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Committee Date:	06/08/2015	Application Number:	2015/04465/PA
Accepted:	04/06/2015	Application Type:	Full Planning
Target Date:	30/07/2015		
Ward:	Ladywood		

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

Demolition of existing building to ground floor level

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

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is for demolition of the existing Natwest Tower and associated banking hall to ground floor level. The application is supported by a Planning and Heritage Statement, Demolition Method Statement and Ecology Report. A report about the new development appears elsewhere on your Committee's agenda.
- 1.2. Demolition of the existing building would be a substantial engineering contract, taking 10-12 months to complete. However, whereas the previous scheme for a taller tower involved digging out new basement areas, the current proposal retains the existing basements, significantly reducing the work and volume of excavation below ground.
- 1.3. It is proposed to demolish part of the lower banking hall element nearest Newhall Street first, to allow a larger working area for crane positioning, access and storage. Next the tower would be progressively dismantled by lowering component parts to the ground with a tower crane. Scaffold and crane height would reduce progressively floor by floor as the building is dismantled top down.
- 1.4. The existing vehicular access via Barton Passage serving the adjacent building, No. 115 Colmore Row, would be retained and protected during the demolition process with a drive through scaffold gantry. It would however be necessary to intermittently close off up to 5 parking bays on Colmore Row and also reduce the taxi rank on Newhall Street during the works. A street trading site on Newhall Street would also need to be temporarily relocated. Lorry movements to and from the site would be managed so as to avoid congestion on bus services via Colmore Row and other traffic passing the site.
- 1.5. Measures to control noise, dust and vibration effects on adjacent office premises are specified by the Demolition Method Statement. These reflect 'considerate contractor' standards, controlled working hours, regular liaison with neighbouring occupiers, and the use of full scaffold screening to contain demolition material within the site.

- 1.6. The existing building is currently linked to No. 115 Colmore Row by a stairwell structure. When the tower is demolished this would leave a vertical strip of exposed 'party wall' which would be weatherproofed but no external propping of the exposed wall is required.
- 1.7. At the end of the demolition contract the Colmore Row frontage of the site would be level with the pavement. At the rear of the site the current basement structure would be left. Due to the falling ground levels on Newhall Street this existing retained structure would be up to 4m high at the rear corner alongside Barton Passage. Void areas into the tower basements would be covered over for safety.

1.8. [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 Location 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. 3 June 2015 Application 2015/04428/PA. Application submitted for the erection of a 26 storey office building with ancillary retail (A1/A2/A3 uses) – a report about this application appears elsewhere on your Committees agenda. The application also formed the subject of an Issues Report to your Committee at the meeting on the 25<sup>th</sup> June 2015, when members considered that:-
  - 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. Nearby occupiers, residents associations, amenity societies, local ward councillors and M.P. notified. Site and Press notices displayed.
- 4.2. BCC Transportation Development – no objection subject to applicants getting relevant permits and licences for works that relate and affect the public highway. The applicants are liaising with colleagues in Highways and the principles of changes to pay and display bays and other TRO changes on the highway are agreed.
- 4.3. Historic England – recommend refusal. The demolition proposed would neither preserve or enhance, nor enhance or better reveal the significance of the conservation area. This is a vigorously architectural corner site in the conservation area and its character would be completely undermined by the demolition of the existing building and by the absence on the site of a replacement building. Therefore the proposal would be incompatible with the townscape of the designated heritage asset. This would constitute 'less than substantial' harm to the heritage assets but that this harm is serious enough to outweigh the arguments put forward and any benefits there may be.
- 4.4. Twentieth Century Society - object to the demolition of this building which they regard as an important part of Birmingham's post war history and heritage. Not only do they consider that the loss of this building a waste of high quality resources, they have seen no evidence that this landmark building cannot be retained, adapted and re-used as part of the new development. If the planning authority is minded to grant consent for demolition, they strongly urge the applicant to ensure that the banking hall doors are retained and re-used in the new development on the site.
- 4.5. 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.
- 4.6. Civil Aviation Authority - when associated timeframes are known, the removal of this structure should be highlighted by the site owner to the Defence Geographic Centre. Also, if the use of cranes on the site extend to 300ft or more there will need to be consideration of the need to notify the cranes for civil aviation purposes. Additionally, any crane of a height of 60m or more will need to be equipped with aviation warning lighting in line CAA guidance concerning crane operations.

