2023/0725

Mr John Tanner on behalf of BMBC

Land adjacent Unit 21A Elsecar Heritage Centre and Distillery Side, Elsecar, Barnsley

Installation of free-standing public art installation (Industrial Horse Sculpture) (Amended Address and Plans).

This application is being brought before Members as it has been made by the Council.
No objections have been received at the time of preparing the report

Site Description

The application relates to a grass verge bounded by a low stone-built wall located on the northern side of Distillery Side immediately west of the level crossing and railway line. The site is located within the Elsecar Conservation Area adjacent to the Elsecar Heritage Centre and Railway, and within a sensitive setting comprising several grade-II and grade-II* listed buildings, including Scheduled Ancient Monuments. Those located within the immediate proximity of the application site include the former Elsecar New Colliery, including the Elsecar Newcomen Engine to the north-east and the former Elsecar Ironworks to the south.



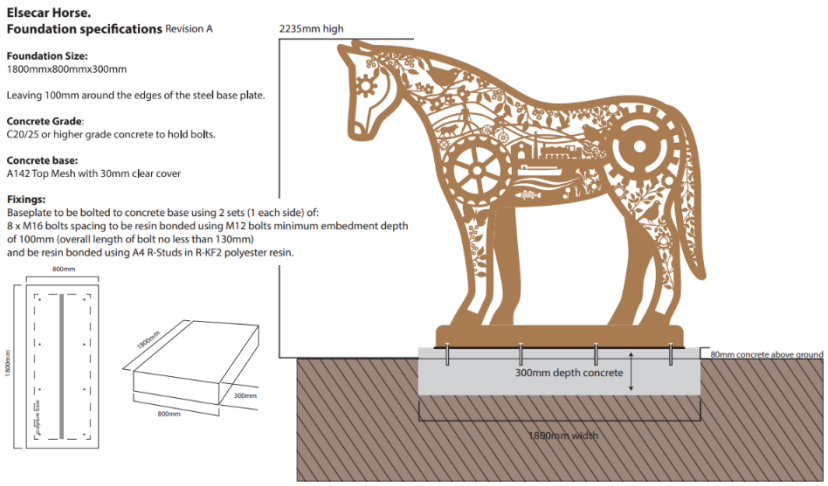
The above image represents an ariel view of Elsecar Heritage Centre:



The above image represents where on the ariel view the Horse Sculpture is proposed to be:

Proposed Development

The applicant is seeking approval for the installation of a free-standing public art installation that would comprise a Corten Steel sculpture of a horse atop a concrete base. The sculpture would adopt a scale similar to that of a real horse with a height of approximately 2.2 metres and a width slightly larger than the width of the base which would be approximately 1.8 metres. The sculpture would not be a solid structure and would adopt a degree of permeability with an intricate cut out design to reflect local heritage.





Planning History

There are several historic planning applications associated with the application site. The most recent application was:

- 2018/1284 – Demolition of former factory building. – Approved, December 2018.

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

Local Plan Allocation – Urban Fabric/ Elsecar Conservation Area

The site is allocated as Urban Fabric within the adopted Local Plan which has no specific land allocation and is located within the Elsecar Conservation Area; therefore, the following policies are relevant:

- ***Policy HE1: The Historic Environment.***
- ***Policy HE3: Developments affecting Historic Buildings.***
- ***Policy HE4: Developments affecting Historic Areas or Landscapes.***
- ***Policy D1: High quality design and place making.***
- ***Policy GD1: General Development.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy SD1: Presumption in favour of Sustainable Development.***

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 12: Achieving well designed places.***
- ***Section 16: Conserving and enhancing the historic environment.***

Planning (Listed Buildings and Conservation Areas) Act 1990

- ***Section 16: Decision on application.***
- ***Section 66: General duty as respects listed buildings in exercise of planning functions.***
- ***Section 72: General duty as respects conservation areas in exercise of planning functions.***

Consultations

Conservation Officer – No objections raised

Highways DC – No objections raised

PROW – No objections raised

Local Ward Councillors – No objections raised.

The application site is located adjacent to an area identified as Flood Zone 3; however, it was not necessary to consult the Environment Agency in this instance as the proposal did not meet the necessary criteria which includes being within 20 metres of a main river or flood defence or being a development type other than minor development.

Representations

Neighbour notification letters were sent to surrounding properties and the application was advertised by way of a site notice and press notice. No representations have been received

Assessment

Principle of Development

Local Planning Authorities should look for opportunities for new development within conservation areas, world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Great weight should be given to an asset's conservation 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 should require clear and convincing justification.

Visual Amenity and Conservation Area/Listed Building Impact

The application site is a grass verge bounded by a low stone-built wall located on the northern side of Distillery Side immediately west of the level crossing. The site is located within the Elsecar Conservation Area adjacent to the Elsecar Heritage Centre and Railway, and within a sensitive setting comprising several grade-II and grade-II* listed buildings, including Scheduled Ancient Monuments. Those located within the immediate proximity of the application site include the former Elsecar New Colliery, including the Elsecar Newcomen Engine to the north-east and the former Elsecar Ironworks to the south.

Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The art installation aims to inspire visitors with the stories of the industrial revolution, to raise awareness, and encourage the exploration of the valley corridor and use of active travel to create an uplifted sense of place about Elsecar, and its past and present. The sculpture would draw particular focus to the role that horses played in the winning of coal, and the exploitation of other ore minerals in the area.

The use of Corten Steel would echo the extraction and use of iron used within the former Elsecar Ironworks, and the form and scale of the sculpture would be clearly identifiable as equine. The sculpture would not be a solid structure and would adopt a degree of permeability, enabling views through and beyond. These views are important as they contribute to the significance of the various surrounding designated assets. The location and orientation of the sculpture would minimise the impact to existing vistas and would maintain intervisibility between designated assets to a reasonable degree.

Overall, it is considered that, despite the obvious sensitivity of the setting, the location, form, scale, and materials of the sculpture would generally be complementary and sympathetic. The sculpture would engender a sense of connection to the past lives and stories connected with the former industrial use of the area, revealing elements of historic significance that would enable better connections with, and the enjoyment of the historic and built environment and its history.

The proposal would, therefore, conserve or enhance the character or appearance of the Elsecar Conservation Area and surrounding designated assets in accordance with section 66 (1) and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and are considered acceptable and in compliance with *Local Plan Policy HE1: The Historic Environment*, *Local plan Policy H3: Developments affecting Historic Buildings*, *Local Plan Policy HE4: Developments affecting Historic Buildings,* and *Local plan Policy D1: High Quality Design and Placemaking* and would be acceptable regarding visual amenity.

Residential Amenity

Proposals are considered acceptable where they do not adversely affect the amenity of surrounding buildings and residential properties.

The proposed horse sculpture would be located and installed on a grass verge on the northern side of Distillery Side, and would be sufficiently distanced from surrounding buildings, and residential properties located to the east and west of the application site. The scale of the sculpture is such, that it would be unlikely to result in an increase of overshadowing or reduced levels of outlook.

As such, the proposal is considered to comply with *Local Plan Policy GD1: General Development* and would be acceptable regarding residential amenity.

Highway Safety

The proposed horse sculpture would be located and installed on a grass verge on the northern side of Distillery Side, and outside of the public highway. As such, the sculpture would not adversely affect existing sight lines or levels of visibility, nor would it impede any pedestrian movements.

As such, the proposals would be considered acceptable and in compliance with *Local plan Policy T4: New Development and Transport Safety.*

Recommendation

Approve with Conditions