and TP47 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 by 17<sup>th</sup> March 2017, favourable consideration be given to this application, subject to the conditions listed below.

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1	Requires the prior submission and completion of works for the S278/TRO Agreement
2	Requires the prior submission of a commercial travel plan
3	Requires the provision of cycle parking prior to occupation
4	Requires the parking area to be laid out prior to use
5	Requires the prior submission of details of green/brown roofs
6	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
7	Arboricultural Method Statement - Submission Required
8	Requires the prior submission of a contamination remediation scheme
9	Requires the prior submission of a contaminated land verification report

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- 10 Requires the prior submission of extraction and odour control details
  - 11 Requires the prior submission of details of refuse storage
  - 12 Limits the noise levels for Plant and Machinery
  - 13 Requires the implementation of the Flood Risk Assessment
  - 14 Requires the prior submission of hard and/or soft landscape details
  - 15 Requires the prior submission of a landscape management plan
  - 16 Requires the prior submission of a lighting scheme
  - 17 Requires the prior submission of sample materials
  - 18 Requires the prior submission of level details
  - 19 Requires the scheme to be in accordance design and access statement
  - 20 Requires the scheme to be in accordance with the listed approved plans
  - 21 Non Standard Condition Require planter detail
  - 22 Requires the prior submission of hard and/or soft landscape details
  - 23 Requires the prior submission of hard surfacing materials
  - 24 Requires the prior submission of earthworks details
  - 25 Requires the prior submission of boundary treatment details
  - 26 Requires the prior submission of a landscape management plan
  - 27 Requires the prior submission of sample materials
  - 28 Secure an employment policy
  - 29 Requires the prior submission of a CCTV scheme
  - 30 Requires stage 3 landscaping
  - 31 Secure interim landscaping
  - 32 Requires the prior submission of window/modesty screens
  - 33 Require the provision of a vehicle charging point
  - 34 Requires details of internal modesty screens
  - 35 Implement within 3 years (Full)
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Case Officer: Joanne Todd

