
Committee Date:	06/08/2015	Application Number:	2015/04428/PA
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Target Date:	02/09/2015		
Ward:	Ladywood		

103 Colmore Row, City Centre, Birmingham, B3 3AG

Erection of a 26-storey office building with ancillary uses (within Use Classes A1/A2/A3).

Applicant: Sterling Property Ventures Ltd
c/o Agent
Agent: G W Planning Ltd
21 Norfolk Road, Sutton Coldfield, Birmingham, B75 6SQ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Scale and Massing

- 1.1. This is a detailed planning application for a 26 storey office tower, standing 246m AOD, 105.5m above Colmore Row footpath level. It is articulated as a series of four sliding planes that step down in height to give the building a distinctive profile. On the south side fronting Colmore Row the building steps down to 22 and 18 storeys, whilst on the north side it steps down to 22 storeys.
- 1.2. The building also staggers in plan to emphasis the sliding plans. The four sliding planes are most clearly expressed along the Newhall Street boundary. Each plane is extended to the boundary, apart from the plane fronting Colmore Row which is recessed to respond to day lighting constraints around the site. To the northwest the building footprint is defined by Barton Passage, whilst to the southwest it abuts 115 Colmore Row. Significantly, the building line is pulled back from the site boundary along Colmore Row at lower level to create a winter garden.

External Appearance and Materials

- 1.3. The stepping plan form creates a shadow between each of the planes, which is further emphasised by deep reveals. In addition, the facade design features fins to emphasise the scheme's verticality while attenuating solar gain and adding interest and texture to the elevations.
- 1.4. To echo the four-storey cornice line of the historic buildings along Colmore Row the fourth plane is suspended at the fourth floor level to create a winter garden signalling the main entrance to the building. The structural frame is then revealed and expressed over the lower four levels of the building creating a colonnade, to improve permeability around the base of the building between Colmore Row and Newhall Street.

- 1.5. The top of the building is expressed as a single projecting plane that would become a lantern at night and a clear signature for the building. This lantern could accommodate a restaurant with unique 360 degree views of the City. The stepping at the top of the building also creates the opportunity for amenity spaces and green roofs, as well as photovoltaic installations to capture solar energy.
- 1.6. Facades to the office areas would have reflective coatings to reduce solar glare. Privacy fritting would be applied to the glazed units at low level and internal blinds would adjust to limit unwanted solar gain and glare. Back painted glass would then be used to clad the buildings primary core to give a consistent even appearance across the west elevation.
- 1.7. Silver anodised aluminium would be used as an accent material to frame and articulate elements. This would be silver anodized where articulating an accent and graphite where defining a joint or scaling element including the louvres to the plant areas at high and low level. The expressed structural elements would be painted in dark grey.

Access and Internal Layout

- 1.8. At street level the building base is designed to front Colmore Row with the entrance located to the south of the building reception, accessed directly from the winter garden. The entrances facilitate step free building access via 2 revolving doors with adjacent swing doors. In addition to these primary entrances there is a step free entrance to the retail unit fronting Newhall Street.
- 1.9. Internally the layout is characterised by an offset core, which maximises the open plan floor area throughout the building and allows the maximum amount of usable space in the retained existing basement levels. The offset core is located adjacent to the western site boundary and comprises both low rise and high rise lifts in addition to service risers and building plant. The lifts are accessed from the entrance reception, which occupies the south eastern half of the ground floor.

Use and Amount of Development

- 1.10. The proposed development would provide for a 26 storey office tower of approximately 30,322m² GEA. The ground floor comprises mainly the entrance foyer and lift cores to the office floors above, in addition to retail uses on Colmore Row and Newhall Street.
- 1.11. Levels 1 to 19 inclusive would be used for offices. Levels 20 and 24 could also be used for office accommodation, although the application seeks to reserve the potential for this space to be used as a restaurant. There are 4 floors of plant at the top of the building set between level 20 and 24.
- 1.12. The four existing basement levels would be used for car parking, cycle parking and changing facilities in addition to building plant. At B1 level a café unit is proposed linked to the office space at ground floor level. A loading bay and associated service area would also be provided at basement level B1, accessed from Barton Passage.
- 1.13. Individual uses comprise:
 - Office Use (Use Class B1a). - up to 25,393sqm GIA;

- Retail Use (Use Class A1/A2/A3) - 1,479sqm, including the ground floor retail unit, basement Level 1 retail unit and the optional use of level 20 and 24 as a private restaurant; and
- Parking - 34 car parking spaces located over B1, B2 and B3 levels, including 3 disabled spaces and 2 spaces with electric charging points. In addition motorcycle and 92 cycle parking and associated facilities would be provided.

Supporting Information

- 1.14. The application is supported by a single Planning, Design, Heritage and Access Statement, together with a number of appendices:
 - a main plans appendix (containing the architects and landscape architects plans);
 - a detailed Landscape Statement;
 - a Visual and Townscape Assessment; and,
 - technical supporting documents including wind, shadowing, sunlight/daylight, solar glare, ecology, and construction method reports.
- 1.15. The main supporting document includes relevant information in respect of Access and Transport, Consultation and Community Involvement, and Sustainability.
- 1.16. In addition to the proposed “winter garden” off Colmore Row (which would be in private ownership but open to the general public), the applicant has offered £225,000 as a contribution to public realm and public transport works by the City Council in the vicinity of the application site. They are also willing to make a contribution of £40,000 to fund employment training.
- 1.17. Prior to submission of the planning application the applicant submitted a request for an Environmental Impact Assessment Screening Opinion. In response the City Council confirmed that an EIA was not required. An application for demolition of the existing building appears elsewhere on your Committees agenda.
- 1.18. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. 103 Colmore Row occupies a site area of 0.175 hectare at the junction of Colmore Row and Newhall Street, in the core office area of the city centre and within the Colmore Row and Environs Conservation Area. It has street frontages to Colmore Row, to its south, and Newhall Street, to its east. To its north it is separated from the adjacent building on Newhall Street by Barton Passage, which provides service access to this site and adjacent sites. Immediately to the west it is bounded by the adjoining property at 115 - 119 Colmore Row.
 - 2.2. The site is located on the city centre ridge zone and is at one of the highest points in Birmingham. Levels fall slightly away from the site along Colmore Row towards Victoria Square, and more significantly towards the north-west along Newhall Street and south down Bennetts Hill. The site itself also has a significant level change from south to north, with the Barton Passage pavement level approximately 3.5 metres below the level of Colmore Row.

