

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**A report by the Executive Director for Economy and Infrastructure**

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**Application Reference No. 6/19/9007**

Application Type: Full Planning Permission

Proposal: Erection of a replacement transfer building.

Location: Sinkfall Farm Waste Transfer Station, Rakesmoor Lane, Barrow-In-Furness, LA14 4QE

Applicant: Sinkfall Waste Transfer Station

Date Valid: 10 August 2020

Reason for Committee Level Decision: Objection(s) received from representee,

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**1.0 RECOMMENDATION**

1.1 That Planning Permission be granted subject to conditions set out in Appendix 1 to this report

**2.0 THE PROPOSAL**

2.1 Planning permission is sought for the erection of a replacement transfer building at Sinkfall Farm Waste Transfer Station, Rakesmoor Lane, Barrow-In-Furness.

2.2 The application would result in the demolition of two existing agricultural type buildings currently used for waste management and replacement with a new enlarged one, with slightly more than twice the floor space, totalling of 3470m<sup>2</sup>. The new building would be around 75m long by 36m wide. It would be a modern portal framed type clad with profiled metal sheeting, thus of agricultural appearance. The building would extend around 20m into the field to the south of the existing building.

2.3 The long axis of the building runs northeast – south west. The land slopes away to the east, resulting in the building be around 11.3m high to the ridge at the south western end and 14.7m high at the north eastern end. The original buildings had different floor levels and were both around approximately 8m to the ridge.

2.4 Although the building would be significantly bigger, the applicant has indicated that they do not intend to increase the amount of waste handled at the site, rather, that they consider the development necessary to operate in a more efficient manner and to increase the separation between bays filled with different materials to more easily meet their fire prevention plan (which is part of their Environmental Permit issued by the Environment Agency). Contaminated water from the building will be stored in the large tank on site ahead of disposal. Roofwater will continue to be discharged directly onto agricultural land and thus soakway

2.5 The applicant has also indicated that should permission be granted they will apply to Barrow Borough Council for a change of use of one of the other buildings at the farmstead from waste management back to agriculture, which

would be a reduction of 1200m<sup>2</sup>. The building in question is long and relatively narrow with a low roof. It is no longer useful for waste management purposes but is reasonably well suited to house livestock.

### **3.0 SITE DESCRIPTION**

- 3.1 Sinkfall Farm is located approximately 4km to the north of the centre of Barrow-in-Furness, 1.5km west of Dalton-in-Furness and approximately 1km north of the Hawcoats residential estate. It is around 500m south of the Park Road roundabout (the western end of the A590T). For the past 16 years it has been in a mixed use with both agricultural and waste related activity being undertaken at and around the site.
- 3.2 The farm is a cluster of mainly portal frame agricultural buildings of various ages, designs, construction materials and states of repair. The sheets on the outside wall of the buildings that this proposal would replace are in a poor state of repair with large holes, that do little to contain nuisance and are visual unappealing. The site is in a relatively prominent position near the summit of the unnamed hill to the north of Barrow. The topography means that the floor levels between existing buildings vary by a number of metres. Overall the land falls in a south-easterly direction.
- 3.3 The nearest residential property is Sinkfall Farmhouse, 65m to the west which is owned by the applicant. 175m to the east lies the Park Road Kennels, which are just to the south of Rainbow Bungalow (190m away). Millwood Cottages are around 230m to the south east of the application site.
- 3.4 The nearest listed building is Sinkfall Farmhouse, followed by Millwood Manor 750m to the south east. The nearest wildlife site is the Goldmire Valley 500m to the east of the site and the closest SSSI is the Duddon Estuary, which is part of the Morecambe Bay SAC, SPA & Ramsar over a mile to the North West. Sandscale Haws National Nature Reserve is also just over a mile to the North West. The Lake District National Park is 12 km to the north of the site. With the exception of the Sinkfall farmhouse, there are no obvious linkages between these environmental and heritage assets and the continued use of the building for waste management purposes.

