



**CYNGOR**  
**Sir Ddinbych**  
**Denbighshire**  
**COUNTY COUNCIL**

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Heading:

45/2012/0280  
 Units 2 & 3 Glan Aber Works  
 Vale Road, Rhyl

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Application Site

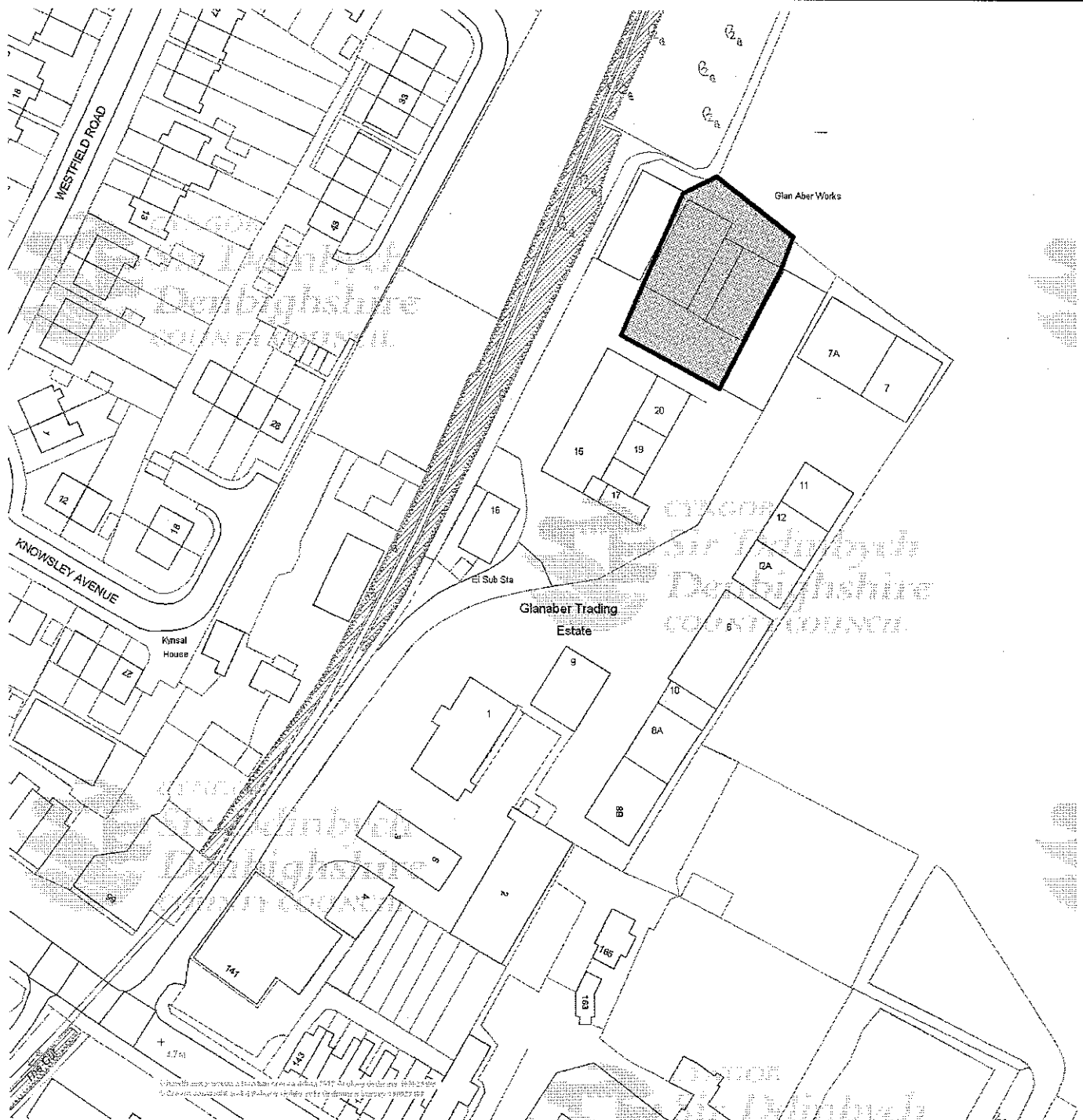


Date 9/11/2012

Scale 1/1250

Centre = 301636 E 381041 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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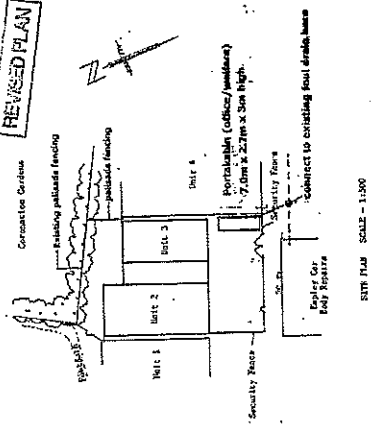
Atgynhrychir y map hwn o ddeunydd yr Ordnance Survey gyda cheniataid yr Ordnance Survey ar ran Rheolwr Llyfrfa Eî Mawrhydi © Hawlfraint y Goron. Mae atgynhrychu heb ganiataid yn tom hawlfraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

