Heritage and Democracy in Birmingham

A Report of the *Save Smallbrook* Campaign on the Case of Smallbrook Ringway Centre

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ZUSAMMENFASSUNG

In diesem Beitrag wird eine aktuelle Denkmalschutzinitiative in Birmingham, Großbritannien, vorgestellt. Sie befasst sich hauptsächlich mit zwei miteinander verbundenen Apellen: Erstens eine Bewusstseinsschaffung für die Architektur aus der Mitte des 20. Jahrhunderts und zweitens, dass Fragen des Kulturerbes von den lokalen Politiker*innen verantwortungsvoll und sachkundig behandelt werden sollten.

Das Gebäude, das im Mittelpunkt der Denkmalschutzkampagne steht, ist das *Smallbrook Ringway Centre*, ein vom Architekten James Roberts entworfenes Bürogebäude, das 1962 fertiggestellt wurde. Der Bauträger Commercial Estates Group (CEG) schlägt aktieöö vor, das Gebäude abzureißen und durch eine Hochhaussiedlung zu ersetzen. Der Beitrag beschreibt die Kampagne der Gruppe *Save Smallbrook*, die den Abriss des Gebäudes verhindern will. Die Kampagne stützt sich auf drei Argumente für den Erhalt des Gebäudes: die architektonischen und städtebaulichen Qualitäten des Gebäudes, die mit seinem Abriss und seiner Sanierung verbundenen Kohlenstoffemissionen, die zum Klimawandel beitragen, und der unzureichende Anteil an erschwinglichem Wohnraum, der in der geplanten Wohnanlage vorgesehen ist. Die Gruppe veröffentlichte einen Gegenentwurf, der aufzeigte, wie das bestehende Gebäude erhalten und zu Wohnzwecken umgenutzt werden könnte.

ABSTRACT

This paper presents a case study of a current conservation campaign in Birmingham, UK. It mainly addresses two related issues: First the idea that mid-20th-century architecture deserves to be seriously considered as heritage assets, and second that heritage issues should receive responsible and informed attention by elected local councillors who have the power to make important planning decisions.

The building at the centre of the conservation campaign is the Smallbrook Ringway Centre, an office building designed by the architect James Roberts that was completed in 1962. The developer *Commercial Estates Group* (CEG) proposes demolishing the building and replacing it with a high-rise residential development.

The paper describes the campaign by the group *Save Smallbrook*, aimed at preventing its demolition. The campaign is based on three arguments for retention: the architectural and urban design qualities of the building; the carbon emissions associated with its demolition and redevelopment, contributing to climate change; and the inadequate proportion of affordable housing envisioned in the proposed residential development. The group published a counter-scheme that showed how the existing building could be retained and converted to residential use.

The characteristics of the British planning system, different from those in European countries, are outlined. The paper describes the passage of the developer's planning application through the local planning committee, and its approval. The group employed a barrister to challenge the approval, which resulted in the planning committee being re-run. The barrister subsequently requested a judicial review of the decision in the High Court, which was refused. The campaign continues, but lacks legal representation. Nevertheless, its influence is evident in the recent unanimous rejection of a high-rise residential proposal on similar grounds, namely: effects on adjacent listed buildings, and the failure to incorporate sufficient affordable housing. Such a decision would have been extremely unlikely prior to the Smallbrook campaign.

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The History of the Ringway

The Smallbrook Ringway Centre in Birmingham is a building comprising four floors of offices above a ground floor of shops, and was a major part of the first phase of the Inner Ring Road, which started construction in the 1950s. The building was designed by the Birmingham architect James Roberts, whose practice was located in the building after completion.

The Inner Ring Road was intended to reduce vehicle congestion and enable more efficient movement of traffic. It was planned from the 1930s onwards by City Engineer, Surveyor, and Planning Officer Herbert Manzoni. Manzoni held those combined posts from 1935 to 1963, and during that time changed the form of the city to an enormous degree. He advocated greater provision for private vehicles and had little regard for matters of architecture or heritage. He saw himself as a moderniser, and was given great power and authority in the planning of the city by his political masters.[1]

When Manzoni took office, Birmingham had inherited a street layout in its centre that could not adequately accommodate the number of motor vehicles – cars, lorries, trams, and buses – that used it. It derived from an unplanned network of old streets, onto which an attempt had been made to impose order by designating one-way systems. This had the consequence of making legibility and movement more confusing. As well as local traffic, most long-distance through-traffic passed through the city centre, adding to congestion.

