Birmingham City Council

PLANNING CONTROL

Document Title: Conservation Area 11. Colmore row and Environs

Date of Designation: 7 October 1971
Date of Extension: 21 March 1985
Date of Further Extension: 25 July 1985

Date of Press Notice: 26 November 1971
Date of 2nd Notice: 2 April 1985
Date of 3rd Notice: 2 August 1985

Contents:

*"Securing a **Better** environment for all the people of **Birmingham**"*

P14091—B20 (a) 903/35

The City Engineer, Surveyor and Planning Officer presented the following Report: no. 11.

CITY OF BIRMINGHAM

PR.

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS COMMITTEE

7th October 1971

Designation of Colmore Row and Environs as a Conservation Area

RECOMMENDATION:

That the area outlined on Plan No. PR.11101 be designated as a Conservation Area under the Civic Amenities Act, 1967.

BACKGROUND:

I submitted to the last meeting of the Conservation Areas Advisory Committee a proposal to request your Committee to designate the area outlined on Plan PR.11101 as a Conservation Area under the Civic Amenities Act, 1967, and this was agreed without modification.

Action to conserve this part of the city centre has been closely linked with your Committee's resolution to abandon the widening of Colmore Row and the decision to begin the rehabilitation of some of the properties between Colmore Row and Waterloo Street.

The nucleus of the proposed conservation area comprises three distinct elements which form an integrated and attractive piece of Birmingham's townscape. These three elements are:-

1) St. Philip's Cathedral and churchyard.

2) Colmore Row and Waterloo Street.

3) Victoria Square with the Town Hall and Council House.

It is necessary to include also within the Conservation Area those buildings and streets which give visual support to the several parts of the central axis from Victoria Square to St. Philip's Churchyard.

To designate this Conservation Area will give your Committee greater control in retaining one of its most concentrated areas of historical and architectural heritage. It would mean that the street patterns and external structures of Colmore Row, Waterloo Street and Bennetts Hill with their buildings, many of which are listed, can be preserved and enhanced. At the same time uses within these buildings would be adapted as time goes on to contemporary needs, internal

alterations being carried out without affecting the external appearance of the buildings.

Careful consideration will be given to street furniture, landscaping and advertisements within the area and if any changes of use are proposed these will be controlled to ensure compatibility with the area.

In short the reasons why I consider the area outlined on Plan No. PR.11101 suitable for designation as a conservation area are:-

1. The area contains the most important collection of buildings in the City ranging from the early 18th century to the 1970's.

2. Colmore Row itself is as fine a late 19th century business thoroughfare as can be found anywhere in the country.

3. The area has an existing scale and atmosphere wholly compatible with city centre users. By carefully selected improvement and controlled redevelopment the area can be enhanced for their enjoyment.

4. The larger measure of control which would be effected by so designating this area would ensure that the future development of streets and their frontages would be in sympathy with the existing scale and character of the area.

5. To preserve for the City what is an exceptionally fine collection of the many styles of Victorian and Edwardian Architecture.

CP/GC

CITY ENGINEER & SURVEYOR

The City Planning Officer presented the following Report:

CITY OF BIRMINGHAM

PLANNING DEPARTMENT

CONSERVATION AREAS ADVISORY COMMITTEE — 12th March 1985.

PLANNING COMMITTEE — 21st March 1985.

Colmore Row and Environs Conservation Area - Proposed Extension

Introduction:

Colmore Row and Environs was designated a Conservation Area on the 7th October, 1971. This includes Colmore Row, Waterloo Street, St. Philips Cathedral and Churchyard and Victoria Square with the major civic buildings. Certain extensions were proposed and incorporated into the Birmingham Central Area District Plan (CADP) Written Statement of November, 1982. The facility for objections to be lodged relating to any proposal incorporated in the CADP formed the basis for the public participation exercise on the Extension of the Conservation Area.

Details of Proposal:

Three areas were proposed in the CADP Written Statement; these are as follows:

Area 1 This broadly incorporates New Street, Stephenson Street and Corporation Street, and totals 12 acres (5 hectares) adjoining the existing Conservation Area boundary to the south.