- 4.7. Letter from nearby occupier querying whether the Highways and Logistics For Demolition Plan SK01 dated 03-12-14 is the correct plan or whether it is superseded by a subsequent plan dated 04-03-15, which shows a different line for the hoarding.

5. Policy Context

- 5.1. National Planning Policy Framework (NPPF), Birmingham Unitary Development Plan and emerging Development Plan. Conservation Through Regeneration SPD; Colmore Row and Environs Conservation Area Character Appraisal and Management Plan. In addition the application site is identified as an Enterprise Zone site.

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. A planning application (ref 2015/04428/PA) has recently been submitted to demolish the existing building and erect a 26 storey office building with ancillary retail (A1/A2/A3 uses). This application was reported as an issues report to your Committee at the meeting on the 25 June 2015, when members considered that there was no merit to the existing building and were generally supportive of the new building. The application is reported elsewhere on this agenda.
- 6.3. To bring forward completion of the new building by early 2018, the developer is keen to start demolition work as soon as possible. Hence the submission of this application to demolish the existing building.

National Planning Policy

- 6.4. Annex 2 to the NPPF defines a 'Heritage asset' as "A building, monument, site, place, area or landscape having a degree of significance meriting consideration in planning decisions because of its heritage interest." It also defines 'Designated heritage asset' as "A World Heritage Site, Scheduled monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation". Any building within a conservation area thus has some protected status being part of the wider area as a 'Designated heritage asset'. Whether a particular building within a conservation area is in fact a heritage asset depends on whether or not it has heritage significance within the context of that conservation area.
- 6.5. Paragraph 136 of the NPPF provides specific advice in relation to the loss of any 'heritage asset' as follows: "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."
- 6.6. Neither the NPPF nor National Planning Policy Guidance provide any more definitive explanation of what should constitute 'reasonable steps'. However Paragraph 137 of

the NPPF specifically encourages local authorities to “look for opportunities for new development within Conservation Areas.....to enhance or better reveal their significance”.

- 6.7. In this case the existing building is not statutorily or locally listed but is within a conservation area and is also part of the current settings of listed buildings on Colmore Row. However, the existing building is not noted as of any heritage merit within this context. It does not exhibit the Victorian and Edwardian architecture which are characteristic of the area, nor is it regarded as complementing the area. Furthermore the conservation area appraisal and policies encourage its demolition and replacement with a more appropriate new tower.
- 6.8. In terms of the NPPF, the City Council's planning policies, which encourage the demolition of the existing building and its replacement with a high quality new tower illustrate the positive action encouraged by NPPF Para 137.
- 6.9. In respect of the ‘reasonable steps’ required by Paragraph 136 the City Council has already taken steps to ensure new development will proceed:-
- the City Council has adopted local plan and conservation area policies which encourage an appropriate redevelopment to replace the existing tower with a new tower of high architectural quality;
  - the Council is facilitating the delivery of the Birmingham City Centre Enterprise Zone which includes the redevelopment of the application site as a specifically encouraged development supported by relevant assistance including flexibility in the exercise of its planning powers;
  - the Council has granted planning permissions for suitable redevelopment schemes in 2008 and again in 2010;
  - the City Council has encouraged the sale of the site to new owners who are willing and able to progress early development; and,
  - the Council has pro-actively undertaken pre-application discussions to encourage the submission of a suitable planning application, which has not been submitted..
- 6.10. In addition the applicant has now submitted an application for the current planning application for a new 26 storey tower proposal. This application was reported to your Committee as an Issues Report at the meeting on the 25<sup>th</sup> June 2015, when member considered that the existing building was of no merit and generally thought that the proposed new building was well designed.
- 6.11. I am therefore of the view that the City Council has taken ‘reasonable steps’ in encouraging an appropriate redevelopment of the application site through its planning and conservation area policies to ensure that new development will proceed to follow the loss of the existing building on the application site.