- 2.3. The application site is occupied by a 22 storey office building previously in use by the National Westminster Bank. The building, constructed in 1971-74 comprises a double height Banking Hall fronting Colmore Row, behind which is the main tower. The overall floorspace of the building is approximately 80,000 square feet, but due to the poor quality and size of the office floorplates and their inability to be reconfigured to meet current requirements, the building has been substantially unoccupied since 1998.
- 2.4. Adjoining buildings fronting Colmore Row to the junction with Eden Place are modern commercial properties. The opposite frontage to Colmore Row is occupied by a continuous row of nineteenth century and early twentieth century Grade II listed buildings, except 122-124, which is listed Grade I. The remainder of the street block bounded by Colmore Row, Bennetts Hill and Waterloo Street is occupied by listed buildings. The northern frontage to Colmore Row, beyond the junction with Newhall Street, is also occupied by a continuous row of Grade II listed buildings. St Phillips Cathedral, listed Grade I and its associated churchyard, is situated to the east of the site, with Victoria Square and surrounding listed civic buildings, including the Grade I listed Town Hall, to the west.
- 2.5. Heights of nineteenth century and early twentieth century buildings in the area are generally between 4 and 6 storeys. Post war buildings are generally between 7 and 11 storeys in height.

[Site Plan](#)

3. [Planning History](#)

- 3.1. The existing building was constructed in 1972. In its original form, the 'Colmore Centre' included a 5 storey block west of the tower on Colmore Row, separated from the tower by an open court. Planning permission to raise the 5 storey block by 3 storeys and re-clad it was implemented in 1996/1997.
- 3.2. 31 October 2008 Application 2008/02353/PA. Planning consent granted for demolition of building in connection with erection of a new 35 storey office building with ground floor retail (class A1), financial and professional services (class A2) and restaurants/cafes (class A3). Consent subject to a S106 agreement to secure public realm improvements, (including design and supervision fees) valued at £414,260, together with £50,000 for public art and a public transport contribution of £50,000.
- 3.3. 31 October 2008 Application 2008/02355/PA. Conservation Area Consent granted for demolition of office building.
- 3.4. 25 June 2010 Application 2010/01719/PA. Conservation Area Consent granted to extend the time limit for implementation of extant planning permission 2008/02355/PA for the demolition of the existing office building for a further 5 years.
- 3.5. 30 June 2010 Application 2010/01718/PA. Planning consent granted to extend the time limit for implementation of extant planning permission 2008/02353/PA for the demolition of the existing office building and erection of a 35 storey office building with ancillary retail (A1/A2/A3) uses for further 5 years.
- 3.6. 29 September 2014 Certificate of Immunity from Listing issued by English Heritage.
- 3.7. February 2015, Snow Hill Masterplan launched for public consultation. This Masterplan identifies the Natwest Tower as an opportunity for redevelopment.

- 3.8. 31 March 2015 Application 2015/00293/PA. Demolition of the existing office building and interim works to include a paved external space with boundary screen and ancillary covered storage area – withdrawn following Planning Committee deferring application minded to refuse.
- 3.9. 26 May 2015 Application 2015/04223/PA. Application submitted to extend the time limit for implementation of extant planning permission 2010/01718/PA for the demolition of the existing office building and erection of a 35 storey office building with ancillary retail (A1, A2, A3) uses – awaiting determination.
- 3.10. 4 June 2015 Application 2015/04465/PA. Application submitted for demolition of the existing building to ground floor level – a report about this application appears elsewhere on your Committees agenda.
- 3.11. 25 June 2015. The current planning application for demolition of the existing building and erection of a 26-storey office building with ancillary uses (within Use Classes A1/A2/A3) was considered by your Committee as an Issues Report. At the meeting Members made the following comments:-
- there was no merit to the existing building and the new building would be a great improvement;
 - whilst Cllr Moore was concerned about the contemporary style of the building, overall members thought the new building attractive and made a positive statement. They liked the stepping of the building and rooftop restaurant. They also thought that the winter garden on Colmore Row worked well but asked that its wind tunnel impact be checked;
 - the existing banking hall doors should be incorporated into the new build and a new piece of art, perhaps something in the glass to represent the heritage of Birmingham, should be incorporated; and,
 - night time photographs would be helpful.

