

14 September 2018

FAO Gavin Sexton
Planning Solutions Team
London Borough of Camden
2nd Floor
5 Pancras Square
c/o Town Hall
Judd Street
London
WC1H 9JE

Dear Mr Sexton

93-103 Drummond Street and 63 Cobourg Street, London
Applications for a Certificate of Appropriate Alternative Development (CAAD) under Section 17
Land and Compensation Act 1961 (as amended)
Application Reference 2018/2397/P
Application Reference 2018/2398/P
Application Reference 2018/2399/P
Application Reference 2018/2400/P
Application Reference 2018/2401/P

We write on behalf of High Speed 2 (HS2) to make the following comments in respect of the five CAAD applications referenced above.

Introduction

1. These applications follow four previous CAAD applications made in respect of this site, which were granted approval by the London Borough of Camden (the Council) in April 2017, August 2017, February 2018 and April 2018, respectively. The five descriptions of development are as follows:
 1. Redevelopment to provide 142 student apartments (70 studio apartments, 21 twin units, 53 cluster units, 5 wheelchair cluster units, 11 wheelchair studio units) comprising 163 bed spaces with a floor area of 3,012sqm (GIA) within a 10 storey building with basement and a commercial unit of 102sqm at ground floor.
 2. Redevelopment to provide 137 student apartments (67 studio apartments, 19 twin units, 53 cluster units, 5 wheelchair cluster units, 11 wheelchair studio units) comprising 156 bed spaces with a floor area of 2,811sqm (GIA) within a 9 storey building with basement and a commercial unit of 102sqm at ground floor.
 3. Redevelopment to provide 132 student apartments (64 studio apartments, 17 twin units, 53 cluster units, 5 wheelchair cluster units, 11 wheelchair studio units) comprising 149 bed spaces with a floor area of 2,750sqm (GIA) within an 8 storey building with basement and a commercial unit of 102sqm at ground floor.

Deloitte LLP is a limited liability partnership registered in England and Wales with registered number OC303675 and its registered office at 2 New Street Square, London, EC4A 3BZ, United Kingdom.

Deloitte LLP is the United Kingdom affiliate of Deloitte NWE LLP, a member firm of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"). DTTL and each of its member firms are legally separate and independent entities. DTTL and Deloitte NWE LLP do not provide services to clients. Please see www.deloitte.com/about to learn more about our global network of member firms. Real Estate Services regulated by RICS.

© 2018 Deloitte LLP. All rights reserved.

4. Redevelopment to provide 127 student apartments (61 studio apartments, 15 twin units, 53 cluster units, 5 wheelchair cluster units, 11 wheelchair studio units) comprising 142 bed spaces with a floor area of 2,619sqm (GIA) within a 7 storey building with basement and a commercial unit of 102sqm at ground floor.
5. Redevelopment to provide 122 student apartments (58 studio apartments, 13 twin units, 53 cluster units, 5 wheelchair cluster units, 11 wheelchair studio units) comprising 135 bed spaces with a floor area of 2,488sqm (GIA) within a 6 storey building with basement and a commercial unit of 102sqm at ground floor.

HS2 compulsorily purchased the site on 23 November 2017, which is the statutory valuation date. The value of the application site is to be assessed on the basis that the HS2 scheme is cancelled, the basis of which will be the existing use and what development could reasonably be assumed to have been granted Planning Permission at that time. The applications are required to be assessed against the planning policies that were in place on the valuation date and on the basis that the HS2 scheme was cancelled on the launch date, which is the date on which the HS2 Bill was deposited in Parliament (25 November 2013).

