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Canary Wharf
London
E14 5AB

Robert Lester
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Our ref: HS2-LBC-SC-011

By Email

15th February 2017

Dear Mr Lester,

RE: Application for Certificate of Appropriate Alternative Development for purposes comprising redevelopment to provide 99 student apartments within a 5-storey building with basement and a commercial unit at basement and ground floor levels at: 93-103 Drummond Street & 63 Cobourg Street, Euston, NW1 2HJ.

I refer to the above application, a copy of which, you will be aware was served on HS2 Ltd by the applicant's agent, RPS CgMs on 17th January 2017. We have the following comments to make on the application.

Background

You will also be aware that the land and property subject of this application is shown as falling entirely within the limits of land subject to the formal Safeguarding Directions for Phase One of HS2 and that HS2 Ltd were previously consulted on a change of use application (Ref 2016/3599/P), which following further correspondence with Camden Council, resulted in HS2 Ltd removing their initial holding objection to planning permission being granted, subject to planning conditions being placed on the permission. Those conditions were deemed acceptable by both the local planning authority and the applicant and planning permission was subsequently granted by Camden's Planning Committee on 15th December 2016.

The current application for a certificate of appropriate alternative development states within its design statement that the site forms part of the area identified for redevelopment of Euston Station following the Government announcement of the preferred route for HS2. This is correct, the property would therefore need to be acquired as part of the proposed HS2 scheme.

At the time of writing it should be noted that HS2 Ltd have not received a Blight Notice in respect of this property and in the absence of any further information, HS2 Ltd are not in a position to confirm whether such a notice would be accepted if one was served by the owners of this property in any case. For that reason HS2 Ltd do not believe that the applicant's currently have the ability to apply for a S17 certificate.

As you will be aware Section 17 certificates of appropriate alternative development are governed by clause 17 of the Land Compensation Act 1961. Section 17 (1) provides that an application for a S17

certificate can be made: "*Where **an interest in land is proposed to be acquired** by an authority possessing compulsory purchase powers...*"

Section 22 goes onto define this further and states that, for the purposes of section 17, "*an interest in land shall be taken to be an interest proposed to be acquired by an authority possessing compulsory purchase powers in the following **(but no other)** circumstances, that is to say—*

(a) Where, for the purposes of a compulsory acquisition by that authority of land consisting of or including land in which that interest subsists, a notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order; or

(b) Where a notice requiring the purchase of that interest has been served under any enactment, and in accordance with that enactment that authority are to be deemed to have served a notice to treat in respect of that interest; or

(c) Where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest."

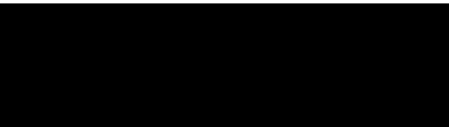
So a section 17 application can only be made where:

- (a) A CPO notice has been served/published;
- (b) A blight notice has been served and there is an acceptance and deemed notice to treat; or
- (c) There is a negotiated agreement for sale in the shadow of a threat of CPO.

These facts are clearly material considerations for the local planning authority when determining whether to issue a certificate and in the event one was granted clearly HS2 Ltd reserves the right to appeal such a decision (in the form of a reference to the Upper Tribunal) on the basis set out above.

We would appreciate receiving a copy of the decision when it is available but in the meantime if you have any queries regarding the above comments then please do not hesitate to contact me at: town.planning@hs2.org.uk.

Yours sincerely,



James Fox
Safeguarding Planning Manager
High Speed Two Limited

cc. Chris Hicks RPS CgMS
Lotte Hirst RPS CgMS