The city council acquired the necessary land for the Inner Ring Road through a legal mechanism called compulsory purchase orders (CPOs). The subsequent demolition and redevelopment greatly changed the form of the city centre. But the built form that accompanied the highway construction was mostly seen as secondary by Manzoni and elected councillors. The primary objective was the efficient movement of vehicles. The extent of land covered by CPOs, while large in total, was primarily determined by the highway alignment. The land available for construction, adjacent to the highway corridor, was mostly an incidental by-product of the highway planning (Fig. 1).[2]

Smallbrook Ringway and the Ringway Centre

The parcels of land left over from the planning of Smallbrook Ringway, which were to make up the site of the Smallbrook Ringway Centre, were bought

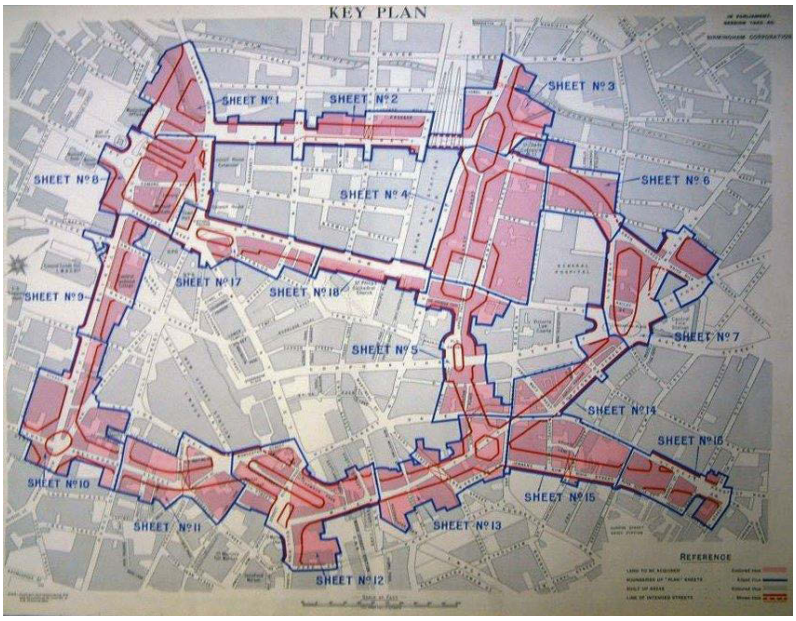

Fig. 1: Land compulsorily purchased for the Inner Ring Road. Smallbrook Ringway is at the bottom left (date unknown).

by Roberts' client, the developer Jo Godfrey, and assembled into an inconveniently long and narrow site. Roberts turned this limitation into an asset by designing a long and narrow, ribbon-like building, 270 metres in length, of great elegance.

Smallbrook Ringway, the first phase of the Inner Ring Road to be built, was unlike all later phases. It was the only part to be built as a conventional urban street: enclosed by buildings, flanked by pedestrian pavements with ground-floor shopfronts at the back of pavement. In 1959 it was heavily criticised in *The Architects' Journal* by Leslie Ginsberg, the eminent Head of the Birmingham School of Planning, as being old-fashioned "rather than a modern urban highway" (Fig. 2).[3]

The subsequent decades have proven Ginsberg diametrically wrong. The later phases, which were built as a modern urban highway detached from buildings and from the pedestrian realm, led to the Inner Ring Road being widely condemned as the "concrete collar": strangling the city centre, restricting its growth, and condemning pedestrians to a mean and unpleasant environment.[4] Those later phases have since been incrementally removed or redesigned. What is now Smallbrook Queensway is the only part of the Inner Ring Road that has proven to be sustainable.

