

DECISION DOCUMENT

APPLICATION NUMBER: 2017/01882/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

London & Continental Railways Ltd
1 Kemble Street
London
WC2B 4AN

AGENT (if used)

Quod
Second Floor
Ingeni Building
17 Broadwick Street
London
W1F 0AX

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

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.

at

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

Conditions that affect this development or use

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- 1 Limits the maximum gross floorspace of the unit
The maximum gross (internal) floorspace shall not exceed building 2 - office 4287sqm, retail 698sqm, building 3 - office 61,183sqm, retail 2095sqm and building 4 - office 28,190sqm, retail 891sqm.
Reason: In order to define the permission and secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

 - 2 Limits the building heights
The maximum height of any of the buildings within the site shall not exceed Ordnance Datum levels as identified on parameters plan 67 FP_AX_PA_SW_SW_LOO_20500/A.
Reason: In order to define the permission and secure a satisfactory development of the site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

 - 3 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
Development on each phase shall not take place until an Ecological Enhancement Strategy for that phase, based on the recommendations contained in the Preliminary Ecological Appraisal Feb 2017 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to safeguard the nature conservation value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 4 Requires the prior submission of a sustainable drainage scheme in a phased manner
No development shall take place in a phase until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development in that phase, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
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- 5 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
No building on each phase hereby permitted shall be occupied until the sustainable drainage for that phase of the development has been completed in accordance with the approved sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan has been submitted to and approved in writing by the Lead Local Flood Authority.
The approved drainage system shall thereafter be operated and maintained in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.
Reason
To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
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- 6 Requires the prior submission of a contamination remediation scheme
No development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:
1) A preliminary risk assessment, which has identified:
o all previous uses
o potential contaminants associated with those uses
o a conceptual model of the site indicating sources, pathways and receptors
o potentially unacceptable risks arising from contamination at the site.
2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 7 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed LA90 background levels at the boundary of adjacent and opposite premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 8 Secures electric charging points
No fewer than 10% of the parking spaces hereby approved shall be provided with electric vehicle charging points.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 and TP43 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 9 Secures differential height in building 3
Building 3 comprises of two elements of differing heights. These heights shall be within the range shown on parameter plan 67 FP_AX_PA_SW_SW_LOO_20500/A and any variance within that range shall maintain the proportions between the two elements.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 10 Requires a construction management plan
Prior to each phase a construction management plan for that phase which should include details the timescale of works proposed along with the associated highway works shall be submitted to and agreed in writing with the Local Planning Authority. The construction works shall be carried out in accordance with the agreed construction management plan. Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 11 Requires the prior submission of sample materials in a phased manner
Development on each phase shall not take place until samples of the materials to be used in the construction of the external surfaces of the buildings in that phase hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 12 Requires the prior submission of a landscape management plan
A landscape management and maintenance plan, including interim plans for all phases of the development, a survey of the retained landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development of any phase of the development for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 13 Secure public access
Public access to the public square and pedestrian routes across the site as shown on plan 43 FP_AX_PA_SW_L00_20401/A shall be maintained at all times for the lifetime of the development, except for periods of repair or maintenance.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3, GA1.4 and TP39 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 14 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers
Drawing No:
20 FP_AX_PA_LB_20000
21 FP_AX_PA_L00_20001
22 FP_AX_PA_L01_20002
23 FP_AX_PA_L02_20003
24 FP_AX_PA_L03_20004
25 FP_AX_PA_L04_20005
26 FP_AX_PA_L05_20006
27 FP_AX_PA_L06_20007
28 FP_AX_PA_L07_20008
29 FP_AX_PA_L08_20009
30 FP_AX_PA_L09_20010
31 FP_AX_PA_LR_20011
42 FP_AX_PA_SW_LB1_20400
43 FP_AX_PA_SW_L00_20401
44 FP_AX_PA_SW_L01_20402
45 FP_AX_PA_SW_L02_20403
46 FP_AX_PA_SW_L03_20404
47 FP_AX_PA_SW_L04_20405
48 FP_AX_PA_SW_L05_20406
49 FP_AX_PA_SW_L06_20407
50 FP_AX_PA_SW_L07_20408
51 FP_AX_PA_SW_L08_20409
52 FP_AX_PA_SW_L09_20410
53 FP_AX_PA_SW_L10_20411
54 FP_AX_PA_SW_L11-L13_20412
55 FP_AX_PA_SW_L14_20415
56 FP_AX_PA_SW_L15_20416
57 FP_AX_PA_SW_L16_20417
58 FP_AX_PA_SW_L17-L19_20418
59 FP_AX_PA_SW_L20_20421
60 FP_AX_PA_SW_L21-L22_20422
61 FP_AX_PA_SW_L23_20424
62 FP_AX_PA_SW_LR_20425 ('the approved plans')
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 15 Requires the prior submission level details on a phased manner
Development of a phase shall not commence until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 16 Requires the prior submission of a drainage scheme
Development on a phase shall not take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme for that phase shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

