

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2183/0F1	
2.	Proposed Development:	PROPOSED INTRODUCTION OF FOUR ELECTRIC VEHICLE CHARGING BAYS (2 CHARGERS) AND ASSOCIATED EXTERNAL WORKS	
3.	Location:	WHARTONS GARAGE, 1 DUKE STREET, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Whartons Garage, located on Duke Street within the centre of Millom. The large corner site is located within a prominent location adjacent to the Millom Conservation Area.	
		The site comprises of a petrol filling station and a vehicle servicing and repairs garage. The	

site benefits from a large area of hardstanding and areas of informal parking.

The site is bounded to the north and west by residential properties, to the east by Millom cenotaph, and south by the A5093 and Millom palladium.

Relevant Planning History

4/91/0127/0 – Change of use from part of garage to car showroom – Approved.

4/93/0229/0 – Facia sign – Approved.

4/93/0345/0 – Illuminated display sign – Approved.

4/93/0346/0 – Shop extension and underground tank – Approved.

4/99/0809/0 – Demolish existing dwelling & provide improved access & parking facilities for existing garage (including landscaping) – Approved.

4/01/0154/0 – Amend off street parking and screen details to existing access – Approved.

4/02/0769/0 – Form new vehicular access door to existing garage – Approved.

4/04/2211/0 – Illuminated badge signs – Approved.

4/18/2491/0F1 – To remove three shop front windows and manual shop door; replace with three new modern double glazed windows and automatic door – Approved.

Proposal

This application seeks planning permission to install four electric vehicle charging bays (2 chargers) and associated external works.

The proposed charging bays will be located to the north of the site, adjacent to the existing access. Each bay will measure 2.4m x 4.8m, with space between each bay to allow for safe pedestrian movement. The two charges will be installed between the bays with a pole mounted CCTV camera (2.5m high) installed between the chargers to provide 180 degrees of security.

Existing access to the site is via Duke Street, this access will be retained to serve the proposal however part of the existing boundary wall will be demolished to provide an improved access point and vehicle movement in both directions.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that



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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.

Cumberland Council – Environmental Health

Environmental Health are supportive, in principle, to this development as there is a clear need for more EV public charging points in the district.

It is noted that the chargers have a noise rating of (less than) 65 dba, so it is possible that noise disturbance could be caused to nearby dwellings during quieter and night time hours given that its proposed use is on a 24 hours basis. The site does have boundary walls partially around it, which would provide some acoustic protection, particularly to the rear of terraced dwellings on St Georges Road. The boundary wall facing Duke Street is much lower however, with the nearest noise-sensitive receptor dwelling being about 10m away from the charging points.

It is estimated that the maximum noise outside the nearest NSR would be 45 dba. This level would be in line with the 'Guidelines for Community Noise' 1999 set by the World Health Organisation.

If noise were to become an issue, the statutory nuisance provisions of the Environmental Protection Act 1990 would provide means of redress in any case.

Council mapping shows that the site sits immediately adjacent (though not inclusive) to land designated as being potentially contaminated as defined by Part 2A Environmental Protection Act 1990. This is due to the use of that land as a garage / petrol station, where fuel and vehicle fluid spills may have occurred in the past.

Given the nature of the development and its end use, the potential for contamination is seen as low however. Planners may wish to include a condition for unexpected contamination in the event that any localised 'hotspot' of contamination is encountered during ground works.

Council mapping also shows that a 225mm public sewer passes under part of this site and comments from United Utilities on this may be appropriate.

As the development is proposed to be usable at night time, if any artificial external lighting is to be provided it should be sensitive to the amenity of nearby dwellings that overlook the site, though there is street lighting providing some ambient artificial light on Duke Street.

Environmental Health has no objections to this development and suggests the following conditions if planning approval is granted: land affected by contamination and artificial lighting.

Cumberland Council – Conservation and Design Officer

Conclusion: No objection

Assessment:

- The proposal requires the demolition of the curved boundary walls currently demarking the entrance to the rear yard. I would view this, and the reconfiguration of the tarmac carpark behind, as being of neutral impact. The walls are not heritage assets, and are almost hidden from views within the conservation area.
- The layout appears reasonable, and to entail benefit in terms of providing electric vehicle charging.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to 9 properties. No responses have been received to this statutory notification period.

Planning Policy

Planning law requires that 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk



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Policy DS7: Sustainable Drainage

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy Strategic

Strategic Policy R4: The Key Service Centres

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; impact of the development; highway safety; flood risk and drainage, and impact on biodiversity and ecology.

Principle of Development

Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Millom is defined in Strategic Policy DS2. The application site is located within the Millom settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Strategic Policy R1 of the Copeland Local Plan seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy by working with partners and applicants to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change. This policy also seeks to support regeneration projects, refurbishment of buildings and public realm improvements within the retail hierarchy.

Policy SC5 of the Copeland Local Plan states that proposals for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result.