Smallbrook Queensway is remarkable – not only in the context of the rest of the Inner Ring Road, but more widely – in the degree of unity that was achieved between the design of the highway and that

Fig. 2: Smallbrook Ringway around the time of completion (circa 1962).

of its architecture. Normally, these are two separate processes, carried out by different people at different times, whereas at Smallbrook there is a considerable synthesis between the two. The street is described by Andy Foster, author of the 2005 *Pevsner Architectural Guide* to Birmingham, as: "the best piece of mid-C20 urban design in the city".[5] Much of the credit for this is due to Roberts, who designed not only the Ringway Centre but also the adjacent Scala Cinema, the Albany Hotel opposite (now a Holiday Inn), and, further up the street, the landmark Rotunda office building, now Grade II listed and converted to apartments.[6]

I have elsewhere compared Smallbrook Queensway to Regent Street in London, where John Nash in the early 19th century (1813–1820) achieved a similar unity between a new highway and its architecture.[7] Both streets were bold new interventions, cutting a new highway through an old pattern of small urban blocks and lining it with new architecture that matched the new scale of the highway. It is incidental, but appropriate, that both streets employ a distinct bend at their termination. The Ringway Centre accommodates this in an elegant concave curve, inflecting the building towards the Rotunda on the opposite side of the street.

The Ringway Centre has twice been proposed for statutory listing as a building of architectural or historic interest, and twice been turned down.[8] It is now 62 years old, well past the 30-year minimum age that the government conservation agency *Historic England* defines as the threshold for statutory listing. In fact, it is now prevented from being listed by a Certificate of Immunity acquired by its owner, CEG. The Centre is locally listed, which is a non-statutory status of significance determined by the local planning authority.[9] In practice, this gives it little protection from demolition or inappropriate change.

It is still difficult for a modernist building from the mid-20th century to acquire statutory listed status. There are few successful examples in Birmingham. In the city centre, one can name only the Rotunda (1965), the New Street Station signal box (1965, a Brutalist building in precast concrete), and the Alpha Tower office building (1973). The Ringway Centre is, arguably, at least as architecturally significant as these. In addition – and in distinct contrast to Alpha Tower, which is overtly and deliberately an isolated object building, anti-urban in its indifference to its context – the Ringway Centre contributes positively to a successful urban design synthesis, as its evaluation in the Birmingham Pevsner book, quoted above, asserts.

It seems that periods of architecture pass through something that I call a *historical shadow*.

For a time after their period of production, buildings are appreciated for their contribution to the canon of architecture. Then a cloud passes over them, and they fall under a shadow that brings them into disrepute. Eventually, the cloud moves on, the shadow passes, and the architecture is appreciated by a new generation. Other arts, such as painting, music, and theatre, are also subject to this same historical shadow. However, architecture is different in that, during this period of under-appreciation, a building may be at threat of demolition – never to emerge from the shadow to renewed acclaim. The products of other arts may disappear from view, but they are seldomly destroyed and hence can be resurrected.

Georgian architecture, now widely admired, fell under the same shadow during Victorian times, and large amounts of it were demolished.[10] Similarly, 19th-century architecture was widely dismissed from the 1950s to the 1980s and much was demolished. Today, the qualities of Victorian architecture are once again appreciated by a new generation, but much has been lost. Today, it is architecture of the mid-20th century that is obscured by the shadow. For that reason, buildings of that period struggle to find support for statutory listing. The Ringway Centre is a fine building and, if it could survive another 25 years, I am confident that its qualities would be recognised and that it would be added to the statutory list. But because those qualities are currently obscured by the historical shadow, its survival is far from certain.[11]

The Threat to the Ringway Centre

The threat to the Ringway Centre comes from its owner, CEG, which proposes demolishing the building and replacing it with a residential development. The nature of the development economy has changed greatly in recent years. There is now only a small amount of new office building in the city centre, as the demand for offices is much reduced. Instead, a great amount of new residential construction is taking its place, much of it in the form of high-rise towers. The majority of this residential development is one- and two-bedroom apartments, whether for sale, for rent, or as student accommodation. Very little of it addresses the widespread need for family accommodation. There is a great disparity between housing need and what the private sector chooses to build, and the planning system is incapable of giving appropriate direction to developers to bring the two together.[12]

CEG initially proposed the demolition of one half of the Ringway Centre building, and its replacement by a medium-rise building and one tower. The other half of the existing building was to be reconstructed and extended upwards. This scheme was given planning approval in 2017. The proposal was opposed by

Fig. 3: The residential scheme proposed by developer CEG (2023).

myself, a columnist for the *Birmingham Post*, and by the *Brutiful Birmingham* group of activists, who also write a column on 20th-century architecture in the same newspaper.[13] We were all dismayed by the proposed demolition of an outstanding element of the city's modernist heritage.

