

Cumberland Council

Delegated Planning Application

Reference No:	FUL/2024/0183
Valid Date:	7 November 2024
Location:	Land Adjoining 14 Belle Isle Street, Workington, CA14 2XQ
Applicant:	Wayne McCarron
Proposed:	Demolition of existing workshop and store and erection of 3 dwellings (3 bedroom terraced houses) and partial demolition of the front stone wall (4m length) fronting Belle Isle Street
Recommendation:	Granted with Conditions

Site Description

The application site is within Workington and within Workington's St Michaels Conservation Area. The site is accessed via Belle Isle Street, which is a one way street to the northern end. The application site extends from the public pavement to the western side of Belle Isle Street until the grass verge adjoining the public pavement and highway at A597 to the west.

A brick built workshop and attached yard currently occupy the site. A high sided brick built wall separates the site from the public highways to the front and rear. Access to the yard is available via Belle Isle Street through large timber gates. Similarly, access is available to the workshop via a large access onto Belle Isle Street.

Site History

2/2011/0270 - Proposed erection of 5 flats and associated amenities on Vacant Site at Belle Isle Street, Workington - Granted with conditions

2/2009/0117 - Conservation area consent for proposed demolition of existing redundant industrial building and replacement with two new dwellings at 14 Belle Isle Street, Workington - Approved

2/2008/0885 - Proposed erection of two dwellings at 14 Belle Isle Street, Workington - Granted with conditions

Proposal

The proposal involves the demolition of an existing brick built workshop at the site, to be replaced with a terrace of three dwelling houses. The dwellings would be two storey with dormer windows within the roof slope. providing additional accommodation at second floor level. Each dwelling would have a garden to the rear. Off street parking

would be provided to the front of the properties. Proposed finishes include rendered walls with brick plinths, slate roof and upvc doors and windows.

Consultation Responses

Town Council - Initially, concerns were raised given the number of reservations and objections from the Highways Authority, which they would like to see resolved. Upon receipt of amended details, no objections raised.

Highways and Transportation - Initially recommended refusal of the application, in the absence of plans demonstrating suitable visibility. Upon receipt of amended plans identifying visibility splays, no objections raised.

Butterfly Conservation Cumbria - No response to date

Northern Gas Networks - Initially, objections were raised. This was later withdrawn.

Environmental Health - Recommend conditions be attached to any planning approval relating to contamination, construction noise and dust and noise.

United Utilities - No further comment to make

Cumbria County Councils Resilience Unit - No objections

The application has been advertised on site and in the press. Notifications have been issued to neighbouring properties. Representations have been received from three parties with the following comments:

- Object to the development due to the lack of off street parking provision.
- The plans appear to show the boundary wall being removed between the application site and adjoining property. If not, it would be unstable.
- There is no designated parking with double yellow lines in place outside the site.
- Concerns that extra cars parking in the area would lead to further congestion and therefore would impact on road safety.
- The development would be good for the area.

Duties

Does the site affect the setting of a listed building?

No (delete as necessary)

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 S22 Transport Principles
Policy S27 Heritage Assets
Policy S29 Flood Risk and Surface Water Drainage
Policy S30 Reuse of Land
Policy S32 Safeguarding Amenity
Policy S35 Protecting and Enhancing Biodiversity and Geodiversity
Policy DM14 Standards of Good Design

Allerdale Local Plan Part 2 (2020)

Policy SA2 Settlement Boundaries

Other Material Considerations

National Planning Policy Framework (NPPF) (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 Borough Local Plan (Part 2) 2020 policies have primacy.

Assessment

Principle

Planning Policy S3 of the Allerdale Local Plan (Part 1) outlines that new development will be located in accordance with the spatial strategy and will be concentrated within

the towns and villages identified within the settlement hierarchy. Workington is identified as the Principal Centre within Planning Policy S3. The accompanying text to this Policy sets out that the Principle Centre will be the focus for housing growth within the Plan Area.

The application site lies within the defined settlement boundary for Workington, therefore the principle of residential development is supported, subject to other material planning considerations and relevant site constraints.

Scale, Design and Heritage Impact

Planning Policy S4 of the Allerdale Local Plan (Part 1) sets out that all new development will be required to demonstrate high standards of design, which contribute positively to the character of the site and surroundings.

Planning Policy S27 of the Allerdale Local Plan (Part 1) states that applications which could affect the significance of a heritage asset should consider:

- The level of significance of the heritage asset(s).
- The impact of the proposal on the significance (including setting) of the heritage asset(s).
- How the significance and/or setting of the asset could be better revealed.
- Opportunities for mitigating climate change without damaging significance.

Planning Policy S27 of the Allerdale Local Plan (Part 1) also sets out that only proposals which do not harm any positive qualities of the heritage asset(s) will be approved, unless there is a clear and convincing public benefit to the proposal that will outweigh the harm caused to the asset(s).

The application site is situated within Workington's St Michaels Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposed development would result in the demolition of an existing workshop on the site, to be replaced with a terrace of three dwelling houses. The site is within St Michael's Conservation Area. The area is characterised by two and three storey terraced dwellings which front onto the highway or are separated by a small enclosed forecourt. A modern two storey dwelling is in place to the north of the site. A public car park is situated opposite this.

