

UPDATE REPORT – POST COMMITTEE

REFERENCE: HW/OUTAM/21/00251 **OFFICER:** Gavin Cooper

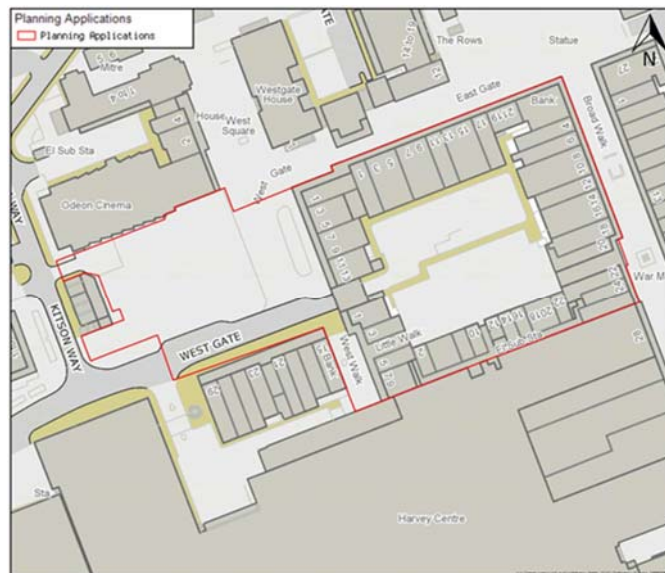
APPLICANT: SSRE Investments 4 Ltd (Strawberry Star)

LOCATION: West Gate on Market (Stone Cross) Square, Broad Walk, West Gate, East Gate, Harlow

PROPOSAL: Redevelopment Of Land at Harvey Centre at West Gate, on Market Square, Broad Walk, West Gate, Harlow Essex

Hybrid planning application to demolish the existing buildings and provide a comprehensive re-development of the site with a mixed-use development comprising up to 578 residential units, up to 3,000sqm (GEA) flexible retail / drinking establishment / leisure /community / commercial space (Use Classes E and sui generis), communal residential amenity space, a new pedestrian boulevard, public realm improvements, car and cycle parking with associated plant and hard/soft landscaping. All matters are reserved for Blocks B, C2 and C3. Blocks A and C1 and associated public realm is submitted in detail.

LOCATION PLAN



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Background

On 26 October 2022 the Council's Development Management Committee:

“RESOLVED that the application be APPROVED subject to:

A The conditions set out in the report, as amended by the supplementary report.

B The applicant entering into an appropriately worded Section 106 Legal Agreement to secure matters detailed in the report.”

The legal agreement has now been signed and the decision can now be issued. However, since the determination there has been a further representation from ECC Heritage and the Council has adopted an EIA Screening Opinion for the latest scheme. There has been no further representation opposing the latest revised version of the scheme from Historic England.

This report provides an update of further representations received post resolution of the Committee and the recent EIA screening decision.

As there have been no material change in circumstances, the decision can now be issued in accordance with the Committee resolution.

Representations Received

A further representation was received on 11th November 2022 from the Council’s external advisor regarding the impact on Heritage Assets, Essex Place Services (Historic Environment) in relation to the latest revision of the scheme. This is repeated in full below:

“This application is for Hybrid planning application to demolish the existing buildings and provide a comprehensive re-development of the site with a mixed-use development.

The Harvey Centre scheme was conceived in the early 1970s with construction commencing in February 1979 forming part of Harlow’s New Town development.

The application site is within the setting of the following heritage assets:

- Portrait figure of Elisabeth Frink, Grade II, (list entry: 1431426)
- Church of St Paul including attached bell tower, church hall, flat raised pavement and steps, Grade II, (list entry: 1392352)

It is acknowledged that amendments have been made to the scheme following consultation responses and the evolving Harlow Town Centre Masterplan Framework (HTMPF).

Previous advice noted that the principle of redevelopment of this site has been established in application HW/FUL/17/00097. The HTMPF has identified several buildings within Market Square that have distinctive historic character including Market House, Adams House and 12 East Gate which are therefore considered non-designated heritage assets. The Harvey Centre forms the setting of these non-designated heritage assets. Concerns remain regarding the cumulative impact the proposal would have on Harlow’s New Town Architecture. The demolition of Harlow’s New Town architecture would contribute to the dilution of the Market Square’s original appearance as well as the wider area. However, it is acknowledged that the proposal does not directly impact key New Town buildings identified in the HTMPF. Whilst the building proposed for demolition is representative of typical New Town architecture, its interest largely derives from its group value with other New Town buildings within the town centre which are to be retained.

Previous advice identified a low level of 'less than substantial' harm to the Grade II listed Church of St Paul due to the height and prominence of the development. There has been a significant reduction in height of the buildings, which would range from 3-16 storeys compared to the previous scheme which proposed a 27-storey tower block. As demonstrated through the proposed visualisations the reduction in height has mitigated the visual impact of the proposal. Previous concerns have therefore been addressed and the proposal would now preserve the setting of the listed church.

The reduction in height has also addressed concerns regarding the impact upon the setting of the Grade II registered Harlow Town Park and Garden (list entry: 1468217). The development would be more proportionate to surrounding development and would appear less visually prominent in the skyline.

Given concerns relating to the designated heritage assets have been addressed, I would not raise an objection to the proposal. The proposal would preserve the significance of the Church of St Paul and Harlow Town Park and Garden, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

The representation above is addressed in the assessment below.

