

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**16 February 2021**

**REFERENCE:** HW/FUL/20/00577

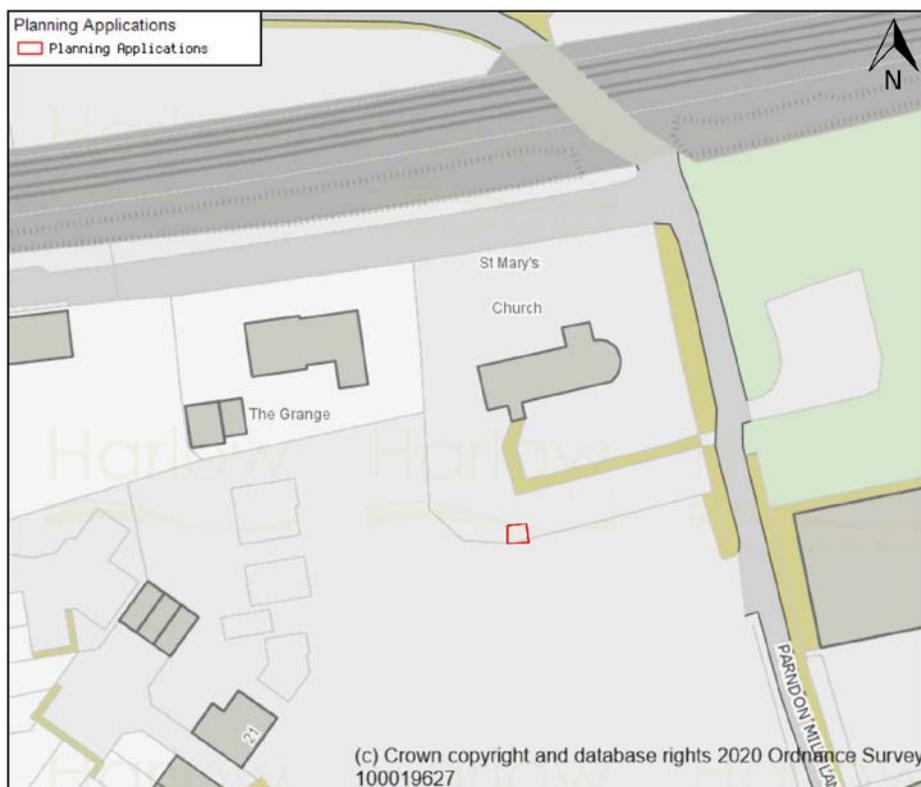
**OFFICER:** Gavin Cooper

**APPLICANT:** Ian Mitchell

**LOCATION:** Proposed Site Of Public Art  
St Marys Church  
Parndon Mill Lane  
Harlow  
Essex

**PROPOSAL:** Installation of a piece of public art.

**LOCATION PLAN**



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**Reason brought to Committee**

Two objections received.

## **Application Site and Surroundings**

The site is the south west corner of the existing churchyard of St Marys Church, Pardon Mill Lane.

The site adjoins the former Harlow Rugby Club playing fields which has been developed for housing. The development is almost complete.

The housing scheme involves public open space adjoining the Listed church and adjoining the application site to the south.

## **Details of the Proposal**

The proposal is to install a piece of public art. The art would be located on a new entrance to the church yard of St Marys. St Marys is Grade II Listed Building the entrance has been provided to allow access to the church from the new housing development at Ram Gorse.

The art work is a series of beads that are twisted and rise to a height of 3.4 metres and have a width (with the twist) of 1.0 metre. The existing opening piers would be demolished and re-instated. The art would also be illuminated. The aim is to locate the lantern element discreetly within the arch structure at the central point.

The requirement to deliver this piece of artwork is contained within the S106 agreement relating to the residential development of the old Harlow Rugby Club site at Ram Gorse (dated 18th February 2015).The applicant explains the process and rationale for the art work as follows:

"The Public Art Scheme was drawn up by the Harlow Art Trust at the request of Harlow Council. Early in the process Kier were approached by representatives of St Mary's Church which is located next to the site. They had proposals to form a new opening in the Church wall that abuts the development so as to link the Church more closely with the new housing. Part of their proposals included the creation of a new lychgate feature (an overthrow) that would frame the new opening in the wall. In affect this would be a sculpture. The main entrance to the Church Yard included such a feature and there was a wish to produce something that provided a modern interpretation of this."