Appropriateness of latest CAAD applications

Section 17 (5) of the Land Compensation Act 1961 states that the Council must identify every description of development (whether specified in the application or not) that in the local planning authority's opinion, for the purpose of Section 14, appropriate alternative development in relation to the acquisition concerned. We consider that in Schedule 3 of the CAAD dated 9 February 2018 (reference 2017/6619/P) LB Camden has already identified every description of development (whether specified in the application or not) that in the local planning authority's opinion, for the purpose of Section 14, is appropriate alternative development in relation to the acquisition concerned. We consider that in Schedule 3 of the CAAD dated 9 February 2018 (reference 2017/6619/P) the Council has provided an opinion as to the type of development that, for the purposes of Section 14 of the Land Compensation Act 1961, is appropriate alternative development and provided advice on those conditions and obligations which are relevant.

This states: *'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, 2, 3 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'.*

The assessment of what would be considered appropriate alternative development has, therefore, already been undertaken by the Council. If development of an increased scale and floorspace to that of the 9 February 2018 had been considered acceptable, then this should have been specified by the Council in Schedule 3 of the Certificate. We assume, therefore, that no additional floorspace, units or height/scale would have been permitted. In any event, we consider that there is insufficient information to enable the applications to be robustly assessed.

Key Issues

If the Council is minded to assess the five CAAD applications, however, our view is that whilst the principles of redevelopment and the proposed use are considered acceptable, there are a number of key issues, which are set out below, which require assessment to enable the new applications to be robustly considered:

- The extent to which the schemes in the five CAAD applications would impact on listed and non-listed heritage assets around the site;

- Whether the daylight and sunlight assessment has been conducted in a robust manner which allows for clear decisions to be made on the suitability of the schemes for their proposed use and any impact on adjoining buildings; and
- The extent to which the taller schemes in the five CAAD applications are acceptable in townscape terms.

Whilst the Council must satisfy itself of these matters before issuing its decisions on the new applications, HS2 has commissioned assessments, so far as practicable to do so, on the information provided by the Applicant.

Heritage Assessment

An assessment of the five CAAD applications for student accommodation ranging from 6 to 10 storeys has been undertaken from a historic environment perspective by Atkins' specialist heritage team on behalf of HS2 and is submitted in support of this representation letter, at Appendix A. It provides a specialist analysis of the proposals and their impact on the historic environment.

An extract from the Executive Summary is provided below:

"The current applications (submitted on 29 May 2018) only identify some of the designated and undesignated heritage assets that would be significantly affected by the proposals and omit:

- *1-9 Melton Street, grade II* listed, behind which the development would be highly visible;*
- *67-79 Euston Street (including the Cottage Hotel), non-designated terraced houses original to the area;*
- *Regent's Park Conservation Area and the grade I registered park and garden comprising Regent's Park;*
- *Euston House on Eversholt Street, a tall commercial block that is locally listed by Camden Council;*
- *Numbers 131 and 116 Drummond Street, both grade II listed, of which the views along Drummond Street play an important part in their settings; and*
- *The Crown and Anchor public house on Drummond Street, grade II listed, of which the views from the west play a significant role in its setting.*

The significance of the three listed buildings on Drummond Street and 1-9 Melton Street would be significantly harmed by the proposals.

The application contains several omissions and therefore either does not adequately address, or presents insufficient evidence for the decision maker to address the requirements for there to be 'special regard' to the preservation of the special interest of listed buildings required by the 1990 Planning (Listed Buildings and Conservation Areas) Act. The site's location in the Wider Setting Consultation Area of the London Plan - London View Management Framework's (LVMF) protected view of St Paul's from Greenwich is not addressed and there appears to have been no consultation relating to it.

The application also exaggerates a step up in scale at the west end of Drummond Street near the junction with Melton Street, which is overstated and provides insufficient information to determine impacts on the historic environment.

All of the application options would be unacceptable in terms of historic environment considerations. The proposal, even at its lowest six-storey height, is significantly larger in scale and massing than the surrounding historic environment of terraced houses, with the windows arranged in a more monumental and different rhythm to that of the terraced housing and shops. Even the six-storey proposal features an uncharacteristic 'tower' of one storey projecting significantly above the surrounding roofline in a discordant fashion. The six-storey option would result in significant, although less than substantial harm, with the level of harm rising to substantial harm at the tallest ten-storey option.

