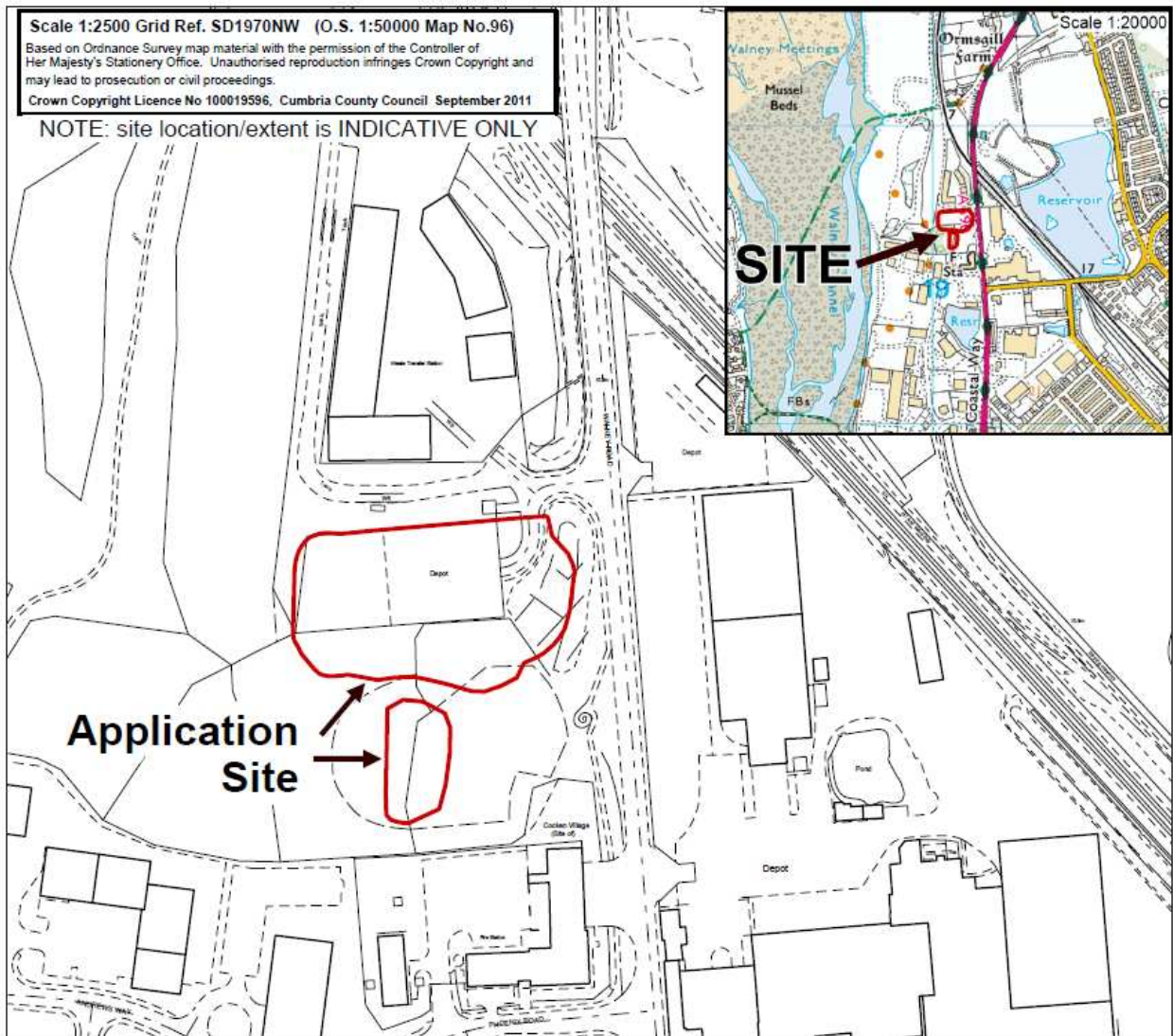


**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**4 October 2011**  
**A Report by the Assistant Director - Planning & Sustainability**

