Application No: 6/11/9002  
District: Barrow

Applicant: JJC Properties Ltd  
Cooper Yard  
Park Road  
Barrow-in-Furness

Received: 17 January 2011

PROPOSAL  
Demolition of existing buildings; construction of 2 main buildings (sorting); installation of weighbridge; installation of baling plant; installation of site office; alteration of site access to provide weighbridge access. Additional use to include vehicle de-pollution and dismantling facilities. (part retrospective)

JJC Properties Ltd, Cooper Yard, Park Road Industrial Estate, Park Road, Barrow-in-Furness, LA14 4EQ

NOTE: site location/extent is INDICATIVE ONLY
RECOMMENDATION

1.1 That planning permission is Granted for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.

2.0 THE PROPOSAL

2.1 The application site is an existing waste management site for the collection, sorting, storing and recycling of solid non-hazardous waste derived from skip collections. The site is located along the Park Road Industrial corridor, approximately 1 mile north of Barrow in Furness. Park Road is the principle industrial area and main vehicle route into Barrow.

2.2 The site is 3350 square metres. The proposed development of the site would consist of:

   **Buildings:**
   - main sorting building (55.5 m x 14.5 m)
   - motor vehicle decontamination unit (15 m x 12 m)
   - office accommodation (10 m x 3 m)

   **External Plant:**
   - vehicle baler (13.8 m x 8 m)
   - weighbridge (25.1 m x 4 m)

The buildings would be constructed of profile sheeting. A concrete turning apron would be available for vehicles to manoeuvre between the proposed new sorting building and the office accommodation.

2.3 The site is accessed via a purpose made road which operates a one way system. This serves the industrial units along the eastern side of Park Road, off which there are a number of access roads serving the industrial units. The access which serves the application site is a private road, over which the applicant has a right of access.

2.4 It is expected that the number of vehicles would be between 12 and no more than 30 HGV per day (i.e. 30 vehicles entering and leaving or 60 vehicle movements). Additionally there would be a small number of light vehicle movements mainly by the workforce and commercial visitors of between 10 and 20 per day.

2.5 Parking for the site would remain within the application site boundaries. It is proposed to designate six parking spaces between the sorting building and the decontamination unit and a further two spaces to the front of the office building. This would avoid any internal parking of vehicles within the remaining yard area and allow vehicles to manoeuvre and leave the site in a forward gear. An agreement has been made with the adjoining land owner to allow a further 10 spaces on their southern car park.
2.6 The proposal is to use the building as a waste transfer station for the collection, sorting, storing and recycling of solid non-hazardous waste derived from skip collections and decommissioning of end of life vehicles, including baling of the vehicles. Sorting would take place within the building using dust screening to avoid airborne pollution. Once separated the materials would be removed to designated landfill sites with re-usable materials being temporarily stored for dispatch to appropriate users. The areas outside of the building would be used for vehicle parking and skip storage. There is expected to be a maximum throughput of approximately 3000 tonnes of construction, demolition and excavation waste, and 5600 tonnes through the waste transfer station.

2.7 Hours of operation are proposed to be 08.00 to 18.00 hours Mondays to Fridays, and 08.00 to 12.30 hours on Saturdays. The site would not be operated on Sundays or Bank Holidays.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Barrow Borough Council Planning - No objection, subject to environmental issues such as drainage, odour, noise, dust, litter and operating times being assessed and all processing and storage taking place within the confines of the designated building(s). The site should be adequately screened to the boundaries, the proposed building material should be neutral in tone to protect visual amenities and sufficient parking and turning facilities should be provided.

3.2 Barrow Borough Council Environmental Health - It is recommended that a phase 1 desk study, site walkover and preliminary risk assessment be undertaken to establish any potential risk from contamination.

