



ISLINGTON

Planning Service
Public Protection Division
Environment and Regeneration
Department
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London
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PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:	B4
Date:	12 July 2011		

Application number	P110321
Application type	Full planning application
Site Address:	The Beaux-Arts Building, 10-18 Manor Gardens, N7 6JW
Proposal	Formation of one 2-bedroom maisonette.

RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in Appendix 1.

INTRODUCTION

Site and surroundings

1. The Beaux-Arts Building is a handsome former office building, built to house the GPO Money Order Office. It was completed in 1911. Despite the naming of the building after the fin-de-siècle classicist 'Beaux Arts' style, English Heritage have characterised the 'monumental' building's style as 'essentially Baroque with Louis Quinze Revival details popular at the end of the Edwardian era such as stylised capitals and swags.' The building is now converted to flats.
2. The Beaux-Arts Building is not on the national List of Buildings of Special Architectural and Historical Interest and is not in a conservation area. It is on the Council's list of buildings of local architectural and historical interest, but inclusion on this list does not give the Council any additional control over the internal arrangement of the building.

Proposal (in Detail)

3. The two-bedroom maisonette would be formed by combining floorspace at raised ground floor level currently occupied by a mailroom and the porter's office with a storage room above at mezzanine level. The front wing is north-facing, and the unit would be single-aspect.

Issues

4. The main issues arising from this proposal relate to the:
 - Quality of accommodation created

Relevant History

5. The Beaux Arts building was converted in the 1990s with a penthouse storey added. The initial 1995 permission (decision reference 932006) allowed a scheme for 128 flats. This was then varied under a 1996 permission (application 951356) to allow 162 flats by substituting smaller units for three-bedroom units originally approved. A variation approved in April 1997 changed layouts in the 'new building' at the eastern end of the complex to achieve a further 20 flats and a 1998 permission added 8 more at lower ground and raised ground floor in space originally designated for a doctors' surgery, bringing the total to 190.
6. An application to create three flats (application P100245) was submitted on 1 February 2010. The two-bedroom maisonette for which permission is now sought was shown as Flat 1 in application P100245. The other two flats (shown as Flats 2 and 3) were to be created by converting parts of the raised ground floor entrance foyer. Flat 2 was to be formed in the space currently occupied by the porter's reception desk. Flat 3 was to be created out of a waiting area immediately east of the entrance stairs. Both Flat and Flat 3 were to be 1-bedroom split-level units, with the bedroom area in an inserted gallery,
7. The applicants went to appeal on grounds of non-determination. Their appeal was dismissed on 28 January 2011. The Inspector's decision letter observed that Flat 1 would provide overall living space exceeding minimum floor area standards and of acceptably useable form. He stated however that the relationship between Flats 1 and 2 would cause unacceptable noise and disturbance.

8. The Inspector noted objections from residents of the Beaux-Arts building on the grounds that the existing foyer space is architecturally important, both in its own right and to the quality of the residential development, and in providing community space used by the residents. He noted that the Council had not opposed the appeal on these grounds and that LBI did not consider that its policies on community facilities apply to such spaces that may exist incidentally to the primary residential use of the building. The Inspector had no substantive evidence that the foyer's use for community purposes ever formed a formal element of the conversion scheme upon which planning permission depended. The building was locally listed Grade A. However, planning policies did not protect internal alterations to buildings on these grounds alone. Internal changes relating to the provision of concierge facilities, meeting rooms and so on were a matter between the owners and the leaseholders.
9. It will be clear from paragraphs 5 to 7 that the Inspector did not consider Flat 1 to be unacceptable in itself. The elimination of the other two flats from this proposal would eliminate the only ground identified by the Inspector for rejecting Flat 1 – reduced amenity due to conflict between it and Flat 2.

CONSULTATION

Public Consultation

10. Letters were sent to occupants of all flats in the Beaux-Arts complex. Objections were received from occupiers or owners of over 50 flats. There were also five objections not giving a flat number. The Beaux-Arts Residents' Association sent a lengthy objection. Cllr Phil Kelly presented a number of arguments against the scheme and Jeremy Corbyn MP also urged its refusal.
11. Much of the objection was to the potential knock-on effect on the architectural composition of the foyer area of displacing the mailroom, porter's office and storage room functions. Residents feared that space currently available for residents' meetings and social events would be taken up.
12. The Beaux-Arts Residents' Association made a lengthy submission. Quite a few of the other objectors repeated BARA's comments virtually word for word and others rely heavily upon those comments. The key points of BARA's submission are summarised below.