Application No:	6/11/9016	District:	Barrow
Applicant:	Cumbria County Council Barras Lane Dalston	Parish:	
		Received:	3 August 2011

**PROPOSAL** Section 73 application to amend condition no.1 of planning permission 6/08/9011 to extend the life of the permission until 2014

Barrow Civic Amenity Site, Walney Road, Barrow-in-Furness, Cumbria, LA14 5UY



## 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 proposal seeks to allow an extension of time for the implementation of an existing planning permission (6/08/9011) for the redevelopment of the Barrow Household Waste Recycling Centre (HWRC) to 4 October 2014. The consent has not been implemented, and the Barrow HWRC has continued to operate under a planning consent approved in 1990 (6/90/0987).
- 2.2 The 2008 redevelopment consent permitted an extension of the existing site by 0.84 ha (overall size of HWRC approx. 116 m x 63 m), and included the siting of 15 skips/compactor units, 36 containers for glass, paper, card, plastic and cans, 4 containers for gas, oil and batteries, welfare cabin (9.75 m x 3.6 m) and greeters cabin (2 m x 2m x 2.5m), 13 no. 10 metre high lighting columns, 3 metre high security wire fencing, canopy and landscaping bunds.
- 2.3 The permitted proposal also included installation of lighting to the covered bays to improve visibility for member of the public and site operatives during the winter months, and solar panels to covered area on the northern side of the proposed canopy. Amendments to the current landscaping bund on Walney Road to reduce it in height were also approved. The landscape planting would be retained, and additional landscaping proposed north of the existing planting arrangements. A landscape bund in a depression to the south of the site was also part of the approved scheme.
- 2.4 Alterations to vehicular access arrangements and ramped area to allow easy access to skips/containers at the western end of the site were also approved, together with alterations to the existing entrance arrangements to the site. These allow improved access to the site and facilitate the flow of traffic to and from the site, via a one way system which would have 3 lanes within the site. This would alleviate any build up of traffic leaving Walney Road at busy periods.
- 2.5 Further amendments to relocate the site access gate were approved in 2010 (6/10/9002).
- 2.6 The 6/08/9011 consent limited operating hours to between the hours of 07:30 to 18:30, 7 days per week, but amendments to those operating hours were approved (6/08/9009) soon after the substantive consent. These enabled use of the premises as a Household Waste Recycling Centre between 08:00 - 18:00 daily but in addition heavy goods vehicles and trailers may enter and leave the site between the hours of 05:00 and 19:00 daily, and be parked on the site overnight.
- 2.7 The site is accessed from Walney Road, the main route into Barrow. The current junction arrangement is to the Highways Authority specification, it is not proposed to alter the current junction arrangements.
- 2.8 Barrow HWRC is located on Walney Road (A590), Barrow. The immediate area is of mixed use being a fire station, a waste transfer station, bus depot and Calor Gas distribution centre. The site sits at the base of Barrow Slag Bank, facing east towards Ormsgill. This area has been substantially re-developed since the

original application was submitted in the early 1990's.

- 2.9 The nearest residential properties are 350 metres to the south of the site (73 Walney Road). The nearest industrial unit is the waste transfer station, which shares a common boundary with the HWRC.

### **3.0 CONSULTATIONS AND REPRESENTATIONS**

- 3.1 Barrow Borough Council had no objection to application 6/08/9011. They have been consulted on this application but no reply had been received when this report was prepared.
- 3.2 Highway Authority – Had no objections to application 6/10/9002 that relocated the access gates. They have been consulted on this application but no reply had been received when this report was prepared.
- 3.3 Environment Agency – No objections to this application.
- 3.4 United Utilities had no objections to application 6/08/9011 and there have been no changes to this aspect of the proposal.
- 3.5 The local Member Mrs A Burns has been notified.
- 3.6 No representations had been received when this report was prepared.

