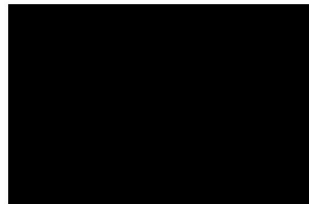


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FAO Gavin Sexton
Planning Solutions Team
London Borough of Camden
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Judd Street
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Your ref: As below
Our ref: CAN003/0001

21 September 2018

Dear Sirs

93-103 Drummond Street and 63 Coburg Street, London
CAAD applications; references: 2018/2397/P; 2018/2398/P; 2018/2399/P; 2018/2400/P; 2018/2401/P

We have been instructed to respond to that part of Deloitte's letter to you dated 14 September 2018 under the heading "Appropriateness of latest CAAD applications".

Deloitte correctly states that in issuing a certificate of appropriate alternative development ("CAAD"), a local planning authority should identify every description of development (whether specified in the application or not) that is, in the authority's opinion appropriate alternative development in relation to the acquisition concerned.

However, Deloitte are incorrect in suggesting that this means that the issuing of the 9 February 2018 CAAD (or any other CAAD issued by the Council) fetters the Council's discretion in considering whether other forms of development might be granted. It is plainly impossible for a local planning authority to assess all possible uses and forms of development which might be acceptable in planning terms for any given property. The number of potential variants would be infinite. Instead, as DCLG's guidance on Compulsory Purchase and the Crichel Down Rules (February 2018) at paragraph 215:

"If the application is for a positive certificate the applicant must specify each description of development that he considers that permission would have been granted for and his reasons for holding that opinion.

Partners: Elizabeth Christie, Mary Cook, Clare Fielding, Meeta Kaur, Raj Gupta, Simon Ricketts, Patrick Robinson

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The onus is therefore on the applicant to substantiate the reasons why he considers that there is development that is appropriate alternative."

The Guidance goes on to state at paragraph 263 that:

"Local planning authorities should note that an application made under s17 is not a planning application. **The authority should seek to come to a view, based on its assessment of the information contained within the application** and of the policy context applicable at the relevant valuation date, the character of the site and its surroundings, as to whether such a development would have been acceptable to the Authority. As the development included in the certificate is not intended to be built the local planning authority does not need to concern itself with whether or not the granting of a certificate would create any precedent for the determination of future planning applications."(our emphasis)

The authority can only proceed to grant a positive CAAD on the basis of the information that it has been provided to it.

If, having reviewed the information contained in the application and the (very late) comments made on behalf of the acquiring authority, the council considers that the schemes proposed in the above applications are unacceptable, it should issue a positive certificate in the same terms as that set out in the 9 February 2018. If, however, it considers that one or more of the schemes proposed are acceptable it should list them as appropriate alternative development in addition to the scheme described in the 9 February 2018 certificate.

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.

Town Legal LLP