3.3 Highway Authority - No objections, subject to the access gates opening inwards.

3.4 Environment Agency - No objections

3.5 Fire Service - No objection

3.6 The local Member Mr J Hamezeian has been notified.

3.7 Three letters of representation have been received. Firstly, Barrow Golf Club are concerned that problems relating to wind blown paper, unpleasant odours, noise and increased numbers of sea gulls who scavenge and drop rotten food, bones etc on the golf course. Secondly, the owners of the Golf Course Holker Estates have also raised concern with regards to the encroachment of the site onto their land. Thirdly, David Wicks of the adjacent premises and access road has raised concerns with regards to parking of vehicles on the private access road and the lack of parking facilities within the site.

4.0 PLANNING ASSESSMENT

4.1 Planning permission for “change of use of Class B2 General Industrial building to a waste transfer station” (6/09/9004), was granted in June 2009.

4.2 The proposal is for partial retrospective consent for the demolition of the existing buildings and the construction of a transfer building and motor vehicle decontamination unit, installation of vehicle bailer, two storey site office, weighbridge, staff parking area, pre-bailing and baled car storage area. The weigh bridge has already been installed and works are taking place on the site prior to obtaining planning permission.
Policy

4.3 The provision of such facilities is supported by policy in the Minerals and Waste Development Framework. Policy DC1 requires proposals to be well related to strategic network routes and minimising road miles and DC4 supports waste management facilities which do not have adverse environmental impacts subject to them conforming with locational and other relevant criteria which includes supporting locations on existing industrial estates and the enclosures of waste management operations within buildings. The nearest residential properties are Sowerby Cottages 290 m north and Sowerby Hall Farm 280 m south of the application site.

4.4 Barrow Borough Council policy D65 supports the collection and sorting of recyclable materials subject to their being reasonable protection of residential and visual amenity and adequate access. The proposal conforms with the Design Code under Policy D21.

4.5 Other policies within the Minerals and Waste Development Framework are relevant to the proposal include Policy CS1 – Sustainable location and reduction of waste miles, Policy CS8 - provision for waste within the County, Policy DC2 – General criteria including location to receptors, Policy DC4 – Criteria for waste management which do not have a adverse impact on the environment and Policy DC14 – Water environment.

Impact on Highway

4.6 The site is located off a purpose made road. This was introduced to alleviate build up of traffic on the A590, and to allow large vehicles to enter and leave the industrial estate without causing a nuisance to other highway users as well as reducing the risk of accidents along this busy section of road.

4.7 The road to the unit is a private road which the applicant has a right of access over. It provides vehicular and pedestrian access to another business who operate from both sides of the private road.

4.8 Vehicles along this section of road would be 30 HGVs and 20 private/visitors per day. Highways have raised no objection to the proposal as the roads are purpose made to serve the industrial estate.

4.9 The site has provision for parking of 8 vehicles, this would allow HGVs to enter and leave the site in a forward gear. An appropriately worded condition would be attached to any planning approval, to secure this required no of parking spaces. An additional 10 parking spaces have been agreed with the adjoining landowner and would be provided on their southern car park.

Visual Impact

4.10 The proposal would have a minimal visual impact on the area as the site is currently screened to the north, west and south by existing industrial buildings of different size and design, to the east there is a tree screening between the site and the golf course.
Noise, Dust, Litter and Odours

4.11 The processing of waste material would take place inside the proposed building, reducing the impact of noise, dust, odour and litter on the surrounding businesses. The other existing uses in the industrial area currently produce some levels of odour, dust, litter and noise pollution. Any impact from the increased activities on the application site would be minimal.

Boundary Fence Treatment

4.12 The site would be secured on the northern and western boundary by palisade fencing, which is currently insitu. On the eastern and southern boundaries a 3 metre high concrete panel wall has been installed. This would reduce the risk of any material which may become wind blown leaving the site and would also provide screening of on site activity.

External Storage

4.13 This is an industrial estate and external storage does take place on the estate. The application does not propose any external storage apart from pre-bailed and bailed cars. Conditions on any permission would require all other material to be contained within the existing waste transfer building. A height limit of 3 metres would also be imposed on the external areas, to ensure the material does not appear unsightly when viewed from the golf course.

