

Our Ref: CH/LH/18949

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Date: 17th January 2017

Planning Department
Contact Camden Reception
5 Pancras Square
London
N1C 4AG

FAO Robert Lester/Neil McDonald

Dear Sir / Madam

**93-103 DRUMMOND STREET AND 63 COBOURG STREET, EUSTON, NW1 2HJ
APPLICATION FOR CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT
SECTION 17, LAND COMPENSATION ACT 1961 (AS AMENDED)**

We act on behalf of Canfield Freehold Limited, freehold owner of the above site. You will be aware that this site is subject to compulsory purchase powers under the High Speed Rail (London-West Midlands) Bill ("the HS2 Bill") as part of the proposal for a new station at Euston. Royal Assent to the HS2 Bill is expected in February 2017. HS2 have advised us that they expect to compulsorily purchase the property in July 2017 which will be the statutory valuation date. Our client will be compensated by HS2 in accordance with the statutory compensation code, with value assessed on the basis of the property's open market value on the valuation date.

The value is to be assessed on the basis that the scheme is cancelled. Clearly the basis of any valuation will be existing use and what development could reasonably be assumed to have been granted planning permission at that time. Extant planning permissions; the content of the adopted and emerging development plan; supplementary planning guidance; site planning briefs; pre-application advice etc. will all be relevant to assessing development potential.

In the particular circumstances of our client's property, you will be aware that we are in receipt of favourable, formal written Pre-Application Advice for redevelopment to provide a 107 bed spaces student accommodation scheme within a five-storey building with basement and a commercial unit (241.7sqm). The letter of advice is dated 23rd September 2016.

With respect to the valuation and compensation process, the advice does not carry full weight because it does not have the full authorisation of the Council i.e. it is not a planning permission. As the property is safeguarded for the HS2 scheme, our client has not been in a position to make an application for planning permission.

Section 17 of the Land Compensation Act 1961 provides a mechanism for indicating the descriptions of development for which planning permission can be assumed as at the relevant valuation date – this is referred to as "Appropriate Alternative Development". Appropriate Alternative Development is

development which would in the circumstances known to the market at the relevant valuation date reasonably have been expected to receive permission on that date or on a future date.

However, to take account of the fact that the scheme may have caused planning blight, it must be assumed that the scheme was cancelled on the “launch date”. In the case of HS2, that is the date on which the HS2 Bill was deposited in Parliament, i.e. 25 November 2013. It must also be assumed that no other actions have been undertaken by the acquiring authority for the purposes of the scheme and that there is no prospect of that scheme or a similar scheme being taken forward in the future.

Although the determination is made in the circumstances known to the market at the valuation date, an application can be made before that date. In those circumstances, the local planning authority must seek to anticipate what the planning circumstance will be at the anticipated valuation date.

Your website does not include a form for a Section 17 ‘Certificate of Appropriate Alternative Development’. Consequently we have prepared our own generic form, based on the details required by legislation including the Land Compensation Development (England) Order 2012/634 (“the Order”).

Further, the Planning Portal does not provide for such applications to be made. Consequently we are submitting a hard copy application with a disc for uploading to your system as you consider appropriate.

The application we are making is as follows:

Redevelopment to provide 99 student apartments (46 studios, 8 twin and 35 cluster units comprising 107 bed spaces with a floor area of 2771.9sqm GIA) within a 5-storey building with basement and a commercial unit (241.7sqm GIA) at basement and ground floor levels.

In support of this application we enclose:

- Site Plan identifying the land to which the application relates.
- Design Statement by CZWG Architects dated April 2016.
- Pre-Application Letter of Advice from LB Camden dated 23rd September 2016.
- Detailed Daylight and Sunlight Report by GVA dated November 2016 (this is a compilation of the various sunlight and daylight submissions that were made during the course of the Pre-App.)
- We acknowledge the suggested S106 Obligations that would be applied to the Student Housing scheme as contained on page 14 of the Pre-App. letter. We have calculated the S106 financial obligations as a separate schedule. The Council does not have to set out the obligations when issuing a certificate but it would be helpful to both parties if an indication were to be given.
- Cheque in the value of £195.

You are therefore required to determine this application on the basis of the planning policy position that is likely to exist in July 2017 and to issue a certificate accordingly. We are aware that by that time your new Local Plan will have been adopted, but this does not appear to contain anything that would lead you to come to a different position regarding the acceptability of the 107 bed spaces Student Housing scheme from that contained in your Pre-Application letter of Advice dated 23rd September 2016.

As you will be aware, under section 17(1) the Council must issue a certificate containing whichever of the two following statements it considers applicable:

"(a) that in the local planning authority's opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition;

(b) that in the local planning authority's opinion there is no development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition."

If a certificate is issued under section 17(1)(a) then under section 17(5), it should:

"(a) identify every description of development (whether specified in the application or not) that in the local planning authority's opinion is, for the purposes of section 14, appropriate alternative development in relation to the acquisition concerned, and

(b) give a general indication—

(i) of any conditions to which planning permission for the development could reasonably have been expected to be subject,

(ii) of when the permission could reasonably have been expected to be granted if it is one that could reasonably have been expected to be granted only at a time after the relevant valuation date, and

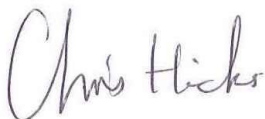
(iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met."

I confirm that a copy of this application has been served on HS2 at their registered address: One Canada Square E14 5AB, FAO James Fox, Safeguarding Planning Manager on today's date.

The Land Compensation Act 1961 and the Order require that applications made under S17 are to be determined within two months of receipt of a valid application, unless a longer period is agreed between the parties.

We would welcome the opportunity to discuss this application with you at your earliest convenience.

Yours sincerely,



Chris Hicks
Director

Enc.

cc Canfield Freehold Limited