# FLOOR 1 SITE PLAN

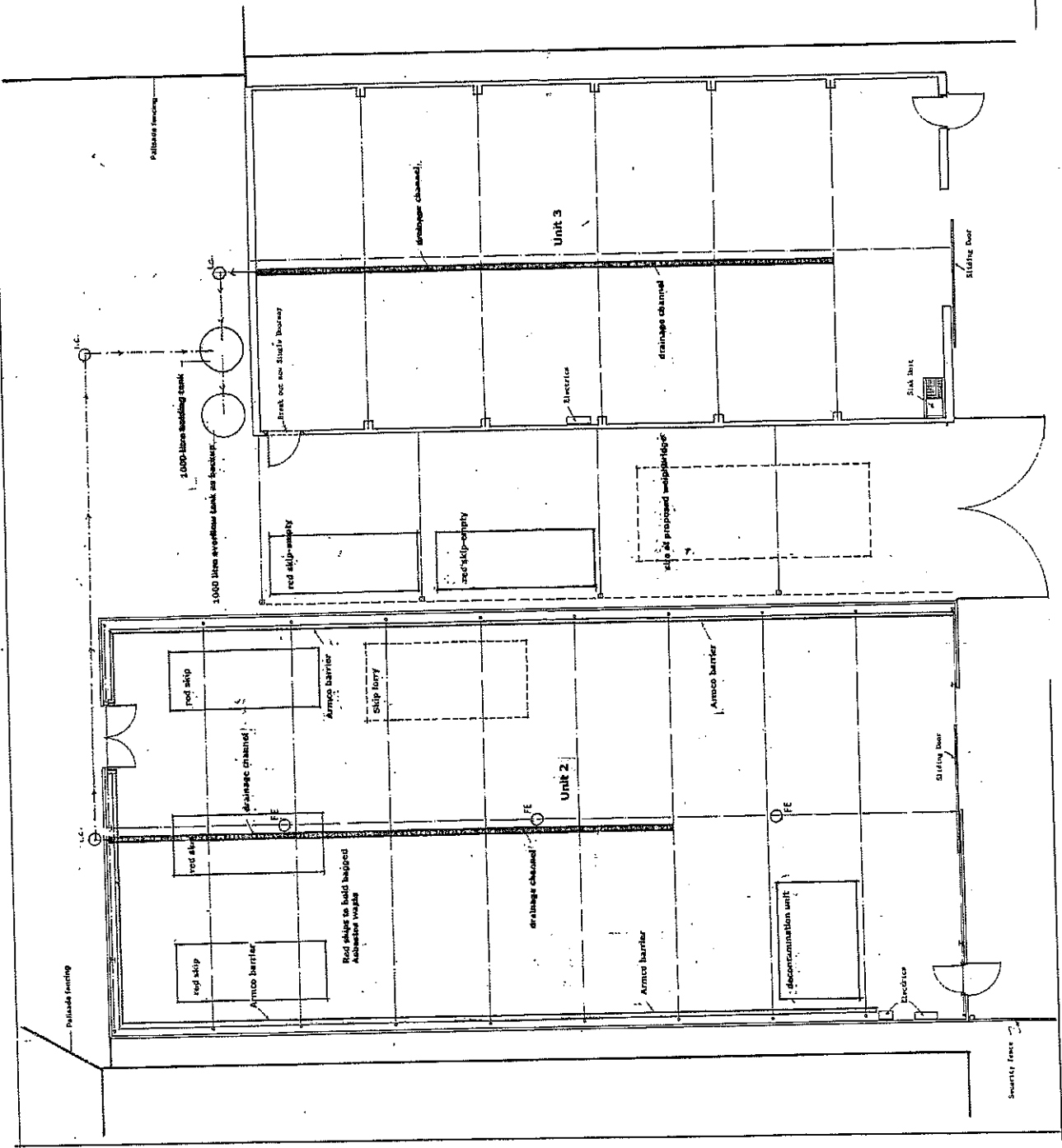
01 AUG 2012

45 / 212 / 02 801 / PF

**REVISED PLAN**



○ FE 30kg automatic powder fire extinguisher



UNITS 2 & 3 GLAN ABER TRADING ESTATE, VALE ROAD, ARYL.  
PLANS AS PROPOSED. SCALE - 1:50.