### **4.0 SITE PLANNING HISTORY**

- 4.1 Planning permission to use Sinkfall farm as a waste transfer station was granted on appeal in 2003. A further permission for storage of inert waste in two redundant farm buildings was granted in 2006. It is of note that the report to committee commented "*The operator has found the existing buildings that have consent for the operations are not high enough to tip 8 wheeler wagons up in order to fully release their load.*" More recently, permission has been granted for a flue for a biomass fired boiler associated with a drying floor in 2016; a 42m x 24m x 8.5m building over the drying floor (reference 6/18/9005), which is currently under construction; and retrospective permission for a replacement building for storage and baling (reference 6/20/9002).
- 4.2 In 2016 Planning permission for a silage building was granted by Barrow Borough Council. This would have been immediately adjacent to the south east elevation of the existing building. It has not been constructed and its footprint is wholly within that of the proposed building.

- 4.3 Temporary permission was granted to extend operating hours (6/19/9006) which has now expired. There is also an application for a lawful development certificate (6/19/9008) and a topsoil storage building (6/19/9009) currently being considered under delegated powers.

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 Barrow Borough Council Planning Department have not responded to the consultation.
- 5.2 Barrow Borough Council Environmental Health Department have not responded to the consultation.
- 5.3 CCC Highway Authority has no objection
- 5.4 CCC Lead Local Flood Authority has no objection.
- 5.5 Environment Agency has no objection, but notes that the applicant will have to contact them to ensure changes are reflected in the environmental permit.
- 5.6 Mr Roy Worthington, the local member for Hawcoat has been consulted but has not commented on the application.
- 5.7 Two representations have been received as a consequence of publicity. The first objects on the basis that, if approved, the development would be closer to their property and that they already suffer from intrusive noise from operations at the site. They comment that they have complained to the Environment Agency about noise as it has got worse since the applicant got a contract to manage waste glass. They also comment that reversing alarms are loud and although they have asked the applicant to use the whitenoise type they do not do so. They conclude that *“The pleasure of working and relaxing in our garden is constantly being disturbed by glass being dropped and reversing alarms, which can also be heard inside our house.”* and with a request that if the application is approved that there are soundproofing measures incorporated and that plant operating on site uses whitenoise type alarms.
- 5.8 The second representation objects due to the location as the extended building would further encroach in the open countryside and cites policy from the Cumbria Minerals and Waste Local Plan to indicate that it is inappropriate. They also note that whilst the application is made on the basis of not increasing capacity, the history of the business is to increase incrementally rather than in a properly planned way. They conclude: *“The County Council is urged to reject this application, and seek to regain planning control over this site – restricting it to small scale operations within the existing farm buildings, appropriate to a farm site. The County Council should pursue the strategy of the Cumbria Minerals and Waste Local Plan, and resist further expansion of waste management facilities out in to the open countryside.”*

## **6.0 PLANNING POLICY**

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision

making process.

6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:

- Policy SP1 - Presumption in Favour of Sustainable Development
- Policy DC1 - Traffic and Transport
- Policy DC2 - General Criteria
- Policy DC3 - Noise
- Policy DC6 - Cumulative Environmental Impacts
- Policy DC9 - Criteria for Waste Management Facilities
- Policy DC18 - Landscape and Visual Impact
- Policy SAP2 - Waste Treatment and Management Facilities

6.3 The following policies from [The Barrow Borough Local Plan 2016-2031](#) - adopted 4 June 2019. Are considered relevant to the application.

- Policy DS1 – Sustainable development
- Policy N1 – Protecting & Enhancing Landscape Character
- Policy GI1 – Green Infrastructure
- Policy GI7 – Open Countryside

6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in February 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications.

6.5 [The National Planning Policy for Waste](#) (NPPW), published on 16 October 2014, has also been taken into account.

## 7.0 PLANNING ASSESSMENT

7.1 Waste is sorted, bulked up, transferred or otherwise recycled at the site and there is no waste disposal undertaken. It therefore falls outside of any class of EIA development set out in the 2017 regulations.