Damaging a heritage asset – The Beaux- Arts Building has Grade A local listing. The resiting of some of the management functions into the foyer would damage its architectural character.

Dual aspect requirement, noise and lack of privacy – The proposed flat is single aspect with no quieter side and would not receive sunlight. A bedroom could be viewed at short range through the corner window of the foyer.

The Beaux Arts Building is over-occupied – There are over 600 habitable rooms in about 0.7 hectares. There is no amenity space for residents within the building except the mail-room, foyer etc.

Change from business use to residential – The floorspace that would be converted is not vacant. The manager's office, WC, staff kitchenette, mail-room and (handyman's) store would become a residential flat. Residential development should not be allowed in noisy neighbourhoods

Residential accommodation would be of inadequate quality – Activity of foyer area would be noisy for occupiers of new flat. The flat would have no garden or balcony

External appearance of building – Ventilation for the flat would harm the appearance of the building

RELEVANT POLICIES

Development Plan

13. The Development Plan is comprised of the London Plan 2008 (consolidated with amendments since 2004), Islington's Core Strategy 2011 and the Islington Unitary Development Plan (2002). The following policy of the Core Strategy is relevant to assessing the planning merits of this application:

Policy CS12 - Meeting the housing challenge

14. The following policies of the Unitary Development Plan are relevant to assessing the planning merits of this application:

Housing Policies:

H3 - New Housing and Changes of Use to Residential

H7 - Standards and Guidelines

Supplementary Planning Guidance (SPG) / Document (SPD)

15. The following SPG is relevant:

- Islington Planning Standards Guidelines 2002

EVALUATION

Land-use

16. Although the common parts and shared facilities within the Beaux-Arts obviously are not within flats, their use is ancillary to the overall use of the building for residential purposes and falls within the overall Class C3 residential use of the building as a whole. The porter's room is not therefore a stand-alone Class B1 office use in planning law. There is no change of land use involved in this application. There is therefore no legitimate basis for referring to Core Strategy Policy CS13 or applying Policy E4 and its linked supplementary guidance on conversions from B1 business to C3 residential.
17. Planning permission is only needed because a new dwelling would be created, just as planning permission is needed to convert a house into flats. The Council judges the acceptability of the proposal on the qualities of the accommodation created. Policies H3

and H7 apply for this reason. There is no policy basis to say that any particular number of flats requires a given standard or arrangement of communal facilities and the Council cannot insist on one particular arrangement and one only being maintained. Policy H10 applies to new-build developments and not to small conversions like the one proposed.

18. The Core Strategy policy with respect to housing quoted by BARA and other residents obviously apply most prescriptively to new housing developments on cleared sites and slightly less rigidly in schemes to convert non-residential buildings. On small scale proposals however it would be absurd not to take account of context. The entire front part of the Beaux-Arts Building consists of single-aspect flats capable of receiving no sunlight. Against this background it would be untenable to refuse permission for a unit which would be no different in this regard. The Planning Inspector's acknowledgement of this unit as being acceptable reflects this approach.

Conservation and Design

19. The Council has no powers to insist on the mail-room etc staying where they are rather than being moved elsewhere in the building. The freeholders could at any time set up mail boxes in the foyer or enclose sections of the hallways without this needing planning permission. Similarly planning permission cannot be withheld for an otherwise acceptable flat on the grounds of keeping the current internal arrangement of the particular floorspace which would be adapted to create the flat.
20. In this case external alterations would be minimal. The residents' point about ventilation/ boiler flues was addressed by the Inspector in the appeal decision; he said that very minor external alterations were not a basis for withholding permission. Policies D3 and D11 are designed to control applications for extension of buildings (D3) or significant alteration to their appearance (D11). They do not come into play in this application.

Neighbour Amenity

21. The residents' opposition to changes to the communal facilities is to change to or loss of amenities which they have previously enjoyed as lessees of flats in the building. This is not the sense in which the much more restricted concept of amenities is used in planning law.
22. In a planning context, the term neighbour amenities refers to very specific things like access to sunlight or daylight, degree of enclosure, or degree of exposure to excessive noise or to fumes. In this sense, the Council cannot point to any significant harm to residents in other flats which would arise from people living in a new flat in this area of the building. The only potential impact on neighbouring flats of any significance could be noise and there is no reason to assume that residents of a flat in this location would be dramatically noisier than their neighbours.
23. Clearly the building works involved during the conversion period would impact on neighbours. The Council must however assess the application on the basis of the end result envisaged - whether use of the floorspace concerned as a flat in the way shown would cause any unacceptable harm to neighbours. It would be improper to refuse permission purely to avoid building works. An informative can however be added to any permission granted reminding the applicants of the normal hours of building operations