### **4.0 PLANNING ASSESSMENT**

- 4.1 Planning permission for 6/08/9011 "Extension to Household Waste Recycling Centre" was granted at Development Control and Regulatory Committee on 16 September 2008. Condition No 1 stated : The development hereby permitted shall be begun before the expiration of three years from the date of this permission. The planning permission expired on 16 September 2011 hence the reason for this application to extend the life span of the planning permission.
- 4.2 The Town and Country Planning (General Development Procedure), as amended in 2009, enables the Local Planning Authority to extend the life span of unimplemented planning consents where those consents were granted prior to 1 October 2009. In this case the implementation has been delayed because of the changes to the management of the household waste stream within Cumbria, but implementation of the consent will need to be progressed in the next three years
- 4.3 .The subsequent consents for minor amendments described in paragraphs 2.4 to 2.6 were granted under delegated powers on 15 January 2009 and 22 April 2010 and the provisions of those amendments can be consolidated into any new planning consent granted at this time.

#### **Policy**

- 4.4 The relevant policy context has not changed and the proposal would allow greater flexibility for people to recycle more than the current facilities allow. and the proposal thereby complies with Government strategy to encourage enhanced recycling opportunities for local communities. It would extend the existing HWRC arrangements in Barrow, serving the lower Furness area, which include Barrow, Dalton, Askam and surrounding villages.

- 4.5 Barrow-in-Furness Local Plan Policy D65 recommends approval of proposals for recycling subject to there being reasonable protection of residential and visual amenity and adequate access, and Barrow supported the proposals when consulted in 2008.

### **Access**

- 4.6 The increased space within the site would materially improve the traffic situation by eliminating the need for vehicles to queue on Walney Road. A similar scheme was introduced at Kendal HWRC, which elevated the problems of the build up of traffic on the highway.

### **Landscape/Visual Impact**

- 4.7 The proposal lies in an area which is well screened by the slag bank and landscaping mounds which were created as part of the Walney Road enhancements and the visual impact of the proposal would be minimal due to the existing landscape contours. Proposed condition 6 would minimise the impact of the canopy by ensuring it would be painted green to blend in with the surrounding landscape.

### **Lighting**

- 4.8 The proposal includes 13 no. 10 metre high lighting columns. The lighting columns would have very little impact on the nearby neighbours.
- 4.9 A condition is however recommended to control the use of the lights so they only operate between 07:30 – 18:30.

### **Biodiversity**

- 4.10 A Screening Opinion was adopted on the 4 June 2008 saying that in the County Council's opinion the development was not EIA development and that the proposal would not be likely to have a significant adverse impact on the Duddon Estuary SSSI and Morecambe Bay SSSI. The Slag Bank provides a buffer between the development from these designated sites, . An area of landscaping identified as potentially providing habitat has been removed in preparation for the development, and replacement landscaping and habitat would be provided as part of the scheme.

### **Flooding**

- 4.11 The site lies within Flood Zone 1 as defined by PPS25 : Development and Flood Risk, the site is at little or no risk from tidal, river and coastal sources which are less than 0.1% annual probability of occurrence.

### **Drainage**

- 4.12 Drainage to the site is via the existing drainage systems, which would be upgraded and improved as part of the planning proposal. This would include the new interceptor tanks to the surface water drainage system and full retention tanks for oil/petrol interceptors. United Utilities had no objections to the proposals.

### Human Rights Act 1998

- 4.13 The proposal will have a limited impact on the visual, residential 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**

- 4.14 Policies support the enhancement of recycling facilities and they should be encouraged on appropriate sites. In this instance the scheme is for an extension of time to the time limit for the site to be redeveloped and does not impact on the amenities of nearby residents or on the visual and environmental impact of the area. I recommend that planning permission is granted.

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

### **Contact**

Mrs Jayne Petersen, Kendal, tel: 01539 713549,  
email: jayne.peterson@cumbria.gov.uk

### **Background Papers**

Planning Application File Reference No. 6/11/9016

### **Electoral Division Identification**

Hindpool ED - Mrs A Burns

**THE TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

**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) and Development Control Policies (DC) 2009-2020**

Policy CS 2 – Economic Benefit

Proposals for new minerals and waste developments should demonstrate that they would realise their potential to provide economic benefit. This will include such matters as the number of jobs directly or indirectly created or safeguarded and the support that proposals give to other industries and developments. It will also be important to ensure that minerals and waste developments would not prejudice other regeneration and development initiatives.