Birmingham UDP 2005 and Emerging Birmingham Development Plan 2013

- 6.12. Paragraph 3.27 of the Birmingham UDP requires that:-

- the development should preserve or enhance the character or appearance of the area, and the demolition of buildings or removal of trees or other landscape features which make a positive contribution to the area's character or appearance will be resisted;
  - consent to demolish a building in a Conservation Area will be granted only where its removal or replacement would benefit the appearance or character of the area; and,
  - where a detailed Conservation Area Character Appraisal and Management Plan has been prepared for a particular conservation area, this will be a material consideration in determining applications for development within that Conservation Area.
- 6.13. It is worth noting that in the 2005 UDP there was a change to the wording of the predecessor 1999 plan policy in relation to the second of the extracts above. The effect of this change was to delete additional words from the 1999 plan that had previously stated that "Demolition will normally only be permitted where there are approved detailed plans for the redevelopment. Control of premature demolition may also be secured by way of a conditional consent or a legal agreement". These words are not part of Birmingham's current Statutory Plan having been deleted in 2005 as being considered over-prescriptive.
- 6.14. The Birmingham Development Plan 2031 is in the late stages of preparation having completed the public inquiry stage with final adjustments now taking place prior to formal adoption expected later in 2015. The new plan adopts a positive planning stance encouraging growth and sustainable development. It continues to stress the importance of conservation considerations generally but does not include any specific policies in respect of the consideration of applications for demolition consent. The plan includes the application site as an allocated site for redevelopment, being one of the identified sites for redevelopment as part of the Birmingham City Centre Enterprise Zone.
- Colmore Row and Environs Conservation Area Appraisal and Management Plan  
2006
- 6.15. The character appraisal notes the existing tower as one of a number of post war buildings that diverged from the more traditional building forms that otherwise characterise the conservation area. The building is not noted as of any particular heritage merit although it is noted as providing an orienting landmark.
- 6.16. It states that the projected redevelopment of National Westminster House on Colmore Row will involve the removal of the landmark formed by the NatWest Tower. It adds that where the demolition of a building which makes little or no contribution to the character or appearance of the Conservation Area is proposed the Council will expect the submission of detailed plans for redevelopment.
- 6.17. The Colmore Row and Environs Conservation Area policies encourage the demolition and redevelopment of the NatWest tower. The site specific policy recognises that this "will involve the removal of the landmark formed by the NatWest Tower". The existing building is one which makes little contribution to the character or appearance of the conservation area. Existing planning approval already exists for a replacement tower building. Moreover, an application has recently been submitted for a new 26 storey tower. In these circumstances I am of the view that

demolition of the existing building is consistent with both national and local Conservation Area guidance.

#### Development Management Practice

- 6.18. Usual practice in Birmingham is based on long standing English Heritage advice aimed at avoiding the incidence of vacant sites within conservation areas. This usual practice is that consent for demolition in a conservation area is not given until a planning consent has been granted for a new building on the site. In some instances where a planning authority is not convinced by a developer's commitment to follow through with a new building, evidence may also be required that a contract has been entered into to construct a replacement building.
- 6.19. The practice is relevant in most cases since demolition can typically take only a matter of days or weeks whilst resolving the details of a new building scheme in a sensitive historic context and procuring a contract for development can take several months.
- 6.20. In the case of the demolition of the NatWest Tower, demolition would be a major undertaking in its own right, taking up to a year and involving a significant commitment of the developer's resources. In these circumstances I consider that it reasonable to allow demolition to commence prior to the final grant of a planning consent for the replacement building given that the application for the replacement building is on this agenda.
- 6.21. In addition, the developer has committed to spend £60m to achieve a suitable redevelopment of the site within a tightly constrained timetable targeting completion in early 2018. Substantial expenditure is evident to date on site acquisition, preliminary works in preparation for demolition, and design of a proposed new building. I therefore consider that the developer has provided sufficient confidence that a replacement building would be delivered immediately after demolition in a timely manner. The previous application for demolition of the existing building also included an interim landscaping scheme, which Members had concerns about. This element of the scheme has now been removed from the current proposals.

