

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2023/0F1
2.	Proposed Development:	INSTALLATION OF A DOSING KIOSK RELATED TO HIGH LEYS SERVICE RESERVOIR, FRIZINGTON FORMING PART OF THE WEST CUMBRIA WATER SUPPLIES PROJECT (RETROSPECTIVE)
3.	Location:	HIGH LEYS SERVICE RESERVOIR, PASTURE ROAD, ROWRAH
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations &Policy	See Report
7.	Site and Location	<p>A new service reservoir and pumping station has recently been built at High Leys, an elevated rural area of open green fields to the north of Frizington, as part of the wider West Cumbria Water Supplies Project. This project was designed to deliver a new water supply from Thirlmere to West Cumbria.</p> <p>The site to which this application relates comprises an area of level hardstanding. It lies immediately adjacent to the new service reservoir to the east.</p> <p>It is surrounded by green fields laid to pasture. The nearest residential properties are located some half a mile away to the north-east at Asby and then to the south-east at Rowrah and south-west at Arlecdon.</p> <p>Access to the site is via a new road from Pasture Road serving the reservoir.</p> <p>Proposal</p> <p>A retrospective application for the construction of a Sodium Hypochlorite Dosing Kiosk which disinfects the water for drinking, was completed in September 2022</p> <p>This location was chosen to ensure that the Kiosk could easily connect to the site</p>

infrastructure.

The kiosk is required to increase the security and quality of supply of drinking water and so enables compliance with the required drinking water quality standards.

In detail the kiosk building measures 13.7m long x 4.05m wide with a sloping roof of between 3.8m to 3.9m high. It has a footprint of 55.5 square metres. Constructed of steel it has an external matt finish of slate grey with double access doors at ground level and a single access door at a raised level accessed by galvanised steel stairs and handrails.

Relevant Planning History

Planning permission was granted in December 2016 for the 'Development of a water supply connection comprising of a new service reservoir, valve house and pumping station, fencing and landscaping; underground pipelines (approx. 15km in length); incorporating the development of valve chambers, excavation and landscaping, temporary vehicular accesses, working areas, compounds, hardstanding's and other associated development.'
(4/16/2108/0F1 refers).

However, the permission did not include a secondary disinfection dosing system and hence a scheme of works was necessary to house the control panels and pumps associated with a sodium hypochlorite bulk storage and dosing system. The development increases the security and quality of supply and enables compliance with drinking water quality standards, as set by OFWAT and the DWI.

Consultation Responses

Arlecdon & Frizington PC

No comments received.

Environment Agency

No objection

Highways & LLFA

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.

Other

No other comments have been received from any interested parties.

Planning Policy



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Planning law requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

The following policies are considered relevant:

ST1 Strategic Development Principles – sets out the fundamental principles to guide development in the Borough.

ST2 Spatial Development Strategy & ST3 Strategic Development Priorities – outline the overall spatial and regeneration strategies for the Borough.

ST4 Providing Infrastructure

ENV3 Biodiversity and Geodiversity

ENV5 Protecting the Borough's Landscapes.

DM10 Achieving Quality of Place

DM22 Accessible Developments

DM25 Protecting Nature Conservation Sites, Habitats and Species

DM26 Landscaping

Emerging Copeland Local Plan 2017 - 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued the post hearing letter in June 2023, which identified the next steps for the examination.

The Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

As set out in 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be

afforded to the policies of the ELP where modifications are proposed.

The following ECLP policies (to which there have been no objections) are relevant to this proposal.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS6PU: Design and Development Standards

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N6PU Landscape Protection

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Assessment

The main considerations relevant to the determination of this application are as follows:

Policy/ Principle

This retrospective application raises no issues in policy terms it is considered that the development accords with Policies ST1, ST2, ST4 and DM10 of the Copeland Local Plan, the relevant policies of the Emerging Copeland Local Plan and the NPPF which recognise that infrastructure type development may need to be located in the open countryside away from the main settlements.