**Photo(s)**

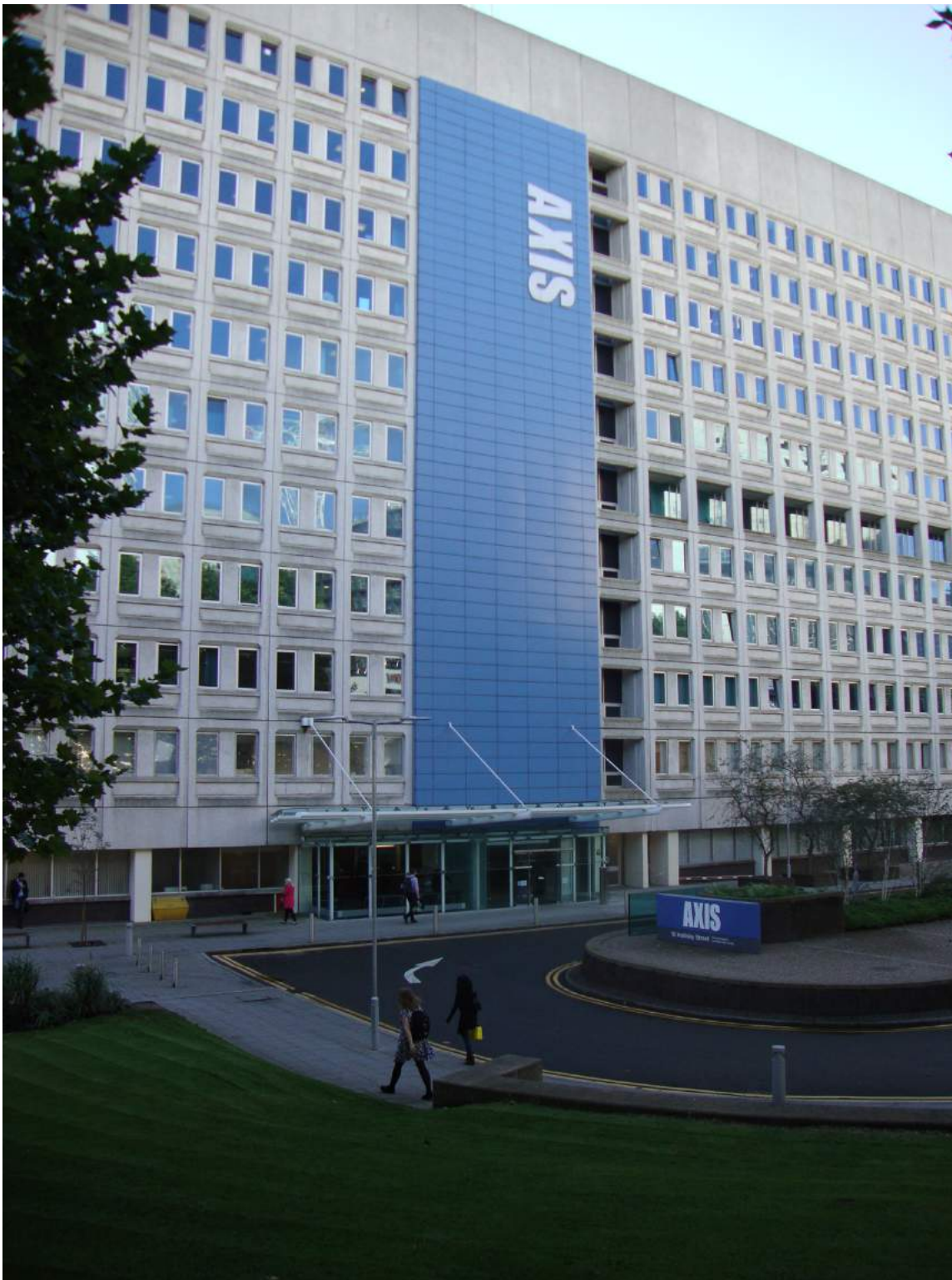


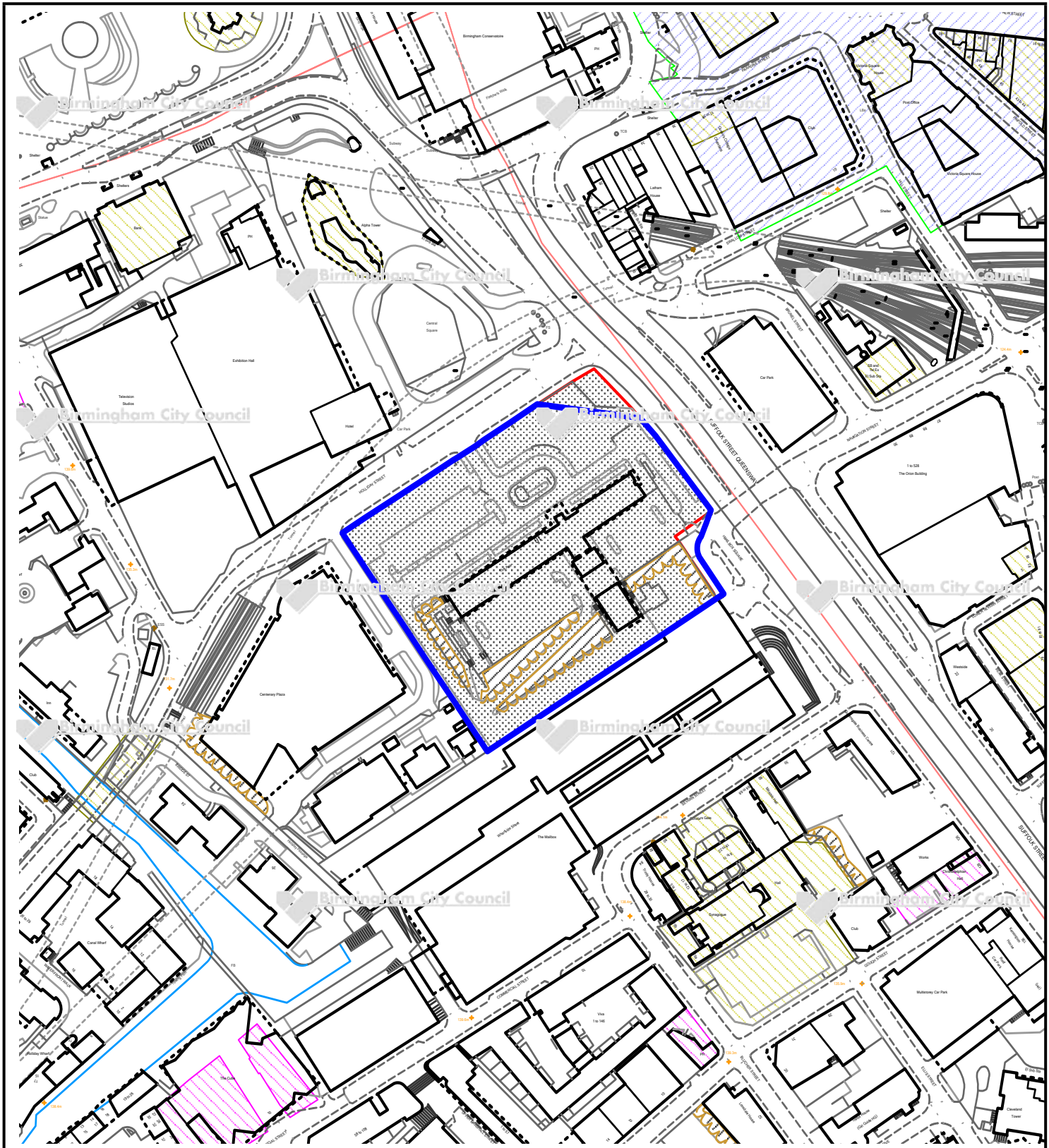
Photo 1 – Existing building from corner of Suffolk Street Queensway and Holliday Street





Photo 2 – Wider ariel view of the existing building and its context

# Location Plan



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