4. Consultation/PP Responses

- 4.1. Since purchasing the site at the end of October 2014, the applicants have undertaken consultations over a 6 month period from November 2014 to April 2015. An earlier version of the scheme was reviewed by the Design Council CABA Design Review Panel in February 2015. The Panel commended the initial design for its integrity but thought it missed opportunities for a more useable public space to Colmore Row possibly taking the form of a 'winter garden'. They also suggested a stepped rather than horizontal skyline.
- 4.2. Adjoining occupiers, residents associations, Colmore Row BID, local ward councillors and M.P. notified. Site and Press notices displayed.
- 4.3. Letter from Jones Lang LaSalle on behalf of the owner of the adjoining office building at 115 Colmore Row commenting that:-
- the scale of the building is larger than the existing building, which will diminish the prominence their clients building as well as impacting on views and reducing sunlight;
 - support the proposed winter garden in principle as it should mitigate the loss of prominence to Colmore Row at ground level and it is important that this element of the scheme is retained. However, a condition should be

attached to ensure that the winter garden is effectively controlled, maintained and managed;

- there is an area of public realm between the winter garden and 115 Colmore Row, that is unlabelled. Full information should be provided as to what this area would be used for as it may become attractive to smokers, thereby detracting from their clients building. An outdoor smoking area elsewhere in the proposals should be provided;
- access to part of the application site's basement is through their clients adjacent access / basement and the applicant should consider rationalising the existing access/egress arrangements;
- the Daylight and Sunlight report notes that when compared with the existing building there could be a small potential loss of sunlight;
- there is potential for the winter garden to create a wind tunnel / turbulence. In addition the Wind Microclimate Study acknowledges that the proposed development may create windier conditions particularly along the northeast and south-east façade;
- the use, management and maintenance of the roof terraces should be controlled through the use of a planning condition to ensure the potential impact on surrounding occupiers is mitigated;
- the proposed ground floor retail / café and restaurant uses should be properly controlled. In particular there does not appear to be any information about how the associated extraction / ventilation would be provided and they would object to any fume extraction equipment directed towards their building;
- the use of the area to the west of the ground floor retail café restaurant is not labelled and full details should be provided as to what it is to be used for;
- the stairwells to the building do not appear to be accessible from the main reception area on the ground floor. This suggests that the area yet to be labelled could provide a main thoroughfare for occupants using the building. This should be clarified so that potential impacts can be properly understood;
- although a café / restaurant is proposed to the rear of the reception it does not have an access onto Newhall Street. The applicant should consider how this frontage can be enhanced to ensure that the opportunity to provide a more active frontage is not missed; and,
- full details of the proposed plant areas should be provided so that the full impact of these areas on the adjacent buildings can be properly assessed. Any plant provided on the top of the building should be out of sight, given the building's prominence and location within the Conservation Area.

4.4. BCC Transportation Development – no objection subject to conditions / S247 resolution/ S106 agreement to secure:-

- the off-site highway works to include footway alterations, lighting, signage and TRO modifications, with any lost revenue on removed pay and display bays, agreed to BCC specification at the applicants expense. No approval is given by BCC Highways to the footway and carriageway materials proposed, or the TRO modification to alter the existing on-street taxi rank and pay and display parking.
- a s247 resolution is required to stop-up land around the Colmore Row/Newhall Street frontage that may have attained status as public highway given the length of use by the public over this area

- a s106 contribution is required towards public transport improvements within the City centre such as New Street station, Midland Metro and bus services.
 - the applicants to affiliate to BCC Company Travelwise, which will then be applicable to any future occupiers.
 - a Construction Travel Plan
 - cycle parking, showers and related facilities as shown on plans to be provided prior to occupation and maintained thereafter.
 - service yard area on Barton Passage to remain clear for vehicle use.
- 4.5. BCC Regulatory Services - the proposal is a medium category air quality impact development and there is potential for adverse impacts on the amenity of local occupiers arising from noise and odour. Conditions should therefore be attached to secure vehicle charging points, details of any parking charges, designated parking spaces for low emission vehicles, a travel plan, details of high level fume extraction equipment, refuse stores and to limit plant noise.
- 4.6. Environment Agency – no objections provided the existing slab and foundations are left unaltered and there is no requirement for earthworks and/or new piling structures.
- 4.7. Historic England – accept the principle of a tower in this location but object to the current scheme and recommend refusal. They consider that the proposed building would cause harm to the significance of St Philip's Cathedral, the Council House and the Colmore Row and Environs Conservation Area. The harm lies in the scale and bulk of the proposed building and its dominance over the historic buildings through development in their setting. They characterise the harm as serious, verging on the 'substantial', because of the severity of the impact. In addition they do not consider it to be the landmark building of exceptional architectural quality prescribed by the conservation area policy. They also recommended the reuse of the distinctive doors to the former banking hall of the existing building.
- 4.8. Civil Aviation Authority – the maximum height (measured above ground level) of the proposed 26 storey building is 105.5m. That being the case, and noting that the CAA has no role in assessing the purely environmental implications of the project and therefore makes no comment on that specific aspect. However, they suggest that other aviation stakeholders such as Birmingham Airport be consulted. When the construction timeframes are known the developer will need to pass related details to the Defence Geographic Centre. Additionally, if the use of cranes on the site extends to 300ft or more then the developer will need to notify the CAA's Airspace Utilisation Section. Additionally, any crane of a height of 60m or more will need to be equipped with aviation warning lighting.
- 4.9. Birmingham Airport – the proposed development infringes upon the Obstacle Limitation Surface known as the Outer Horizontal Surface (OHS) established for Birmingham Airport. The OHS is set at 242.4m AOD and the proposed development would result in a minor infringement at its maximum height of 246m AOD. During construction it is anticipated that crane activity would result in a greater albeit temporary infringement of the OHS and this infringement needs to be managed. They therefore have no objections subject to conditions to:-
- limit the height of the proposed development including communications and other aerials to a maximum of 246m AOD;