PLAN No. 2001/2007/11A

DAVID L. JONES, ARCHT. - PARTNER  
121 GLEBE ROAD, SYDNEY NSW  
2008 Australia  
Tel: (61) 2 951 9100  
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**ITEM NO:** 5  
**WARD NO:** Rhyl South West  
**APPLICATION NO:** 45/2012/0280/ PF  
**PROPOSAL:** Change of use from motor body repair centre to permit the transfer of bagged and sealed asbestos waste into secure skips; installation of a cesspool/holding tank; weighbridge and siting of a portacabin  
**LOCATION:** Unit 2 & 3 Glan Aber Works Glan Aber Trading Estate, Vale Road Rhyl  
**APPLICANT:** Mr D E Pilkington PARS Ltd  
**CONSTRAINTS:** PROW  
 C1 Flood Zone  
**PUBLICITY UNDERTAKEN:** Site Notice - No  
 Press Notice - No  
 Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

Object due to the proximity of the public foot path, which is used as a route for schools, and the Coronation Playing Fields. The close proximity of the cess pool to the established "Rhyl Cut" water course due to the potential for leakage/spillage/overflow on the environment and the limited level of additional employment that will be generated on the site.

**ENVIRONMENT AGENCY**

Initially objected due to insufficient information to demonstrate the need for a cess pool. Following clarification over the purpose of the cess pool (sealed sump) for collecting drainage from within the building, are satisfied with the proposal providing the foul drainage from the portacabin is directed to the mains system. Advise that the removal of waste from the cesspool must be undertaken by a certified contractor. Also advise that the proposal will require an Environmental Permit and comply with the Duty of Care regulations for any off-site movements of wastes.

**WELSH WATER**

No objection.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES  
 HEAD OF TRANSPORT AND INFRASTRUCTURE  
 FOOTPATHS OFFICER**

No objection. Notes that Public Footpath 18 abuts the development area, and that it needs to be safeguarded with a number of conditions attached to any planning permission. Notes that if all policies and procedures are in place from a public health point of view there should be no immediate health risk to the footpath user

**HIGHWAYS OFFICER**

No objection subject to inclusion of a condition requiring provision of facilities for loading, unloading, parking and turning of vehicles.

**LAND DRAINAGE OFFICER**

No comments received

**HEAD OF LEISURE, LIBRARIES AND COMMUNITY DEVELOPMENT**

No comments received

**PUBLIC PROTECTION**

No objection

**HEALTH AND SAFETY EXECUTIVE**

Advice should be sought from the Environment Agency regarding the application

**RESPONSE TO PUBLICITY:**

Two consultation exercises were undertaken on this application. The representations below were made in response to the first consultation:

In objection

Letters of representation received from:

James Jones, Unit 6 Glan Aber Auto Repairs Ltd, by email  
Mike Davies, by email  
J10 Planning, on behalf of Glan Aber Estates Ltd.

In support

None

Following the second consultation letters of representation were received from:

In objection

Mike Davies, by email  
JH Roberts on behalf of M. Clarke of 32 Madryn Avenue, Rhyl  
James Jones of Glan Auto Repairs Ltd, by email  
Graham Lapham, 34 Madryn Avenue, Rhyl

In support

None

Summary of planning based representations in objection:

- i Level of consultation undertaken
- ii Impact of the proposal on human health and the environment given the proximity to businesses, houses, schools, football grounds and Coronation Gardens.
- iii Noise
- iv Economic impact of the proposed development on nearby businesses.
- v Errors and omissions on the application form.
- vi Structural integrity of the units to accommodate the proposed use.
- vii Condition of existing perimeter fencing at the rear boundary with the Coronation Gardens.
- viii Use of a cess pit to treat foul sewerage, particularly given the proximity of the Rhyl Cut to the proposed development.
- ix Previous use on the site and the potential for contamination.
- x Impact of the proposal on access, parking and circulation.
- xi Questions over the use class of the proposal, as the suggestion is that the B1 units will be changed to a B8 use. However, waste is sui generis.
- xii Concern over processing of waste will take place on site.  
Contrary to policy in almost every respect and is a departure from the development plan.
- xiii Legitimacy of the proposal as it is considered to involve EIA schedule, for which an environmental statement would be required.

