

CGMS
140 London Wall,
London,
EC2Y 5DN.

Application Ref: **2017/3246/P**
Please ask for: **Robert Lester**
Telephone: 020 7974 2188

LAND COMPENSATION ACT 1961
Section 17 (As Amended)
Certificate of Appropriate Alternative Development

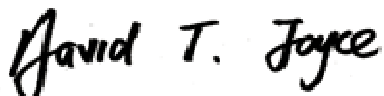
To: Canfield Freehold Limited

WHEREAS on the 2nd June 2017, you applied to the London Borough of Camden (hereinafter called the 'Council') for a certificate under the above Section in relation to land at **93 - 103 Drummond Street and 63 Cobourg Street, London, NW1 2HJ** being more particularly defined in the said application.

NOW THEREFORE the Council hereby **CERTIFY** in relation to the said land shown in heavy edging on the plan attached hereto that in the opinion of the Council if the land had not been the subject of compulsory purchase powers under the High Speed Rail (London West Midlands) Act 2017 ("the HS2 Act") as part of the proposal for a new station at Euston, that planning permission would have been granted for redevelopment to provide 112 student apartments (60 studio units, 9 twin units, 30 cluster units, 3 wheelchair cluster unit, and 10 wheelchair studio units) comprising 123 bed spaces with a floor area of 2388sqm (GIA) within a 5-storey building with basement and a commercial unit of 192sqm (GIA) at basement and ground floor levels (Application reference: 2017/3246/P)

Any planning permission issued by the Council would have been subject to the conditions set out in Schedule 1 and a section 106 legal Agreement with the Heads of Terms set out in Schedule 2 below.

DATED this 30th day of August 2017



David Joyce
Director of Regeneration and Planning

IMPORTANT – READ NOTES ON THE BACK OF THIS FORM



NOTES

Section 18 of the Land Compensation Act 1961 provides as follows:-

- (1) Where the Local Planning Authority have issued a certificate under Section 17 of this Act in respect of an interest in land:-
 - (a) the person for the time being entitled to that interest, or
 - (b) any Authority possessing compulsory purchase powers by whom that interest is proposed to be acquired,may appeal to the Upper Tribunal against that certificate.
- (2) On any appeal under this Section against a certificate the Upper Tribunal –
 - (a) must consider the matters to which the certificate relates as if the application for a certificate under section 17 had been made to the Upper Tribunal in the first place, and
 - (b) must—
 - (i) confirm the certificate, or
 - (ii) vary it, or
 - (iii) cancel it and issue a different certificate in its place as the Upper Tribunal may consider appropriate.
- (3) Where an application is made for a certificate under section 17, and at the expiry of the time prescribed by a development order for the issue of the certificate (or, if an extended period is at any time agreed upon in writing by the parties and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section apply as if the local planning authority has issued such a certificate containing a statement under section 17(1)(b).

93 - 103 Drummond Street and 63 Cobourg Street, London, NW1 2HJ



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Schedule 1 - Conditions

1. The development hereby permitted must not be begun not later than the end of three years from the date of this permission.

Reason: in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the submitted OS Location Plan (ref: 2049-01-DR-0001 P01), Design Statement and Application Plans CZWG ref: 2049-00-BR-0009-D05 11th August 2017

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Before the development commences, full details of facing materials, including doors and windows and shopfronts, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the surrounding area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

4. Sample panels of each of the following shall be provided on site or at an agreed location and shall be approved in writing by the local planning authority before the relevant parts of the works are commenced:

a) Typical brick panel (minimum 2m x 2m in size) of each brick type including window reveals showing the colour, texture, face-bond and pointing

The approved panels shall be retained on location until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

5. No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or man-safe rails shall be fixed or installed on the external face of any of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

6. No development (other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition), shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas (including terraces, balconies and green roofs) have been submitted to and approved by the local planning authority in writing. Details shall include a phased programme of works. The relevant part of the works shall not be carried out otherwise than in accordance with the details and programme thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy D1 of the Camden Local Plan 2017.

7. All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan 2017.

8. Prior to commencement of the development, full details of the sustainable drainage system prioritising SUDS within the landscaping shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate greenfield run off rates if feasible or as a minimum a 50% reduction in run off rate. Details shall include a lifetime maintenance plan, and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

9. Prior to occupation of the development, evidence that the sustainable drainage system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

10. Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and CC5 of the Camden Local Plan 2017.

11. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has

been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017.

12. Before the development (other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition) commences, details of secure and covered cycle storage area and facilities for a minimum of 64 long stay cycle parking spaces and 9 short stay cycle parking spaces shall be submitted to and approved by the local planning authority. The approved storage areas shall be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017.

13. Prior to the first occupation of the building a plan showing details of green roof areas including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies A3, D1, CC1, CC2 and CC4 of the Camden Local Plan 2017.

14. At least 28 days before development commences (other than site clearance & preparation, relocation of services, utilities and public infrastructure, but prior to removal of any soil from the site):

a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy A1 of the Camden Local Plan 2017.

15. Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

16. Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and CC5 of the Camden Local Plan 2017.

17. Prior to commencement, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies A1, D1, D2, CC1 and CC2 of the Camden Local Plan 2017.

18. Prior to commencement, details of obscured glazing for the windows to units B10 and G10 shall have been submitted to and approved by the Local Planning Authority in writing. The obscure glazing shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and D1 of the Camden Local Plan 2017.

Schedule 2 – S106 Legal Agreement

In accordance with Camden's Planning Guidance 8 Planning Obligations, which provides more detail in relation to the thresholds and calculations for contributions, the following matters would need to be secured by section 106 legal Agreement with any planning permission granted:

- The proposed Student Housing being formally tied in to a Higher Education Funding Council for England Institution by way of a nomination agreement so that Policy H2 does not apply requiring a mixed use scheme with 50% self-contained housing;
- Delivery and Service Management Plan;
- Demolition and Construction Management Plan;
- A financial contribution of £7,260 to cover the cost of reviewing the Construction Management Plan;
- 'Car Free' development for both the residential units and the commercial unit;
- Local employment and apprenticeship retention and a local procurement code;
- Energy Efficiency and Renewable Energy Plan and Sustainability Plan to secure compliance with BREEAM Multi Residential Scheme 'Excellent and connection to a decentralised local energy network (future proof for connection and exploring the possibility of connecting to Netley School (Regents Park) and HS2 being secured;
- Student Management Plan;
- Highways Contribution of £10,000 to cover any repair works and improvements to the local highway;
- Travel Plan including monitoring fee of £6,244 to cover the costs of monitoring and reviewing the Travel Plan for a period of 5 years; and
- Basement Impact Assessment compliance.
- A financial contribution of £ £77,569 towards local public open spaces.
- A financial contribution of £50,000 towards local pedestrian, cycling, environmental and public realm improvements in the local area to improve the safe travel by sustainable means for future occupiers of the site.

Schedule 3 - Appropriate Alternative Development

In accordance with **section 17(5) of the Land Compensation Act 1961**, the Council should 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.

The local planning authority considers that appropriate alternative development would include a mixed-use scheme consisting of residential (C3 use), hotel (C1 use) or office (B1a) at upper floor levels with appropriate ground floor commercial uses (A1, A2, A3 and/or B1a uses) up to the maximum scale and floorspace of this application. Appropriate alternative development would need to comply with the **Camden Local Plan 2017**, The **London Plan 2016** and **National Planning Policy Framework 2012**, including the provision of 50% affordable housing and adherence with the required standard of accommodation, design and amenity.