- illuminate the highest points of the building with medium intensity steady red obstacle lights; and,
 - secure a crane management plan.
- 4.10. Conservation Heritage Panel - the existing tower is set back from the street, with a podium that continues the cornice line of the north side of the street. The new building departs from this approach and does cause a degree of harm. A substantial colonnade is proposed and this is less successful than the existing podium. The saw-tooth arrangement of the buildings plan is also harmful to the buildings relationship with Newhall Street and the solid to void ratio is in contrast with the buildings in the area. However, the panel, however, recognised that the existing building will not come back into use and its replacement is welcomed. Overall it was felt that the conservation area is 'preserved and enhanced' and the horizontal and vertical balance across the elevations is successful. It would be important to ensure that the existing street doors to Colmore Row are incorporated into the building in some meaningful location.
- 4.11. Victorian Society – object to the proposals on the following grounds:-
- 103 Colmore Row is at the heart of the Colmore Row and Environs Conservation Area. The character of the Colmore Row area is primarily derived from its eighteenth century street layout with a wealth of nineteenth and early twentieth century buildings developed to a consistent scale on regular plots and up to six storeys in height. Many of these are of national significance, listed at grade II and above, including those along Colmore Row in close proximity to the site at 103 Colmore Row, which give a continuous building line in a view along Colmore Row towards Victoria Square, and define the character of this part of the Conservation Area. There are similar views along the sections of Newhall Street and Bennett's Hill which meet at a crossroads adjacent to the application site.
 - the proposal is for a replacement twenty six storey tower, which will be considerably higher than the 1970s building, have a much greater massing, and be even more dominant in views across the conservation area than the present building.
 - whilst the "winter garden" along Colmore Row might respond to the cornice line of the mainly Victorian buildings in Colmore Row, the proposed design does not preserve or enhance the built frontage or the streetscape of historic buildings along Colmore Row, and will in any case be completely dominated by the massing of the structure rising directly above.
 - the character appraisal of the Conservation Area adopted by the City Council in 2006, states that "the new landmark building will be expected to reinterpret the character of the conservation area by means of a complementary yet contemporary design which should provide both a positive element to the streetscape and a distinctive addition to the city centre skyline." However, it is proposed to replace a late twentieth century building, part of which is set back from the street where it rises to twenty one storeys, with a twenty-first century building at predominantly twenty six storeys rising directly from the streets. The new building would also dominate historic streetscapes at the heart of a conservation area characterised by Victorian and Edwardian buildings, which are generally much lower in height and include several which are listed.
 - the current building at 103 Colmore Row does not contribute positively to the Colmore Row Conservation Area, and with its greater height and

massing the proposed building would have an even more negative impact on the surrounding listed buildings and the conservation area.

- the proposed development would have an unacceptable change to the character of Colmore Row and environs, which the conservation area status is designed to protect, and have a seriously detrimental effect on the setting of a large number of listed buildings.

4.12. Severn Trent Water - no objections subject a condition to secure drainage details.

4.13. West Midlands Police -

- the development should be to the standards within "Secured by Design".
- the site should be the subject of a full CCTV system and any lighting scheme should follow "Lighting Against Crime";
- the design of the car parking facilities should be to the standards laid out in the Safer Parking Scheme and the proposed access control into the underground parking area should be clarified;
- an access control plan should be provided to control movement into, and around, the site. Recommend that appropriate internal access control restrict movement throughout the building and only allow access into areas / floors where the person needs to be;
- due regard must be given to the location of any post rooms for the building and any refuse storage areas should be the subject of a robust lock to ensure that this area receives only legitimate visitors;
- any tree planting scheme should be sympathetic to the lighting and CCTV schemes; and,
- large buildings of this nature can interfere with the communications systems of the emergency services and conditions should be attached to secure pre-commencement and post completion telecommunication assessments.

5. Policy Context

5.1. National Planning Policy Framework; Birmingham Unitary Development Plan 2005; Draft Birmingham Plan 2031; Conservation Through Regeneration SPD; Places for All SPG; High Places SPG; Car Parking Guidelines SPD; Access for People with Disabilities SPD and Lighting Places SPD. The application site is identified as an Enterprise Zone site.

5.2. Building unlisted and Certificate of Immunity from Listing granted 2014. Within Colmore Row and Environs Conservation Area. Several nearby listed buildings on Colmore Row and Newhall Street.

6. Planning Considerations

Background Information

6.1. In 2008 planning and conservation area approvals were granted for a scheme to demolish the NatWest tower and replace it with a 35 storey landmark building. The permissions have since been extended in 2010 and remain valid but in recent economic conditions it has not proved practicable to deliver such an ambitious project. A further application to extend the existing permissions has recently been submitted in order to protect the fallback option of carrying out the previously approved scheme.

- 6.2. To bring forward completion of the new building by early 2018, the developer is keen to start demolition work as soon as possible. They have therefore submitted a separate planning application (2015/04465/PA) to demolish the existing building. A report about this application appears elsewhere on your Committees agenda. Following demolition, this current planning applicant seeks to redevelop the site with a new 26 storey office building with ancillary retail / café / restaurant use.

Land Use Policy

- 6.3. The UDP supports and welcomes office activity and growth. To realise this growth potential it seeks to ensure a portfolio of development opportunities is maintained capable of satisfying a range of office user requirements. It adds that offices are one of the core activities that make up the City Centre and the future prosperity of the centre is dependent on the continued growth of office and service sector employment. It then goes on to state that the core of Birmingham's office centre is characterised by a concentration of higher order financial services and that these have considerable scope for expansion which must be accommodated.
- 6.4. The Big City Plan also envisages growth in the provision of high quality office space within and adjacent to the Colmore Row Central Business District. Moreover, the emerging Birmingham Development Plan indicates that the City Centre has potential to accommodate in the region of 700,000sqm of office accommodation. This site is also identified as an Enterprise Zone site, because of its potential to make a substantial contribution to achieving the target of new office floorspace. In principle I therefore welcome demolition of the existing outdated building and construction of new high quality offices.
- 6.5. I also welcome the ground floor retail / café / restaurant unit fronting Colmore Row and the cafe fronting Newhall Street, which would both help create active frontages. I note that the scheme also includes potential for roof top restaurants at Levels 20 and 24 and would encourage the developer to pursue this option.