Local Concern

4.14 Three letters of objection have been received, firstly the adjacent golf course are concerned with regards to an increase in the existing problems which have arisen from an existing much larger waste recycling facility to the north of the application site. The proposed site is of a much smaller scale and all sorting would be undertaken within the existing building, thereby there would be a minimal increase to the existing problems. Appropriately worded conditions would be put in place to control the impact of the development.

4.15 Secondly, the owner of the Golf Course Holker Estates has raised concern with regards to land ownership, part of the land to the eastern side of the site has encroached onto Holker Estates land and is included in the application site edged red. The applicant and landowner are in discussions to ensure the land ownership is resolved.

4.16 The third objector is the adjoining landowner who is concerned over the parking of vehicles on the private access road and the lack of parking within the site. The operator of the proposed waste transfer station only has a right of access across the road and does not have permission from the landowner to park cars on this section of road. An agreement has been made with the tenant of the factory to provide 10 parking spaces on their southern car park for use of employees of the waste transfer station.

Site Plan

4.17 Members will recall this application was deferred on 23 March, due to the uncertainty about what a dotted line on the base map at the front of the report represented. The line, close to the eastern edge of the application site, marks the previous boundary of the site granted planning permission under application 6/09/9004. The current application involves extending the site by excavation into the land in this location and the construction of a retaining wall to support ground outside the boundary which now forms part of the golf course.
4.18 Lines on the plan appear to show a track extending north and south of the site, creating the impression that the development of the site has in effect severed that path and raised concerns that it might have affected a public right of way. The applicant has confirmed that there was formerly a farm track that ran below an embankment on what is now the eastern boundary of the industrial estate. Following the development of the industrial units, the track is no longer in use and forms part of Barrow Golf Club. From aerial photographs it appears completely overgrown and unusable.

4.19 The former track is not registered as a right of way. It is shown on the First Series Ordinance Survey map, dating from the 1860s, as a track extending from a farm to provide access to fields. It did not lead to any other settlement or dwelling and the evidence is therefore consistent with the applicant’s statement that it was a private farm track. I have consulted the County’s Rights of Way Officer who has confirmed that the track has never been a footpath, bridleway or other public highway.

**Human Rights Act 1998**

4.20 The proposal will have a limited impact on the visual and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

**Conclusion**

4.21 I consider the development would have limited impacts on surrounding land uses and given the overall benefits of providing waste management facilities I have concluded that the proposal is an acceptable one. I recommend that planning permission be granted subject to appropriately worded conditions.

**Paul Feehily**  
Assistant Director - Planning & Sustainability

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**Background Papers**
Planning Application File Reference No. 6/11/9002

**Electoral Division Identification**
Ormsgill - Mr J Hamezeian
Summary of Reasons For Grant of Planning Permission

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

2. The key development plan policies taken into account by the County Council before granting permission were as follows:

Cumbria Minerals and Waste Development Framework (CMWDF) Core Strategy (CS) 2009-2020

Policy CS1 – Sustainable Location and Design
Proposals for minerals and waste management developments should demonstrate that their location will minimise as far as practicable the minerals and waste road miles involved in supplying the minerals or managing the wastes unless other environmental/sustainability.

Policy CS8 – Provision for Waste
Provision will be made for the management of all Cumbria’s wastes within the county, with the acceptance of limited cross boundary movements. Any proposals to manage significant volumes of wastes from outside the county would have to demonstrate that the local, social and economic benefits outweigh other sustainability criteria. These other criteria include the impacts of the additional waste miles and the principles of managing waste as close as possible to its source, with each community taking responsibility for its own wastes and taking account of the nearest appropriate facility. Any proposals would have to demonstrate that their environmental impacts are acceptable.