That planning approval was not implemented, but it was followed in 2022 by a more extensive planning application by CEG, involving: the complete demolition of James Roberts' building, and its replacement by a new residential development containing 1,750 apartments. This would include three high-rise towers, of 44, 48, and 56 storeys (Fig. 3). The opposition formed itself into a campaign group named *Save Smallbrook*, a coalition comprising *Brutiful Birmingham, Birmingham Modernist Society*, the *Twentieth Century Society*, and *Zero Carbon House*. The coalition was later joined by the *Birmingham Fair Housing Campaign*.

Opposition to the Proposed Redevelopment

The group's campaign brought together three strands of opposition to the developer's proposal: heritage, carbon emissions, and housing provision. Firstly, it is an outstanding work of architecture, and makes a major contribution to a distinctive and prominent example of modernist urban design. Secondly, its demolition and the subsequent redevelopment would result in significant emissions estimated as equivalent to 187 million kilogrammes of carbon dioxide.[14] This would contribute to climate change and therefore be contrary both to national policy and to Birmingham's *Towards Net Zero* policy, which aims to reduce carbon emissions by 60% by 2027.[15] Tall buildings over 20 storeys generate disproportionately large amounts of carbon emissions: up to 2.5 times the amount per unit of floorspace, compared with a building with fewer than seven storeys.[16] Thirdly, the proposed redevelopment makes minimal contribution to the most pressing area of housing need: family-sized housing with three bedrooms or more.[17] The proposed redevelopment is largely of one- and two-bedroomed apartments, with a 4.4% allocation of "affordable" units (compared to a city council minimum threshold figure of 35%, which in practice is never achieved).[18] The proposal does not include any social rented housing.

Save Smallbrook was not content with simply opposing the CEG proposal, but decided it was necessary to demonstrate that there was an alternative. Mike Dring of *Birmingham Modernist Society* prepared a counter-scheme on the principle of retrofit:

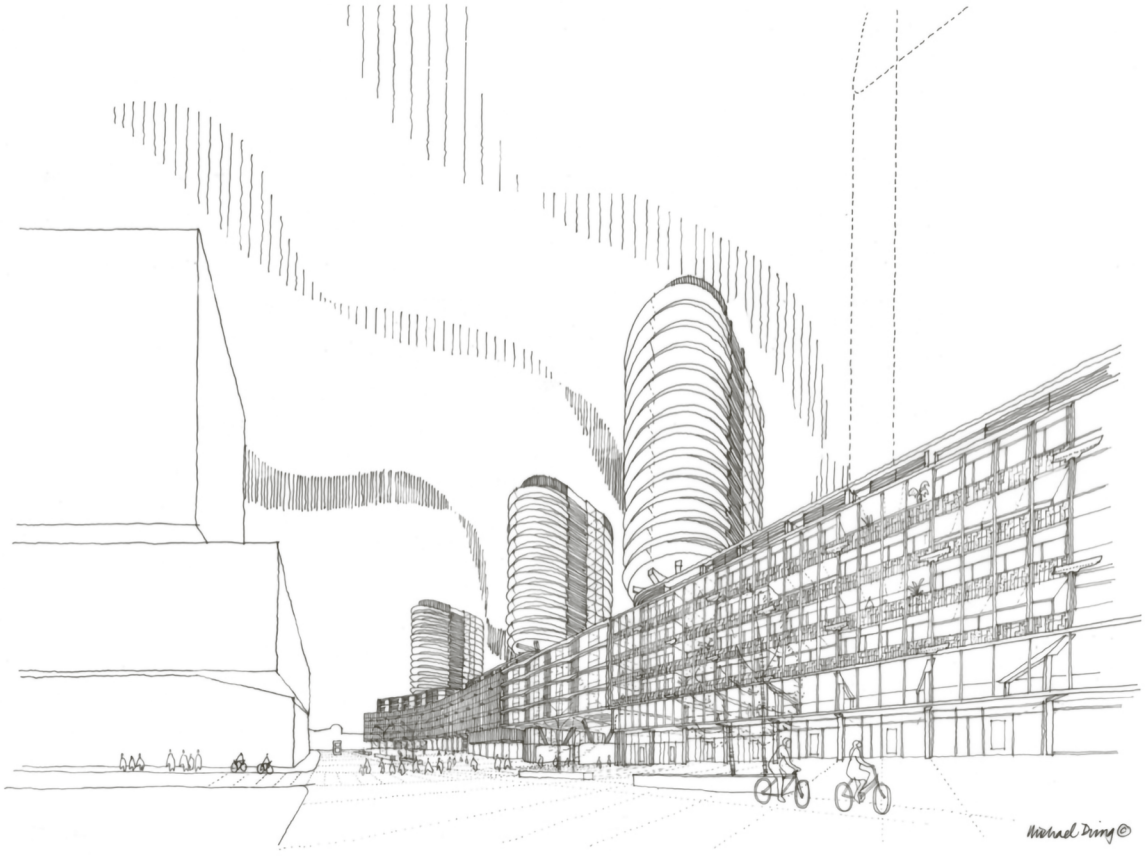

Fig. 4: The *Save Smallbrook* counter-scheme designed by Mike Dring (2023).

retaining the existing building, converting it to residential use, and increasing its commercial viability by adding three new buildings on top. These were shaped so as to be evocative of the Rotunda. (Fig. 4). The retrofit alternative did not equal the floorspace of the CEG proposal, of course, but in terms of the ratio of input to output (measured in terms of both usable floorspace and carbon emissions) it was far more efficient.

The counter-scheme was widely published, locally and nationally, both in the general press and in professional architecture- and planning-related publications, and gathered a wide degree of support for the campaign. A petition in support was signed by thousands of people, including three past winners of the Stirling Prize, the UK's premier award for new architecture. A company called Doberman Documentaries made a film about the campaign, which was included in the 2024 Flatpack film festival in Birmingham.[19] At its premiere in August 2024, we were joined by another supporter, Kevin McCloud, who is well-known as the presenter of *Grand Designs*, a long-running TV series on the making of modern houses, shown nationally on Channel 4.[20]

The argument that demolition and new development exacerbates the climate crisis, which ultimately threatens life on Earth, is a compelling one. But it is a recent addition to the list of material considerations that may determine a planning application. It has therefore taken time to be established as a criterion in planning, and to become part of case law. Also, it is a very technical matter, fully understood only by experts, and the large numbers involved are open to being misunderstood and misinterpreted.[21]

The Smallbrook case was assisted by the concurrent case of the *Marks and Spencer* building on London's Oxford Street, which received a lot of national publicity. *Marks and Spencer* wished to demolish their large Edwardian building and replace it with a new one. Their planning application was called in for determination by the then Secretary of State in the Conservative government, Michael Gove, on the grounds of its negative consequences for greenhouse gas emissions. His decision to refuse permission was first rejected by the High Court and later by the Secretary of State in the new Labour government in 2024.[22] But the publicity brought the arguments about carbon release to wide public attention.

Despite the opposition to the Smallbrook proposed redevelopment, and despite all the positive publicity given to the alternative, the planning application went before Birmingham's Planning Committee in September 2023, with a recommendation from the case officer that it be approved. Here, perhaps, it is necessary to say something about the British planning system, which differs from those of other European countries.

Britain has a planning system that is described as discretionary.[23] That is, although there are policies and guidance at both national and local levels, which seek to define what acceptable development should be, decisions about development are made on a case-by-case basis. Each case is judged on its own merits, rather than being measured against a firm design code. This introduces uncertainty into the system, as it is often difficult to predict whether or not a proposed development will be approved.

Decisions on important planning applications, such as that of the Ringway Centre, are taken by a planning committee of local elected councillors.[24] So the decisions made are democratic, in that the councillors are elected and publicly accountable, but they are not necessarily well informed. Councillors are given little education in planning and heritage matters, and in the committee they may well be influenced by issues other than those that should determine planning applications.

The September 2023 meeting of the Birmingham City Council Planning Committee approved the planning application by CEG by the narrowest margin of seven votes to six. Two members were absent from the meeting. The Chair, a declared ally of conservation, voted against the application. The planning case officer, in her report to the committee, devoted a lot of space to the carbon calculations but finally concluded in favour of the applicant. Particularly dismaying was the amount of uninformed prejudicial comment concerning the architecture of the Ringway Centre, made by councillors in the meeting. Comments included "architecturally ugly", "a concrete mess", "ugly, a monstrosity", and "historic only as in old and outdated".[25] The historical shadow under which mid-20th-century architecture is obscured was made evident. These demonstrated that, in the eyes of elected councillors taking important planning decisions, mid-20th-century architecture is not seen as significant.