7.2 The key planning issues relevant to the proposed schemes are considered to be:

### **Would the increase in size have a negative impact on residential amenity?**

7.3 Although the site has few neighbours and waste management activities confined to buildings, it still has the capacity to cause nuisance, particularly due to noise. The situation is made more complicated by agricultural activities undertaken at the farm that can, at times, be equally noisy and use similar equipment, but are not subject to limitations such as hours of operation. This is illustrated by a recent complaint related to late night working. On investigation, it became clear that part of one of the buildings had been cleared of waste and that the applicant had used it to crimp grain for use as cattle feed. Occasional uses such as this generally do not require planning permission.

7.4 CMWLP policy DC3 relates to noise. This policy sets out that average noise levels should not exceed background levels by more than 10dB(A) or a maximum of 55dB(A) at noise sensitive properties. No instrumented noise assessment has been submitted with this application; however, I consider that it

would be disproportionate to require such a report. This is because it would be difficult to agree precisely what the background noise level should be, given the established waste management operation and because the proposal does not propose any increase in the intensity of the use.

- 7.5 In light of the representation and the specific issue of tipping glass, the applicant commented that *“There are only up to 5 loads per day Monday to Saturday and they take approximately 30 seconds to empty. They arrive between 9.00am and 15.00.”* This sort of noise is difficult to deal with as environmental noise assessments consider noise averaged over an hour period, however, I give weight to this high peak noise level as a material consideration. In mitigation, the operator has proposed to locate the relevant bays on the northern side of the building which would be further away from residential property than they are currently. Rather than explicitly condition this, it is shown on a plan included as one of the approved documents should planning permission be granted. I also expect the proposed construction of the building, with new concrete panels forming the bottom of the wall and profiled sheet cladding along the upper section will contain potential nuisance noise and dust etc. far more effectively than the current wall which is in a poor state of repair. I consider the mitigation to comply with the requirements of paragraph 010 (Reference ID: 30-010-20190722) of the national planning practice guidance.
- 7.6 Whilst a larger building should reduce the amount of reversing needed when manoeuvring plant, I also propose to include a condition requiring plant machinery used on site be fitted with whitenoise type reversing alarms and to formalise a system for recording and responding to complaints. Schemes requiring an operator to respond to complaints and where appropriate addressing the cause of complaint / propose mitigation have worked successfully on other waste management sites in the county.

### **Would the proposal have an adverse impact on the local landscape?**

- 7.7 The Cumbria Landscape Toolkit describes the area as Rolling Lowland (5c). The key characteristics of this landscape class is its open undulating and rolling topography with lowland agricultural activity and pasture. It notes that farms are dispersed and large modern farm buildings near to traditional farmsteads are common. It also notes an occasional industrial character from quarrying and waste sites. In essence it is perceived as being a working landscape with views limited by topography. The sensitive characteristic of the landscape relevant to this development are identified as being the matrix of hedges and trees that shape the field pattern.
- 7.8 In this case, although it encroaches on a field, the proposal does not impact on any hedges or trees. The toolkit encourages reducing the impact of large buildings by sensitive siting, breaking down the mass and the use of sympathetic colours and non-reflective finishes. Although in this case there is little opportunity to reduce the mass of the building, I regard the siting adjacent to other buildings and the outward agricultural appearance to be acceptable as it is well related to the relatively compact group of buildings that form the farmstead. In addition, the buildings that would be replaced are in a poor state of repair and thus I consider a new building to be an improvement over that which it would replace. The planning statement indicates that colours and finishes will be to match the most recently erected buildings. This is profiled metal sheets that are powder coated green with concrete panels at the bottom of the walls.

