7-8 Waterloo Street, City Centre, Birmingham, B2 5PQ

Change of use of commercial building into Use Class C1 serviced apartments at upper levels and Use Class A3 restaurant at ground and basement levels, including some internal demolitions and alterations and installation of vertical boiler flue and vertical ventilation ducts in existing light well

Applicant: Rustic Pine Developments Ltd
72 Fielding Road, Chiswick, London, W4 1BD

Agent: Burke Rickhards Ltd
Devcor House, 91 North Hill, Plymouth, PL4 8JT

Recommendation
Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This planning application is for change of use from offices to 32 serviced apartments (27 x 1bed and 5x2bed) with integral restaurant and bar on the ground and basement level. The existing building is 7 storeys, which includes a basement level. The proposals are for the conversion of the internal spaces and do not include any extensions to the existing envelope.

1.2. The main banking hall and part of the basement below would be used as a restaurant. It would be accessed via the main entrance to the front of the building and would be open to non-residents. No details of hours of opening have been provided. Access to the serviced apartments would be via a second entrance to the side that is set back from the front. This would lead to a foyer with reception area and a lift providing access to all floors.

1.3. The application is accompanied by a listed building application for internal and external alterations. The internal alterations, which do not require planning consent are described in the listed building application report, which appears elsewhere on your Committee’s agenda.

1.4. Externally, the fabric of the existing building would not be altered, other than two proposed windows to replace existing doors on the south and east elevations. There would also be the need to incorporate vertical boiler flues and ventilation ducts rising up in the light well adjacent to the gable wall of the Premier Inn Hotel next door to the site. In addition the existing asphalt roof and rainwater good have deteriorated over the years and are to be repaired.
1.5. The applicant is willing to enter into a planning agreement to provide £16,000 toward public transport improvements in the vicinity.

1.6. The application is supported by a planning statement, a design and access statement, heritage statement and noise assessment.

**Proposed Plans**

**Proposed Elevations**

2. **Site & Surroundings**

2.1. The application site comprises 7-8 Waterloo Street, a Grade II Listed Building dating from the early 1930’s. It has been used for offices and is now predominantly vacant. The building is 6 storeys to Waterloo Street and 7 storeys to Temple Passage, a service road to the rear. The fifth floor is setback 2 metres from the Waterloo Street frontage and to the rear the building steps back from the fourth floor upwards.

2.2. The building is constructed predominantly of Portland Stone and the façade is broken up by stone columns with uniform windows. The building has a central portico style entrance at ground floor. Internally the building contains an original banking hall at ground floor level with partitioned offices on the upper floors.

2.3. Adjoining the application site to the north-east is 5-6 Waterloo Street a 1960’s, 9 storey former office building which has recently been converted into a 163 bedroom Premier Inn. To the south-west is 33 Bennetts Hill, the former Midland Bank which is Grade II Listed. The application site is within the Colmore Row and Environs Conservation Area.

**Location Plan**

**Street View**

3. **Planning History**

7-8 Waterloo Street

3.1. 10 December 2010 Application 2010/05034/PA. Planning consent granted for change of use of existing building to provide hotel with integral restaurant and bar on ground and lower ground floors. Rooftop extension to provide an additional floor and three additional partial floors to the rear.

3.2. 10 December 2010. Application 2010/05036/PA. Listed building consent granted for rooftop extension to provide an additional floor with 3 partial floors to the rear, internal and external alterations in conjunction with change of use to hotel with restaurant and bar.

3.3. In May 2011 a Section 73 Application was submitted which proposed the variation of condition 5 attached to the listed building consent and condition 9 attached to the planning approval. This was to allow substitution of drawings for a revised set showing a minor revision to the footprint of the extension to the rear of the building.

3.4. 8 December 2014 Application 2014/09093/PA. Listed Building Consent application for change of use of commercial building into serviced apartments at upper levels and restaurant at ground and basement levels, including some internal demolitions.
and alterations and installation of vertical boiler flue and vertical ventilation ducts in existing light well - a report about this application appears elsewhere on your Committee’s agenda.

4. Consultation/PP Responses

4.1. Adjoining occupiers, residents associations, amenity societies, Colmore BID, Retail Birmingham BID, local ward councillors, and M.P. notified. Site and Press notices displayed. No comments received.

4.2. Access Committee - the Design & Access statement refers to accessibility meeting Building Regulations but no details are given. The main entrance has glazed doors that will need visual manifestation. It is also unclear if these doors are power operated. There is no clear vertical access to the basement restaurant other than by the lift in the serviced apartments area and no accessible toilet shown on the plans.

4.3. Birmingham Civic Society – welcome the proposed use and refurbishment but concerned over the layout as some of the serviced apartments have living rooms with no natural light or ventilation.

4.4. Conservation Heritage Panel – fully support the application.

4.5. BCC Transportation Development – no objections. Note that there is limited room for cycle storage and that a s106 sum of £16k will be made in lieu.

4.6. BCC Regulatory Services - no objection subject to standard conditions for plant noise, kitchen extraction (to roof level) and refuse stores. They note that there is potential of noise and odour nuisance from nearby existing and proposed bar and restaurant uses. The operator may therefore wish to consider making windows to rear and sides unopenable (to prevent ingress of noise and fume), installing acoustically specified glazing (and ventilation) and having sound insulation between the restaurant and habitable rooms.

5. Policy Context

5.1. In addition to the National Planning Policy Framework, relevant local planning policies include:-

- Birmingham UDP Saved Policies 2005;
- Draft Birmingham Development Plan 2031;
- Conservation Through Regeneration SPG
- Places for All SPG;
- Access for All SPD; and,
- Car Parking Guidelines SPD.