Furthermore, the representation received from RAPLEYS on 29th October 2021 was published on the Council's website on 26th October 2023. There is no need for this to be revisited as a matter of substance as the letter and subsequent letters were fully considered in determining the application.

Further Planning History

EIA Screening HW/EIAO/23/00181– no EIA required – Decision Issued – 07/06/2023

Hybrid planning application to demolish the existing buildings and provide a comprehensive re-development of the site with a mixed-use development comprising up to 578 residential units, up to 3,000sqm (GEA) flexible retail / drinking establishment / leisure /community / commercial space (Use Classes E and sui generis), communal residential amenity space, a new pedestrian boulevard, public realm improvements, car and cycle parking with associated plant and hard/soft landscaping. All matters are reserved for Blocks B, C2 and C3. Blocks A and C1 and associated public realm is submitted in detail

EIA Screening HW/EIAO/16/00517– no EIA required

Planning permission was granted under application reference HW/FUL/17/00097 for a mixed-use development of four new blocks (Blocks A-D) ranging from 3 to 16 storeys, comprising 447 residential units, circa 4,000m² of flexible retail floorspace, communal amenity space, a new pedestrian boulevard, car parking, cycle parking, hard and soft landscaping and revised access and servicing arrangements.

EIA Screening HW/EIAO/19/00214– No EIA required.

Planning permission was granted under planning permission HW/FUL/17/00097, for Block D only, to increase the number of residential units under the previously consented Building D from 87 to 164 (an increase of 77 units), bringing the total number of units within the wider scheme to 524. In addition, this revised the scheme to amend the massing to provide buildings ranging from 8 to 12 storeys (compared to part 5, 8 and 15 storeys)

EIA Screening HW/EIAO/20/00458– no EIA required.

An unsubmitted scheme for an amended mixed-use development – for Blocks A-C, was contemplated by the land owner. This was to increase the number of dwellings to 900 (from the original 447 units; subsequently consented 524) within the wider scheme (including Block D – separately consented) with buildings ranging from 6 to 18 storeys (plus a rooftop) (compared to the consented part 5, 8 and 15 storeys).

EIA Screening HW/EIAO/21/00167– no EIA required.

Scheme as originally submitted - mixed-use development – for Blocks A-C, to increase the number of residential units from the previously consented total number of units within the wider scheme from 523 to up to 900 units for Scenario A or up to 1,000 units for Scenario B (including Block D – separately consented). In addition, the revised scheme will amend the massing to provide buildings ranging from 6 to 27 storeys (plus a rooftop) (100mAOD to 161.8mAOD) (compared to the consented 3-16 storeys)

EIA Screening HW/EIAO/21/00649– no EIA required.

Scheme as amended –

The Proposed Development now comprises up to 678 residential units across three residential blocks (A-C) (accounting to 841 for Blocks A-D), with a maximum building height of 24 storeys (151.8mAOD), up to 3,000m² of flexible commercial use (Class E / Suis Generis) on ground floor and up to 34 car parking spaces (accounting to 41 for Blocks A-D).

Legal Agreement

The Section 106 Legal Agreement is very advanced, and a draft was published on 12/05/2023. This secures important matters in relation to:

- Framework for implementation by block and phasing
- Financial viability review
- Travel planning
- Public realm improvements
- Stewardship
- Energy performance
- Local economy and employment
- Monitoring fees
- Architectural custodianship

The legal agreement meets the requirements set out in Appendix 6 of the Officer report to the Development Management Committee on 23rd October 2022.

Assessment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed

building or its setting, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the same Act states that in the exercise of planning powers with respect to buildings or land within a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

Caselaw has established that these statutory duties mean that considerable importance and weight must be given to harm to such heritage assets in the overall planning balance.

Further, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PL12 of the Harlow Local Development Plan 2020 reflects the above and states that development proposals affecting heritage assets will be considered against national policies.

The representation from Essex Place Services clearly sets out that they no longer object to or advise against the scheme. They correctly accept that the principle of redevelopment of the site has been established. Their advice states that concerns regarding the designated heritage assets have been addressed and that, in their view, the amended proposal would preserve the significance of the Church of St Paul and Harlow Town Park and Garden, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The assessment in the report to Committee remains therefore unchanged in that: "In all aspects any perceived harm to heritage would be judged as 'less than substantial' in NPPF terms and set against the benefits of the proposal." The benefits of the proposal are considered to outweigh any such harm for reasons previously set out. Moreover, on the current advice relating to the latest proposal the Council's external adviser does not consider that harm to the significance of any designated heritage assets arises; and Historic England have not suggested in their view that the latest scheme causes any such harm.

Given the large overlap of reasons for the previous objections made by the Council's external adviser and Historic England, it is a reasonable assumption that Historic England do not maintain their objections in relation to the revised scheme, and that is why they have not made further representations. Regardless of such overlap, the known practice of the Council is to assume that revisions directed towards such harms have sufficiently addressed those harms in circumstances where statutory consultees do not provide further representations in relation to a significantly amended scheme.

Conclusion and Recommendation

In accordance with the resolution of the Development Management Committee of 23rd October 2022 to grant (HYBRID; PART FULL AND PART OUTLINE) PLANNING PERMISSION an appropriately worded Section 106 Legal Agreement is about to be signed.

As there have been no change in circumstances to warrant the application to be re-assessed or re-determined by Committee. On this basis, planning permission can be granted and the decision issued once the S106 is engrossed.