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**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2136/0F1
2.	<b>Proposed Development:</b>	INSTALLATION OF EIGHT RAPID ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CAR PARK OF THE BRIDGES RETAIL PARK. SIXTEEN EXISTING PARKING SPACES WILL BECOME EV CHARGING BAYS, ALONG WITH ASSOCIATED EQUIPMENT
3.	<b>Location:</b>	BRIDGES RETAIL PARK, FLATT WALKS, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND INTRODUCTION</b></p> <p>This application relates to the car park associated with The Bridges Retail Park in Whitehaven. The car park serves a number of retail units including McDonalds, B&amp;M and Greggs. The application relates to the south eastern portion of the car park – adjacent to the dwellings known as College House, Castle Garth and Castle Lea.</p>

## **PROPOSAL**

Planning Permission is sought for the installation of eight rapid electric vehicle charging stations within the car park. Sixteen existing parking spaces will become EV charging bays, along with the associated equipment. Two of the bays are proposed to be fully accessible. The works will reduce the parking bays in this area to eight.

The charging units will be 2.2m in height and 1.3m in width.

There will be the addition of bollards to protect the feeder pillar and proposed substation on site. Two existing lampposts will be electronically insulated.

The proposed materials are as follows:

Feeder Pillar - Pre-galvanised mid steel - external colour dark grey 632 BS381C Charging Unit – external colour grey - RAL 7040

Fenstergrau, with InstaVolt imagery. Foundations - Grey, concrete Line painting - White lines and logo printing.

Standard line painting material. Cabling – underground. Line painting for accessible bays – green bay painting (RAL 6018) with white logo.

Substations (ENW) – GRP Enclosure, 14 C 39 Green Lamppost – Galvanised steel.

## **RELEVANT PLANNING APPLICATION HISTORY**

Non food retail units plus drive through fast food outlet, staff and customer parking following demolition of existing building, approved in February 1999 (application reference 4/98/0914/0 relates);

5 no. retail units with associated customer and staff parking (reserved matters), approved in October 2000 (application reference 4/00/0606/0 relates);

Erection of palisade fence, pedestrian gate and vehicle access gate to rear service yard, approved in November 2007 (application reference 4/07/2570/0 relates).

## **CONSULTATION RESPONSES**

Whitehaven Town Council

No objections.

Conservation Officer

No objection.



## Cumberland Council

The proposal is quite self-contained and consists of a small level of harm to the setting of the non-designated heritage assets mentioned above. Due to the distance and lack of visibility with the listed wall, I would consider its impact to be neutral. There would appear to be clear public benefit in providing additional chargers and, given the small level of harm and functionality of the car park, I would view this proposal as justified in conservation and design grounds.

### Highways Officer

No objections as it is considered that the proposal will not have a material effect on existing highway conditions.

### Environmental Health

#### 1<sup>st</sup> Response

Further to the above planning application.

Information included with the application refers to a noise output from a single EV charging unit at 65 decibels.

Whilst the Environmental Health team would like to support this scheme, there are some concerns about potential night-time noise disturbance to nearby residents on Flatt Walks.

It is presumed that multiple charging units may be in use at any one time and the collective noise output from this may be slightly greater than the stated 65 decibels.

Can the applicant provide reassurance about night-time noise levels in relation to the background noise environment and predict what is likely to be the effect on the nearest noise-sensitive dwelling/s during night-time hours (23.00 – 07.00)?

#### 2<sup>nd</sup> Response

Thanks for getting the additional information.

I am not sure that it answers my questions at all, however.

I would certainly like to support the application but if numerous chargers were in use, the cumulative noise would be more than the stated 65 db.

There will obviously be plenty of activity in the town centre up to perhaps midnight (and later on Friday and Saturday nights) but little background noise after that, so that a tonal hum from the chargers at over 65 db may become problematic?

Would it possible to condition the times that the chargers are used, to avoid late night

disturbance?

### 3<sup>rd</sup> Response

Thank you for getting the additional information outlined below.

The Environmental Health team do have concerns about potential late night noise disturbance to nearby residential dwellings from use of the EV chargers but also acknowledge that there is a wider public and environmental benefit from the application being approved quickly.

The Environmental Health team would therefore request that warning signage about noise disturbance at night from use of the chargers is provided to users on site as stated. In the event of any subsequent complaints being received about noise, the Council would have to use powers contained within the statutory nuisance provisions of the Environmental Protection Act 1990 to address them.