In addition to the above objections, separate comments have been raised in relation to a legal right of access across the site.

**EXPIRY DATE OF APPLICATION: 06/05/2012**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The proposal is for the change of use from a motor body repair centre to permit the transfer of bagged and sealed asbestos waste into secure skips; installation of a cesspool/holding tank
- 1.1.2 The applicant runs an asbestos removal company which is licensed by the Health and Safety Executive (HSE). The applicant currently removes asbestos waste *in-situ* and transports it directly to a licensed facility for disposal. The applicant proposes to use the site to store asbestos waste until there is sufficient volume which will be removed off-site for disposal at a suitably licensed facility, thus reducing vehicle movements and their associated cost.
- 1.1.3 The volume of asbestos waste to be stored on site at any one time will not exceed 15 tonnes. The asbestos brought to the site will be double bagged, in accordance with the packaging requirements of the ADR (European Agreement Concerning the International Carriage of Dangerous Goods by Road) and where relevant, the Carriage of Dangerous Goods by Road Regulations SI 288 of 2007.
- 1.1.4 The asbestos will be removed from vehicles and placed in a lockable skip within Unit 2 on an impermeable surface, with a sealed drainage system. The site will be secured using 6ft high palisade fencing. A portacabin is located on site which will be used to provide welfare facilities for workers on the site. The portacabin is 7m x2.7m x3m and is already located on the site. This application is therefore partly retrospective.
- 1.1.5 Material will be brought to the site in a sprinter van 2 to 3 times per day, and removed from site every 2 to 3 days using a 14 tonne truck. The site will be accessed using the existing access to the site which runs through the estate, off Vale Road.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is located within the Glan Aber Trading Estate, Rhyl. The site was previously used as a motor body repair centre and is constructed of corrugated metal sheeting to Unit 2 and brick and corrugated metal sheeting to Unit 3.
- 1.2.2 The Trading Estate abuts a Public Right of Way which is adjacent to the Rhyl Cut.
- 1.2.3 To the rear of the property is the Coronation Gardens which is designated as public open space within the Denbighshire UDP. The closest residential properties are approximately 60m from the application boundary, although planning permission has been granted on land at Brookdale Road adjacent to the Trading Estate (for 18 houses), subject to a S106 agreement.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the Rhyl development boundary in the Unitary Plan and is within a main employment area, falling under policy EMP 2, which permits B1, B2 and B8 uses subject to a number of tests to ensure the detail of the proposal is acceptable.
- 1.3.2 The site is within C1 flood zone and is directly adjacent to the Coronation Gardens, which is designated under REC 1: Protection of Existing Open Space of the UDP. The site also abuts a Public Right of Way (PROW) which is protected under policy TRA 10: Public Rights of Way.

#### 1.4 Relevant planning history

- 1.4.1 The site was granted planning permission in 1959 for use as stores, offices and transport depot. It has since gained planning permission for light industrial use. Employment uses are therefore well established on this site. The site was granted planning permission for light industrial use in 1976 and has accommodated a number of different uses over that time.

#### 1.5 Other relevant background information

- 1.5.1 The applicant currently operates a licensed asbestos removal business and transports all asbestos outside of the County for final disposal. The purpose of this proposal is to reduce the number of vehicle movements necessary, thereby maintaining the financial viability of the business.
- 1.5.2 Asbestos is classified as a hazardous waste. It is a fibrous material which can cause respiratory diseases, such as mesothelioma, asbestosis and plural plax, when inhaled. Asbestos was used

widely by the construction sector from the 1950s through to the mid 1980s; though any building built before the year 2000 can potentially contain asbestos. The danger posed by asbestos varies depending upon the type of asbestos it is (serpentine (white) or amphibole (blue and brown)), and the way in which it is used, for example, composite materials containing asbestos, such as toilet cisterns will pose little risk, whereas lagging, where fibres are loose will pose a potentially significant risk if inhaled. It is important to note that asbestos only becomes dangerous to humans when it is inhaled. Due to the potential risk that asbestos can pose to humans when inhaled it is highly regulated by the Health and Safety Executive (HSE). People who wish to work with asbestos must demonstrate that they are competent to do so and must hold an appropriate license.