Reasons for refusal of the application on historic environment grounds include:

- There is inadequate assessment of the presence of, and significance of, heritage assets (including a lack of evidence of a historic environment record search having been carried out), and inadequate assessment of the impact upon these designated and non-designated assets;*
- There is inadequate assessment of the impact upon protected London strategic views and local views and no evidence of the consultation required for these;*
- The designs demonstrate a lack of respect for local character and context, in terms of scale, materials and design; and*
- There would be harm to the significance of designated and non-designated heritage assets through changes to their settings by the proposed development; detracting from the setting of listed buildings”.*

Table 1-1 of the Historic Environment report also assesses the proposals against legislation and policy requirements and sets out where it considers the applications fall short of meeting the policies. The Council’s attention is drawn to this table.

We request that the Council considers the detailed findings of this specialist report in coming to a decision on the CAAD applications. Atkins heritage report concludes that there is inadequate assessment of the impact on heritage assets submitted and that there would be harm to the significance of the heritage assets through changes to the setting. HS2 considers the Council should, therefore, not issue any CAADs which propose an increase in height, until, as a minimum, further detailed assessment is requested of the Applicant. Notwithstanding this, based on the application submission, we consider there is good grounds to refuse to issue any certificates, particularly when considered with the other assessment conclusions below.

Daylight and Sunlight

Policies A1 and A4 of the Camden Local Plan 2017, and CPG6 Amenity (September 2011 updated March 2018), require that the amenity impact on neighbouring properties be fully considered. Policy A1 seeks to ensure that the amenity of neighbouring occupiers is protected and states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of sunlight, daylight and overshadowing, outlook, visual privacy, microclimate, and noise and vibration levels.

Given the proposed increase in height to up to 10 storeys, we would question whether the Council can be confident that the updated Daylight and Sunlight report by GVA dated January 2018 submitted with the five CAAD applications is acceptable, as it was based on an assessment of a smaller scale proposal. Again, similar to the conclusions on heritage, this is not an adequate basis on which to assess the taller schemes.

HS2 appointed an assessment of the submitted Daylight and Sunlight report which has been undertaken by Atkins’ specialist daylight and sunlight team, and this is submitted at Appendix B.

Whilst Atkins conclude that the submitted report has been undertaken in the correct manner, their review concludes that the lack of depth of analysis does not adequately show compliance with the benchmark values in relation to daylight and sunlight. Atkins disagree with a statement by GVA in their report about the orientation of the Cobourg Street properties, which they conclude would lead the reader to doubt the validity of all of the results.

Atkins state that they need to understand the level of assumptions which underpin the GVA report, and be provided with more detail on the calculation procedure, to be able to understand the calculation tolerances that should be applied. Atkins also state that this lack of information again influences the level of surety in the accuracy of the results GVA have provided.

With regard to the items identified above, Atkins state that additional clarity in the report information is needed to back up its conclusions. In order to satisfy itself that the results are accurate, we consider the Council should request, from the Applicant, the original calculation model from GVA to allow a full

investigation of the daylight requirements, additional survey, and calculations to be undertaken. Without this, it is considered that there is no robust basis on which to conclude that the CAADs could be issued. The Applicant has, in HS2's opinion, provided insufficient information for the Council to robustly assess the five CAAD applications.

Townscape and Visual Impact

Atkins' review of the townscape impact on behalf of HS2, contained in full at Appendix B of this letter, provides a detailed assessment of the potential townscape and visual impact of the proposed development in Section 2. Atkins conclude the following:

"There are significant deficiencies to this application as no formal townscape and visual assessment of the proposed development has been provided with the application. This means there is insufficient evidence to allow planners to make an informed and evidence-based judgement on potential townscape and visual impacts against the policies outlined in the London Plan and Camden Town Plan and the principles detailed within GLVIA.

Similarly, it is not clear that the visualisations submitted with the application provide an accurate visual representation of the proposed development as no methodology has been provided and so are impossible to verify against the guidance for the production of photomontages within LI Advice Note 01/11. Once again, this is level of information insufficient for planning purposes.