The existing workshop is of a brick construction, and extends between the public highway at Belle Isle Street to the grass verge alongside the A597 to the west and rear. The footprint of the workshop amounts to approx. 50% of the site as a whole, with the remainder comprising a yard enclosed by a high sided boundary to the north, east and west. The workshop and boundary walls visible from public vantage points offer little to the character and heritage value of the designated area and locality. The loss of this structure and boundary walling is therefore accepted in this case.

The design and layout of the proposed dwellings has been amended throughout the course of the application process. Originally, two storey dwellings of a reasonably modern design were proposed, each with parking to the front and a private rear garden. The design has been amended to incorporate changes to fenestration of the dwellings,

add dormer windows and introduce a vertical emphasis to the properties, in line within those within the vicinity and the general character of the Conservation Area. Proposed materials include rendered walls with brick plinths, slate roof and upvc doors and windows. Although the proposed use of upvc would include a modern material with the design, there is a strong and prevalent use of upvc within the immediate vicinity of the site such that the use of this material would not be out of character with the locality or designated area. Details relating to surfacing and boundary walls can be secured by condition. It is also considered necessary to remove general permitted development rights from the proposed dwellings, to ensure any proposed alterations are appropriate for the site given the sensitive location within a Conservation Area.

Overall, the proposed scale and design would be commensurate with the character of the area and would preserve the character of the designated area. The proposal therefore conforms with Policies S4 and S27 of the Allerdale Local Plan (Part 1) in this regard.

Highways

Planning Policy S22 of the Allerdale Local Plan (Part 1) requires that all new development should provide safe access and not compromise the safety of the highway network.

The proposal would provide parking for each dwelling to the front. Upon receipt of a Plan to demonstrate that suitable visibility can be achieved from the site, the Highways Department raise no objections to the proposal.

On this basis, the proposal would comply with the requirements of Policy S22 in relation to highways safety.

Environment

Planning Policy S30 of the Allerdale Local Plan (Part 1) indicates that where there is risk of potential onsite contamination or ground instability, an investigation into the quality of the land will be required. In circumstances where the proposal involves a site that is known to be contaminated or unstable, the Council will require an assessment to be submitted.

The Councils Environmental Health Department recommend conditions be attached to any planning approval relating to contaminated land, to ensure the site is suitable for development. It is therefore considered appropriate to secure these measures by condition.

In addition, it is recommended that a Construction and Demolition Method Statement be submitted for approval due to the close proximity of residential dwellings. Given that the development would be alongside existing residential development and that works would take place adjacent to the highway, it is considered necessary to secure a Construction and Demolition Method Statement by suitable condition.

The Environmental Health Department also note the proximity of the dwellings to the A597 and the railway with a recommendation that sound insulation be integrated into the development, to protect the amenity of future occupiers. A condition is proposed to safeguard suitable standards. It is considered appropriate to attach the proposed condition to any planning approval.

The proposal would therefore accord with the requirements of Planning Policy S30 of the Allerdale Local Plan (Part 1), with appropriate conditions to protect the safety and amenity of any occupiers of the dwellings and those within the locality.

Amenity

Planning Policy S32 of the Allerdale Local Plan (Part 1) indicates that proposals will not be supported where they would have an unacceptable effect on residential amenity and surrounding land uses in terms of loss of privacy as a result of overlooking, or increased sense of enclosure as a result of overbearing development or a loss of sunlight/daylight received by the property as a result of overshadowing.

The proposed design omits openings from the side elevation of the dwellings, preventing overlooking of adjoining properties. Details of any proposed replacement boundary treatments can be secured by condition, to ensure any proposed development upon the boundary is suitable for the designated area and also retains the amenity of neighbouring properties.

The proposal would satisfy the requirements of Planning Policy S32 of the Allerdale Local Plan (Part 1) in this regard.

Drainage

The application site is within flood zone 1. The application details indicate foul waste and surface water would be disposed of via the mains sewer. United Utilities have reviewed the submitted information and have advised that they have no further comment to make on the application.

The details submitted indicate that the development could be suitably drained without increasing flood risk on or around the site. The proposed drainage arrangements are therefore accepted.

Pipeline

Upon receipt of the planning application, an objection was raised by Northern Gas on the grounds that the protection given to plant may be diminished by the works. Further responses indicate that Northern Gas do not object to the proposal, however, the promoter of the works should contact Northern Gas directly to discuss their requirements and any diversionary works needed. The latest communication from Northern Gas indicates that 'following our objection to the proposed stopping up of the highway at 14 Belle Isle Street, Workington....., we are willing to rely on our statutory powers and so withdraw our objection'.

As Northern Gas have now withdrawn their original objection to the proposal, the site is considered suitable for the proposed development with regards to the adjacent gas pipeline.

Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the

biodiversity net gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

There are exemptions to the biodiversity net gain requirement. An exemption applies to development which is below the de minimis threshold. As the proposal would not impact an onsite priority habitat and impacts less than 25 square metres of onsite habitat, it is accepted that the biodiversity net gain condition should not be applied in this case.