## **2. DETAILS OF PLANNING HISTORY:**

### **Unit 2 and 3**

3660 Proposed use as stores, offices and transport depot Granted on the 4<sup>th</sup> of August 1959

4063 Proposed alterations and extensions to building to provide office and toilet accommodation: Granted 22<sup>nd</sup> August 1960

289/76 Change of use of existing offices, stores and land to light industrial use: Granted 25<sup>th</sup> June 1976

2/Ryl/P/0219/82 Conversion of part of existing roof void to provide additional office space to existing warehouse/office building: Granted 16<sup>th</sup> June 1982

2/Ryl/0243/91/P Change of use to a 'Toning Centre' (Specialist Weight and Toning): Refused 16<sup>th</sup> July 1991 due to the loss of a small industrial/ warehouse unit which would detract from the employment potential of the site and the availability of premises for industrial users.

### **Unit 3 only**

45/2003/0870/PF Change of use to café: Approved 10<sup>th</sup> September 2003 (temporary permission)

45/2005/0285/PF Change of use to café (renewal of planning permission no. 45/2003/0870/PF)

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)

Policy STRAT1: General

Policy STRAT3: Waste disposal/reuse

Policy STRAT6: Location

Policy STRAT8: Employment

Policy STRAT11: Regeneration

Policy STRAT 14: Highways

Policy GEN1: Development within development boundaries

Policy GEN 6: General development considerations

Policy ENV1: Protection of the Natural Environment

Policy ENP1: Pollution

Policy ENP4: Foul and Surface Water Drainage

Policy ENP6: Flooding

Policy EMP7: Potentially polluting employment development

Policy EMP8: Bad neighbour employment / uses

Policy TRA6: Impact of new development on traffic flows

Policy TRA9: Parking and servicing provision

Policy MEW11: Waste management facilities

### **3.1 GOVERNMENT GUIDANCE**

Planning Policy Wales 2011

Technical Advice Note 21: Waste 2001

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010

Collections, Infrastructure and Markets Sector Plan, July 2012

### **3.2 REGIONAL GUIDANCE**

North Wales Regional Waste Plan 1<sup>st</sup> Review

## **4. MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Need

- 4.1.3 Visual and landscape impact
- 4.1.4 Residential amenities
- 4.1.5 Highways and Public Rights of Way
- 4.1.6 Drainage
- 4.1.7 Flood risk
- 4.1.8 Human health
- 4.1.9 Nuisance
- 4.1.10 Employment
- 4.1.11 Environmental Impact Assessment and ecology

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

Glan Aber Trading Estate is an established employment area within the Rhyl development boundary. The site is occupied by a variety of different uses and is identified on the proposals map of the Unitary Plan under policy EMP 2. Policy EMP 2 permits employment development, including B1, B2 and B8, subject to a number of tests to ensure that the detail of the proposal is acceptable. Policy GEN 1 Development within Development Boundaries, directs the majority of development to within settlements, as defined by development boundaries.

Potentially polluting employment development is supported by policy EMP 7 in main employment areas subject to a number of tests to ensure that the detail of the proposal is acceptable. Bad neighbour employment uses are also directed to existing or older industrial sites. Policy MEW 11 Waste Management Facilities directs facilities away from good quality agricultural land and permits facilities subject to a number of detailed criteria to ensure the detail of the proposal is acceptable.

Policy MEW 12 Disposal of Special Waste permits the disposal of special waste within the County in exceptional circumstances. It is important to note that since the UDP was adopted, definitions of waste have changed, and waste is now classed as 'hazardous' rather than 'special'. This proposal is not for the disposal of asbestos waste but for its temporary storage prior to export to a suitably licensed facility outside of the County. National and regional policy (Policy Clarification Note Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications, 2004 and the North Wales Regional Waste Plan 1st Review) recognises that general industrial sites will be suitable for many of the different types of waste facility needed, including transfer stations.

In summary, the principle of the proposed use in this location is considered acceptable and in accordance with national policy, regional policy and policies GEN 1, EMP2, EMP 7, and EMP 8 of the adopted UDP.

##### 4.2.2 Need

Policy MEW 11 states that waste management installations will be permitted provided that i) The installation is the Best Practicable Environmental Option (BPEO); ii) There is an acknowledged need for the proposal, in accordance with the waste hierarchy; and iii) The proposal satisfies the Proximity Principle.

