

**CUMBERLAND COUNCIL  
CONSULTATION RESPONSE**

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**Proposal:** Installation of a public artwork

**Address:** Lighthouse, West Pier, Whitehaven

**Reference:** 4/23/2237/OL1

**Date:** 04/09/23

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**Description:** 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 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.

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**Relevant Policies and Guidance:**

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 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)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

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).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The former Copeland Borough Council’s Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough’s cultural and heritage features and their settings.
- ST1D emphasizes the council’s commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- DM27A outlines support in principle for developments that “protect, conserve and where possible enhance the historic, cultural and architectural character of the borough’s historic sites and their settings”.
- DM27B: “Development proposals which have a significant adverse effect on a Scheduled Ancient Monument or its wider site or setting will not be permitted”.
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas in the legacy Copeland area. It is therefore applicable to this application.

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Conservation and Design Officer