

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 14th April 2021

<p>2/01</p>	<p><u>ADDENDUM ITEM 1:</u></p> <p>Consultation Responses Update – Section 4 of the Report.</p> <p>Since the agenda was published:</p> <ul style="list-style-type: none"> • One additional objection has been received. These raise concerns regarding pollution from cars, spill over parking and increased congestion and driving conditions on Rickmansworth Road. These matters are already addressed within the report. • A concern was raised regarding the loss of a pear tree. As per section 6.6 of the report, the proposed works to trees have been reviewed and approved by the Council’s Arboricultural Officer. • A petition was received with 214 names; however it does not include any signatures and therefore may be challenged as a legitimate petition. This raises concerns regarding overdevelopment (with regard to the combined impact of both refs: P/2567/20 and P/2785/20), loss of green communal garden space, increased congestion and traffic safety on the site and along Northcote Road. These matters are already addressed within the report.
<p>2/02</p>	<p><u>ADDENDUM ITEM 1:</u></p> <p>Consultation Responses Update – Section 4 of the Report.</p> <p>Since the agenda was published:</p> <ul style="list-style-type: none"> • Two additional objections have been received. These raise concerns regarding the health impacts of new parking spaces and loss of privacy and light to no. 1 Northcote; pollution from cars, spill over parking and increased congestion and driving conditions on Rickmansworth Road. These matters are already addressed within the report. • A concern was raised regarding the loss of a pear tree. As per section 6.6 of the report, the proposed works to trees have been reviewed and approved by the Council’s Arboricultural Officer. • A petition was received with 214 names; however it does not include any signatures and therefore may be challenged as a legitimate petition. This raises concerns regarding overdevelopment (with regard to the combined impact of

	<p>both refs: P/2567/20 and P/2785/20), loss of green communal garden space, increased congestion and traffic safety on the site and along Northcote Road. These matters are already addressed within the report.</p>
<p>2/05</p>	<p><u>ADDENDUM ITEM 1:</u></p> <p>At paragraphs 2.7 and Paragraph 6.4.2, the details of the terrace area at third floor have been clarified.</p> <p>At Paragraph 2.7 - At third floor there would be a 2-metre wide external terrace surrounding all elevations surrounding the east, west and south elevations, this would have a set in of between 4.4 and 12.1 metres from the north elevation.</p> <p>At paragraph 6.4.2 on page 333 – The proposed building would be sited 20 metres from the front elevations of the nearest residential properties in Overbrook Walk, 40 metres from the rear elevations of properties in Methuen Close (albeit this relationship is at an angle), and 45 metres from the rear elevations of properties within Handel Way. In terms of the relationship of the proposed office block with habitable windows within properties of Overbrook Walk, front windows of Overbrook Walk would face the western flank wall of the proposed office block. The third floor terrace would be set in between 4.4 and 12.1 metres from the northern elevation of the proposed office block. Revised plans have been received detailing the use of obscure glazing to windows within the northern section of the first-floor west elevation. In addition, a condition is included for obscure glazing to be used here, and a condition for a secure glazed balustrade is required around the perimeter of the third floor to ensure there would be no adverse impact on the residential amenity to the properties of Overbrook Walk, or to properties of Methuen Close and Handel Way. As such the proposed building would therefore not result in any unacceptable loss of privacy to these occupiers. The use of the building as offices would further reduce the perception of any overlooking. The vegetation along the Edgware Brook and the intervening distance to the residential properties on Overbrook Walk, Handel Way and Methuen Close, would ensure that no loss of light or outlook would occur to occupiers of these properties.</p> <p>sentence.</p>
<p>2/06</p>	<p><u>ADDENDUM ITEM 1:</u></p> <p>The applicant has instructed a specialist planning Counsel to provide advice on the law governing the determination of both applications and how that law is to be applied to these applications. The letter is summarised below:</p> <p><i>The Discharge Applications are not applications for planning permission. Planning permission for the Development was granted by the Council in 2017. When considering applications of this kind, the local planning authority is not entitled to revisit the principle of the development before it. That has been made clear by the Courts on multiple occasions. The principle of the development of the Proposal has already been resolved, definitively, by the grant of the Permission. Thus the applicant's entitlement to develop the Proposal in accordance with the Permission cannot be questioned or re-</i></p>

examined by the Committee at this stage.

Any argument that the Discharge Applications should be refused because the Proposal itself should not have been granted permission, or because some other use of the Site (such as a hotel use) would be preferable in planning terms, must not be taken into consideration by the Committee. In the language of planning law, such arguments are “immaterial considerations”. A decision which takes into account immaterial considerations is unlawful, and is liable to be overturned on appeal. Furthermore, the Government’s Planning Practice Guidance makes clear that “refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage” is a reason which justifies the making of a costs award against the Council in an appeal.

2/07

ADDENDUM ITEM 1:

The applicant has instructed a specialist planning Counsel to provide advice on the law governing the determination of both applications and how that law is to be applied to these applications. The letter is summarised below:

The Discharge Applications are not applications for planning permission. Planning permission for the Development was granted by the Council in 2017. When considering applications of this kind, the local planning authority is not entitled to revisit the principle of the development before it. That has been made clear by the Courts on multiple occasions. The principle of the development of the Proposal has already been resolved, definitively, by the grant of the Permission. Thus the applicant’s entitlement to develop the Proposal in accordance with the Permission cannot be questioned or re-examined by the Committee at this stage.

Any argument that the Discharge Applications should be refused because the Proposal itself should not have been granted permission, or because some other use of the Site (such as a hotel use) would be preferable in planning terms, must not be taken into consideration by the Committee. In the language of planning law, such arguments are “immaterial considerations”. A decision which takes into account immaterial considerations is unlawful, and is liable to be overturned on appeal. Furthermore, the Government’s Planning Practice Guidance makes clear that “refusing to approve

reserved matters when the objections relate to issues that should already have been considered at the outline stage” is a reason which justifies the making of a costs award against the Council in an appeal.

AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS

Agenda Item	Application	Speakers
2/01	Front of Northcote, 86 Rickmansworth Road (P/2567/20)	Nisha Chauhan (Objector) Ian Gilbert (Agent for Applicant) Cllr Norman Stevenson (Back Bench)
2/02	Northcote (Existing), 86 Rickmansworth Road (P/2785/20)	Nisha Chauhan (Objector) David Dixey (Agent for Applicant) Cllr Norman Stevenson (Back Bench)