

From: Litherland, Jenna
Sent: 29 January 2016 10:05
To: Marfleet, Patrick
Subject: RE: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Hi Patrick,

I would say that this is enough to demonstrate that it is not suitable for continued use.

Thanks, Jenna

Jenna Litherland
Principal Planning Officer

From: Marfleet, Patrick
Sent: 28 January 2016 18:44
To: Litherland, Jenna
Subject: FW: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Hi Jenna,

Please see below the response from the agent for the above application with regard to the loss of the B1 space.

Let me know what you think.

Thanks,

Patrick Marfleet
Planning Officer
Development Management
London Borough of Camden
5 Pancras Square
London N1C 4AG

Tel: 020 7974 1222

Please consider the environment before printing this email.

From: jonathan.rowlatt [REDACTED]
Sent: 26 January 2016 14:55
To: Marfleet, Patrick
Subject: RE: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Hi Patrick

Thanks for your email, although it is concerning that we are only just hearing this now, considering the application was validated over 12 weeks ago, consultation ended 9 weeks ago and the draft decision notice has been issued.

In response to your points below, as you say, the unit has been vacant for 6 years. The last tenant used the space as an artist studio, and left in 2009 after the drains flooded the unit. Origin have not marketed because they would not have been able to show the unit in its current poor condition (see attached photo), and a potential tenant could not be expected to wait 8 months whilst planning approval was achieved to remodel the unit and complete any upgrade works. The drainage system at present does not have the capacity to deal with the adjoining restaurant, which resulted in backing up and flooding of the application unit.

As part of any re-development, Origin will need to re-design and install a new drainage system to prevent it backing up into the unit, and to make the unit even remotely attractive to any potential tenant they would also need to create a new entrance across the atrium (as proposed for the residential unit) with a new corridor in the courtyard area. This would involve moving the unit entrance and WC and creating a new bathroom. The previous cost to upgrade the unit was £128k, but if this also included the drainage and a new entrance this would increase to at least £160k, so a total cost of £200k+ including fees.

Even with this amount of work, due to the units poor location and size, it will still be undesirable and the rental return would not exceed £8,800 pa. Origin simply cannot justify spending £200k to achieve a rental of only £8,800 pa. As such, the only option is to convert to residential as this is the only way Origin can achieve a level of income to make the expenditure required to bring the unit up to a suitable standard viable. If permission is not granted, then Origin cannot afford to remodel and let as office space so the unit will remain empty, in a very poor state of repair. Likewise, there would be no interest from another commercial operator in purchasing the unit, refurbishing and renting out as office space.

The very small scale of the unit, its location at the rear of the block and its access through a communal residential door and via an unattractive internal courtyard, makes it wholly unsuitable for a modern office premises, even if it was refurbished to modern standards.

Paragraph 7.3 of Camden Planning Guidance 5, Town Centres, Retail and Employment, states that conversion may be acceptable for older office premises and that the priority is for the replacement use to be permanent housing or community use. Paragraph 7.4 provides a list of considerations when assessing the appropriateness of conversion from office use, to residential, (with my annotations in red) as follows:

- the age of the premises. Some older premises may be more suitable to conversion; - **the premises is dated and does not suit modern office requirements**
- whether the premises include features required by tenants seeking modern office accommodation; - **as above, there are no features that make the premises suitable for modern office use. It is only accessible through a shared residential entrance, down a staircase and through an unattractive, dark internal courtyard, shared by a restaurant**
- the quality of the premises and whether it is purpose built accommodation. Poor quality premises that require significant investment to bring up to modern standards may be suitable for conversion; - **the unit is in a very poor condition throughout and would not be economically viable for Origin to refurbish it to modern office standards**
- whether there are existing tenants in the building, and whether these tenants intend to relocate; - **the unit has been vacant for 6 years**

- the location of the premises and evidence of demand for office space in this location; and – **the unit is located at lower ground floor level, at the back of the building, with no visibility and poor commercial access**
- whether the premises currently provide accommodation for small and medium businesses. – **the application unit has been vacant for 6 years and there are no employment units within the building**

It is clear that the unit meets all criteria that renders it suitable for conversion and we trust that this alone is sufficient justification for conversion to residential, rather than leaving it vacant and in decline.