## **RELEVANT PLANNING HISTORY:**

Application Reference Number: HW/PL/14/00361

Proposal: Demolition of Existing Building and Erection of A Residential Development of 125 Dwellings with Associated Public Open Space, Parking, Access and Infrastructure

Application Status: Granted

Date Application Received: 08/08/2014

Date Application Decided: 08/12/2015

Application Reference Number: HW/S106/20/00295

Proposal: Submission of the Public Art Scheme in accordance with Schedule 5 of the S106 agreement attached to permission for residential development of 125 dwellings at Harlow Rugby Football Club, Elizabeth Way, Harlow (Reference HW/PL/14/00361)

Application Status: Pending

Date Application Received: 22/04/2020

## **CONSULTATIONS**

### **Internal and external Consultees**

#### **Heritage Officer Place Services**

St Mary's is a grade II listed building (list entry no. 1111721) built in 1868 on the foundations of an earlier church. The walls are coursed pebbles with stone quoins and window dressings under a plain tile roof. It is a simple single-cell plan with apsed east end, and a timber framed belfry to the west and a small vestry to the north-east corner.

To the south of the church is an existing low brick wall and entrance into the churchyard flanked by brick piers. The proposal includes an archway sculpture positioned on the brick piers.

Archway entrances into churchyards are a common feature so there are no objections to the principle of an archway sculpture in this location. The proposal is a contemporary interpretation of an archway. The rusty colour of the proposed material (Corten steel) mirrors the colour of the clay plain tile church roof and, although the sculpture is a bold addition, it is not considered to detract from the setting of the church. It does not harm the special architectural or historic interest of the church, from which it derives its significance, and is not considered to hinder an appreciation of its significance.

However, further information is required on the rebuilding of the existing brick piers. The rebuilding of the piers in a brick more sympathetic to the setting of the church is supported, but the detail needs to be agreed. This could be reserved by condition.

There are no objections to the proposal as there is no harm to the significance of the church or its setting, as per Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF. If the application is approved, it is recommended that the following condition (or similar) is applied:

- A sample panel of brickwork to show the new brick, mortar mix, mortar colour and pointing profile of the new piers shall be constructed on site for inspection and agreed in writing with the Local Planning Authority prior to the construction of the new piers.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 55

Total Number of Representations Received: 2

Date Site Notice Expired: 1 January 2021

Date Press Notice Expired: 1 December 2020

### **Summary of Representations Received**

There have been two representations which raise concerns regarding the impact on the current aesthetics of the exterior church and surrounding grounds and the visual impact of the design of the piece of art.

## **PLANNING POLICY**

The relevant policies are:

SD1 (Presumption in Favour of Sustainable Development)

PL1 – Design Principles for Development

PL7 Trees and Hedgerows

PL12 Heritage Assets and their Settings

## **PLANNING STANDARDS**

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

### **Supplementary Planning Documents/Current Planning Guidance**

The Harlow Design Guide SPD (2011)  
Planning Practice Guidance (PPG)

### **Summary of Main Issues**

The key issues for consideration in the determination of this application are: the principle of the development and the impact of the design on the setting of St Marys church.

## **ASSESSMENT**

### ***Principle of the development***

The redevelopment of the Harlow Rugby Club playing fields to the south of the site was granted on the basis that the development would not harm the setting of St Marys church. This was partly due to the layout including a large area of public open space to the south of the churchyard.

The redevelopment of the site to the south also included a requirement for a piece of public art to be installed on the site. This was secured through the Section 106 for the site and this had a requirement that the Council approved the design. The formal approval process is subject to a separate application and will be determined following the determination of this application.

