

DECISION DOCUMENT

APPLICATION NUMBER: 2016/09735/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

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

AGENT (if used)

Quod
2nd 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:

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

at

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

Conditions that affect this development or use

- 1 Requires the prior submission and completion of works for the S278/TRO Agreement
The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include formation of a new vehicular access to Holliday Street, closure of the existing vehicular access to Holliday Street, and a Traffic Regulation Order to alter the location of on-street car parking provision on Holliday Street in general accordance with i-Transport LLP Drawing No ITL10279-SK-010D and are to be carried out at the applicant's 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.
- 2 Requires the prior submission of a commercial travel plan
The development shall not be occupied until a Framework Travel Plan 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, as well as an obligation to undertake baseline travel surveys within six months of first occupation (assuming at least 50% floorspace is occupied) or at 75% floorspace occupancy and should be in general accordance with i-Transport's Framework Travel Plan (reference ITL10279-006A R dated 31 October 2016) (*which ever is sooner) to enable completion of a Detailed Travel Plan. 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.

- 3 Requires the provision of cycle parking prior to occupation
The covered bicycle/motorcycle storage spaces shown on drawing number 20_FP_AX_PA_LB_20000 shall be provided before occupation of any 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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- 4 Requires the parking area to be laid out prior to use
The use/development hereby approved shall not commence or the building occupied until vehicle parking 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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- 5 Requires the prior submission of details of green/brown roofs
No development shall take place until a scheme for the provision of green and/or brown roofs on the flat roofs 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.
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- 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
No development shall take place until an Ecological Enhancement Strategy, based on the recommendations contained in the Preliminary Ecological Appraisal October 2016 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.
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- 7 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.

- 8 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.
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- 9 Requires the prior submission of a contaminated land verification report
Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to 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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- 10 Requires the prior submission of extraction and odour control details
Prior to installation details of the roof level extract ventilation and odour control equipment, including details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained and 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 NPPF
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- 11 Requires the prior submission of details of refuse storage
No development shall take place until details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied 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.

- 12 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing Laeq at any noise sensitive 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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- 13 Requires the prior submission of hard and/or soft landscape details
No development shall take place until full details of hard and/or soft landscape works 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 (landscape officer to advise), 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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- 14 Requires the prior submission of a landscape management plan
A landscape management and maintenance plan, long term design objectives and best practice maintenance, operations for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, 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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- 15 Requires the prior submission of sample materials
No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development 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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- 16 Requires the prior submission of level details
No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings 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.

- 17 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

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
32 FP AX PA SW 21000
33 FP AX PA SW 21002
34 FP AX PA SW 21002
35 FP AX PA SW 21003
36 FP AX PA SW 21004
37 FP AX PA SW 21005
38 FP AX PA SW 22000
39 FP AX PA SW 22001
40 FP AX PA SW 22002

('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.

- 18 Non Standard Condition Require planter detail
No development shall take place until details, including scaled cross sections and fixing details, of the south-east facing terrace planters have 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.

- 19 Requires the prior submission of earthworks details
No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the finished levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be implemented in accordance with the approved details and thereafter maintained. The works shall be implemented prior to occupation of any part of the development. Any amendments to the approved details shall be approved in writing by the Local Planning Authority.

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.

- 20 Requires the prior submission of boundary treatment details
No development shall take place until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building hereby permitted and shall be retained thereafter.

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.

- 21 Secure an employment policy
Requires the prior submission of a construction employment plan. No development shall take place, including any works of demolition, 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. The construction employment statement shall provide for details of the following:

A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role.

The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'.

The following can be counted as a New Entrant:

§ a person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or

§ an unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or

§ A person who's current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.

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 Paragraphs 3.8 and 4.15 of the Birmingham UDP 2005, Policy TP26 Local employment of the Pre-Submission Birmingham Development Plan 2031 and the National Planning Policy Framework.

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- 22 Requires the prior submission of a CCTV scheme
No development shall 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.

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- 23 Requires implementation of CCTV
The CCTV system shall be installed in accordance with the approved details prior to first occupation 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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- 24 Requires stage 3 landscaping
The landscaping and public realm shown as stage 3 on drawing 17FP_AX_PA_SW_01010 and p92 of the Design and Access Statement shall be implemented prior to first occupation of the new building hereby approved.

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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- 25 Secure interim landscaping

The stage 4 landscaping shown on drawing 17_FP_AX_PA-SW-01010 and p93 of the Design and Access Statement including the pedestrian access route shall be implemented within 6 months of the completion of the demolition of the existing building hereby approved 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.

- 26 Requires the prior submission of window/modesty screens
No development shall take place until detailed cross section drawings showing the profile, reveal/projection of windows and modesty screens, at a minimum scale of 1:10, have been submitted to and approved in writing by the Local Planning Authority. The windows and modesty screen shall be constructed and installed 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 PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 27 Require the provision of a vehicle charging point
No fewer than 10% of parking spaces 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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- 28 Requires details of internal modesty screens
No development shall take place until details of internal modesty screens have been submitted to and agreed in writing, to include details of fixing and impact on external appearance, with the Local Planning Authority 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 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 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 a sustainable drainage scheme
No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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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- 31 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved Sustainable Drainage Assessment 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 thereafter in accordance with 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.

Date: Wednesday 12th April 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