No objections are therefore made by Environmental Health to this application, subject to the request about signage outlined above.

### Local Lead Flood Authority

No objections as it is considered that the proposal will not increase the flood risk on the site or elsewhere.

### The Environment Agency

No response received.

### Flood and Coastal Drainage Engineer

With regards to the above Planning Application, I have no comments to make.

### Electricity North West

We have considered the above planning application and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.



## Cumberland Council

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also adhere to the minimum safety clearances contained within the Energy Network Associations Guidance, a copy of which is also attached to this email.

Furthermore, should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website Know before you dig ([enwl.co.uk](http://enwl.co.uk))

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets and rights that may cross the site and any proposed development.

### Public Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

One response was received from the occupiers of a neighbouring property raising the following queries:

- How noisy are the charging points. Our house/garden is right next to these 8 charging points
- We have already had damaged on a number of occasions to our boundary wall from vehicles. The application mentions barriers. Will this include adjacent to our wall.

- There are a few parking spaces still adjacent to our boundary. Currently they are used by cars for anti social behaviour. Loud music/loud car engine noises. Can we request these spaces to be removed as part of this plan.

On receipt of a response from the Agent, the neighbour commented the following:

It doesn't look like the development will make the carpark ASB situation any worse and therefore we have no objection to these plans.

## **PLANNING POLICIES**

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 ST2 – Spatial Development Strategy
- Policy ST4 – Providing Infrastructure
- Policy T1 – Improving Accessibility and Transport
- Policy EN1 – Flood Risk and Risk Management
- Policy ENV4 – Heritage Assets

### Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place



## Cumberland Council

Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood Risk  
Policy DM27 – Built Heritage and Archaeology

### **Other Material Planning Considerations**

National Planning Policy Framework 2019 (NPPF)  
Conservation Area Design Guide SPD December 2017 (CADG)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

### **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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development  
Strategic Policy DS2PU: Reducing the impacts of development on Climate Change  
Strategic Policy DS3PU: Settlement Hierarchy  
Strategic Policy DS4PU: Settlement Boundaries  
Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping  
Strategic Policy DS8PU: Reducing Flood Risk  
Policy DS9PU: Sustainable Drainage  
Strategic Policy BE1PU: Heritage Assets  
Policy BE2PU: Designated Heritage Assets  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of the development

Policies ST2 of the CS and DS3PU of the ELP support development within Copeland's Principal Town of Whitehaven.

Policies DM22 of the CS and CO7PU of the ELP encourage the addition of vehicle charging infrastructure within the Borough.

The addition of the new equipment will provide electric car charging facilities within a large public car park in Whitehaven. In principle, development is acceptable in this location as the site is located within the settlement boundary for Whitehaven. Furthermore, the charging units will help to future proof the area as the popularity of electric cars increases.

In principle, the addition of the charging facilities is considered to comply with policy and is therefore deemed to be acceptable.

### Design and Siting

Policy DM10 of the CS seeks to ensure that new development is designed and situated to be appropriate in size, proportion and scale and is unobtrusive. This is repeated within Policy DS6PU of the ELP.

The charging points are to be sited within the confines of the existing car park at an established retail park and the scale of the proposal is modest in comparison to the size of the car park. The siting is not highly visible from the surrounding area and is well screened by the surrounding stone wall. The location to the south east of the car park is supported as it will not be visible from the public viewpoints on Flatts Walk or the adjacent open space next to Whitehaven Castle and Acton Court.

The infrastructure and associated signage will be viewed in context with the existing buildings and car parking and is unlikely to create any visual intrusion on the site.

The design and siting of the proposed infrastructure is considered to be acceptable in this location and complies with local and national policy.





## Cumberland Council

### Effects on Residential Amenity

Policy ST1 of the CS and Policy DS6PU of the ELP ensure that neighbouring amenity is affected and living standards are maintained for existing residents affected by new development.

The proposed infrastructure will be located approximately 45 metres from the closest noise receptors – including the dwellings known as Castle Lea, Castle Garth and College House.

Environmental Health raised concerns with regards to noise omitted from the charging units overnight. The Agent responded that the majority of charging would take place between the hours of 8am and 7pm and that, given the existing opening hours of the McDonalds on the site, the chargers are unlikely to create a material change to the existing situation within the car park.