- 7.9 As a consequence of conformance with the landscape character toolkit, I consider the proposal meets the criteria of BBLP policy N1 which states: *“Land use proposals should protect and enhance where appropriate, local landscape character, as defined by contemporary adopted local landscape character guidance, currently the Cumbria Landscape Character Guidance and Toolkit...”* I also note that the proposal is not in an area of undeveloped coast or within the setting of the National Park, which policy N1 affords additional protection to. It follows that I also consider the development to be compatible with the landscape as required by CMWLP policy DC18 as I judge the proposal would not have a significant adverse impact on the landscape or the setting of visually sensitive sites.
- 7.10 Policy GI1 of BBLP sets out criteria relating to green infrastructure. This policy sets out the Council’s strategy which seeks to promote the creation, enhancement and protection of green infrastructure. Policy GI7 states *“Development within the open countryside which accords with the Development Plan will be supported providing that it accords with the principles of the Green Infrastructure Strategy and recognises and respects the intrinsic character and beauty of the countryside.”* Whilst the green infrastructure strategy primarily relates to new development or wholesale redevelopment of sites, I consider that this proposed development is not directly contrary to it. It could be argued that the lack of landscaping planting proposals or connection of areas of habitat through creation of native hedging etc. is a missed opportunity, however given that the site is separated from areas of biodiverse habitat by roads and agricultural fields, it is hard to see how these measures could reasonably be incorporated into the scheme without leading to a loss of useable agricultural land.

#### **Is this location suitable for a waste management operation?**

- 7.11 One of the representations suggests that permission should not be granted as planning policy does not support waste management facilities in the open countryside. CMWLP Policy SAP2 lists specific locations and broader areas that have been specifically identified as being suitable for the development of waste management facilities. These are all established industrial estates/ areas and include both Park Road and Sowerby Woods in the Barrow area. However, the policy is not worded in an exclusive way to the effect that proposals for waste management activities would be unacceptable elsewhere. The correct test is set out in Policy DC9 – Criteria for waste management facilities. This states: *“Proposals for waste management facilities for all waste streams excluding radioactive, will be permitted subject to the locational and other criteria set out in the table below.”* With respect to waste transfer facilities the policy sets out that *“...existing or planned industrial estates; or existing waste management sites”* are suitable *“If [there are] no unacceptable impacts on housing, business uses or other sensitive land uses, and no unacceptable impacts on landscape”*. As noted above, I consider that subject to conditions to protect residential amenity that this proposal would not have an unacceptable impact on residential amenity and that whilst not positively enhancing the landscape, the impacts are not unacceptable. It follows that as an existing waste management facility I consider the proposal is supported by this policy.

#### **Is the proposal acceptable in relation to other planning policies?**

- 7.12 As the proposed building is intended to upgrade an existing sub-standard facility

and make it more suitable for modern waste management practices rather than to allow an expansion of the business, there would be no increase in many of the impacts that are already considered, if not acceptable, within the terms of what the applicant can already do at the site.

7.13 The site remains well located with respect to the strategic highway network, acceptable in relation to CMWLP policy DC1. With respect to policy DC2, I noted above the difficulty in assessing noise. With respect to other assessments and relevant criteria set out in the policy, the site does not lie within an Air Quality Management Area or have any impact on public rights of way. Furthermore, the hours of operation and volumes of traffic would be unchanged as a consequence of the proposed development. No cumulative environmental impacts have been identified in relation to DC6.

**7.14 Is the proposal acceptable in relation to other material considerations?**

7.15 One of the representations comments that activity at the site has increased as the site has developed incrementally, without proper planning and consideration. I agree with this point and accept that incremental development is one of the biggest challenges facing waste management sites, as the industry evolves to meet the changing demands of legislation and recycling targets. However, with the exception of scrap yards, I cannot identify any well-established waste management site in the County that has not undertaken some form of incremental development. I therefore cannot reasonably attach much weight to this consideration.

7.16 One of the representations challenges the need for such a large building and comments that the permitting and fire prevention requirements could be met through internal rearrangements. It also comments that the operator has also applied for a Lawful Development Certificate (which is currently being considered as a separate matter) as they have been working in the yard area between buildings. I understand the point being made and agree that the possibilities for internal re-arrangement have not been fully explored in the application. However, the existing buildings are low, have a variable floor level and are in a poor state of repair. This has led to difficulties with both manoeuvring and loading/ unloading road going vehicles. The proposed building represents a significant investment in the site and is driven by a desire to modernise the facilities available to the business. Whilst I give the argument some weight, I do not consider it of such magnitude as to outweigh the support from planning policy set out above.