Area 2 A small area of 0.3 acres (0.1 hectare), incorporating most of Chamberlain Square, but excluding the Central Library and Music College. This adjoins the existing Conservation Area to the east.

Area 3 This area is to the north of the existing Conservation Area, in an area broadly covering Great Charles Street and Livery Street. It totals 7 acres (3 hectares).

Public Participation:

The CADP was placed on deposit on 10th November, 1982. Some 54 objections were received from 31 individuals or organisations. Following negotiations, only 11 were outstanding at the time of the Inquiry. A Public Local Inquiry was held on 10th, 11th and 12th January, 1984 at Baskerville House. Two days of this Inquiry were related to Proposal ENVR 8, that is, the extension to Colmore Row and Environs Conservation Area. All objections were aimed specifically at the proposed extension to the north of the existing Conservation Area - defined in this report as Area 3, broadly covering the Great Charles Street/Livery Street area. These objections were made by substantial land owners affected by the extensions. They felt that the area was not of such architectural or historic interest as to warrant Conservation Area status, and that Conservation Area designation would make the achievement of Local Plan aims for this area more difficult.

The Department of the Environment Inspector considered that the historic interest of Area 3 could not be regarded as special, and although it does have a few Victorian buildings of some merit, the area when considered as a whole has neither sufficient architectural or historic interest or sufficient character to warrant designation as a Conservation Area.

No objections were made to Areas 1 and 2 at the deposit of the Local Plan.

Observations:

Of the other two areas proposed, Area 2, a small extension to include Chamberlain Square in the Conservation Area, is an obviously appropriate extension to protect the setting for the civic buildings which surround the Square.

The largest area proposed for inclusion in the Conservation Area broadly encompasses New Street, Stephenson Street and Corporation Street, together with other roads of similar character such as the southern ends of Bennetts Hill, Temple Street, Needless Alley and Cannon Street.

The area is largely of Victorian/early Edwardian architecture, containing a wide variety of commercial architecture of these eras, which are of particular group value. In addition, the upper office storeys of most of these buildings survived remarkably intact, although suffering considerable neglect, presumably in anticipation of redevelopment proposals. Great potential exists for the refurbishment of these buildings. In addition, a number of arcades still exist, as valuable and characteristic examples of Victorian shopping provision. Area 1 represents the first view of the City Centre for the many visitors arriving by train. Its potential for creating a positive impact is therefore great. Sensitively cleaned and restored, these groups of buildings would register on the visitor as being a distinctive and prestigious area of the City Centre.

Pressures for redevelopment are considerable. In the near future, I shall present a report to Planning Committee on the development pressures in the City Centre, highlighting the main problems and conflicts facing developers and conservationists. It must be emphasised that Conservation Area status need not stifle economic or viable development proposals, nor is redevelopment entirely ruled out in a Conservation Area. Conservation should be viewed as a dynamic and flexible process of environmental enhancement, rather than a static and fixed 'preservation' declaration, as is sometimes feared. The area defined as Area 1, that is, incorporating New Street, Stephenson Street and Corporation Street, can therefore benefit from Conservation Area status.

In the light of the Inspector's comments, your Committee agreed, on 19th April, 1984 and in adopting the Central Area District Plan on 23rd August, 1984, not to give Area 3 Conservation Area status. However, your Committee's proposal to designate Areas 1 and 2 was unchanged. I therefore now make the following recommendation:

RECOMMENDATION:

CONSERVATION AREAS ADVISORY COMMITTEE

That the views of your Committee on the proposals outlined in the foregoing report be invited, and the Planning Committee be advised accordingly.