#### Impact on the Conservation Area and Setting of nearby Listed Buildings

- 6.22. I note the objection from Historic England, however, consent has previously been granted to demolish the existing building and a scheme for redevelopment of the site has now come forward. Moreover, my Conservation Officer notes that:-

*"The tower is a significant piece of architecture which responds well to the conservation area, through its clever handling of the banking hall (following the eaves line of the wider street), and setting back of the tower. The structure, therefore, considers and responds to the conservation area rather than contributing to its character and designation. That said, it remains an anomaly within the conservation area, contrasting sharply with the wider handling of the townscape and therefore has limited value to the conservation area designation. The Colmore Row and Environs Conservation Area Appraisal and Management Plan states that 'the projected redevelopment of National Westminster House on Colmore Row will involve the removal of the landmark formed by the NatWest Tower'. This clearly reflects the limited contribution that the tower makes towards the conservation area and the acceptance that the site will be redeveloped. The NPPF(2012) refers to harm in term of substantial harm (para 133) and less than substantial harm (para 134). As substantial harm equates (in part) to total loss of a heritage asset (in this*



*case the conservation area) then the harm can only be less than substantial as the conservation area remains in chief (considering the structure is neither typical of other buildings that qualified the designation of the conservation area nor is it listed). The harm caused by the loss of the building, therefore, is limited in its impact on the conservation area and the Pevsner critique 'disastrous in context' should be recognised. Moreover, the demolition is beneficial to the setting of listed buildings."*

- 6.23. I concur with the my Conservation Officer and consider that demolition of the Natwest Tower would not have an adverse impact on key views from Victoria Square and the Cathedral Churchyard, or in respect of the significant historic streetscapes of Colmore Row, Newhall Street and Waterloo Street.
- 6.24. The removal of the Natwest Tower would open views of the side elevations of No.115 Colmore Row and Edmund House. The side elevation of Edmund House has a blank gable wall and set back element with a regular pattern of windows similar to the front elevation. No.115 Colmore Row has a party wall adjoining the tower which after demolition presents a blank vertical element. This section of "party wall" would be weather proofed but other east elevations of the building which would be exposed have windows. Overall, I consider that the newly exposed elevations of adjacent buildings would not have an adverse impact upon the setting of the listed buildings opposite.

#### Access and Impact on Neighbouring Properties

- 6.25. Demolition details provided in the supporting documents and have been discussed in principle with BCC Transportation Development. Various licences and permits are required for these works to commence but these are covered in separate Highways legislation. With regard to the hoarding line one approach that was discussed included the possibility of a closure of Colmore Row for 18 months. However, it is now the applicant's intention to use a tower crane so a closure of Colmore Row is not essential and is not now proposed.
- 6.26. As within any major demolition project there would be some impact on neighbouring properties. A Demolition Method Statement has therefore been submitted with the application, which includes measures to control noise, dust and vibration.
- 6.27. The applicant has confirmed to salvage the banking hall doors and to store them for re-use, but not necessarily on this site.

#### Wildlife

- 6.28. A baseline ecology survey of the site was carried out prior to the 2008 tall tower planning application. This did not indicate any major ecology issues such as to preclude demolition but did note the building as providing potential habitat for nesting by protected bird species known in the vicinity notably Black Redstarts and/or Peregrine Falcons. An updated survey has been undertaken, which recommends that either demolition takes place before the start of the bird nesting season in mid-march, or an ecologist visits the site before work commences to assess the site for the presence of nesting birds. If any active nests are found, an appropriate buffer zone would be need to be established and works in the vicinity may need to be limited until the young birds have fledged the nest. A condition is attached to ensure that the recommendations in the report are implemented.

#### 7. Conclusion

7.1. Demolition of the existing NatWest tower building is appropriate in national and local planning policy terms. Furthermore, it would allow a lengthy demolition works contract to progress at the earliest possible opportunity, facilitating early redevelopment of this long vacant building, which has been identified as an Enterprise Zone site.