**8.0 CONCLUSION**

8.1 The proposed development represents a significant investment to modernise the infrastructure of what amounts to be a successful business. This is a business that has outgrown the existing buildings which hamper its efficient operation. The proposed building would be significantly larger than what already exists and have a visual impact. However, I consider the impact acceptable in wider landscape terms as its outward appearance would be that of an agricultural building at a farmstead and I believe that the visual impact will diminish over time as it becomes a recognised part of the landscape.

8.2 I am also concerned about the impact of noise on the ability of nearby residents to be able to enjoy their property, however, the applicant's fall-back position of doing nothing would not result in a reduction in noise. I consider the use of a

complaints investigation and reporting scheme could lead to measures to address complaints and if necessary, compel the applicant to carry out mitigation for the noisiest aspects of the operation.

- 8.3 In summary, it is considered 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 proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions.

### **Human Rights**

- 8.4 The proposal will have a limited impact on the visual and residential 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 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.

**Angela Jones**

**Executive Director for Economy and Infrastructure**

**Contact:** Mr David Hughes

**Electoral Division Identification:** Hawcoat ED - Mr R Worthington



Development Control and Regulation Committee -

**Appendix 1 - PROPOSED PLANNING CONDITIONS**

- 1 The development hereby permitted shall be begun 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Scheme**

- 2 The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - Application form dated 19/12/2019
  - Design and Access Statement prepared by Planning Branch dated July 2020
  - Location plan ref P10503/amr/T1 dated 13 November 2019
  - Elevations Plan ref P10503/amr/T3 dated 13 November 2019
  - Undated plan titled Bottle storage submitted 21/9/2020

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

**Complaints Investigation Scheme**

- 3 Prior to the first use of the building, a scheme for the recording, investigating and addressing complaints shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall set out:
  - How complaints will be recorded
  - A timescale for investigating the cause of complaint and reporting back to the Local Planning Authority
  - Measures and a timescale for implementing such measures to address the cause of complaint.

When approved the scheme shall be implemented in full.

*Reason* To protect residential amenity in accordance with policy DC2 of the Cumbria Minerals and Waste Local Plan 2015 – 2030

**Hours of operations**

- 4 No use of the building shall take place outside the hours of:

0600 hours to 1800 hours Mondays to Fridays

0600 hours to 1630 hours Saturdays

No use of the building shall take place on Sundays or Bank Holidays

*Reason* To protect residential amenity in accordance with policy DC2 of the  
*n* Cumbria Minerals and Waste Local Plan 2015 – 2030

### **Traffic**

- 5** The total number of skips, vans, trailers and heavy goods vehicles shall not exceed annually an average of 62 vehicles entering and leaving the site per day and not exceed 80 vehicles entering and leaving the site on any one day. A record of all laden vehicles heavy goods vehicles entering the site each day shall be maintained by the operator and access to this record shall be afforded to the Local Planning Authority on request

*Reason* To protect residential amenity in accordance with policy DC1 of the  
*n* Cumbria Minerals and Waste Local Plan 2015 – 2030

- 6** All vehicles leaving the site shall turn right.

*Reason* To protect residential amenity in accordance with policy DC1 of the  
*n* Cumbria Minerals and Waste Local Plan 2015 – 2030

### **Protection of Watercourses**

- 7** Any tanks for the storage of oils or other chemicals shall be contained within a bund and sited on impervious bases. The bunded areas shall be capable of containing 110% of the largest tank's volume. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should discharge downwards into the bund

*Reason* To prevent pollution of water resources in accordance with Policy DC20  
*n* of the Cumbria Minerals and Waste Local Plan 2015 – 2030

### **Whitenoise audible alarms**

- 8** Within 6 months of the replacement building being brought into use, all plant and machinery fitted with audible warning alarms shall use a white-noise type of alarm.

*Reason* To protect residential amenity in accordance with policy DC2 of the  
*n* Cumbria Minerals and Waste Local Plan 2015 – 2030

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