Tall Building Policy

- 6.6. As the proposed building is more than 15 storeys the City Council's SPG on tall buildings 'High Places' applies. It advises that this site falls within the Central Ridge Zone where tall buildings may be appropriate. The guidance goes on to say that tall buildings will not normally be acceptable next to listed buildings or within conservation areas unless there are exceptional circumstances. It advises that tall buildings should:-
- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - not have an unacceptable impact in terms of shadowing and microclimate;
 - help people on foot to move around safely and easily;
 - be sustainable;
 - consider the impact on local public transport; and
 - be lit by a well-designed lighting scheme.
- 6.7. The application site falls within the Colmore Row and Environs Conservation Area, originally designated in 1971. In 2006 the City Council published the character appraisal of the Conservation Area, which advises that a careful balance needs to be struck between heritage considerations and the promotion of continued and

evolving economic activity, recognising the commercial nature of the area and its social and economic development roles at the heart of the City and Region.

- 6.8. In 2008 planning consent was granted for redevelopment of this site with a 35 storey tower. This application was renewed in 2010 and a further extension of time application was submitted in May of this year. The principle of redevelopment of this site for a replacement tall building has therefore previously been approved. The current application would be 26 storeys, taller than the existing 22 storey building, but not as tall as the previously consented 35 storey tower. In principle I therefore consider that a tall building in this location would be acceptable as it would meet the “exceptional circumstances” test set out in the High Places SPD. Moreover, although the building is slightly above the Obstacle Limitation Surface threshold, Birmingham Airport have not objected and as recommended safeguarding conditions are attached with respect to the building height, obstacle lighting and the use of cranes.

Impact on the Conservation Area and Nearby Listed Buildings

- 6.9. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.10. The proposal would clearly impact upon the setting of designated heritage assets and paragraph 134 of the NPPF comes into play. It advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It adds that LPA’s should look for opportunities for new development within the setting of heritage asset to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.11. At a local level paragraphs 3.25 and 3.27 of the Birmingham Unitary Development Plan 2005, seek to ensure that any new development preserves and enhances the setting of listed buildings and character of conservation areas. Furthermore Policy TP12 of the Draft Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its significance and setting. It adds that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development.
- 6.12. The Colmore Row and Environs Conservation Area Appraisal and Supplementary Planning Policies (December 2006) provides guidance for development. It states that the Council will expect all new development to achieve a satisfactory visual relationship with its historic surroundings, demonstrating a regard for the character of the immediate street scene and the wider conservation area.
- 6.13. From this starting point the policies re-emphasise national and local planning policy that any new development should enhance the conservation area. For most new development it provides general design advice, in summary:-

- back of pavement on historic building lines;
- heights similar/ relevant to neighbouring buildings;
- consider roof forms and rooflines in context (including avoidance of or integral design for roof plant);
- attention to street frontage relationships and scale of ground floors/ entrances in street context;
- new buildings to have regularly spaced windows with deep reveals;
- compliance with the Council's shopfront design guide;
- high quality materials with preference for brick, stone and terracotta as characteristic of the area
- high quality of architectural detailing; and,
- preserving views or vistas characteristic of the conservation area.

6.14. The guidance however, provides specific guidance for this site:-

"The projected redevelopment of National Westminster House on Colmore Row will involve the removal of the landmark formed by the Natwest Tower. The Council will ensure that any future development on the site is of exceptional architectural quality. The new landmark building will be expected to interpret the character of the conservation area by means of a complementary yet contemporary design which should provide both a positive element in the streetscene and a distinctive addition to the city centre skyline"

6.15. The design of the building has been developed to address both national and local conservation policies:-

- to breakdown the massing of the building it is designed as a series of four sliding planes that step down in height to give the building a distinctive profile in the City Skyline;
- the building's plan is also staggered in plan to emphasis the sliding plans, and is pushed to the edge of Newhall Street and to Colmore Row. This breaks down the massing into a plot scale more appropriate to the conservation area setting and creates a more sensitive mid distance views;
- the stepping plan form creates a shadow between each of the planes, which is further emphasised by deep reveals. In addition, the facade design features fins to emphasise the scheme's verticality while attenuating solar gain and adding interest and texture to the elevations;
- this building form continues to ground level. At fourth floor level the fourth stepping plane closest to Colmore Row is suspended to define a "cathedral scale" subtracted volume. This echoes the four storey cornice line of the historic building lines along Colmore row. The structural frame is then revealed and expressed over the lower four levels of the building creating a colonnade, to improve permeability around the base of the building between Colmore Row and Newhall Street;
- The scheme provides for an active frontage along Colmore Row with an entrance to the office building and inclusion of a retail café, retail and commercial space. The scheme also includes an entrance to the second café (at B1 level) from Newhall Street. This café would be clearly visible with windows at the corner of Newhall Street and Barton Passage