8. Recommendation

8.1. Approve subject to Conditions

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans   |
| 2 | Requires the implementation of the submitted mitigation/enhancement plan |
| 3 | Requires the implementation of the submitted demolition method statement |
| 4 | Limits the approval to 3 years (Full)                                    |
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Case Officer: David Wells

**Photo(s)**



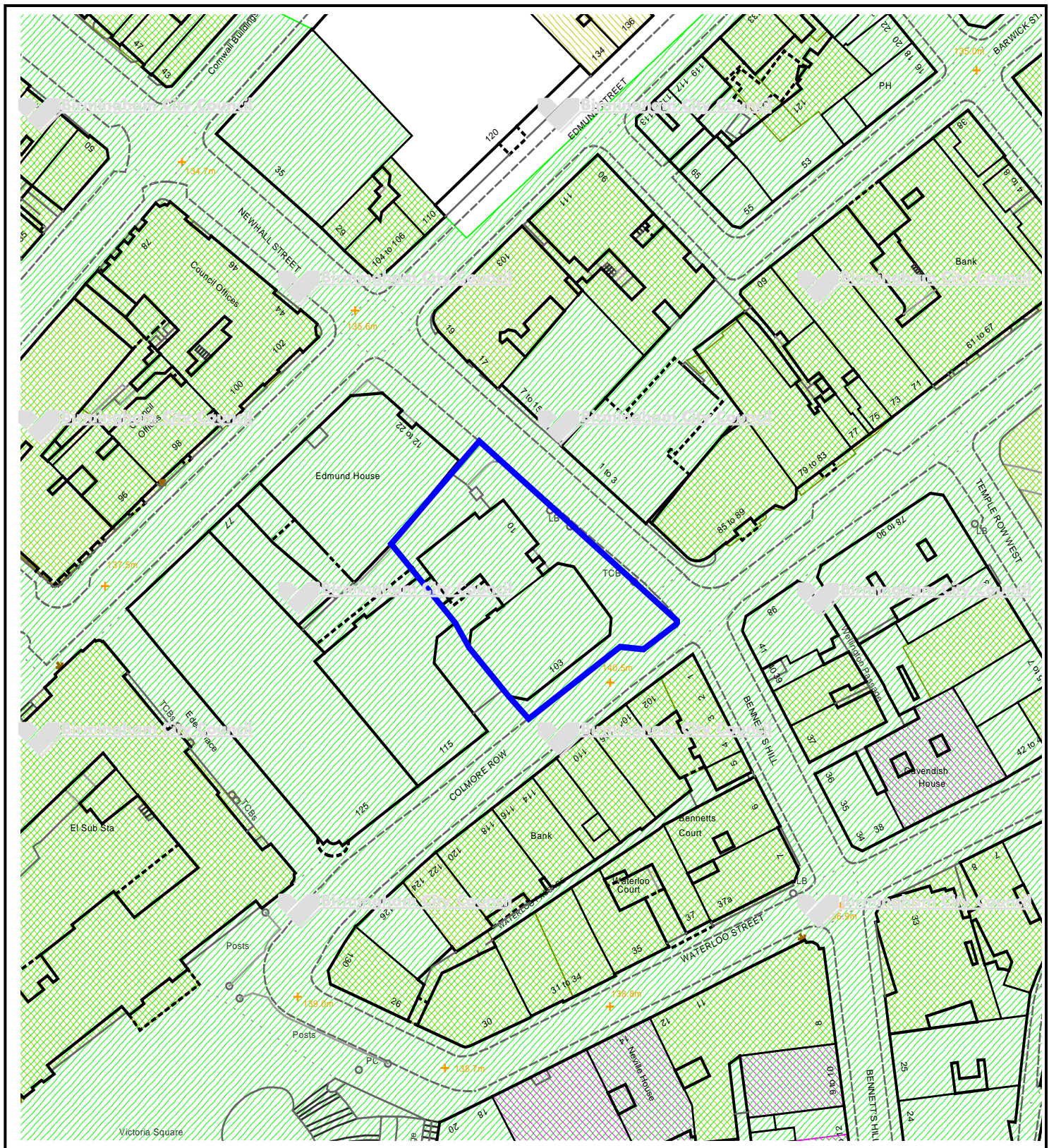
Natwest Tower view from St Philips Churchyard





Natwest Tower view of Banking Hall

## Location Plan



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