Quality of flat

24. BARA referred to the flat as falling short of standards set out in the Mayor of London's Interim Housing Design Standards. This supplementary guidance, even when finalised, will not form part of the Local Development Framework for London councils, although it obviously will have some weight as an indication of how to apply the policies which are part of the formal London Plan.
25. BARA are correct in saying that, in formulating its emerging Development Management policies in respect of new housing, this Council has had regard to the standards in the Mayor of London's document. As yet, however, these policies have not been finalised or formally adopted.
26. At present, therefore, the Mayor's standards and the Council's emerging policies are of limited weight as compared to its adopted UDP policies and the standards that go with them. The Council has already acknowledged during the previous appeal that the proposed flat complies with its current policy and guidelines.
27. With the stairwell area only counted at the entrance level, rather than double-counted on the floor above, the maisonette would still have an overall area of around 74 sq metres. This is not excessively generous if the unit is considered as the two double-bedroom, 4-person unit which the layout drawing seeks to convey - the relevant London Plan minimum for a 2-bedroom, 4-person flat is 70 square metres. However despite double beds being shown in both bedrooms on the proposed ground floor layout plan 090373-A-P-00-D033, neither bedroom is large enough to count as a double-bedroom under the standards set out in the Planning Standards Guidelines. It is therefore arguable that the London Plan's 50 sq. metres minimum size for a 1-bedroom, 2-person flat is at least as relevant.
28. The 1st floor living space, at well over 40 sq. metres, would be more than ample for the two-bedroom layout shown. The Planning Standards Guidelines do not rule out layouts with more than one bedroom but no double-sized bedroom, so although it would seem more realistic to lay out the maisonette as a one double-bedroom plus box-room scheme, the Council would not see the current somewhat optimistic bedroom layout as a basis for refusing the scheme.
29. One of the ground floor residents has described this part of the building as being particularly noisy due to people coming and going within the building. Since the bedrooms would be insulated from the corridor by the bathroom and office in one case and stairs in the other, this should not have so great an impact as to require refusal. The exposure of bedrooms to the street would be the same as in existing flats at the front of the building. The Planning Inspector did not regard exposure to the street as a reason to oppose the creation of this unit.

SUMMARY AND CONCLUSION

Summary

30. Many of the objections which the residents raise are to changes of location of building facilities and management arrangements which do not need planning permission from the Council. The new flat, which does need permission, does not conflict with present policies to an extent that would justify refusal.

Conclusion

31. It is recommended that planning permission be granted for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
Application reference	P110321
Proposal	Creation of a 2-bedroom maisonette
Drawing numbers	Design and Access Statement; 090373-A-P-Si-D30, 090373-A-P-D31, 090373-A-P- D32, 090373-A-P- D33, 090373-A-P- D34, 090373-A-P- D35 & 090373-A-P- D36 (LBI Registered No. 03211)

Type of application	Full planning application
Application received	11 February 2011
Application completed	24 February 2011
Name of applicant	Ray Hardy Properties Ltd
Name of agent	Cushman and Wakefield LLP
Case officer	Roger Allen
Area Team	East/West
Heritage information	
Library (holding copy of application)	
Ward	Finsbury Park
PS2 code description	Dwellings minor
91st day	

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
3	

List of Informatives:

1	NUISANCE FROM CONSTRUCTION WORK
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	Nuisance from demolition and construction works is subject to control under the Control of Pollution Act 1974. The normal approved noisy working hours are 08.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 Saturdays with no working on Sundays or Bank Holidays. You are advised to consult the Council's Assistant Director (Public Protection), 3rd Floor, 222 Upper Street, N1 1YA or to seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within normal working hours and by means that would minimise disturbance to adjoining premises.
2	THE BUILDING ACTS AND REGULATIONS
	Building Control Division, 3rd Floor 222 Upper Street, London, N1 1XR (Tel: 020-7527-5999; Fax: 020-7527- 5989) should be consulted regarding the application of the Buildings Acts and Building Regulations to any intended building works.

RECOMMENDATION B

That if members are minded to approve this proposal officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Unitary Development Plan 2002 and other material considerations including the Islington Planning Standards Guidelines 2002; the proposal is generally considered to comply with the UDP, and in particular Policies H3 and H7. Other policies may have been considered, but in this instance are not considered to have such weight as to justify a refusal of permission.

- This decision was made by the Members of Planning Sub-Committee A on 12 July 2011

APPENDIX 2 – SITE PLAN