One simple statement made by a councillor was particularly significant: "I don't like the building".[26] The personal aesthetic preferences of elected members should not be a legitimate basis on which to

make decisions. Decisions should instead be based on the arguments of the case put forward, on relevant policies, and in consideration of the opposition case. Yet this statement revealed the shaky basis on which the decision was made. It was also very striking that, despite the centrality of the *carbon* argument to the case, the word carbon was not spoken once by any councillor during the entire meeting.

Birmingham City Council has a *Towards Net Zero* policy that aims to shape and influence all other council policies and decisions towards a responsible, collective stance on the existential threat posed by climate change.[27] The policy commits the council and the city to achieving net zero carbon emissions by 2030, or as soon as possible thereafter.

Yet, this meeting of the planning committee gives the impression that either the elected councillors were unaware of the policy or, perhaps more likely, did not understand the issues to the extent of being able to incorporate them into a rationale for taking a decision.

The Save Smallbrook campaign group decided that it would need legal advice if it was to challenge the planning committee decision. It engaged Estelle Dehon KC (Cornerstone Barristers, London), an eminent barrister specialising in planning and environmental law. In order to pay her fees, and in anticipation of a possible claim for costs from the applicants, Save Smallbrook started a crowdfunding campaign with a target of raising £15,000.

Estelle Dehon submitted a formal case to the city council that the planning committee had been misled in two different ways, and requested that the meeting be held a second time. Her two objections were, firstly, that the facts about carbon emissions had been misrepresented in the case officer's report; and, secondly, that the heritage advice from *Historic England* had been misrepresented in the meeting and not been corrected. *Historic England* is the government agency that deals with matters of conservation of historic buildings. It was stated in the meeting that Historic England had made no objection to the demolition of the Ringway Centre, whereas in fact it had.[28]

The city council agreed that the planning application should be heard again at a second planning committee meeting – a very unusual procedure. The planning committee met again in February 2024. The vote was again in support of the planning application, this time by seven votes to four.

The seven who previously voted for the application again supported it, whereas two of those who previously voted against were absent. The figures demonstrate the unpredictability of the planning committee process: an important vote can depend upon who turns up on the day.

Save Smallbrook decided to challenge the planning committee's decision in the High Court, requesting a judicial review of the decision. Estelle Dehon's advice was that the chance of success was about 50:50. She advised that, of *Save Smallbrook's* three grounds for opposition, the carbon argument had the greatest potential to succeed. A request for a judicial review takes place in two stages. The initial stage is to have the request considered, before it is determined. This was heard in the High Court in London in September 2024. The result was very disappointing. Dehon presented *Save Smallbrook's* case, but it appeared that the judge had already determined to refuse it (the refusal was already written and printed).

With this refusal, *Save Smallbrook* decided not to continue its legal opposition. Success was looking increasingly unlikely, which meant that the financial risk had become too great. The campaign will continue, but without legal representation. At the time of writing, in December 2024, the direction that the opposition will take is uncertain. What is certain is that the Smallbrook campaign, although so far unsuccessful, has had significant effects on the culture of planning in Birmingham. One recent illustration is the decision in November 2024 by the planning committee (whose membership has been strengthened by new appointments since the Smallbrook decisions) to refuse, by a unanimous vote, another high-rise residential development in the city centre. The reasons were a combination of heritage issues – there are listed buildings adjacent to the site – and the failure to provide sufficient affordable housing in the proposed development. It is extremely unlikely that such a vote would have happened before the Smallbrook campaign. Such is the uncertainty inherent in the democratic process of putting important decisions on heritage assets in the hands of elected councillors who are given little specialised training.

Figures

1 *City of Birmingham.*

2 Phyllis Nicklin, *University of Birmingham.*

3 *Corstorphine and Wright.*

4 *Save Smallbrook.*

Endnotes

1 Andy Foster, Birmingham: *Pevsner Architectural Guide,* New Haven/London 2005, p. 201.

2 Figure 1 shows the limited extent of land acquisition for the Inner Ring Road, and in particular the awkward dimensions of the resultant Smallbrook Ringway Centre site.

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