- 17 Requires the prior submission and completion of works for the S278/TRO Agreement
No phase of the development shall be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures relevant to that phase have been substantially completed. The package of measures shall include provision of new site access on Holliday Street with associated TRO alterations and pay and display parking bay removal with any associated commuted sums payments, alterations and access provision on Royal Mail Street, and any associated highway works, and are to be carried out at the applicants expense to Birmingham City Council specification.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 18 Requires the prior submission of a commercial travel plan
No phase of the development shall be occupied until a detailed travel plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 19 Requires the provision of cycle parking prior to occupation
The covered bicycle/motorcycle storage spaces shown on drawing number 42FP_AX_PA_SW_LB1_20400/A related to each building shall be provided before occupation of the relevant building on the site and shall thereafter be retained.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 20 Requires the parking area to be laid out prior to use
Each phase of development hereby approved shall not be occupied until vehicle parking for that phase has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.
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- 21 Requires the prior submission of extraction and odour control details in a phased manner
No phase of the development shall commence until details of the extract ventilation and odour control equipment for that phase, including any details of any noise levels from fixed machinery, and external ducting for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 22 Requires the prior submission of details of green/brown roofs
No phase of the development on each phase shall commence until a scheme for the provision of green and/or brown roofs on the flat roofs of that phase of the development, including identified biodiversity benefits, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To improve the landscape character and biodiversity of the area in accordance with Policies PG3, TP7 and TP8 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham Unitary Development Plan 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 23 Requires the prior submission of a lighting scheme in a phased manner
A phase of development hereby approved shall not be occupied until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.
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- 24 Requires the prior submission of hard and/or soft landscape details
Development of a phase shall not take place until full details of hard and/or soft landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.
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- 25 Requires further wind assessment
Should 3 Axis Square (building 3 as shown on the plans) be built and first occupied prior to the construction of 4 Axis Square (building 4 as shown on the plans) a further wind assessment is required to be submitted and agreed in writing with the Local Planning Authority. Any mitigation identified as necessary shall then be implemented within a timescale agreed with the Local Planning Authority.
Reason: In order prior to commencement of construction to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 26 Secures an employment policy
No development shall take place on each phase, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 of the Birmingham Development Plan 2031 and the National Planning Policy Framework.
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- 27 Requires the prior submission of a CCTV scheme
Development on each phase shall not take place until a scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation has been submitted to and approved in writing by the Local Planning Authority. .
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 28 Requires Implementation of CCTV
The CCTV system shall be installed in accordance with the approved details prior to first occupation of each phase and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 29 Requires the submission of reserved matter details following an outline approval
Application for approval of details of the appearance (hereinafter called the reserved matters) shall be submitted to the Local Planning Authority within three years of the date of this notice. No development shall commence before those details are approved in writing by the Local Planning Authority and the development shall be carried out as approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
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- 30 Requires the prior submission of cycle storage details
No development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 31 Tree Survey and Arboricultural Implication Assessment
Submission Required (Outline Application)
The first submission of reserved matters for each phase, shall include a full up to date tree survey and arboricultural implications assessment (AIA) for that phase taking account of all the trees on the site and on adjoining land including public highway and be undertaken in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (BS5837:2012 and any subsequent edition).
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 32 Arboricultural Method Statement - Submission Required
No development shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 33 Requires tree pruning protection
All tree work shall be carried out in accordance with British Standard BS3998 'Recommendations for Tree Work' (2010 and any subsequent edition).
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 34 Requires phasing plan
No development shall take place until a phasing plan has been submitted and agreed in writing with the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 35 Implement within 3 years (outline)
Application(s) for approval of any reserved matter(s) must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Friday 13th October 2017



Waheed Nazir, Corporate Director, Economy

P.O. BOX 28, Birmingham B1 1TU

**Please note
This is not a building regulation approval**

INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net