

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2039/0F1	
2.	Proposed Development:	PROPOSED INTRODUCTION OF THREE ELECTRIC VEHICLE CHARGING BAYS (2 CHARGERS) AND ASSOCIATED EXTERNAL WORKS INCLUDING THE ERECTION OF A LIGHTING/CCTV POLE & FEEDER PILLAR	
3.	Location:	WHARTONS, 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	<p>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</p>	

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.

4/25/2183/0F1 – Proposed introduction of four electric vehicle charging bays (2 chargers) and associated external works – Approved.

Proposal

The site has previously been granted planning permission (ref: 4/25/2183/0F1) for the erection of four electric vehicle charging bays, with two chargers, and associated external works. In order to meet manufacturers guidelines however the scheme needs to be amended to reduce the number of parking bays by one and relocate the proposed chargers away from the boundary wall.

The current application therefore seeks planning permission for the introduction of three electric vehicle charging bays with two chargers at the site, along with associated external works including the erection of a lighting/CCTV pole and feeder pillar.

The proposed charging bays will be located within the previously approved location, to the north of the site adjacent to the existing access. Each bay will measure 2.4m x 4.8m in line with UK parking and accessibility standards. The two charges will be installed along the end of the first bay and between the other two bays. A lighting/cctv pole will be installed to the rear of the parking spaces, with details to be agreed with the Local Planning Authority. The required LV feeder pillar will be located to the north of the bays adjacent to the site entrance via Duke Street, which will be retained to serve the proposal.



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Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority

2nd March 2026

The Local Highway Authority (LHA) and Lead Local Flood Authority (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.

16th April 2026

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

Cumberland Council – Environmental Health

25th February 2026

This is an amended application from that which was approved in 2025 and, as such, the response from Environmental Health remains as was.

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 IIA 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.

14th April 2026

There are no objections from Environmental Health to this development.

The proposed provision of artificial lighting should avoid excess glare and light spill to neighbouring dwellings and further information on good practice is available through the ILLP GN01/21 guidance.

Cumberland Council – Conservation Officer

24th February 2026

Conclusion: No objection

Assessment:

- I would view this change as having negligible impact on the setting of the conservation area.

13th April 2026

No additional comments.

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



Cumberland Council

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 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soil, Contamination and Land Stability

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 BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

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; impact on biodiversity and ecology; and ground conditions.

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. It also acts as service hub 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



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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 principle for installing electric charging bays at this site has been established by the previous planning permission ref: 4/25/2183/0F1. The current application seeks to reduce the number of bays at the entrance to the site and alter the location of the chargers in order to comply with manufacturer guidelines. Although reduced slightly in scale the proposal still creates 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, as per the previous approval. 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 significantly impact on neighbouring properties as only three spaces are to be 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 current proposal now seeks to install a lighting/CCTV pole along the western boundary of the site, adjacent to the high boundary wall with the neighbouring properties. Whilst the previous application sought to install a CCTV pole in the same location, it did not extend above this wall and was therefore limited coverage only within the application site. The indicative details provided with the current application indicate that the proposed lighting/CCTV pole will extend beyond the highest point of this wall, therefore concerns have been raised in relation to the impact of this development upon neighbouring properties amenity space and privacy. The agent for this application has confirmed at this stage they do not have specific details of this element of the proposal and therefore it has been requested

that this detail be secured by condition. An appropriately worded condition will therefore be utilised within the planning decision to ensure details of the lighting/CCTV pole are provided prior to its installation to ensure the impacts of this proposal can be reviewed and mitigated if necessary.

The Council's Environmental Health team have stated that they are supportive in principle of the application as there is clear need for more EV public charging points in the district. Whilst it is noted that the chargers may cause 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 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. 210 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



Cumberland Council

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 confirmed that the works will have a negligible impact on the setting of 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 and CO7 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.

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.

Ground Conditions

Policy DS8 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

Whilst the site is not identified as contaminated land the Council's Environmental Health Officer has advised that the Council's mapping shows that the site sits immediately adjacent (though not inclusive) to land designated as being potentially contaminated as defined by Part IIA 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. The Office has confirmed that given the nature of the development and its end use, the potential for contamination is seen as low however they have requested a condition to deal with unexpected contamination in the event that any localised 'hotspot' of contamination is



Cumberland Council

	<p>encountered during ground works.</p> <p>Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policy DS8 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>A condition will be utilised to secure full details of the proposed lighting/CCTV pole proposed as part of this proposal given the limited detail provided to ensure the development does not impact on the amenity space or privacy of neighbouring properties.</p> <p>No objections have been received from the Council's Conservation Officer.</p> <p>No objections have been received to this proposal in terms of highway safety, drainage, flood risk, or ecology/biodiversity.</p> <p>On balance the positive benefits that would result from this proposal, including the increase in EV public chargers in the area, 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.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <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. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

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:

- Application Form, received by the Local Planning Authority on the 30th January 2026.
- Site Location Plan (Amended), Scale 1:100, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- GA Layout (Amended), Scale 1:200, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- Site Boundary (Amended), Scale 1:200, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- CBM Layout (Amended), Scale 1:200, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- Elevation Existing (Amended), Scale 1:100 & 1:200, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- Elevation Proposed (Amended), Scale 1:100 & 1:200, Drawing No: 173019-TSG-WHAR-DR-E-0200, Revision: B, received by the Local Planning Authority on the 31st March 2026.
- Planning and Design and Access Statement (Amended), Prepared by Rapleys March 2026, Ref: 22-01321, received by the Local Planning Authority on the 31st March 2026.

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 Installation Conditions:

3. Prior to installation within the development, full details of the proposed lighting/CCTV pole must be submitted to and approved in writing by the Local Planning Authority. The pole must be installed in accordance with the approved detail and must be



Cumberland Council

maintained as such at all times thereafter.

Reason

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

Other Conditions:

4. 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 in accordance with DS8 of the Copeland Local Plan.

5. 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.

Informative Note:

Biodiversity Net Gain: Exemption Applies

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

<p>not begin unless:</p> <p>(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> <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: 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>	
<p>Case Officer: C. Burns</p>	<p>Date : 27.04.2026</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 30.04.2026</p>
<p>Dedicated responses to:- N/A</p>	