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20 11 2017
REF: HGHL1086

Dear Neil,

**RE: 93-103 DRUMMOND STREET AND 63 COBURG STREET, LONDON, NW1 2HJ.
APPLICATION FOR A CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT (CAAD).
SECTION 17, LAND AND COMPENSATION ACT 1961 (AS AMENDED).**

We write on behalf of our client, Canfield Freehold Limited, following our recent correspondence relating to the London Borough of Camden's decision to issue a Certificate of Appropriate Alternative Development (CAAD) under section 17 of the Land and Compensation Act 1961 (as amended). The certificate was issued on 30th August 2017 under reference 2017/3246/P and set out that planning permission would have been granted for the redevelopment of the site to provide:

"112 student apartments (60 studio units, 9 twin units, 30 cluster units, 3 wheelchair cluster units, 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."

Schedule 2 to the certificate sets out the matters which the Council would expect to be secured through a section 106 agreement. These include that 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*".

With regard to Schedule 2, we enquired in our letter of 5th October 2017 (Appendix 1) as to whether, in negotiating a section 106 agreement, the Council would consider it acceptable to provide 30% affordable student accommodation on site, as an alternative to the student housing being formally tied to a Higher Education Funding Council for England Institution by way of a nomination agreement.

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In your email of 1st November 2017 (Appendix 2), you confirmed that the Council would be prepared to replace the S106 clause linking the accommodation to a HEFCE funded institute by way of a nominations agreement, if the applicant were agreeable to signing up to provide 33% affordable student accommodation on site. This would be subject to a S106 clause restricting the remaining student housing as student housing for a HEFCE institution, although the nominations agreement for the remaining units would be removed.

In respect of the above, we would suggest replacing the first bullet point of Schedule 2 of the CAAD as follows:

The proposed Student Housing being formally tied into a Higher Education Funding Council for England Institution by way of a nominations agreement

OR

The proposed Student Housing comprising 33% affordable student housing and 67% student housing occupied only by persons enrolled on an accredited course at a recognised higher or further education institution. The developer/ owner shall within 14 days of written request evidence provide the Council with evidence regarding the occupation of any or all of the units within the development.

We consider that this wording is sufficient to secure either a nominations agreement or 33% affordable student housing with the remaining units fully linked to a higher education establishment, as required by Policy H9 of the Camden Local Plan, Policy 3.8 of the London Plan and the Mayor's Housing SPG.

In terms of amending the application, we consider that the most appropriate way of dealing with this matter is to submit a duplicate CAAD application to that approved under application 2017/3246/P.

As such, please find enclosed an application is for:

"112 student apartments (60 studio units, 9 twin units, 30 cluster units, 3 wheelchair cluster units, 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."

In support of this application we enclose:

- Application Form
- Site Plan and Drawings prepared by CZWG Architects
- Design Statement by CZWG Architects dated May 2017
- Daylight and Sunlight Report by GVA dated April 2017
- Daylight and Sunlight Addendum by GVA dated 11th May 2017
- Fee of £195

You will be familiar with the particulars of the Land and Compensation Act 1961 and the requirements of determining this application on the basis of the planning policy position likely to exist on the statutory valuation date. This is now expected to be on 30th November 2017, when HS2 are expected to compulsorily purchase the property.



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Under the Act you are required to determine this application on the basis of the planning policy position that is likely to exist on 30th November 2017 and to issue a certificate accordingly. We are not aware of any material changes in planning policy, or any other material changes which would lead you to determining this duplicate application differently to the previously approved scheme reference: 2017/3246/P.

In terms of issuing the certificate, under section 17(1) of the Act the Council must issue a certificate containing whichever of the two following statements it considers applicable:

- i. 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;*
- ii. 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;*

Should a certificate be 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 of:*
 - i) 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.*

As such, any new certificate should contain the details of this 'duplicate' application, application reference 2017/3246/P and application reference: 2017/0527/P, alongside the relevant conditions and planning obligations, including the amended draft affordable student housing planning obligations, should this be considered acceptable by the Council.

A copy of this application has been served on HS2 and we look forward to the application being determined within 2 months of the validation date, as required by the Act.

If you have any queries regarding this application please do not hesitate to contact me at your earliest convenience.

Kind regards,

Sarah Ballantyne-Way