- The top of the building is expressed as a single projecting plane that would become a lantern at night and a clear signature for the building. This lantern could accommodate a restaurant with unique 360 degree views of the City. The stepping at the top of the building also creates the opportunity for amenity spaces and green roofs, as well as photovoltaic installations to capture solar energy.
- 6.16. To understand the potential visual effects of the development the applicant has submitted a Townscape Assessment. The design has been developed to take account of the fact that the proposed development would result in townscape impacts at different levels of scale - local streetscape, mid-distance and in longer-distance views.
- 6.17. The prevailing characteristic of the change to the townscape resulting from the proposed building is that the new building would be more visually dominant than the existing one, but not excessively so. Compared with the building it replaces, the new building is of a higher standard of architecture and with better quality materials and finishes; and with a better relationship with its immediate townscape setting and the more distant views in which it appears. In comparison with the previously approved scheme the building has a reduced effect in terms of height but is more articulated at the top so that it achieves an interesting skyline, and more beneficial at street level with its winter garden which in use and visual terms would enhance Colmore Row.
- 6.18. The new building would have a landmark role and the adjoining property, 115 Colmore Row, would become less prominent. However, as demonstrated by the Townscape and Visual Impact Assessment the effects of the proposal on street views would be positive when compared to the existing situation.
- 6.19. Whilst I note the objection from the Historic England and the Victorian Society, I consider that the proposed new building is acceptable and complies with both national and local conservation policies. Clearly any building of the scale being proposed would impact on the setting of nearby listed buildings and the Conservation Area, as indeed the consented 35 storey tower would have done. However, I am of the view that there are public benefits that outweigh any harm to designated heritage assets:-
- firstly, this scheme secures demolition of the existing outdated vacant building and redevelopment of the site with a new Grade A office building, making good use of this highly accessible City Centre site;
 - secondly, the scheme delivers a new landmark building of high architectural quality. It contributes to a number of the objective of urban design: it provides active frontages with a mix of uses at ground level; it offers a high quality public realm at the local level; it contributes to the legibility of the city centre more widely; and it provides a striking new piece of architecture adding to the diversity, and quality, of the townscape of the City Centre.
- 6.20. Overall I am of the view that the building is well designed and that it makes a positive contribution to the townscape. I therefore consider that the scheme preserves and enhances the setting of nearby listed buildings and the character and appearance of the Conservation Area.

Environmental Impacts

a) Daylight and Sunlight

6.21. In support of the planning application a Daylight and Sunlight Report has been submitted to consider the potential effects of the proposed scheme on the surrounding buildings in terms of daylight and sunlight. The report considers two scenarios:-

- Scenario 1: Existing Site Conditions v Proposed Development; and
- Scenario 2: Consented Development v Proposed Development.

6.22. In accordance with the BRE Guidelines, the report considers that the consented development benchmark under Scenario 2 provides a more valuable position from which to assess the effects of the proposed development. It concludes that the proposed scheme does not result in any material changes to the daylight and sunlight effects when compared with the consented development. All potential changes are considered to be small or imperceptible and I therefore consider the overall effect of the proposed scheme to be acceptable.

b) Wind

6.23. A Wind Microclimate Study has been submitted in support of the planning application. It notes that as the existing site is situated in a densely-built environment surrounded by mid-rise buildings, it is reasonable well-sheltered from the prevailing south-westerly wind and as such, wind conditions at all areas are expected to be suitable for their intended usage, in terms of both pedestrian comfort and safety.

6.24. Within the context of the existing surrounds, the proposed development is relatively more exposed to the winds blowing unimpeded towards the site, thus conditions particularly along the northeast and southeast façade become slightly windier but remain within acceptable levels in term of pedestrian safety and comfort. Within the introduction of future developments, the proposed development is relatively shielded from the north-easterly and westerly winds, creating slightly calmer conditions throughout the proposed development. As such, all locations in the proposed development are expected to remain suitable for their intended usage. It is not therefore necessary to seek any mitigation measures.

c) Overshadowing

6.25. An Overshadowing Study submitted with the application indicates that there would be similar levels of shadow to the courtyard between the site and 115 Colmore Row. It adds that during certain times, access to sunlight would slightly improve with the proposed development. In comparison to the consented scheme, there would be similar levels of shadow with a slight improvement in sunlight access at certain times. Generally, the shadows cast from the proposed development are, in overall terms, shorter than the consented development. I therefore consider that the impacts are acceptable in planning terms. It should also be noted that loss of sunlight to commercial properties is not usually regarded as a material planning consideration; and the same applies to views for office workers over adjacent private land.

d) Solar Glare

6.26. A Solar Glare Assessment has been undertaken from two viewpoints located at the main junction surrounding the site. It notes that:-

- Viewpoint 1 - travelling Southwest along Colmore Row and stopping at traffic light. A number of instances of reflection are visible between 1.30pm and 3.30pm from the driver's line of sight. These reflections occur over large areas of the proposed elevation. However, none of them occur within 10 degrees from the driver's line of sight and the vast majority can be mitigated with the use of a car's sun visor. The few instances of reflection located below the line of the 5 degrees visor cut-off line correspond to very low solar altitudes and it is unlikely that they are strong enough as to cause a glare episode. As such the report considers these reflections to be of minor adverse nature.
- Viewpoint 2 - travelling Northwest along Benett's Hill and stopping at traffic light. A number of instances of reflection are visible from the driver's line of sight. These reflections are unlikely to cause a glare episode due to the large glare angle with the line of sight and the fact that they can be easily mitigated with the use of a car visor. Therefore, the report considers that these reflections to be of negligible nature.

6.27. The worst instances of reflection identified are of minor adverse nature and therefore I consider that mitigation is not necessary.

e) Noise, Disturbance and Fume Extraction

6.28. I note the concerns raised on behalf of the owners of the adjoining building, 115 Colmore Row. The representation notes that there is a strip of land to the west of the Winter Garden which is outside the building envelope. This strip arises partly due to the irregular boundary between the ownerships and in part from maintenance and boundary fire protection considerations. The landscape details indicate that this strip would be hard paved. The objection suggests this area might attract smokers and that an outdoor smoking area should be provided elsewhere. However, the boundary strip does not relate to any exit door so would seem less likely to be used by smokers than the surrounding streets. Furthermore there is no policy requirement to designate an external smokers' area within the application site. The objection letter also refers to an area west of the café, which is a fire exit corridor and would not be a principal pedestrian entrance to the building.

6.29. With regard to the winter garden and roof terraces, I consider that the operation and management of these areas is a building management issue and that it is not appropriate to control through a planning condition. Nevertheless, it is the applicants intention that the building would be covered by CCTV and that there would be 24hour security.

6.30. There are no residential properties immediately adjoining the premises and I do not consider it necessary to attach conditions to control the hours of use of the restaurant or outdoor music. However, as recommended by BCC Regulatory Services, a condition is attached to secure details of fume extraction equipment. The plant areas are clearly defined by the application at basement and high levels. An appropriate planning condition as recommended by BCC Regulatory Services is attached to set noise limits.