5.2. Grade II Listed Building within the Colmore Row and Environs Conservation Area.

6. Planning Considerations

Background and Planning Policy Context

6.1. The existing building has in the past been used as offices but has been unoccupied for over 4 years. In 2010, planning permission was granted for the change of use into hotel rooms with associated restaurant / bar and ancillary facilities. However this
permission has now lapsed. This current application is similar in that the Banking Hall and basement below would be converted into a restaurant, but with the remainder of the building used for serviced apartments rather than hotel bedrooms.

6.2. Key relevant themes of the NPPF are to ensure the vitality of town centres, promote sustainable development and to conserve the historic environment.

6.3. At a local level UDP policies 4.46 to 4.53 emphasise that Birmingham takes a positive attitude to the promotion of tourism with its associated spin-offs in terms of accommodation, travel and local spending. Tourism can significantly improve the City’s environment, enhance its image and aid inward investment. It establishes a positive framework for opportunities which can exploit Birmingham’s position as a top visitor attraction.

6.4. This site complies with the relevant criteria in the UDP for the location of Hotels and Guest Houses. It is in a predominantly commercial area, is well served by public transport and would have no detrimental impact on nearby residential amenity. The outlook from some of the apartments particularly those facing the light wells and Temple Passage is not ideal, however, the previously consented hotel scheme had a similar arrangement. All the apartments have at least one window to provide natural light and ventilation.

6.5. With regard to the proposed restaurant, UDP policy 8.7 advises that such uses should generally be confined to shopping areas or areas of mixed commercial use, that account be taken of cumulative impact, residential amenity, vitality and viability of existing shopping centres, highway impacts and opening hours. The application site is within the city centre and whilst there are existing and proposed restaurants nearby I do not consider that the proposal would have a significant adverse cumulative impact. Furthermore, the building has been vacant for some time and bringing it back into beneficial use would add to the vitality and viability of the area.

6.6. There are no residential properties nearby and I do not therefore consider that it is necessary to attach a condition to restrict the hours of use. However, as recommended by BCC Regulatory Services conditions are attached to secure details of fume extraction equipment, refuse stores and to control noise from plant. The applicant has been made aware of the concerns raised by BCC Regulatory Services about potential for nearby existing and proposed restaurants / bars to cause a nuisance. The applicant is therefore proposing to install internal secondary glazing.

6.7. In principle the proposed change of use to serviced apartments and a restaurant is in accordance with land use planning policy and acceptable in this location within the heart of the city centre.

Impact on Listed Building and Conservation Area

6.8. In assessing applications for listed buildings, policy 3.25 of the UDP requires that special regard will be given to the desirability of securing the retention, restoration, maintenance and continued use of buildings of special architectural or historic interest. It adds that the change of use of a listed building should not have a detrimental effect on the character or appearance of the building. Also, any external or internal alterations or additions to a listed building should not adversely affect its architectural or historic character. In addition Policy 3.27 of the UDP requires that development should preserve or enhance the character or appearance of the area.
6.9. The Colmore Row and Environs Conservation Area Character Appraisal and Management Plan advises that additions or alterations to buildings should preserve or enhance the character and appearance of the conservation area.

6.10. The alterations to the building are addressed in the accompanying listed building application report. The building has been vacant for some time and is in need of refurbishment. In response to comments raised by the Access Committee revised plans have been submitted with provision made for disabled access toilet and a condition is attached to secure access and facilities for people with disabilities. Overall, I consider that the proposed alterations are sympathetic with its listed status and subject to conditions would preserve and enhance the building and the character and appearance of the Colmore Row and Environs Conservation Area.

Transportation Issues

6.11. The site is within a highly accessible location within the city centre. It is well served by bus routes and in close proximity to New Street, Snow Hill and Moor Street Railway Stations. Moreover, the proposed use is unlikely to generate significantly more vehicular traffic than the permitted office use. No objections have been raised by BCC Transportation.

6.12. Your Committee’s Parking guidelines encourages the provision of suitable cycle parking facilities. However, within the application site there is no convenient location. Instead the applicant has offered £16,000 toward public transport improvements in the vicinity. I consider that such a contribution is reasonable and meets the tests for planning obligations set out in the Community Infrastructure Levy Regulations. These tests are that planning obligations are necessary, directly related to the development and reasonably related in scale and kind.

7. Conclusion

7.1. The re-use and refurbishment of the listed building complies with the objectives of the national and local planning policy. The scheme would bring the building back into use and would preserve and enhance both the listed building and the character of the Colmore Row and Environs Conservation Area.

7.2. Subject to safeguarding conditions and completion of a satisfactory planning agreement to secure £16,000 toward public transport improvements, I consider that the application is acceptable.

8. Recommendation

8.1. That consideration of application 2014/09031/PA be deferred pending the completion of a planning obligation to secure the following:

i) a financial contribution of £16,000 toward public transport enhancements to be index linked from the date of this committee resolution and paid upon commencement of development; and

ii) a financial contribution of £1,500 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 8 March 2015, planning permission be refused for the following reason:
i) In the absence of a legal agreement to secure financial contributions to public realm and public transport enhancements, 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 in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 8 March 2015, favourable consideration be given to this application, subject to the conditions listed below:

1. Requires the prior submission of a mobility access scheme
2. Limits the noise levels for Plant and Machinery
3. Requires the prior submission of details of refuse storage
4. Requires the prior submission of extraction and odour control details
5. Requires the scheme to be in accordance with the listed approved plans
6. Limits the approval to 3 years (Full)

Case Officer: David Wells