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**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2233/0L1	
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT FOR THE INSTALLATION OF A PUBLIC ARTWORK BY ARTIST RYAN GANDER ON THE WATER TOWER AT SEASCALE, LOCATED ON A GREEN SPACE OUTSIDE SEASCALE SPORTS HALL SEASCALE	
3.	<b>Location:</b>	OLD WATER TOWER, GOSFORTH ROAD, SEASCALE	
4.	<b>Parish:</b>	Seascale	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report

7.

**Report:**

**Site and Location**

This application relates to the Old Water Tower, located within the west of Seascale. The building is Grade II Listed located on a grassed area to the north of Seascale Sports Hall.

**Relevant Planning History**

No relevant planning history.

**Proposal**

This application seeks listed building consent for the installation of a public artwork by artist Ryan Gander on the water tower.

The proposed art works is in the form of a stainless steel clock but does not have any moving parts. The artwork measures 440mm x 88mm with a height of 315mm. The artwork will be mounted onto the roadside elevation of the tower at 4.2m above ground level. An interpretation board will also be installed on the existing wooden panel located at ground floor level.

The artwork will be a temporary fixture for a 12 month period and has been commissioned by the Council as part of [www.deeptime.uk](http://www.deeptime.uk) project, This is a Government funded project funded by HM Coastal Communities Fund.

**Consultation Responses**

Seascale Parish Council

*29<sup>th</sup> September 2023*

No objection - Subject to the condition a stone mason oversees the work, particularly the rectification work on completion.

Cumberland Council – Conservation & Design Officer

*4<sup>th</sup> September 2023*

Conclusion: No objection (condition suggested)

Assessment:

- I am supportive of the principle of this proposal, which will increase the cultural offering in Seascale and give an additional dimension to the use of the water tower.
- The location and detailing of the artwork and its interpretation board do not appear to entail any harm to the significance of the tower or the settings of any nearby heritage



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assets.

- I would suggest the addition of a condition to any consent requiring that the mounting holes for the bracket be inserted into mortar joints where possible to minimise drilling into masonry, and that the holes be made good with a colour-matched mortar when the artwork is removed following a twelve month period.

### Public Representation

This application has been advertised by way of a site and press notice. No comments have been received in relation to the statutory notification procedure.

### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

#### Development Management Policies (DMP)

Policy DM27 – Built Heritage and Archaeology

#### Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January

2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

### **Assessment**

The main issues raised by this application are the principle of development and the impact on the heritage asset.

Under Cumberland Council's Scheme of Delegation applications submitted by or on behalf of the Council need to be determined by the Planning Committee when the application has received objections based on material planning grounds. As no objections have been received to this application, it is not deemed necessary for the application to be referred to the Planning Committee and can therefore be determined under Delegated Authority.

### **Principle of Development and Impact Heritage Asset and Conservation Area**

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning



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Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

This application covers the temporary installation of a single piece of public artwork and interpretation board at this Grade II Listed Building.

The Council’s Conservation Officer has confirmed that he is supportive of the proposed works as they increase the cultural offering in Seascale and give an additional dimension to the use of the water tower. The Officer has also confirmed that the location and detailing of the artwork and interpretation board do not entail harm to the significant of the tower or the setting of the nearby heritage assets. A condition is, however, requested to ensure that the mounting holes for the bracket of the artwork are inserted into mortar joints where possible to minimise the need to drill directly into the masonry.

The artwork is to be installed at the site for a period of 12 months. This will be controlled by an appropriately worded planning condition to ensure the artwork is only retained for the stated timescale from the date of its installation. A condition will also be attached to any permission to ensure the holes created from the bracket are made good with colour-matched mortar when the artwork is removed from the site.

Whilst Seascale Parish Council have offered no objections to the application they have requested a condition to require that a stone mason oversees the works, particularly the rectification works on completion. Based on this request, and comments received from the Council’s Conservation Officer, a condition will be attached to any permission to secure a scheme for the installation of the artwork and restoration of the site following its removal.

### Planning Balance & Conclusions

The temporary installation of this public artwork is considered to have a low impact on the Grade II Listed Building. The proposal will increase the cultural offering within Seascale and will provide a new point of interest for locals and visitors to the area increasing the significant of the Listed Building.

The Council’s Conservation Officer has offered no objections to this proposal. Conditions will

	<p>be utilised to control the installation, period of siting, and restoration of the site following removal.</p> <p>On this basis, the proposed development is compliant with the objectives of Policies ST1, ENV4 and DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan and the relevant provisions of the NFFP and LBCA Act.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The works hereby permitted must be commenced before the expiration of three years from the date of this consent.</li> </ol> <p>Reason</p> <p>To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the retrospective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Location Plan, 1:500 or 1:1000, Drawing No: 01, received by the Local Planning Authority on the 15<sup>th</sup> August 2023.</li> <li>- Block Plan, Scale 1:50 or 1:100, Drawing No: 02, received by the Local Planning Authority on the 15<sup>th</sup> August 2023.</li> <li>- Elevation, Scale 1:25 or 1:50, Drawing No: 03, received by the Local Planning Authority on the 15<sup>th</sup> August 2023.</li> <li>- Design &amp; Access Statement, received by the Local Planning Authority on the 15<sup>th</sup> August 2023.</li> <li>- Sign Location, received by the Local Planning Authority on the 15<sup>th</sup> August 2023.</li> <li>- Proposed Sign Elevations, received by the Local Planning Authority on the 15<sup>th</sup></li> </ul> </li> </ol>



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August 2023.

### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### Pre Commencement Conditions:

3. Prior to the first installation of the public artwork hereby approved, a scheme for installation of the artwork and interpretation board and a scheme for restoration of the site once the artwork and interpretation board are removed must be submitted to and approved in writing by the Local Planning Authority. The installation and restoration scheme must be produced by a suitability qualified person. The works should be implemented in accordance with these approved details at all times thereafter.

### Reason

In the interest of protecting the heritage asset.

### Other Conditions:

4. Once installed the public artwork and interpretation board hereby approved must only be sited on this building for 12 months from the date of their first installation. The Local Planning Authority must be informed in writing of this installation date.

### Reason

In the interest of protecting the heritage asset.

5. The mounting holes for the bracket associated with the public artwork hereby approved must be inserted into the existing mortar joints where possible to avoid drilling into the masonry. Any mortar holes must be made good with a colour-matched mortar when the artwork is removed from the site.

### Reason

In the interest of protecting the heritage asset.

**Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: C. Burns**

**Date : 11.10.2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 13/10/2023**

**Dedicated responses to:- N/A**