6.31. As within any major construction project there would be some impact on neighbouring properties, in terms of deliveries, noise, dust and vibration. A condition to secure implementation of the submitted construction management plan is therefore attached.

f) Water and Drainage

- 6.32. The applicant has confirmed that no new piling is intended through the basement foundation slab. However some new piles would be needed to support parts of the building structure outside the existing basement area and close to the street frontages of Newhall Street and Colmore Row. No new ground conditions information has been provided in specific relationship to the current application but the baseline assessment previously provided in 2008 as part of the British Land scheme assessed and validated the principles of more intrusive below ground changes than are now envisaged. I therefore suggest a condition requiring details of proposed piling with a supporting assessment of any effects on groundwater.
- 6.33. As recommended by Severn Trent Water a condition is attached to secure drainage details.

Public Realm and Transportation Issues

- 6.34. The scheme includes for the creation of wider footways (in excess of 3m width) for the site frontages to Colmore Row and Newhall Street and a strip of the applicants land along Newhall Street is to be dedicated as highway accordingly. The applicants are also seeking to alter the pay and display spaces on Colmore Row, to remove two bays and relocate these on a taxi rank on Newhall Street. The space on Colmore Row is then seen as a time limited drop-off and pick-up area. No agreement from BCC highways has yet been agreed and a condition is attached to secure the off-site highway works. A resolution is also attached to stop-up land around the Colmore Row/Newhall Street frontage that may have attained status as public highway given the length of use by the public over this area.
- 6.35. When compared to the existing building the proposed building would increase the amount of floorspace from around 10,000sqm up to 24,835sqm. Ground floor retail is included with uses proposed from A1 to A3 with a floor area 1,479sqm. The site has existing basement car parking with 106 spaces but this would be reduced due to the redevelopment plans and provision of cycle parking. The car park would retain 34 parking spaces and provide 92 new cycle spaces. The car park is accessed in the same location from Barton Passage (private) off Newhall Street, and access is controlled with a management office at the site entrance. This access also provides limited service vehicle access able to be used by small HGVs only.
- 6.36. The City Council's Car Parking Standards SPD seeks to ensure that: the access needs of new developments are properly provided for; the needs of different road users are balanced; the impact of new development on congestion minimised and Birmingham continues to be an attractive place for new investment and development. The SPD therefore sets maxima car parking standards, which for the amount of development proposed would equate to 423 spaces. The proposed level of car parking is therefore well below this figure and complies with it. Given that the development is within the city core and easily accessible by bus, rail and metro, I consider that a low level of car parking is appropriate in this location. Moreover, the development floor area is less than the consented scheme with a lower level of impact of person trips, and vehicle trips.
- 6.37. Vehicles access would be via Barton Passage and in part via shared basement areas. This is consistent with the existing access arrangements and with the similar

arrangements that were approved for the previous 35 storey tower. I therefore consider that the access arrangements are acceptable.

- 6.38. BCC Transportation Development have raised no objections and I concur with this view. As recommended by them conditions are attached to secure the off- site highway works, the applicants to affiliate to BCC Company Travelwise, cycle parking facilities and the service yard on Barton Passage to remain clear for vehicle use. The scheme proposals specifically include electric vehicle charging points in the basement and it is not therefore necessary to attach a condition to this effect.

Planning Obligations

- 6.39. The Birmingham UDP at paragraphs 8.50-8.54 advises that the City Council will take all appropriate opportunities to negotiate planning obligations to enable development to proceed, and to secure the proper planning of the area. Subsequently, new Community Infrastructure Levy Regulations have been introduced, which set out tests that planning obligations must meet. These tests are that they are necessary, directly related to the development and reasonably related in scale and kind to the development.
- 6.40. In addition to the proposed “winter garden” off Colmore Row (which would be in private ownership but open to the general public), the applicant has offered £225,000 as a contribution to public realm and public transport works by the City Council in the vicinity of the application site. Given the increase in office floorspace and increased number of staff, I consider that it is reasonable to seek to secure a financial contribution toward public realm and public transport enhancements in the vicinity as the new occupiers would put additional pressure on infrastructure. In this instance I consider that a contribution of £225,000 is appropriate.
- 6.41. Additionally on larger developments the City Council seeks to encourage developers to support local employment and training. I therefore welcome the contribution of £40,000 to fund employment training.

7. Conclusion

- 7.1. There is an extant planning consent to demolish the Natwest tower and to replace it with a 35 storey landmark building. The principle of replacing the existing building with a tall building has therefore already been established. Replacing the existing outdated office building with a new high quality Grade A offices is also consistent with land use planning policy.
- 7.2. Whilst I note the objection from Historic England and the Victorian Society, I consider that the proposed new building is well designed and when compared with the existing building makes a positive contribution to the townscape. I therefore consider that the scheme is acceptable and preserves and enhances the setting of nearby listed buildings and the character and appearance of the Conservation Area.
- 7.3. In terms of environmental effects, the proposed scheme has less impact than the 35 storey tower and suitable safeguarding conditions are attached. In addition, the scheme would generate less vehicle movements than the previous consented scheme.
- 7.4. I therefore consider that subject to safeguarding conditions and completion of a suitable legal agreement, that the application is acceptable and will help deliver redevelopment of this key city centre Enterprise Zone site.

8. Recommendation

8.1. That consideration of application 2015/04428/PA be deferred pending the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following:-

- i) a financial contribution of £225,000 toward public realm and transport enhancements along Colmore Row, Bennetts Hill and Newhall Street to be index linked from the date of this committee resolution and paid upon commencement of development;
- ii) a financial contribution of £40,000 toward to local employment and training; and
- iii) a financial contribution of £9,275 for administration and monitoring to be paid upon completion of the legal agreement.

