

Cumberland Council

Delegated Planning Application

Reference No: FUL/2025/0114

Valid Date: 28 July 2025

Location: 24-26 Flat, Fisher Street, Workington, CA14 2EP

Applicant: Kah Fook Woo

Proposed: Change of use and internal conversion of existing shop and residential maisonette above into five self-contained residential flats (Use Class C3)

Recommendation: Granted with Conditions

Site Description

The premises is a traditional three storey end terraced property. The ground floor is commercial with residential above. There is a rear lane that serves the rear yard area. The property is located within Workington Conservation Area and the site falls outside the defined Town Centre boundary.

Site History

2/1979/1128 - Alterations to provide a shop with living accommodation over - Approved

Proposal

Planning consent is sought for the change of use and internal conversion of existing shop and residential maisonette above into five self-contained residential flats (Use Class C3)

Consultation Responses

A site notice has been placed, a press article has been placed in the local newspaper, adjoining owners have been notified and consultations have been sent. The following responses have been received to date:-

Workington Town Council - No objections.

Highways Authority - The LHA and LLFA can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Advisory statement - lack of on street parking and amenity impact on local residents.

The lack of off street parking provided within the development will lead to an additional demand for on-street parking provided with the development will lead to additional demand for on street parking in an area where there is existing pressure on spaces in

the residents parking zone. Therefore in accordance with current policy, the occupiers of these flats would not be entitled to residents parking permits for this area.

Environmental Health - No objections, subject to conditions being placed.

Duties

Does the site affect the setting of a listed building?

No.

Is the site within a designated conservation area?

Yes.

Section 72(1) of the Listed Buildings Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Is the site within a designated Area of Outstanding Natural Beauty?

No.

Is the development likely to have a significant effect upon a Natura 2000 designation?

No.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- The development is neither within Schedule 1 nor 2 and, as such, is not EIA development.

Development Plan Policies

Allerdale Local Plan Part 1 (2014)

Policy S1 Presumption in Favour of Sustainable Development

Policy S2 Sustainable Development Principles

Policy S3 Spatial Strategy and Growth

Policy S4 Design Principles

Policy S5 Development Principles

Policy S6 Area based

Policy S7 A Mixed and Balanced Housing Market

Policy S27 Heritage Assets

Policy S29 Flood Risk and Surface Water Drainage

Policy S30 Reuse of Land

Policy S32 Safeguarding Amenity

Policy DM14 Standards of Good Design

Allerdale Local Plan Part 2 (2020)

Other Material Considerations

National Planning Policy Framework 2024

Weighting

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Local Plan (Part 2) 2020 policies have primacy.

Assessment

Principle

The site is located within the settlement limits of Workington and therefore residential development can be supported. The site is located within a mix of residential and commercial use and therefore the use of the building is considered for alternative uses.

Design and Appearance

The proposal would utilise the ground floor, first floor and second floor from the commercial premises and maisonette above to change the use to 5 self-contained flats. The proposal seeks to change the existing UPVC shopfront to UPVC windows to the front elevation. The proposal also seeks to insert two windows to the side elevation and will block up an existing door to the mezzanine level. No other external alterations are proposed to the building.

Although the proposal falls within Workington Conservation Area, there appears to be a number of UPVC windows within this locality, including the host premises itself. It is also important to note that there are other properties that have carried out similar alterations within the vicinity from shopfronts to residential fenestration. Therefore, officers consider given there are minimal external alterations to the proposal the proposed works are considered acceptable and would not be considered to impact upon the setting and character of Workington Conservation Area nor would it impact upon the premises itself and therefore, it is considered the proposal complies with Policy S27 of the Allerdale Local Plan (Part 1) Adopted July 2014.

Highways

The site does not appear to have designated parking spaces, however, it is important to note that the building has been utilised as a commercial use previously. The Highways

Authority have confirmed they have no objections to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk of the site or elsewhere. An advisory note has been added for the applicant. This has been added as a note to applicant as part of the decision. There is on street parking available within the vicinity of the site and there is a public car park area located within close proximity to the site, along with public transport links within the town. Officers consider the development is acceptable in terms of parking.

Drainage

The site falls within Flood Zone 1, the drainage would be to the mains and would remain unchanged from the existing arrangements. Therefore, this is considered acceptable.

Residential Amenities

Officers consider the change of use of this building to a dwelling would not be considered to affect the amenity of nearby residential properties and are satisfied that the proposal will fit well with the surrounding location. Officers did have concerns in relation to the residential amenities between the proposed flats, this specifically related to flats 3 & 5 with the mezzanine between. Officers also had concerns in relation to the use of the mezzanine being used as amenity space and the impacts this would have upon the residential amenities for the proposed scheme. The agent has since provided amendments on 26/09/2025 in which they have indicated that the kitchen door to flat 3 will be blocked up to ensure the mezzanine level will not be utilised for amenity space, along with obscuring the windows of the bathrooms within flat 3 and 5 to ensure there are no overlooking aspects arising from the proposed development. Therefore, with the amendments provided, officers are satisfied that the proposal would not have a detrimental impact upon residential amenities providing a condition is placed to ensure the mezzanine is not used as amenity space and providing the windows installed in the bathrooms of flat 3 and 5 are obscure glazed and retained for the lifetime of the development.

Contamination

Environmental Health have stated conditions should be placed, these relate to contamination and construction and demolition method statement. However, the records do not show contamination on the site and no ground works are proposed, all works to be carried out are located within the existing building. A similar application within close proximity to the proposal site did not require this level of information. Therefore officers consider a condition requesting a full desk top study would be unreasonable, however, a condition will be attached in relation to reporting of unexpected contamination. Given the scheme is for a conversion of an existing building to 5 flats, it is not considered necessary to attach a condition requiring a Demolition and Construction Method Statement.

Bio-diversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7a of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain there are certain exemptions. Officers consider that the proposal would be exempt from BNG given biodiversity net gain does not apply as the proposal is for internal changes only and therefore officers consider this would fall within the

exemptions. Therefore the proposal is considered to be exempt and BNG would not be required in this instance.

Balance and Conclusions

It is considered that the development would be a satisfactory level form of development within this locality and is therefore recommended for approval.

Conditions / Reasons for Refusal

1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

2

The development hereby permitted shall be carried out solely in accordance with the following plans:

Application Form

Dwg No AM-283-A103 Rev A - Proposed Plans (Amended Plans Received 26/09/2025)

Dwg No AM-283-A104 Rev A - Proposed Elevations (Amended Plans Received 26/09/2025)

Dwg No AM-283-A100 - Location Plan and Site Plan

Location Plan

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3

The development hereby permitted shall not be occupied until the bathroom windows to the first floor level of flats 3 and 5 within the North and South side facing elevations have been fitted with obscure glazing and shall be non-opening. The obscure glazing shall be to at least level 3 and non opening and shall be retained and maintained for the lifetime of the development.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies S4, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed within the north, south and west elevations of the development hereby approved, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and the amenities of adjacent properties.

5

The development hereby permitted shall not utilise the mezzanine area at first floor level as amenity space. This should be retained for the lifetime of the development.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies S4, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Pro-active Statement / Notes to Applicant

Informative De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ('the biodiversity gain condition') that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimis.

Advisory statement - lack of on-site parking and amenity impact on local residents

The lack of off-street parking provided with the development will lead to additional demand for on-street parking in an area where there is existing pressure on spaces in the Residents Parking Zone. Therefore, in accordance with current policy, the occupiers of these flats would not be entitled to residents parking permits for this area.

**Statement
Application Approved Following Revisions**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.