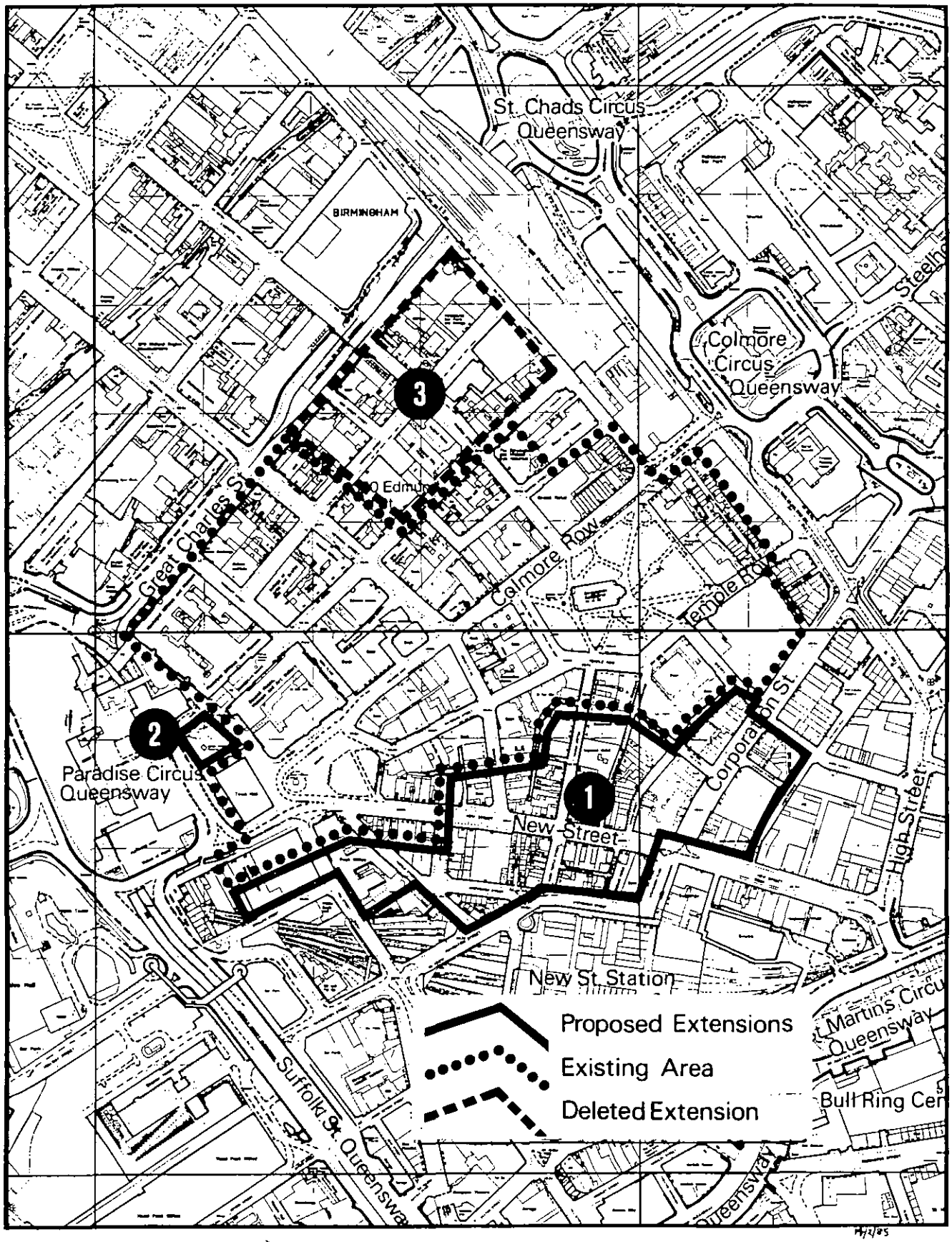
PLANNING COMMITTEE

That the Committee designate as an Extension to Colmore Row and Environs Conservation Area, under Section 277 of the Town and Country Planning Act, 1971, the sectors originally referred to as Areas 1 and 2, as more particularly delineated in the plan annexed to this report.

I/D/JMD/MR

CITY PLANNING OFFICER

PROPOSED EXTENSIONS to Colmore Row and Environs Conservation Area



v) Land adjoining 1 Compton Road, Erdington

2510 RESOLVED:- That the necessary action be taken, including the institution of legal proceedings, if required, to secure the discontinuance of the use of the premises as a builders yard at land adjoining 1 Compton Road, Erdington, as referred to in the report now submitted.

vi) 772 Washwood Heath Road, Ward End

2511 RESOLVED:- That the necessary action be taken including the institution of legal proceedings, if required, to secure the cessation of the use of the premises as a restaurant at 772 Washwood Heath Road, Ward End, as referred to in the report now submitted.