The management options available to deal with asbestos are very limited with the majority of asbestos waste produced in England and Wales in 2010 landfilled, and a much smaller volume of material incinerated. There are no facilities in Denbighshire, or North Wales which can dispose of asbestos waste. As such, the only available option is to move waste out of the region to those parts of England and Wales which have facilities which can dispose of asbestos waste. There are no commercial facilities within Denbighshire which can accept asbestos waste and it is currently exported out of the authority area for transfer. The Council's Civic Amenity site at Rhyl currently accepts asbestos cement from householders but does not accept other types of controlled asbestos, i.e. asbestos which must be removed by a licensed contractor.

National policy sets out that proposals for waste management should be considered against the proximity and self sufficiency principles, recognising the need to take responsibility for our own waste arisings. The applicant intends to use the site to store asbestos arising from their own asbestos removal business and will not accept waste from 3<sup>rd</sup> parties or members of the public. The applicant's business currently operates across much of North Wales, including Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham. Given the specialist nature of the business and the relatively small volumes of waste generated, hazardous waste facilities often accept waste from a wider area. In Officers' view, the proposal meets a currently unmet need within the local authority area, satisfies the proximity principle, and is the Best Practicable Environmental

Option for the waste stream concerned, and therefore satisfies policy MEW11, parts (i)(ii) and (iii) of the adopted Unitary Development Plan.

#### 4.2.3 Visual and landscape impact

The proposal includes the stationing of a portacabin to provide welfare facilities for employees on the site. The proposal also involves the erection of palisade fencing around the site to provide security.

The site is located within an existing employment area and has planning consent for light industrial uses. The unit comprises domed metal corrugated sheeting to unit 2, corrugated metal sheeting between unit 2 and unit 3 and brick and corrugated metal sheeting to unit 3. The units either side of the proposal site are constructed of similar materials and are of similar design. The other units on the estate comprise a mixture of brick and breeze block buildings with corrugated metal roofs. It is understood that the applicant intends to upgrade the buildings on the site once the transfer station is established, and that as such, the portacabin is likely to be required on a temporary basis. Due to the orientation of the buildings views from residential properties to the site are limited and interrupted by trees and Unit 1. Views into the site are possible to the rear of the site, and as such, it is considered necessary to restrict storage to within the buildings.

Subject to the inclusion of conditions to address the matters discussed above the proposal is considered acceptable and in line with policies GEN 6 and MEW 11 of the UDP.

#### 4.2.4 Residential amenities

The site is located on an existing employment site located off Vale Road. The closest residential properties are located on Brookdale Road, approximately 60 metres from the application boundary. A planning application has recently been granted permission on Brookdale Road for 18 houses, subject to a Section 106 agreement.

The application site is separated from the residential properties by the Rhyl Cut and a public footpath, which is used by local residents to access local schools. Although the proposal is for a waste use, the impacts of the actual operations in terms of noise, dust and odour are unlikely to cause detriment due to low volumes of waste being stored at the site and the nature of the waste, which means that the waste is required to be double bagged prior to being brought to the site. The activities on the site are to take place predominantly within a building, with works to the rear of the site limited to the installation of the drainage system and tanks.

In order to minimise the impact of the proposed development it is considered necessary to include a condition preventing the storage of material to the rear of the property. A condition to restrict operating hours, save in emergencies, is considered necessary to reduce the impact on residential amenity. Subject to the inclusion of conditions to address the matters discussed above the proposal is considered acceptable and in line with policies GEN 6 and MEW 11 of the UDP.

#### 4.2.5 Highways and PROW

The traffic volumes and type of vehicles predicted are considered in line with what would be expected from its current B1 use class. The application site abuts Public Footpath 18 (Rhyl Community) at the rear. The PROW will not be altered in any way by virtue of this application. Policy TRA 10 of the UDP deals with PROW and seeks to protect and where possible extend and enhance the existing PROW. In order to ensure that the development will not have a detrimental impact on the adjacent PROW, it is considered necessary to include a number of conditions to ensure that the proposed development does not have a detrimental impact on the PROW. Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable and in line with policies TRA 6 and TRA 10 of the UDP.

#### 4.2.6 Drainage

The proposal involves the installation of a sealed drainage system, which is required to comply with the Standard Rules Environmental Permit, which the applicant would need to apply for in order to operate the asbestos transfer station. The tanks and drains will be located below ground and the tanks will be alarmed so that the contents can be emptied and disposed of when full. A second backup 1,000 litre tank is proposed to act as a fail safe to the system.