Questions were raised by a neighbour with regards to noise from the charging points and whether damage to the boundary wall could be avoided. Furthermore, they stated that there is sometimes anti-social behaviour within the car park due to music and car engines. The Agent for the application responded that the chargers only emit 65dB when in use and are silent when not in use. They stated that they had no control over the boundary wall or the experienced anti-social behaviour, however the situation would not be worsened by the development. No objections were raised from the neighbour following this response.

Environmental Health requested that polite signage be erected to deter noise from the facility and confirmed that should any complaints be received with regards to noise, this would be dealt with under the statutory noise provisions within the Environmental Protection Act 1990.

On this basis, the proposal is considered to be acceptable and every care has been taken by the Applicant to ensure that there will not be a material effect on the neighbouring properties.

### Effects on Heritage Assets

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as*

*the case may be, 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’.*

Section 72 requires that: *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance’* of a conservation area.

The site is not located within the Whitehaven Conservation Area however, the boundary is adjacent to the site along Flatts Walk. The infrastructure will not be visible from within the Conservation Area and is a suitable distance from the Grade II Listed wall on the west side of the car park to have a neutral effect on its setting. The Conservation Officer stated that there is a clear public benefit to the provision of electric charging points and therefore the proposal is justified given the small level of harm created.

On this basis, the proposal complies with Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP.

#### Access and Parking Arrangements

Policies DM22 of the CS and CO7PU of the ELP ensure that new development does not have a negative effect on the existing highways network and that suitable off street parking is available.

The proposal will reduce the number of car parking spaces within the car park by eight, halving the sixteen spaces due to the required infrastructure. As the car park is large and rarely at capacity, this is considered to be acceptable in this location. The Highways Officer raised no objections to the proposal and considered there is unlikely to be a material change in the existing situation.

The access and egress to and from the site will be unaffected.

#### Flood risk

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU require that new development does not increase the risk of flooding either on site or elsewhere.

The proposal is situated within Flood Zone 2 and therefore the application was required to be accompanied by a Flood Risk Assessment. This has been considered by the Local Lead Flood Authority and the Council’s Flood and Drainage Engineer. No concerns were raised from these consultees and, due to the minimal additional concrete (less than 4m<sup>2</sup> in total), there is unlikely to be a material increase in the risk of flooding either onsite or elsewhere.



## Cumberland Council

	<p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the application.</p> <p>On balance, it is considered that the minimal harm created by the development is justified due to the requirement for improved sustainable infrastructure. The development will be seen in context with the existing car park and signage and impact on neighbouring properties has been fully assessed.</p> <p>There will not be a material difference in the access and egress to and from the site, flood risk, or setting of the surrounding heritage assets.</p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies within the Copeland Local Plan, the emerging Local Plan and National Planning Policy.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</li><li>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: -  Site Location Plan, scale 1:1250, drawing number 10709-0010_02, received 11<sup>th</sup> May 2023; Site Block Plan, scale 1:500, drawing number 10709-0010_03, received 11<sup>th</sup> May 2023; Proposed Site Plan, scale 1:250, drawing number 10709-0010_01-PL, received 13<sup>th</sup> June 2023; Feeder Pillar and Cop Metering Box, scale 1:25, drawing number 001_20, received</li></ol>

11<sup>th</sup> May 2023;  
BYD 160kW Charger, scale 1:25, drawing number 001\_29, received 11<sup>th</sup> May 2023;  
ENW-Substation-1000-1500KVA, scale 1:50, drawing number 001\_31, received 11<sup>th</sup> May 2023;  
Lamp Post 3m, scale 1:20, drawing number 001\_21, received 11<sup>th</sup> May 2023;  
Charger Specification – EVD160KU/CO1, Parameters of the manual V3.0, received 11<sup>th</sup> May 2023;  
Flood Risk Assessment, written by Instavolt, Rev A, dated 11 May 2023, received 11<sup>th</sup> May 2023;  
Signage – Polite Notice, received 19<sup>th</sup> June 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.

#### Prior to Use Condition

3. Prior to the first use of the electric charging points hereby approved, the signage detailed within the Instavolt Polite Notice, received 19<sup>th</sup> June 2023 must be displayed and retained as such at all times thereafter.

#### Reason

In order to minimise disturbance to neighbouring properties and in accordance with Policy ST1 of the Copeland Local Plan.

#### Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.  
Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
2. The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity



## Cumberland Council

North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

Should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

### 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: Sarah Papaleo**

**Date : 05/07/2023**

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

**Date : 10/07/2023**

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