3. Cornwall Buildings, 45 Newhall Street, City

2512 RESOLVED:- That the action of the City Planning Officer in agreement with the Chairman, Councillor Chapman, in approving the relocation of the Managing Agency Support Group from the Brewmaster's House, 7 St. Peters' Place, City to Cornwall Buildings (part), 45 Newhall Street, City on the terms detailed in the report now submitted negotiated by the City Estates Officer be noted; further that the City Solicitor be authorised to complete the necessary documents.

AUTHORITY TO CHAIRMAN AND OFFICERS

2513 RESOLVED:- That the Chairman, (or in his absence the Vice-Chairman) be and is hereby authorised to act until the next meeting of the Committee except in respect of transactions involving the creation of legal rights and obligations or expenditure in which cases the City Planning Officer (or in his absence the Assistant City Planning Officer (Development and Local Plans)), or the City Treasurer as the case may require, are hereby authorised to act in agreement with the Chairman, and that the City Solicitor be authorised to affix the Corporate Seal to any document necessary to give effect to a decision of the said officers acting in pursuance of the power hereby delegated to them.

CHAIRMAN'S BUSINESS

Colmore Row and Environs Conservation Area - Proposed extension

Land bounded by Edmund Street, Livery Street, Cornwall Street and Church Street, City

The following report of the City Planning Officer was submitted:-

(See document No. 20)

In connection with this matter the following Planning Brief for land bounded by Edmund Street, Livery Street, Cornwall Street and Church Street, City was also submitted:-

(See document No. 21)

The Assistant City Planning Officer (Development and Local Plans) reiterated the major points of the report now submitted.

Members generally considered that appropriate action be taken to retain, if possible, the facade of the buildings comprising Nos. 158 to 176 (evens) Edmund Street, 37 to 43 (odds) Church Street and 24 Livery Street, City.

The Committee were also of the opinion that the Planning Brief would be of valuable assistance in the attempt to achieve high quality redevelopment within an area comprised of interesting buildings considered worthy of retention.

Reference was made by the Assistant City Planning Officer (Development and Local Plans) to the need to include within the Brief reference to the Chief Building Surveyor as a person to be consulted regarding the future use of the site.

2514 RESOLVED:- (i) That Nos. 158 - 176 (evens) Edmund Street, 37 -43 (odd) Church Street and 24 Livery Street and their curtilages be designated as an extension to Colmore Row and Environs Conservation Area under Section 277 of the Town and Country Planning Act 1971 and as indicated on Plan No. 26178;

(ii) that the Development Brief for the Edmund Street/Livery Street/Cornwall Street/Church Street area be approved subject to any necessary amendments to reflect the designation of the extension of the conservation area in accordance with (i) above and to reflect Members views on the retention of the building or at least their facades and;

(iii) that the City Planning Officer be instructed to enter into immediate negotiations with the developers with a view to seeking the retention and refurbishment of 160 - 170 Edmund Street and that in the event of this not being practicable a solution in accordance with the Planning Brief retaining the existing facade.

Meeting ended at 1235 hours.

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C H A I R M A N

PRIVATE AND CONFIDENTIAL

PLANNING COMMITTEE

25th July 1985

CHAIRMAN'S BUSINESS

Colmore Row and Environs Conservation Area - Proposed extension

Introduction:

At the meeting of 2nd May, 1985, your Committee resolved that a public participation exercise be carried out with a view to formally designating as an extension to Colmore Row and Environs Conservation Area under Section 277 of the Town and Country Planning Act 1971, numbers 158 to 176 (evens) Edmund Street, 37 to 43 (odd) Church Street and 24 Livery Street.

Details of Area:

This area is all that remains of the City's printing quarter which originally encompassed the Edmund Street/Livery Street/Church Street/ Great Charles Street block which largely consists of Victorian warehouses of the late 19th Century; only numbers 158 Edmund Street and 37 to 43 (odd) Church Street are Listed.