8.2. In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st September 2015, planning permission be refused for the following reasons:-

- i) In the absence of a legal agreement to secure financial contributions to public realm and public transport enhancements and a contribution to local employment and training, the proposal conflicts with Policies 8.50-8.54 of the adopted Unitary Development Plan.

8.3. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation via a unilateral undertaking or an agreement under section 106 of the Town and Country Planning Act.

8.4. That no objection be raised to the stopping up of land around the Colmore Row/Newhall Street frontage that may have attained status as public highway and that if necessary the DCLG be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

8.5. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st September 2015, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Limits the building heights |
| 2 | Requires the implementation of the submitted mitigation/enhancement plan |
| 3 | Requires the prior submission of extraction and odour control details |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Requires the prior submission of piling details |
| 6 | Requires the prior submission of a drainage scheme |
| 7 | Requires the prior submission of a lighting scheme |
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8	Requires the prior submission of sample materials
9	Requires the prior submission of details of public art
10	Requires the scheme to be in accordance with the listed approved plans
11	Requires the prior submission of an obstacle lighting scheme
12	Requires the prior submission of a CCTV scheme
13	Requires the prior submission of a crane management plan
14	Requires a pre commencement telecommunication reception assessment
15	Requires a post completion telecommunications reception assessment
16	Requires the prior submission of details for re use of the Banking Hall doors
17	Requires the implementation of the submitted landscaping plan
18	Requires the implementation of the submitted construction method statement
19	Requires the provision of cycle parking prior to occupation
20	Requires the delivery and service area prior to occupation
21	Requires the applicants to join Travelwise
22	Requires the prior submission and completion of works for the S278/TRO Agreement
23	Limits the approval to 3 years (Full)

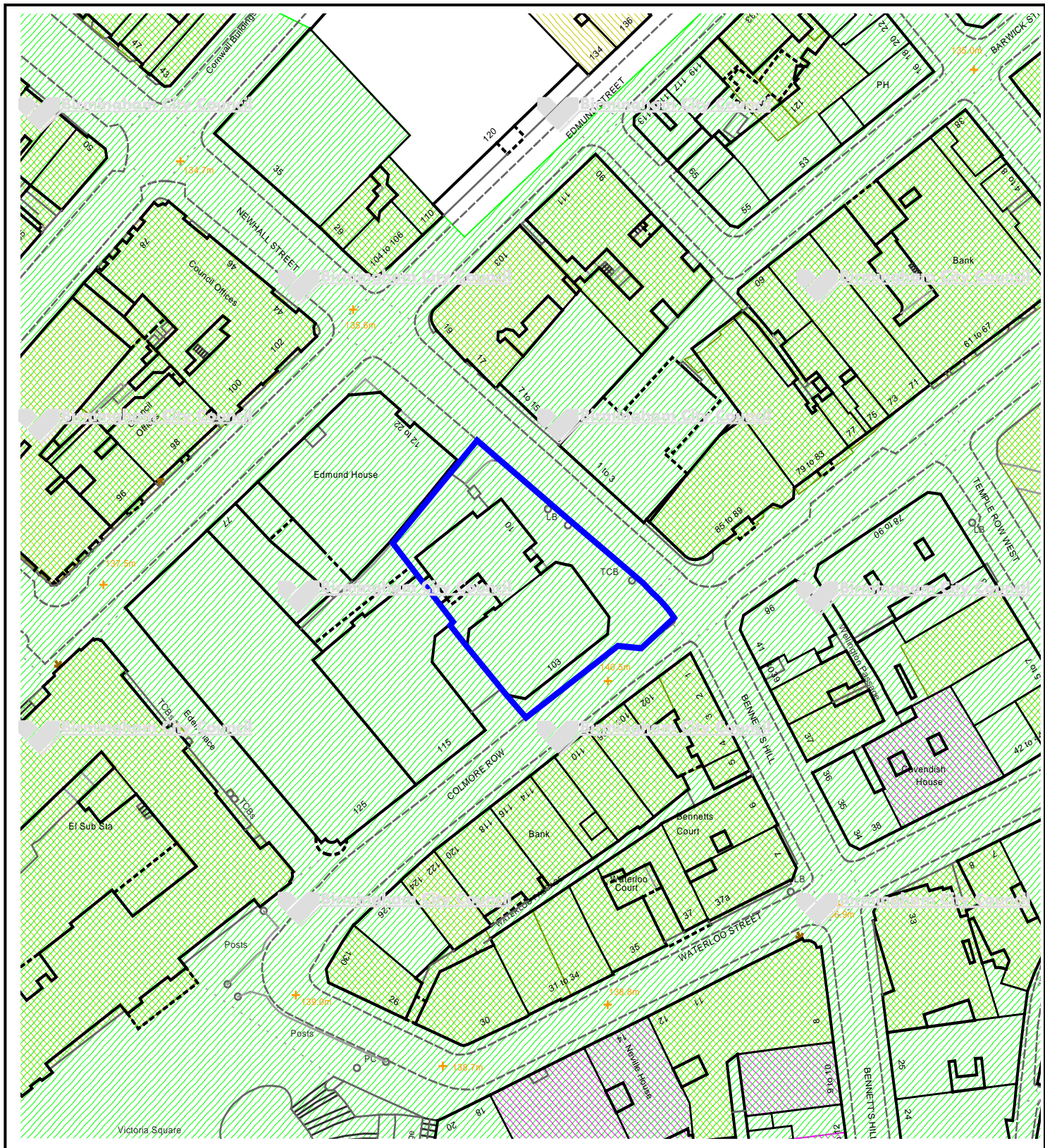
Case Officer: David Wells

Photo(s)



Natwest Tower view from St Philip's Churchyard

Location Plan



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