

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/2602/P	Edward Denison	02/08/2021 22:21:54	OBJ	To Whom it May Concern,

I am writing to object to this application on the following rounds:

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 applicant has not consulted any of the existing leaseholders in the block, which would have been a very simple thing to have done and maybe would have helped to explain the rationale for this plan. However, I object too to the conversion of commercial space in such a busy central London location to residential. While the time might appear favourable now, there is no telling what circumstances might be in the future and once this space becomes residential, it shall never revert.

All the basements and ground floors in Ormonde Mansions are commercial. The six shop/restaurant leases and areas are all different, and most have toilets, cooking, and washing areas in the basement. This application will create a commercial space without these facilities.

The quality of this residential property in the basement and partially on ground floor level will be very poor. 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. These problems relate to noise and confusion over service charge payments.

The leases of the flats from floors 1-4 require 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.

Should this application be successful, this residential unit must not be allowed until there is an agreement that it 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.

Leases

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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.

2021/2602/P Christiane 03/08/2021 14:32:11 NOBJ
 Ten-Hoopen

Dear Enya Fogarty,

On behalf of the BCAAC I have no comments to make on this application.

Christiane Ten-Hoopen