The Environment Agency initially objected to the application on the basis that the need for the installation of a cesspool was not demonstrated. However, following clarification that the purpose of the cesspool is to receive water from the sealed drainage system and not to collect foul water, the



Environment Agency confirmed that they were satisfied with the proposal, providing the foul drainage from the portacabin is directed to the mains system and that the removal of waste from the cesspool is undertaken by a certified contractor. The proposal is therefore considered acceptable and in line with policies GEN 6, ENP4 and MEW11 of the UDP.

#### 4.2.7 Flood risk

The applicant submitted a Flood Consequences Assessment in support of the application. The site lies within flood zone C1 and is therefore considered against the guidance contained within TAN 15 Development and Flood Risk. TAN 15 requires proposals within areas at risk of flooding to be justified. It is for the local planning authority to determine whether development in this area is justified, assessed against the tests contained within section 6, sub section 6.2 paragraphs (i), (ii), (iii) and (iv). The proposal is, in principle, in line with the requirements of the adopted UDP, which seeks to direct employment uses to main employment areas, as defined on the proposals maps. The applicant runs a licensed asbestos removal company which operates across North Wales. The planning application states that the site will support 1 full time employee, although the applicant has since confirmed that 4 full time employees will be based on site. The company also employs a number of contractors who are classed as mobile. The nature of the work is such, that employees work predominantly at locations from which asbestos is being removed, so although they will not be based at the proposal site, the proposal will support a further 19 employees indirectly.

Paragraph (iii) of TAN15 requires that the land meets the definition of previously developed land and paragraph (iv) requires that the consequences of flooding of that development have been considered and found to be acceptable. Policy ENP 6 of the UDP, seeks to address flooding. The Environment Agency advises that the site is not within the fluvial flood zone of the Afon Clwyd or the Rhyl Cut and that the site is not predicted to flood following a breach of coastal defences, according to the DCC Strategic Flood Consequences Assessment. Furthermore, comparing extreme sea levels, including climate change increases, with site levels and proposed skip types, asbestos containing material is predicted to remain flood free. The Environment Agency has not objected to the proposal on the basis of flood risk and the Joint Emergency Planning Unit also made no objections to the proposed development.

#### 4.2.8 Human Health

Concern has been raised during the consultation regarding the potential impact of the proposed development on human health due to the hazardous nature of asbestos.

As noted previously, asbestos is a fibrous material which can cause a number of respiratory diseases when inhaled. As a result, the removal and handling of asbestos is tightly regulated by the Health and Safety Executive (HSE). The applicant runs an asbestos removal business which is licensed by the HSE. When asbestos is removed, it is placed in a UN certified bag labelled asbestos, and is bagged again and taken to the transfer station. Bagged asbestos is removed from the vehicle and placed in an appropriate skip, which is lockable and labelled as containing asbestos. The skip will then be taken directly to an appropriate facility for final disposal where it will be cleaned before being returned to the proposal site. Should a bag split, it will be sprayed down and cleaned up using appropriate apparatus and Protective Personal Equipment. Air monitoring will be undertaken, by an independent UKAS accredited company, to ensure that the site is not contaminated. The site will also require an Environmental Permit and will be regulated by the Environment Agency.

Members should note that the proposal is for the storage and subsequent transfer of sealed asbestos only and that no processing of waste will occur on site. Handling of the asbestos is minimised to ensure the bags and its contents are not compromised. The applicant has agreed that monitoring of the site will be undertaken on a periodic basis to ensure that fibres are not being released into the environment as a result of the transfer operations. In order to ensure that the proposed facility is being appropriately managed and to address concerns raised regarding human health, it is recommended that a programme of air monitoring, to be undertaken by a company accredited by UKAS for air sampling, should be submitted to and approved in writing by the Local Planning Authority. Subject to the inclusion of a condition to require air monitoring the proposal is considered unlikely to have a detrimental impact on human health.

#### 4.2.9 Nuisance Issues (dust, odour)

Because of the risk that asbestos poses to human health when inhaled, there are stringent measures in place to prevent the release of asbestos fibres into the atmosphere. These measures will also minimise the potential for odours to be produced within the site. Sources of dust and odour

are therefore unlikely to arise from the handling of the waste material, which is sealed when it arrives at site and remains sealed for the duration. Dust is therefore only likely to arise from the movement of vehicles within the site. The site is fully concreted, which will help minimise levels of dust within the site. The level of noise produced by the development is considered unlikely to vary from what would be expected from a B1 use due to the need to ensure sealed asbestos is not damaged. The proposal is therefore considered acceptable and in line with policies GEN 6 and MEW 11 of the UDP.

