

**Our Ref:** CH/LH/18949

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**DDI:** 0207 832 1474

**Date:** 2<sup>nd</sup> June 2017

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

FAO Michael Cassidy

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 was given 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.

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.

In the particular circumstances of our client's property, you will be aware that on 13<sup>th</sup> April 2017 your Council issued a Certificate of Appropriate Alternative Development under S17 of the Land Compensation Act 1961 (As Amended) that...

*.. planning permission would have been granted for redevelopment to provide 99 student apartments (46 studio units, 8 twin units, 35 cluster units and 10 wheelchair studio 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.*

We have subsequently reviewed this scheme and believe that a greater amount of development would reasonably have been expected to receive planning permission on the relevant date. The increase is internal to the site and relates to an extended fourth floor. There is also some rearrangement of the student apartments/mix. This results in an increase in the number of units from 107 to 127. There is no change to the external appearance of the building or public views.

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 116 student apartments (82 studio units, 11 twin units, 11 cluster units, 1 wheelchair cluster unit, and 12 wheelchair studio units) comprising 127 bed spaces with a floor area of 2456sqm (GIA) within a 5-storey building with basement and a commercial unit of 192sqm (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 May 2017.
- Daylight and Sunlight Report by GVA dated April 2017 which demonstrates that the development is acceptable in those respects.
- We have no objection to the Schedule of Conditions/S106 Heads of Terms attached to the 107 bedspace S17 Certificate issued on 13<sup>th</sup> April 2017.
- 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.

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

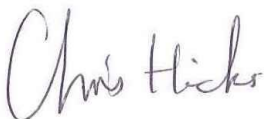
(iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met."

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.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,



**Chris Hicks**  
**Director**

Enc.

cc Canfield Freehold Limited