Policy DC 1 – Traffic and Transport
Proposals for minerals and waste developments should be located where they:

a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
b. have potential for rail or sea transport and sustainable travel to work, and

c. are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity, where an appropriate standard of access and traffic routing can be provided, and appropriate mitigation measures for unavoidable impacts are provided.
Policy DC2 – General Criteria

Minerals and Waste proposals must, where appropriate, demonstrate that:

a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
b. there will be no significant degradation of air quality (from dust and emissions),
c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made,
d. carbon emissions from buildings, plant and transport have been minimised,
e. issues of ground stability have been addressed.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species, how residual and/or mineral wastes will be managed,
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
- the use of appropriate and well maintained and managed equipment,
- phasing and duration of working,
- progressive restoration,
- hours of operations,
- appropriate routes and volumes of traffic, and
- other mitigation measures.

Policy DC4 – Criteria for Waste Management Facilities

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below.

a. Proposals for scrapyards, vehicle dismantlers, materials recovery facilities, or transfer and storage facilities to facilitate materials re-use and recycling, including household waste recycling centres, will be permitted on existing or planned industrial estates or at existing waste management sites,
b. Developments of facilities involving processing, storage or transfer of non-inert waste in proximity to housing, business uses, or other sensitive industries will only be permitted if enclosed within a building, and adverse emissions controlled through appropriate and well managed equipment,
c. Facilities for physical, chemical or biological treatments of waste will be permitted if they reduce the potential of waste to pollute the environment; and are:
   i. on industrial estates, or
   ii. at non-inert landfill sites where they are needed for pre-treatment, or for treatment of leachate, and will not prejudice good operational standards or the restoration scheme,
d. Open windrow green waste composting will be permitted, where adequate stand off distances can be established to safeguard other land uses from odours and emissions, and development is on:
   i. farms or open countryside locations, or
   ii. isolated industrial estates or waste management sites,
e. Other facilities for composting waste will only be permitted where odours and emissions to atmosphere are controlled by effective enclosure and other techniques,
f. Waste water treatment facilities will be permitted in appropriate locations if proposals have minimised any adverse environmental impacts,
g. In considering energy from waste proposals preference will be given to combined heat and power providers. Proposals located on an industrial site or premises where the waste arises or heat can be used will be favoured,
h. Proposals for recycling facilities for construction and demolition waste, mineral and other wastes will be permitted at active quarries and landfill sites, and on suitable industrial estates. Proposals for facilities for periods longer than the active life of a quarry or landfill will require to be justified as sustainable development.

Policy DC14 – The Water Environment
Planning permission will only be granted for developments that would have no unacceptable quantitative or qualitative adverse effects on the water environment, including surface waters and groundwater resources. Proposals that minimise water use and include sustainable water management will be favoured.

Barrow-in-Furness Local Plan 1996-2006
Policy D21 – Design Code
In determining all applications submitted to it the local planning authority will have regard to the General Design Code.

Policy D65 – Sustainability
Proposals for the collection, sorting and use of bottles, paper, aluminium, plastics, oil and other recyclable materials will be approved subject to there being reasonable protection of residential and visual amenity and adequate access.

In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably by mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.
Conditions

Approved Documents

1. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:

   a. The submitted Application Form – dated 19 November 2010
   b. Design and Access Statement – dated 22 November 2010
   c. Weighbridge details – John Maguire & Son - undated
   d. Photographs of vehicle baler
   e. Plans numbered:
      i) Location Plan – 10147/03/09/01
      ii) Site Plan – 10147/09/10/03 Rev D – dated 18/09/2010
      iii) Weighbridge Foundation/construction plan – JMS 100/36 - dated 08/11/01
      vi) Steelwork Sanction Details – 10147/09/10/06 - dated 18/09/2010
      vii) Steelwork Foundation Plan – 10147/09/10/07 - dated 18/09/2010
      viii) Means of Escape Layout – 10147/09/10/08 - dated 18/09/2010
      ix) Section A-A and typical steelwork details – 10147/09/10/09 - dated 18/09/2010
      xi) Traffic Movement plans – 10147/09/10/10 including(dated 18/09/2010) - Reverse into sorting shed, reverse into de-polluting shed, 5 point turn in yard, entry over weighbridge and general exit, Reversing manoeuvre in yard area, exit from sorting shed
      xii) Existing floor plans and elevations – 10147/12/10/01 - dated 13/12/2010

   f. The details or schemes approved in relation to conditions attached to this permission.
   g. This Decision Notice

Reason: *To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

2. No operations, including the loading or unloading of materials or the operation of plant or machinery, shall take place on site outside the hours:

   08.00 to 18.00 hours Mondays to Fridays and 08.00 to 12.30 hours Saturdays and not at all on Sundays, Bank and any other Public Holidays.