I trust the above is self explanatory, but should you have any questions, please do not hesitate to contact me on the above number.

Kind Regards

Jonathan Rowlatt
Associate Director

WYG

100 St John Street, London, EC1M 4EH



From: Marfleet, Patrick [mailto:Patrick.Marfleet@camden.gov.uk]
Sent: 25 January 2016 16:10
To: jonathan.rowlatt
Subject: RE: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Hi Jonathan,

I have discussed the proposal with the moderator for the application and they have requested more evidence to demonstrate that the site is no longer suitable for its existing business use. Do you have any information to show that the site has been marketed as lettable office space during the period it has been vacant?

Policy DP13 and Paragraph 7.18 of CPG 5 give more guidance on how we assess application of this type (links attached below)

I know from the Disposal Appraisal submitted that the unit has been vacant for the last 6 years now and from visiting the site I could see that it was in poor condition. However, we would need a bit more information to fully justify this loss of B1 space.

DP13 (adoption version) - <http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/local-development-framework/development-policies.en>

CPG5 - <http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/supplementary-planning-documents/camden-planning-guidance/>

Regards,

Patrick Marfleet

Planning Officer
Development Management
London Borough of Camden
5 Pancras Square
London N1C 4AG

Tel: 020 7974 1222

Please consider the environment before printing this email.

From: jonathan.rowlatt [REDACTED]
Sent: 25 January 2016 14:34
To: Pierre, Frances
Cc: Marfleet, Patrick
Subject: RE: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Attached this time!

Kind Regards

Jonathan Rowlatt

Associate Director

WYG

100 St John Street, London, EC1M 4EH



From: jonathan.rowlatt
Sent: 25 January 2016 14:33
To: 'Pierre, Frances'
Cc: 'Marfleet, Patrick'
Subject: RE: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Hi Frances

Please see attached undertaking to pay your legal fees.

The s106 is with our clients solicitors for confirmation and they will also confirm the details of Abbey National, who will also be a signatory

Kind Regards

Jonathan Rowlatt
Associate Director



From: Pierre, France [Redacted]
Sent: 25 January 2016 11:50
To: jonathan.rowlatt
Subject: Draft S106 Agreement - Russell Mansions, 144 Southampton Row 2015/5605/P

Dear Jonathan,

I act for the Council's planning department in relation to the s106 agreement on the above planning application and understand you are the agent/solicitor acting on behalf of the applicant.

[In accordance with my instructions, I have prepared the attached draft Agreement which contains obligations as approved by the Council.

Please note the following.

1. Completion Date

This Agreement must be completed as soon as possible. The Council also reserves the right to treat as withdrawn any application where there has been a failure to progress the matter expeditiously.

2. Parties to the Agreement

All parties with an interest in the land are required to be a party to the Agreement so please check the draft to ensure all such parties have been referred to. If details change or new parties (e.g. mortgagees) are subsequently added to the title please let me know forthwith as failure to do this may prevent completion taking place prior to the deadline. Finally please ensure that arrangements are in place for all parties to sign the Agreement as soon as engrossments are sent to you.

3. Legal fees and monitoring fees

Please note that your client will need to pay our costs in relation to this matter, whether or not the matter proceeds to completion. We anticipate the costs as being £1,227 made up of £680 as to our legal fees, a one off monitoring fee of £531 (being £531 per head of term), and £16 for Land Registry Charges. If negotiations become protracted and costs exceed the £680 fee we will charge on a £290 per hour basis until such time as the matter is completed. I will provide you with an invoice when I send you the engrossment copies of the Agreement for signature, but in the meantime I should be grateful to receive your/your firm's undertaking that those costs will be met. I attach our standard undertaking which is to be completed and returned to me.

I look forward to receiving any comments you may have, or your approval of the draft, so that I can issue engrossment copies for signature.

Kind Regards,

Frances Pierre
Legal Assistant
Legal Services
Law and Governance
London Borough of Camden



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