Balance and Conclusions

The proposal would achieve a satisfactory visual and architectural relationship with adjoining development, and would preserve the amenities and character of the designated area.

The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.

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:

Drwg No: 01001 Rev: 01 Location Plan

Drwg No: 01003 Rev: 01 Site Plan received 11th July 2025

Drwg No: 01004 Rev: 01 Visibility Splays received 2nd December 2025

Drwg No: 01006 Rev: 03 Site Block Layout received 2nd December 2025

Drwg No: 04101 Rev: 09 Proposed Ground Floor and First Floor Layout received 26th January 2026

Drwg No: 04102 Rev: 02 Proposed Loft and Roof Layout received 26th January 2026

Drwg No: 05001 Rev: 07 Proposed Elevations received 26th January 2026

Drwg No: 05002 Rev: 02 Street Scene from Belle Isle Street received 26th January 2026

Email confirming materials received 27th January 2026

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

No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all

necessary site investigation works commence within the controlled waters or the wider environment, all necessary site investigation works within the site boundary must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.

Reason: To minimise any risk during or post construction works 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.

4

Should land affected by contamination be identified following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

Reason: To minimise any risk during or post construction works 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.

5

Should a remediation scheme be required, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

Reason: To minimise any risk during or post construction works 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.

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.

7

No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- (a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;**
- (b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles and deliveries. All measurements should make reference to BS7445;**
- (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution;**
- (d) A written procedure for dealing with complaints regarding the construction or demolition;**
- (e) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- (f) Programme of work for Demolition and Construction phase;**
- (g) Hours of working and deliveries;**
- (h) Details of lighting to be used on site;**
- (i) Highway signage/ Haulage routes.**

The approved statement shall be adhered to throughout the duration of the development.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

8

All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

Living rooms and bedrooms daytime noise 35 dB LAeq (16hr) between 07:00 and 23:00

Bedrooms nighttime noise 30 dB LAeq (8hr) Lmax 45dB(A) between 23:00 and 07:00

Reason: To safeguard an acceptable standard of amenity for the occupiers of the dwellinghouses hereby approved in accordance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

9

No part of the development hereby permitted shall be constructed above ground floor level until details of the treatment and finishes of all surfaces within the site have been submitted to and approved by the Local Planning Authority. The details so approved shall be completed prior to the use of the development hereby approved being occupied and shall be retained at all times thereafter.

Reason: In order to ensure a satisfactory standard of development for the external appearance of the approved scheme in relation to its surroundings, in compliance with the National Planning Policy Framework and Policies S4 and S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

10

Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling(s). Any such walls/fences etc shall be constructed prior to the approved building being brought into use. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties, in compliance with the National Planning Policy Framework and Policies S4, DM14 and S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11

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 development falling within Classes A, AA, B, C, D, E, G of Part 1 and Classe A of Schedule 2 of the said Order shall be carried out without the prior written permission 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 safeguard the amenities of adjacent properties.

12

The roof lights hereby approved shall not project above the plane of the roof.

Reason: To ensure the design of the development is sympathetic with its site and surroundings within the Conservation Area/open countryside, in compliance with the National Planning Policy Framework and Policies S4 and S27 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.

Statement

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.

Northern Gas Networks Advisory

If you or one of your contractors plan to work near gas pipes or other Northern Gas Networks's equipment, you must let us know.

Damaging gas pipes is dangerous and potentially expensive. Not only could it lead to a fire or explosion, it could result in the loss of the gas supply to local communities.

Safety is therefore Northern Gas Networks's top priority. We need to ensure no-one damages our equipment and puts either themselves or members of the public at risk. Our work in this area is encapsulated in the Pipeline Safety Regulations, and by the Northern Gas Networks's safety case, which is approved by the Health and Safety Executive (HSE).

Our website, www.northerngasnetworks.co.uk has safety guidance booklets that can be downloaded to assist you when carrying out any works. Please use these as reference guides prior to commencing works. Should you have any difficulty in downloading these documents, please either call 0800 040 7766, option 5, or via email: beforeyoudig@northerngas.co.uk

The guidance documents include this one and the following:

1. Safe working in the vicinity of high pressure gas pipelines and associated installations
2. Avoiding injury when working near gas pipes up to 7 bar
3. Avoiding injury when working near gas pipes

If at any point during your works, you smell gas, call the National Gas Emergency Service immediately on the Freephone 0800 111 999.

Examples of higher risk works are, but not limited to, the following:

- Any excavation works within 0.5m of low/medium pressure mains and 3m of intermediate and high pressure mains (the distance is measured from the proven position of the gas main).
- Demolition works within 15m of low/medium pressure mains and 150m of intermediate and high pressure mains.
- The use of explosives within 30m of low/medium pressure mains and 250m of intermediate and high pressure mains.
- Excavations within 10m of a pressure reduction unit.
- Excavations deeper than 1.5m.

- Heavy loading eg cranes, spoil deposits and heavy construction traffic.

Highways Department Note to Applicant

It is advised that the LPA where possible seeks the applicant to use permeable paving for paved surfaces and driveways and other forms of permeable discharge to ground and surface water reuse/retention.

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.