

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/23/2237/0L1 |
| 2. | Proposed Development: | LISTED BUILDING CONSENT FOR THE INSTALLATION OF A PUBLIC ARTWORK BY THE ARTIST SUSAN PHILIPSZ |
| 3. | Location: | WEST PIER LIGHTHOUSE, WHITEHAVEN |
| 4. | Parish: | Whitehaven |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change |
| 6. | Publicity Representations & Policy | Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report |
| 7. | Report: | |
| | SITE AND LOCATION | |
| | | This application relates to the West Pier lighthouse. It is situated at the northern tip of the West Pier and is flanked by the Irish Sea, with the harbour to the south east. The site is accessed from the harbourside along the pier to the west and south west of the lighthouse. The lighthouse is Grade II Listed and situated within Whitehaven's Conservation Area. |

The listing entry for the property states the following:

West Pier Lighthouse 1. 1814

NX 91 NE 2/7

II 2. Simple stone lighthouse with glazed lantern and ogival cupola, probably circa 1839.

Listing NGR: NX9670718683

PROPOSAL

Listed Building Consent is sought for the installation of an artwork by the artist Susan Philipsz. The artwork comprises fixing a single speaker to the exterior of the lighthouse and the installation of the control hardware and audio equipment in the ground floor plant room. The sound plays at intervals and sounds like a person blowing into a conch shell.

The speaker measures 50cms in diameter and holes will be required internally for its mounting onto the hand rail that encircles the top of the lighthouse.

The installation also includes the addition of a small descriptive sign on the outside of the lighthouse. This is proposed to be installed into mortar joints to the left of the keeper's room door and will measure 41cms x 26 cms.

The artwork was commissioned as part of www.deeptime.uk a Government funded project funded by HM Coastal Communities Fund which was commissioned by Copeland Council (now Cumberland). Cumberland council own the artwork.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

The West Pier Lighthouse is a grade II listed structure dating from c.1839. The West Pier itself, of the same date, is also listed grade II.

Conclusion: No objection (condition suggested)

Assessment:

- This proposal is for a speaker clamped to the railing of the lighthouse, cable runs internally, and audio equipment mounted within the keeper's room. The sound plays at intervals and sounds like a person blowing into a conch.
- The appearance and positioning of the speaker is low impact, and the location of the equipment imposes no visual impact externally. Holes will be required internally for



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mounting, and externally for the affixing of the interpretation sign.

- This is proposed to be installed into mortar joints to the left of the keeper's room door.
- I am supportive of this proposal, which adds a new dimension of experience to this heritage asset.
- Harm to the heritage asset appears negligible, compensated by the public benefit, and there appears to be no harm to the setting of the West Pier and the conservation area.
- I suggest the use of a condition requesting that all holes made for mounting be filled with an appropriate colour-matched mortar when the artwork is removed.

Public Representation

The application has been advertised by way of a site notice and press notice.

One neutral response has been received as a result of this advertisement asking whether the sound will affect seafarers accessing the port and how the speakers will be maintained.

PLANNING POLICY

Planning law requires 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 ER10 – Renaissance through Tourism

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2023

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan (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.

Relevant policies are as follows:

Strategic Policy DS1PI – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy T2PU: Coastal Development along the Developed Coast

Strategic Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

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



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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.

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek to protect, conserve and where possible enhance listed buildings and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Paragraphs 194-198 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

Limited information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

The heritage asset significance of the property is principally derived from its physical form/construction.

The lighthouse is a prominent feature on the harbour, visible to the public from many viewpoints, therefore the modest scale of the development is welcomed.

The works required for the installation are minimal with only the addition of a small information sign and a speaker, retaining the overall traditional character of the lighthouse. The Conservation Officer was supportive of the work, stating that the appearance and positioning is low impact, and the location of the equipment poses no visual impact externally.

Whilst holes will be required externally for the sign to be mounted, these will be within the mortar joints therefore creating negligible harm. The harm will be outweighed by the public benefit of improving the attraction. The installation would add a new dimension of experience to this heritage asset.

The Conservation Officer has requested a suitably worded planning condition to ensure that the holes made for mounting be filled with an appropriate colour matched mortar, should the installation ever be removed.

The impact is considered to be positive and is therefore supported.

The Planning Balance and Conclusion

The Conservation Officer considers that the harm to the heritage asset appears negligible,

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| | <p>compensated by the public benefit, and there appears to be no harm to the setting of the West Pier and the conservation area. It would also add an unusual new tourism offer to the harbour.</p> <p>The works are therefore considered to be in accordance with Policies ENV4 and DM27 of the Copeland Local Plan and Policies BE1PU and BE2PU of the Emerging Local Plan.</p> <p>In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building and surrounding Conservation Area and so is therefore supported.</p> |
| 8. | <p>Recommendation: Approve Listed Building Consent (start within 3yr)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"> 1. The works hereby permitted must be commenced before the expiration of three years from the date of this consent. <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"> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <ul style="list-style-type: none"> - Application form, received 31st July 2023; - Location Plan, scale 1:1250, drawing number 003, received 10th August 2023; - West Pier Lighthouse Elevation, drawing number 002, scale 1:100, received 10th August 2023; - Installation details, scale 1;100, drawing number 001, received 31st July 2023; - Design Schematic, received 31st July 2023; - Design and Access Statement, received 31st July 2023; - Signage details, scale 1:10, drawing number 1, received 31st July 2023; - Maintenance Manual, received 10th August 2023; - Sign content and holes, received 21st August 2023; - Sign Location, received 21st August 2023; |



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- Sign Content, received 21st 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.

3. At such times as the artwork installation is no longer in use, it must be fully removed from the lighthouse and any holes made for mounting must be filled with an appropriate colour matched mortar in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the character of the heritage asset is maintained and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

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 listed building consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 11/10/2023

Authorising Officer: N.J. Hayhurst

Date : 12/10/2023

Dedicated responses to:- N/A