The policies of the NPPF and the development plan and ECLP are also supportive to the sustainable provision of water treatment infrastructure.

Landscape & Visual Impact

The landscape the service reservoir and kiosk sit within is characterised by elevated open, rolling farmland mainly laid to pasture and interspersed by stone walled field boundaries and occasional trees. Although the service reservoir is located in an elevated position the kiosk, along with the car park and service area opposite, sits just below the highest point of the reservoir.

The kiosk needs to be in the position it is, close to the service reservoir, so that it can easily connect to the existing site infrastructure. It's type and size is necessary for its function and it has a matt grey finish to help it assimilate into the landscape and minimise any visual impact.

Whilst there are expansive long-distance views from which the service reservoir itself can be seen from the nearest residential properties (situated approximately half a mile away to the north-east at Asby and to the south-east at Rowrah, and from along Pasture Road), it should



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be noted that the kiosk is not visible. It can only be seen from immediate views in close proximity. As a result, there is no visual impact on properties in Asby, Arlecdon and Rowrah. It is therefore considered that the kiosk has a negligible visual impact on residential receptors and does not have any perceivable adverse effects on the landscape character.

Ecology

An Ecology Assessment accompanies the application, this informs that on a desk-based investigation, pre-existing knowledge of the site - and analysis of historic biological records from within 2km of the site, the risks to designated sites and protected / priority species are 'nil' / 'negligible' only. As a result, no further surveys are recommended, and no mitigation measures are required.

Basically, the development will not result in any adverse environmental impacts as no vegetation or infrastructure have been affected to accommodate the kiosk due to its location and retrospective nature of the application.

Flood Risk and Water Resources

As the site is located within Flood Zone 1 there is a Low Probability/ risk of flooding and there is no known risk to any water courses.

Historic Environment

There are no Listed Buildings or Conservation Areas, World Heritage Sites or Scheduled Monuments in proximity to the application site. An archaeological evaluation was carried out as part of the West Cumbria Water Supplies Project and trenches were excavated and revealed no evidence of surviving archaeology. As a result no further archaeological work was required in this area, and hence there are no archaeological implications relating to the development.

Noise and Odour

The kiosk contains control panels and electrical circuits that will not produce any noise and odour impacts.

Planning Balance and Conclusion

A retrospective application for a dosing kiosk which is required in connection with the recently constructed High Leys Service Reservoir and forms a part of the West Cumbria Supply Project to build a freshwater pipeline. Construction was completed in September 2022.

Whilst the retrospective nature of the application is not to be condoned, the submission and assessment confirm that the development raises no material planning issues especially in terms of principle, visual impact, effect on the landscape, ecology, flood risk and water resources, historic environment and noise and odour. As a result, it is not considered to have any significant effect and cause any adverse harm.

The development is supported by existing and emerging planning policies of the adopted

	Copeland Local Plan and the emerging Copeland Local Plan as well as the NPPF. In terms of planning balance, it has been demonstrated that the benefits arising from this development far outweigh any potential adverse risks.	
8.	Recommendation: Approve	
9.	Conditions: 1. 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, dwg no. 800063041-01-ADP-HIGHL-97-DR-T-00003, REV P01, scale 1:25000. Site Layout Plan, dwg no. 800063041-01-ADP-HIGHL-97-DR-T-00004, REV P01, scale 1:200. Dosing Kiosk Elevations, dwg no. 800063041-01-ADP-HIGHL-97-DR-T-00004, REV P07, scale 1:50. Planning, Design and Access Statement, by Advance Plus, dated November 2023. Ecological Site Inspection, by Hesketh Ecology, ref ADVANCE20PEA039, dated 3 May 2021. 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. 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: H.S. Morrison		Date : 20/03/2024
Authorising Officer: N.J. Hayhurst		Date : 21/03/2024
Dedicated responses to:- N/A		