

## Report 7 .

### Addendum

Committee Date:	18/03/2021	Application Number:	2020/06633/PA
Accepted:	26/08/2020	Application Type:	Full Planning
Target Date:	26/02/2021		
Ward:	Ladywood		

The Axis, Holliday Street, Birmingham, B1 1TF

Application for the erection of a 14 storey building totalling 25,473 Sqm (gia), to include 22,872 Sqm (gia) B1 office, 389 Sqm (gia) A1 retail, landscaping, access and associated Works.

#### Recommendation

**Approve Subject to a Section 106 Legal Agreement**

#### Addendum

##### 1. Amended Recommendation

- 1.1. Negotiations with the applicant continued after the publication of the 18<sup>th</sup> of March 2021 planning committee agenda and agreement of a planning contribution towards public realm improvements in the vicinity of the site has been reached.
- 1.2. As a result the reason for refusal in the report to Committee has now been addressed and the Officer's recommendation is able to be changed to one of approval subject to a 106 legal agreement.

##### 2. Planning Contributions

- 2.1. The applicant has agreed to make planning contribution of £232,460 (a pro-rata reflection of that which was secured at outline consent, based upon floor area) by way of a section 106 agreement to allow for public realm improvements as explained in the committee report.
- 2.2. This sum would allow for the creation of a scheme of public realm works to improve the poor urban environment which could include, but would not be limited to; the improvement of the environment under the flyover; improved lighting; improvements to promote safe, attractive and convenient connections to the Metro stop on Broad Street (hence the original need for the improvements to and new crossing on Holliday St and connection to Arena Central's public realm), and the development.
- 2.3. Agreement to make the planning contribution ensures that the proposal complies with policies TP38 and TP47 of the BDP.

##### 3. Recommendation

- 3.1. That consideration of planning application 2020/06633/PA be approved subject to the prior completion of a Section 106 legal agreement to secure the following:-
  - a) A financial contribution of £232,460,000 (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.

- 3.2. In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 23<sup>rd</sup> of April 2021, or such later date as may be authorised by officers under powers hereby delegated, 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, TP39 and TP47 of the Birmingham Development Plan 2017 and National Planning Policy Framework.
- 3.3. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 3.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 23<sup>rd</sup> of April 2021, favourable consideration be given to this application, subject to the conditions listed below.

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- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a contamination remediation scheme
  - 4 Requires the submission of a contaminated land verification report
  - 5 Requires submission of an air quality mitigation scheme.
  - 6 Requires the submission of extraction and odour control details
  - 7 Limits the noise levels for Plant and Machinery
  - 8 Requires the submission of sample materials
  - 9 Requires the submission of hard and soft landscape details
  - 10 Requires the submission of hard surfacing materials
  - 11 Requires the prior submission of earthworks details
  - 12 Requires the submission of boundary treatment details
  - 13 Requires the prior submission of level details
  - 14 Requires the submission of architectural details
  - 15 Requires the provision of cycle parking prior to occupation
  - 16 Requires the service vehicle access points to the private service road are provided before the building is occupied.
  - 17 The supporting Construction Management Plan is updated with any changes that take place during the site construction phase
  - 18 Require submission of final BREEAM certificate.
  - 19 Requires the prior submission of an additional ecological survey
  - 20 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 21 Requires the prior submission of details of bird/bat boxes
  - 22 Requires the prior submission of a sustainable drainage scheme
  - 23 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 24 Requires the prior submission of sample facade panels.
  - 25 Requires submission of scheme for the provision of solar photovoltaic panels.
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Case Officer: Tom Evans