The application site is an existing commercial garage located within a prominent location in the centre of Millom. The application seeks to install four electric charging bays at the entrance to this site. This proposal will create more EV public charging points within the south of Copeland, providing additional facilities for local residents and visitors to the area. The principle of this development is therefore considered acceptable in accordance with Policy DS1, DS2, R1, and SC5 of the Copeland Local Plan, and the provisions of the NPPF.

Impact of the Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposal will be located at the entrance to the existing garage site. The site is located within a predominantly residential area. The adjoining property to the west is however a commercial hairdressers. The proposal is to be sited on an existing informal parking area adjacent to a high boundary wall.

Whilst the proposal will increase the use of the site given the charging points will be operational 24 hours, this increase is not considered to significant impact on neighbouring properties as only four spaces are being created. The location of the proposal adjacent to the existing high boundary wall will help screen the development from neighbouring properties and will help mitigate against impacts of the development. The proposed works include the installation of a CCTV camera on a pole. This is to be located at the highest point of the boundary wall which will protect the privacy of the neighbouring properties. The agent has confirmed that no external lighting is proposed.



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The Council's Environmental Health officer has offered no objections to the application. Whilst it is noted that the chargers may noise disturbance to neighbouring properties during quieter and nighttime hours, the estimated maximum noise from the proposal will be 45 dba in line with the 'Guidelines for Community Noise' 1999 set by the World Health Organisation. The Officer has confirmed that should noise become an issue this will be dealt via the statutory nuisance procedures by Environmental Health. The Officer has however requested conditions relating to contamination and external lighting.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies DS4 of the Copeland Local Plan, and the provisions of the NPPF.

Impact on Heritage Assets

Strategic Policy BE1 and BE2 of the Copeland Local Plan seek to protect or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage assets will be supported in principle.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that "Development that is not well designed should be refused".

NPPF para. 203 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. 212 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. 208).

Paragraph 216 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 219)

Referring to assets in a conservation area, NPPF para. 220 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 214) or less-than-substantial harm (under paragraph 215).

The Council's Conservation Officer has offered no objections to the proposal and has stated that the layout appears reasonable and will entail benefit of providing electric vehicle charging. The Officer has confirmed that the works will have a neutral impact as they are barely visible from the Conservation Area.

The development is considered to preserve the Millom Conservation Area and is therefore considered to comply with Policies BE1 and BE2 of the Copeland Local Plan, and provisions of the NPPF.

Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

The proposal seeks to make provision for electric charging points at this existing garage site which is supported by Policy CO4. The area is already utilised as an informal parking area, therefore parking provision for the site will not be altered as part of the development.

The Highway Authority have offered no objections to the proposal as it is considered the development will not have a material effect on existing highway conditions.

On this basis, proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The proposed parking bays and charging points will be located upon the existing hardstanding/parking area serving the existing garage therefore the development is not considered to increase surface water run off or flood risk.

The LLFA have confirmed no objections to the application as the development will not increase flood risk at the site or elsewhere.

On the basis the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.



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Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is considered to have a de minimis impact on onsite habitat.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built up area on a previously developed site, the development is not considered to disturb any habitats. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for Millom, which is identified as a Key Service Centre under Policy DS1 of the Local Plan.

The application site relates to an existing commercial premises located within the centre of Millom. This proposal will create more EV public charging points within the south of Copeland, providing additional facilities for local residents and visitors to the area.

The proposal has been designed and sited to utilise an existing informal parking area and to limit the impacts on neighbouring properties. Any issues with noise will be dealt with directly through Environmental Health as a statutory nuisance.

Given the location of the bays the proposal is considered to have a neutral impact on the Conservation Area. No objections have been received from the Council's Conservation Officer.

No objections have been received to this proposal in terms of highway safety, drainage, flood risk, or ecology/biodiversity.

	On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> <ol style="list-style-type: none"> 1. The development hereby permitted must 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. 2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: <ul style="list-style-type: none"> - Application Form, received by the Local Planning Authority on the 30th May 2025. - Location Plan, Scale 1:1250, Drawing No: M24/023/100, received by the Local Planning Authority on the 30th May 2025. - Existing Site Plan, Scale 1:100, Drawing No: M24-023-101, received by the Local Planning Authority on the 30th May 2025. - Proposed Site Plan, Scale 1:100, Drawing No: M24-023-102, received by the Local Planning Authority on the 30th May 2025. - Existing/Proposed Elevations, Scale 1:50, Drawing No: M24-023-103, received by the Local Planning Authority on the 30th May 2025. - Email from Agent (Response to Environmental Health), Scale 1:100, Drawing No: M24-023-101, received by the Local Planning Authority on the 24th June 2025. - Design and Access Statement (Amended), received by the Local Planning Authority on the 10th July 2025. 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.

Other Conditions:

3. 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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

4. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E3 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

Reason

In order to safeguard the amenities of nearby residential occupiers in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

Informative

Biodiversity Net Gain – Not Applicable

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.

	<p>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.</p> <p>Applicable exemptions: Development subject to the de minimis exemption.</p> <p>Statement:</p> <p>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.</p>	
Case Officer: C. Burns		Date : 28.07.2025
Authorising Officer: N.J. Hayhurst		Date : 28.07.2025
Dedicated responses to:- N/A		