Reason: *To minimise the potential for any noise emissions to have any adverse impacts on surrounding users of the industrial estate.*
3. No waste or recycled material, other than baled scrap vehicles or vehicles awaiting baling shall be deposited, sorted or stored on any part of the site other than within the building subject to this permission.

**Reason:** To prevent any risk of dust, odour and litter emissions in accordance with Policy DC4 of the Cumbria Minerals and Waste Development Framework 2009.

4. No waste shall be stacked or stored externally on the site to a height greater than 3 metres above the level of the ground on which they area placed.

**Reason:** To minimise the potential for there to be any adverse visual impact arising in accordance with Policy DC4 of the Cumbria Minerals and Waste Development Framework 2009.

5. All materials transported to and from the site shall be sheeted or in closed containers.

**Reason:** In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties.

6. No vehicles shall leave the site in a condition that would give rise to the deposit of mud, dust or other debris on the public highway.

**Reason:** In the interests of highway safety in accordance with Policy DC1.

7. Other than private motor vehicles belonging to employees and visitors to the site; no more than 30 HGV's shall enter and leave the site a day between Monday and Friday (i.e. 60 vehicle movements) and no more than 15 HGV's shall enter and leave the site on a Saturday (i.e. 30 vehicle movements). A record of loads entering the site shall be maintained and produced on request to the Local Planning Authority.

**Reason:** To minimise the potential for conflict with any other uses in the area and minimise the potential for noise generation from operation of the site in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework 2009.

8. Access gates shall be hung to open inwards only.

**Reason:** To avoid any conflict between highway and pedestrian users of the private access.

9. Except for the area for car parking shown on drawing number 10147/09/10/11 rev A and the areas for the storage of cars for baling and of baled cars shown on drawing 10147/09/10/03 rev B, the yard areas shall remain free of obstructions at all times.

**Reason:** To ensure the safety and free flow of traffic and pedestrians within the site compound.
10. Within a month of the date of this permission a scheme detailing the environmental management of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the site is secured, how the site boundary would be kept free of litter, measures to prevent dust causing a nuisance and emergency procedures in case of odour or fly or vermin infestation on site.

When approved the scheme shall be implemented in full.

Reason: In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties.

11. The use shall not be commenced until the parking areas have been clearly marked in accordance with the approved plan. Any such parking provision shall be retained and capable of use whilst the development is in operation.

Reason: To ensure a minimum standard of parking provision and access is provided when the development is brought into use.

12. The total amount of construction waste (including both processed and unprocessed materials) shall not exceed 500 tonnes at any time.

Reason: In the interests of visual amenity of the area.

13. Within a month of the date of this permission a desk study shall have been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for onsite contamination. If during the development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a remediation strategy detailing how this contamination shall be dealt with. When agreed any works shall be carried out in full.

Reason: In order to ensure that the risk of pollution from on site contamination is kept to a minimum.

14. All sorting and recycling operations, including the mechanical processing of construction & demolition waste and the de-pollution of motor vehicles shall be carried out inside the buildings shown on plan 10147/09/10/03 Rev D. Composting or other processing operations shall not be carried out on the site.

Reason: In order to protect the amenities of adjacent premises and land owners and to ensure no unauthorised use is carried out at the site.

Informatics

1. The use of the site as a waste transfer station requires a permit from the Environment Agency.

2. Failure to supply details under the requirements of conditions would result in the proposal being in breach of the planning permission and action maybe taken to rectify this.