On 30th April, 1985 I served a Building Preservation Notice in respect of numbers 160 to 170 (evens) Edmund Street as formal notification of their intended demolition had been received in the Department. I was advised on 19th July, that the Secretary of State has concluded that the buildings are not of sufficient interest to merit inclusion in the Statutory Listed Buildings of Special Architectural or Historic Interest. There is no formal appeal against this decision and in accordance with the requirements of Section 58 (5) of the Town and Country Planning Act 1971 I have advised the owners and occupiers of the building of the Secretary of State's decision.

These buildings which are of group value do not therefore have any statutory protection.

The Central Area Local Plan:

The degree of control which your Committee may exercise over new development on such a site was of course the subject of extensive arguement during the Public Local Inquiry into the Central Area Local Plan in January, 1984. You may recall that the larger area proposed as an extension to the Colmore Row and Environs Conservation Area, of which the Edmund Street block forms part, was not, in the view of the Inspector of such architectural or historic interest as to warrant Conservation Area status. "The setting of other Listed Buildings adjoining or close by should always be a matter of special consideration when new development is under consideration", the Inspector went on to say, "in any event the acquisition of greater control powers, whilst it may well be a consequence of designation, should not, in my view, be regarded as a major justification for it."

Your Committee subsequently accepted my recommendation in April, 1984 that the proposed extension to the Colmore Row and Environs Conservation Area to include the Great Charles Street and Livery Street area be deleted from the Central Area Local Plan.

The Conservation Areas Advisory Committee considered this matter at their June meeting and resolved (1) that the Planning Department's Conservation Building Surveyor be requested to examine the condition of the brickwork of 160 to 170 (evens) Edmund Street in the light of the developers statement that retention would not be possible because of weathering and other damage (2) that a development brief of the complete block be prepared (3) that in the event of a survey proving satisfactory and in the light of the Development Brief proposals, the developer be requested to consider retention of the facades of the buildings in Edmund Street if possible.(4) That in the event of the building preservation order being not confirmed or if 160 to 170 (evens) Edmund Street are not included within the Conservation Area the developer be informed that this Committee would have no objection to the submission of a modern scheme of development sympathetic to the existing buildings.

The Conservation Building Surveyor subsequently inspected these buildings reported, whilst 50% of the decorative brickwork was spalled it would be very easy to make good the damage and the only other problems appear to be relatively superficial.

Public Participation:

The response to the public participation exercise is indicated on the attached schedule. All the owners of these buildings have made strong objection to their inclusion in the Conservation Area. They make the point that any designation will be a complete reversal of the policy approved in April, 1984. Two responses specifically state that bearing in mind there is no Public Inquiry into a proposed Conservation Area, they indicate this may be a case which warrants the Judicial Review procedure.

Observations:

Your Committee have consistently attempted to preserve the Edmund Street properties and I have advised that, if possible, the facades should be incorporated in any redevelopment scheme.

On the other hand, the Department of the Environment has also been consistent in their approach to the area - against conservation. Nevertheless, the decision as to whether this area should be declared a Conservation Area does rest with your Committee. If declared the immediate effect would be to protect the existing properties and Listed Building Consent would be required for demolition, if not already commenced. (At the moment 160-170 (evens) Edmund Street could be demolished at any time). However, in determining such an application your Committee would need to have regard to Circular 12.81. In my view it would be unrealistic to suppose that the designation of the Conservation Area would, of itself, ensure the preservation of these buildings, since it is unlikely that a refusal would be supported by the Secretary of State on appeal.

The question of a possible claim for costs, the cost of a Public Inquiry and/or the cost of any possible Judicial Review, are also factors which your Committee would need to take into consideration.

It is, of course, most desirable that any redevelopment of the site should be of a high quality and sensitive in the relationship with the Listed Building at 158 Church Street and adjoining streets in terms of massing, scale and materials and accordingly the Development Brief is submitted with a separate report for your consideration.

If you Committee agree to the planning brief it may be that you would also wish to adopt resolution 3 of the Conservation Areas Advisory Committee of 10th June and hold immediate discussions with the owners and developers.

RECOMMENDATION:

That your Committee consider the options set out in this report.

CEH/MAW