The art work that is subject to this application has already been through a competition organised by the Harlow Art Trust (HAT). This is explained as follows by the applicant:

“Artists were invited to develop a re-interpretation of the church gate overthrow for a new gateway entrance to St Mary’s churchyard from the housing development site. The brief also asked artists to consider how their idea could develop into a second work to adorn the existing entrance should there be room in the budget to deliver it. 35 applications were received, and four artists shortlisted to present maquettes to panel members.

The panel were unanimous in appointing David Murphy to carry out the commission. David proposed a re-interpretation of the arch in the form of a modulated, beaded line. It is simple, unadorned, non-representational and also lively and full of growth and rhythm. The sculpture will bring an everyday pleasure to the space. It will be made with materials sensitive to the surroundings. It will change from different perspectives and frame views. David’s design also enables the consortium to commission a traditional overthrow for the original gateway between the churchyard and Parndon Mill Lane. It was felt that the two pieces – contemporary and traditional – would work well together: mediating between the old and the new, sacred and secular, natural and architectural.”

The intention is that the installed art will be part of the Harlow Sculpture Town trail.

Given that the installation of a piece of public art has already been accepted by reason of the grant of planning permission for the housing scheme on the former Harlow Rugby Club playing fields, the principle of development can be accepted. However, the design including its scale should not harm the setting of St Marys Church.

### **The impact on the St Marys Church**

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the NPPF and in this case the tests are set out in paragraphs 195 and 196. If harm is less than substantial, the harm should be weighed against the public benefits.

The criteria are:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset;
- (e) any public benefits of the development.

To assess the impact, it is first important to establish what is the significance of the asset is. The church is described on the listing as:

“C19 church. Single cell with east apse. Ridged and gabled roof, peg-tiled. Western belfry, brick nogged, south porch of timber. Walls of coursed pebbles with free-stone quoins. Windows trefoiled in a high Victorian manner, priest’s door at south-east in an Early English style arch with hoodmould on headstops.”

The proposed art sculpture would be located on the southern boundary of the church yard to the west. It would create a modern take on a “lychgate”.

In terms of the impact of the proposed art on the setting of the Listed church, the Heritage Officer advises:

“The rusty colour of the proposed material (Corten steel) mirrors the colour of the clay plain tile church roof and, although the sculpture is a bold addition, it is not considered to detract from the setting of the church. It does not harm the special architectural or historic interest of the church, from which it derives its significance, and is not considered to hinder an appreciation of its significance.”

The advice from the Heritage Officer also includes the need that the details of the rebuilding of the piers are submitted and agreed.

It is considered that the harm would be less than substantial and that the impact would be outweighed by the public benefits of the delivery of the art and the additional access to the church and the new housing development.

On the basis, of the advice from the Heritage Officer and the proposed condition detailing the rebuilding of the piers, the proposed development would result in less than substantial harm to the setting of the heritage asset and this would be outweighed by public benefits. The proposal would therefore be in accordance with policies PL1 and PL12.

## CONCLUSION

The proposed art is a requirement of a s106 for the redevelopment of the adjoining site. This delivery of the art is required by schedule 5 of the S106 agreement. Prior to the submission of the application, a competition took place to select the art and the artist has been commissioned. The design of the art is supported by the Harlow Art Trust.

The proposed art will also create a new access to the church from the new residential development which is welcomed as this will improve permeability through the site.

It is considered that the proposed art would not harm the setting of the Listed church with the harm being less than substantial with the harm being outweighed by the public benefits of the art as well as the new access. The proposal is therefore in accordance with the development plan and is recommended for grant.

## RECOMMENDATION

That Committee resolve to Grant Planning Permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2 Prior to the commencement of development, comprehensive details of all the external materials of the brick piers shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, the new bricks, mortar mix, mortar colour and pointing profile. A sample panel of a minimum 1m<sup>2</sup> shall be erected on site to demonstrate the use of materials proposed. The development shall thereafter be carried out in strict accordance with the approved details.

**REASON: In the interest of visual amenity and to accord with policy PL12 of the Harlow Local Development Plan, December 2020**

- 3 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

**REASON: For the avoidance of doubt and in the interests of proper planning.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
	--	Location Plan	23.12.2020
	--	Site Plan	30.11.2020

### **INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.