

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE  
HELD ON**

13 March 2024

7.30 - 8.38 pm

**PRESENT**

**Committee Members**

Councillor Michael Garnett (Chair)  
Councillor Sue Livings (Vice-Chair)  
Councillor Maggie Hulcoop  
Councillor Kay Morrison  
Councillor Nicky Purse  
Councillor John Steer  
Councillor Nancy Watson

**Officers**

Elizabeth Beighton, Development Manager  
Pauline Elliott, Interim Head of Planning and Building Control  
Julie Galvin, Legal Services Manager  
Hannah Marriott, Governance Support Officer  
Ross Brereton, Principal Planning Officer  
Paul Keen, Communications Officer  
Chris Walter, Planning Officer

**222. WEBCAST INTRODUCTION**

The Chair said the meeting was being webcast live and would be available for repeated viewing after the meeting has ended. By continuing to attend the meeting, you were consenting to being filmed and to appearing in the webcast.

**223. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor James Leppard.

**224. DECLARATIONS OF INTEREST**

Councillor Maggie Hulcoop raised non-pecuniary interests in agenda items 8 (HW/FUL/22/00546), 10 (HW/HSE/24/00026) and 11 (HW-LBC-23-00427) as a Little Parndon and Hare Street Ward Councillor.

**225. MINUTES**

**RESOLVED** that the minutes of the meeting held on 13 February 2024 be agreed and signed as a correct record by the Chair.

226. **MATTERS ARISING**

None.

227. **WRITTEN QUESTIONS**

The questions, together with the answers, are appended to the minutes.

228. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

**RESOLVED** that the procedure for the meeting be noted.

229. **HW/FUL/22/00546 - 10 WYCH ELM, HARLOW**

The Committee received a report and application (HW/FUL/22/00546) on the demolition of the existing building and erection of 10no. storey building comprising 57no. residential flats (Use Class C3) and flexible commercial floorspace (Use Class E), communal amenity space, with associated car and cycle parking, waste and recycling storage and other associated works.

The Committee also received a supplementary report which provided details of amendments made to the application.

Representations were heard from the agent.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions as set out in the report, a Section 106 agreement to secure the Heads of Terms detailed within the report and the amended conditions as detailed in the supplementary agenda.

230. **HW/HSE/24/00012 - 84 GREYGOOSE PARK, HARLOW**

The Committee received a report and application (HW/HSE/24/00012) on the construction of a two-storey side extension and proposed garage conversion (Amended Proposal Description).

Representations were heard from one objector and Councillor David Carter.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report.

231. **HW/HSE/24/00026 - LILAC COTTAGE, HARBERTS ROAD, HARLOW**

The Committee received a report and application (HW/HSE/24/00026) on the demolition of existing detached garage to allow for construction of detached double garage with loft storage (Amended Proposal Description).

The Committee also received a supplementary report which contained a further representation received.

Representations were heard from the applicant.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions detailed in the report.

232. **HW-LBC-23-00427 - LILAC COTTAGE, HARBERTS ROAD, HARLOW**

The Committee received a report and application (HW-LBC-23-00427) on the demolition of existing detached garage to allow for construction of detached double garage with loft storage (Amended Proposal Description).

The Committee also received a supplementary report which contained a further representation received.

Representations were heard from the applicant.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions detailed in the report.

233. **REFERENCES FROM OTHER COMMITTEES**

None.

234. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

# Development Management Committee – 13 March 2024

## Questions from the Public

### 1 Colin Thorpe to Councillor Mike Garnett (Chair of Development Management Committee):

With reference to the following Statutes:

“Small Holdings and Allotments Act 1908

Part II

Allotments

26 Improvements and adaption of land for allotments

(2) The Council may also adapt land for allotments by erecting buildings and making adaption to buildings, but so that no more than one dwelling - house shall be erected for occupation with any one allotment and no dwelling – house for occupation with any allotment of less than one acre.

The Town and Country Planning (General Permitted Development) (England) Order 2015

Part 12-

Development by Local Authorities

Class A

Permitted development

A The erection or construction and maintenance ,improvement or other alteration by a local authority or by an urban development corporation of—

(a) Any small ancillary buildings, works or equipment on land belonging to or maintained by them required for the purpose of any function exercised by them on that land otherwise than as statutory undertakers

## Interpretation of Class A

A2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works nor equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

Why are these Statutes being ignored?

### **Reply from Councillor Mike Garnett (Chair of Development Management Committee):**

The Small Holdings and Allotments Act is not a planning act and separate consent may be required.

Regarding permitted development rights, these are not being ignored where the use is incidental to the use of the allotment.

### **Supplementary question from Colin Thorpe to Councillor Mike Garnett (Chair of Development Management Committee):**

I was asked to get advice from a planning consultant which I did at the cost of £300. I also consulted an independent consultant and they assured me that our interpretation was right so I also wrote to the Levelling up and communities who also agree, and this is a government department, that our interpretation of the clause is right and we have got the right to build on the allotment. Why am I not being allowed?

### **Supplementary reply from Councillor Mike Garnett (Chair of Development Management Committee):**

I will send you a written answer in 10 days.