Lastly, no Zone of Theoretical Visibility has been produced, as required by GLVIA, meaning a verifiable baseline of potentially affected properties has not been produced. Therefore, there is insufficient evidence for planners to make a judgement on where the proposed development may be visible from and the associated impacts. Given the location of the proposed development, it is likely that it would be potentially visible from a large number of locations. Without the required ZTVs, it is likely that key receptors, and the potentially significant impacts upon, them may be overlooked.

From certain views along the streetscape the proposed development would result in a clear and noticeable change to the skyline. As the number of storeys increases the townscape and visual impact becomes increasingly negative due to the greater contrast with the existing townscape character and the increasing zone of visual influence.

The proposed development would have adverse townscape and visual impacts for receptors in its vicinity, the degree of which is impossible to ascertain due to the shortcomings of the planning applications. These impacts form a key part of the decision-making process for planners and without this information it is considered that an informed and evidence-based judgement of these applications is not possible".

On the basis of the above, it is therefore recommended that the Council requests that the Applicant provides a detailed assessment in relation to townscape issues to allow a proper assessment of the applications prior to determination. At present, given the scale of development proposed in the five CAADs, the submissions are wholly inadequate and prevent an assessment against planning policy being undertaken. Furthermore, the weakness of the assessment prevents Atkins and ourselves, on behalf of HS2, undertaking a full assessment of townscape and heritage impacts and, therefore, concluding whether the schemes are acceptable.

Financial Contributions

The 5 CAAD applications propose an increase in the number of residential units, which could therefore be expected to generate an increased impact on the local environment. In assessing the acceptability of the schemes, we would therefore ask that the Council reconsiders the S106 obligations and levels of likely contributions to ensure the scheme deals with any additional impacts. This includes highways, public open

space and local pedestrian, cycling, environmental and public realm improvements. This is done on a “without prejudice” basis.

The contribution to public open space should be re-calculated based on the Council’s methodology in CPG 8 based on the revised number of bed spaces associated with each of the scheme options.

The highways contribution to cover repair works and improvements should increase to £11,545 if based on the number of bed spaces as part of the 10 storey scheme.

The financial contribution of £50,000 towards local pedestrian, cycling, environmental and public realm improvements should also be increased to £57,724 if the calculation is based on the number of bed spaces as part of the 10 storey scheme.

We would therefore recommend that the Council increases the financial contributions as above to reflect the revised schemes, if minded to issue the CAADs.

Conclusions

We trust that the points made in this letter will be given due consideration by the Council in determining the five CAAD applications. As stated above, we consider that in Schedule 3 of the CAAD dated 9 February 2018 (reference 2017/6619/P) the Council has provided an opinion as to the type of development that, for the purposes of Section 14 of the Land Compensation Act 1961, is appropriate alternative development and provided advice on those conditions and obligations which are relevant. If development of an increased scale and floorspace to that of the 9 February 2018 had been considered acceptable, then this should have been specified by the Council in Schedule 3 of the Certificate at that time. We assume, therefore, that no additional floorspace, units or height/scale would have been permitted.

However, HS2 has undertaken its own review of the five CAAD applications should the Council be minded to assess them. The specialist reviews have concluded that the proposals are not considered acceptable in heritage terms, but that, in addition, further assessment should be requested by the Council in relation to heritage, daylight, sunlight and townscape, to allow the Council to robustly assess the acceptability of the application schemes. If this information is not forthcoming, HS2 request that the applications be refused.

I would be grateful if you could please confirm receipt of this letter and if you have any queries, please contact me on the details at the top of this letter or my colleague Joanne Burnett on joaburnett@deloitte.co.uk or 0161 455 8625.

Yours sincerely



Caroline McDade
Deloitte LLP

**Appendix A – Technical Note – Historic Environment Review of Canfield Freehold
Ltd's Five CAAD Schemes (Atkins)**

Appendix B – Technical Note – Townscape and Visual Review (Atkins)