Policy CS 8 – Provision for Waste

Provision will be made for the management of all of Cumbria's wastes within the county, with the acceptance of limited cross boundary movements (net self sufficiency). 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 DC1 – 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 and

- 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 DC3 – Cumulative Environmental Impacts

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

- a. impacts on local communities,
- b. all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
- c. the impact of processing and other plant,
- d. the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
- e. impacts on the wider economy and regeneration,
- f. impacts on local amenity, community health and recreation facilities and opportunities.

#### 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.

### **Barrow-in-Furness Local Plan 1996-2006**

Policy A7 – Any proposals for development with frontage to the A590 into Barrow will be required to provide an attractive site frontage.

Policy D6 – Development along Park Road and Walney Road will be required to provide for the co-ordination of commercial signage to present information in a clearer, more professional manner, the implementation of a comprehensive landscaping scheme, maintenance of verges to a high standard and the shielding of unsightly views and vacant sites.

Policy D28 – Development proposals will be expected to include a survey of existing landscape features and a landscaping scheme of a professional standard.

Policy D63 – The Council will seek to minimise light pollution.

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



adequate access.

Policy E6 – Any proposals that will result in intensified use of existing accesses will be carefully examined by the Authority.

- 3 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 be 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.

Development Control and Regulation Committee – 4 October 2011

**Conditions**

**Time Limits**

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*

**Approved Documents**

2. 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 1 July 2011
- b. Design and Access Statement – July 2008
- c. Arboricultural report
- d. Archaeological desk based assessment – July 2008
- e. Transport statement – August 2007
- f. Flood risk assessment – September 2007
- g. Landscape proposals – July 2008
- h. Environmental scoping report – July 2008
- i. Phase 1 land quality assessment – July 2007
- j. Plans numbered:
  - i) CS/025428/08/001A rev Am0 – location plan (June 2008)
  - ii) CS/025428/08/001 Rev Am0 – location plan – existing and proposed site (June 2007)
  - iii) CS/025428/08/005 Am0 – proposed earthworks cross sections (May 2008)
  - iv) Landscape proposal plan – July 2008
  - v) CS/025428/08/320 Am2 – Cross sections (October 2008)
  - vi) CS/025428/08/002 Am1 – General arrangement (May 2008)
  - vii) CS/025428/08/303 Am3 – Drainage general arrangement plan (May 2008)
  - viii) CS/025428/08/334 rev Am3 – Landscape proposal (October 08)\_
  - ix) CS/025428/08/007 issue C – Lighting layout revision 1 – (14 July 2008)
  - x) elda-rav0171 Rev 2 – Steel toilet, shower, mess room
  - xi) CS/025428/S004 rev P1 – 14 August 2009
  - xii) General arrangement – May 08
  - xiii) CS024190/05/appendix 12/1-fig34/Am0 – Apr 07 - Signs
- k. The details or schemes approved in relation to conditions attached to this permission.
- l. 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.*

3. The use of the premises as a Household Waste Recycling Centre shall be restricted to 08:00 - 18:00 daily. In addition heavy goods vehicles and trailers may enter and leave the site between the hours of 05:00 and 19:00 daily, and be parked on the site overnight.

*Reason: In the interests of the amenities of the adjoining area.*

4. The use of the light on the Household Waste Recycling Centre shall be restricted to the hours of 07:30 to 18:30 daily. Between the hours of 05:00 and 07:30 in the morning and between the hours of 18:30 and 19:00 in the evening only lighting required for the safety of operators picking up or delivering of HGVs to the site shall operate.

*Reason: In the interest of the amenities of the adjoining area.*

5. The lights shall be shielded so that they are not directly visible by motorists on the adjacent highway.

*Reason: In the interest of highway safety and the amenities of the adjoining area.*

6. The security fence and canopy shall be painted/coated Juniper Green and should be maintained in this colour whilst the site is in operation.

*Reason : In the interests of the visual amenities of the area.*