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Our ref: (CHA7/1) LF/SG/CS

11 March 2025

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By email only

Dear Council,

Development at Harcourt House N8 9JB
Planning application reference: HGY/2024/0921

1. We are instructed by a group of leaseholders at Harcourt House who have written to the Council previously to set out their objections to this application.
2. We understand that over the past week, new information has been uploaded to the Council's planning portal that had not previously been made public. Whilst only uploaded very recently, the information dates from July-November 2024; our client has submitted a FOI request to find out when these were received by the Council and why they were not promptly uploaded for public inspection.
3. One member of our client group, Mr Chan, emailed the case officer on 28 February and 5 March following a tranche of new documents on the portal, asking for clarification on whether more documents were going to be published. Meanwhile even more new information was uploaded on 7 March. Notwithstanding that, the target date for determination is set for 12 March (tomorrow).
4. Given the determination date, Mr Chan put together a response to this new information and sent that to you on 10 March. On 10 March Mr Argles emailed acknowledging receipt of the comments and indicating a future response to Mr Chan's emails by case officer (Ms Huang). To date, no substantive response has been received to any of Mr Chan's emails. His comment of 10 March has been uploaded to the portal, but importantly, no proper consultation period has been allowed to enable further, considered comments to be made. Moreover, there is the very real concern that even more documents will be produced at the eleventh hour, giving our client group no time to consider and respond.
5. The new reports and amended drawings (which our client asserts have several errors) represent an amendment to the application scheme, which will trigger a re-consultation with the public in certain circumstances. The test is one of fairness and, specifically, whether "not doing so deprives those who were entitled to be consulted on the application of the opportunity to make any representations that, given the nature and extend of the changes proposed, they may have wanted to make on the application as amended": R

(Holborn Studios Ltd) v Hackney LBC [2017] EWHC 2823 ¹.

6. The first public consultation exercise last year garnered 50+ objections, including our client. Subsequently, several changes and new information has come forth no doubt as the result of the usual dialogue between planning officers and applicant. However, by not allowing a public consultation on those changes and new documents prior to determination the Council is denying these objectors (including our client) the opportunity to make further comments and objections. It is plainly unfair in Holborn Studios terms for the Council not to make those objectors aware of the revisions and not to afford an opportunity to comment on them.
7. Furthermore, such an approach conflicts with the standard set out in the Council's Statement of Community Involvement (adopted 2017), which states:

*We want our consultations to be as open and accessible as possible. This document outlines the key principles for effective engagement that we will apply to all our consultations.*²

8. And: the Council will ensure consultation
"is effective by....By targeting consultation to make sure that relevant stakeholders are involved"

9. And further (emphasis added):

*"...ensuring affected parties **have adequate time to consider and respond to the proposals**".*³

10. Proceeding without a public consultation on ALL the documents (including any yet to be uploaded) is the only way to ensure the public has been fully consulted, with time to fully consider the issues and respond, in line with Holborn Studios and the Council's Statement of Community Involvement. Without such consultation, any determination will be unsafe; our client reserves their position on that issue.

Yours faithfully



RICHARD BUXTON SOLICITORS

¹ At paras [79]-[80].

² At para 3.1.1

³ At p9