



Dear Enya

I would hereby like to formally lodge my objections to Planning Application  
100 Southampton Row London WC1B 4BB.

Partial change of use from A1 to C3 residential unit at existing lower and ground floor level including a rear  
courtyard area and lightwell at lower ground level.

Application number: 2021/2602/P Application type: Full Planning Permission

**Objector**

This objection is filed by the Ormonde Mansions Residents Association, the recognised residents'  
association of residential leaseholders.

Objection on grounds of

1. Failure to consult adjoining residential leaseholders
2. Contradictions with existing residential leases
3. Failure to protect existing residential leaseholders against noise and other nuisance
4. Creating a commercial space without toilet or washing facilities.

#### **Possible resolution**

We are not opposed in principle to the conversion of commercial to residential, and recognise the likely long term difficulty of renting shops in this area. The current plan is unacceptable, and there are two routes to resolve this:

1. Withdrawal or rejection of the application to allow consultations with residential leaseholders and the residents association to resolve the problems.
2. Imposing conditions on the planning approval requiring that the lease on the new residential property match existing residential leases.

#### **The building**

Ormonde Mansions is a block built in 1902 occupying three internally linked buildings (110A, 106, 100A Southampton Row). The basement and ground floor are commercial, occupied by six shops and two flats. The first through fourth floors are occupied by 24 residential flats.

The six shop/restaurant leases and areas are all different, although all occupy ground floor and part of the basement. Most have toilets, cooking, and washing areas in the basement.

#### **The application**

The plan is to convert an area that is totally commercial, presently occupied by Red London, into an area that is part commercial and part residential, creating a new flat of internal floor area of 71 sq. metres on the basement and ground floor at the rear of the property. The basement area is currently toilet and storage area, and was a cooking area for previous commercial tenants. The ground floor area is the rear of the present shop.

There is no provision for toilet or washing area in the remaining shop. The new, self contained, one bedroom duplex apartment would have its entrance at basement level.

#### **Residential in basement**

The basement currently has two small flats, a former caretaker's flat and a workshop converted to a flat with permission in 2004. Lease contradictions between floor 1-4 residential and basement-ground, still treated as commercial despite having two residential properties, have never been resolved and remain an unfortunate area of contention. Problems relate to noise and confusion over service charge payments.

#### **Upper floor residential**

Flats were sold from 1976 and each flat has a long lease with the requirement that all residential leases must be identical. The lease has very strict terms to ensure that noise (music, building works, playing instruments, footsteps, keeping animals) does not spread between flats. The leases also effectively prevent short term rentals such as Airbnb. On the whole most flat owners are considerate of their neighbours.

This planning application to convert a significant part of a commercial unit into a residential unit must not be allowed until there is an agreement that the new residential flat is subject to the same strict conditions as the 24 residential flats in Ormonde Mansions.

The Supporting Statement that accompanies this planning application notes that 'There is also a precedent for conversion into lower ground floor flats at this location, with a similar change of use gaining consent and implemented in 2005.' This is correct. However the implementation has been highly problematic for residential leaseholders, and thus the precedent cited by the applicants is a central reason for our objection. Thus we ask this precedent to be taken into account in consideration of the new proposal.

The issue is a mismatching of leases which 1) removes protections guaranteed to leaseholders of floors 1-4, and 2) apparently allows the freeholder to collect more than 100% of the cost of services charges and major works.

The planning application was submitted by freeholder Lapid Developments Ltd without informing other leaseholders and there has been no attempt at consultation. We believe that a negotiated agreement would be possible, but that it will require a rejection of the planning application to force such negotiations.

### **Leases**

Residential and commercial leases set out a system to apportion costs between residential and commercial leaseholders.

The lease for each of the 24 residential flats on floors 1-4 states that each flat must pay an equal 1/24th of the residential share of the Service Charge costs and the major works costs. The leases on each of the 6 commercial units equally state that each commercial unit pays an equal 1/6th of the commercial share of the Service Charge and the major works costs. Hence any contributions made by flats in the basement makes more than 100%. Indeed, the lease awarded to one of these flats does not lay out clearly the contribution to the service charge and to the major works reserve fund. There has never been negotiation with freeholder and applicant Lapid Developments Ltd to try to resolve this, and the new residential unit will further complicate the issue. Ormonde Mansions residents took legal action against Lapid Developments Ltd to stop Lapid violating the terms of the lease by taking an unequal shares from leaseholders into the service charge and major works fund. This eventually went to mediation, and residential leaseholders won a substantial payment. These issues are negotiable, and we would prefer to resolve these problems before planning permissions is granted.

Finally – the Supporting Statement states that that a ‘reduced size retail unit will attract local SME’s into the area looking for good value retail units in central locations.’ That is a meaningless statement, when Lapid Development Ltd has not been able to attract local SMEs through lower rent. And we do not see how a unit without a toilet will be attractive.

### **Summary**

We are not objecting in principle to a conversion from commercial to residential. We are objecting strongly to this proposal, on the grounds of

1. Failure to consult adjoining residential leaseholders
2. Contradictions with existing residential leases
3. Failure to protect existing residential leaseholders against noise and other nuisance
4. Creating a commercial space without toilet or washing facilities.

The current plan is unacceptable, but it could be made acceptable. In this submission from the recognised residents’ association, we call on Camden to

1. Reject the application to allow consultations with residential leaseholder to resolve the problems, or
2. Impose conditions on the planning approval requiring that the lease on the new residential property match existing residential leases.

I appreciate your full consideration of the above points.

With thanks.

Liz McCarthy  
Owner: Flat 1, Ormonde Mansions.