#### 4.2.10 Employment

The proposal site is located on a main employment area in Rhyl, which comprises a number of different employment uses. The Town Council have objected to the proposed development, in part, due to the lack of employment it generates. The applicant states within the application form that the proposal will generate 1 full time employee. However, this proposal is to support the continued operation of the applicant's existing business, which is a licensed asbestos removal business. The company employs a total of 23 staff, the majority of which are classed as mobile operatives, as asbestos removal work is undertaken where it is found. This proposal will help secure the financial viability of the Applicant's business through a reduction in haulage costs. Policy EMP 2 seeks to direct employment uses, including B1, B2 and B8 uses to main employment areas, which includes Glan Aber Trading Estate. The proposal is therefore considered acceptable and in line with policy EMP 2 of the UDP.

#### 4.2.11 Environmental Impact Assessment and biodiversity

The requirement for an Environmental Impact Assessment on this site has been considered by Officers. The proposed development is considered to fall within schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as the proposal is for a waste use, where the installation is to be sited within 100m of controlled waters. However, the potential for significant adverse impact on the environment and population is considered to be very low. Furthermore, the site is located on an existing employment site and will be regulated by the Environment Agency through the Environmental Permitting system. In relation to biodiversity, the site is an existing employment site with no species or habitat issues of any significance at this site which requires consideration. In Officers' view, sufficient information has been submitted to enable an informed decision to be made.

#### 4.2.12 Issues raised during the consultation

In addition to the points discussed above the following issues were raised during the consultation and which are considered require comment:

- Contamination;
- The structural integrity of the units;
- The condition of existing perimeter fencing between Coronation Gardens and the site
- Concern regarding incidents of arson

There is no evidence to suggest contamination on site and as such no justification to require a condition requiring an assessment. The Environment Agency has been consulted on the application and have advised that an advisory note is attached to any planning permission to warn that an investigation will be required if unsuspected contamination is found.

The applicant has advised, within the information submitted in support of the application, that the existing structures on site will be repaired prior to commencing the proposed operation.

The applicant has advised, within the information submitted in support of the application, that the existing perimeter fencing will be repaired.

The applicant has proposed fire prevention measures comprising 3 No 10Kg automatic powder fire extinguishers. It is considered appropriate to include a condition to require the fire prevention measures are in place prior to the storage of asbestos within the building. Subject to the inclusion of a condition to address fire prevention measures, the proposal is considered in accordance with policy MEW 11 of the UDP.

## 5. SUMMARY AND CONCLUSIONS:

5.1 The site is located within the development boundary of Rhyl, in a main employment area. The principle of the proposed development is considered acceptable on this site and in line with policies GEN 1 and

EMP2 of the UDP. The site is close to residential properties, a Public Right Of Way and the Coronation Gardens, which is allocated as a recreation area within the UDP. Given the scale of the proposed development and the orientation of the buildings it is considered that there will be no increase in impact to the surrounding users of the land, including the residential properties, and users of the adjacent PROW and recreation area. There are currently no facilities within the local authority area which can accept asbestos, other than asbestos cement products, and the proposal therefore meets a need arising within the local authority area.

**RECOMMENDATION: - GRANT** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority a minimum of 14 days prior to commencement.
2. The site shall be used only for the storage of sealed asbestos and for no other purpose (including any other purpose in Class B of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
3. Notwithstanding the provisions of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order, with or without modifications) no fixed plant or machinery, buildings, structures and erections, or private roads shall be erected, extended, installed, or replaced within the site without the prior written approval of the Local Planning Authority.
4. Sealed asbestos waste brought to the site shall not be deposited other than in lockable skips within Unit 2, as shown on approved plan number 2392/2/OCT/11A
5. No waste material or skips shall be stored in the open air.
6. No plant, equipment, skips or waste material shall be stored in the area to the rear of the Units and along the boundary with Coronation Gardens and the Public Footpath.
7. No more than 3,650 tonnes of asbestos waste per year shall be imported to the site.
8. Immediately following the deposit of each load of waste it shall be checked to ensure that no material which could become airborne is present. Should any such material be found it shall be removed from the waste and suitably disposed of. Should litter blow from the working area it shall be collected at once and disposed of.
9. The storage of any skips on the land shall only be incidental to the use of the site and shall be confined to the areas by approved plan 2392/2/OCT/11A unless otherwise agreed in writing by the Local Planning Authority.
10. There shall be no discharge of foul or contaminated drainage (including trade effluent) from the site into either groundwater or any surface water, either direct or via soakways.
11. Except in emergency, operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to 08:00 to 17:00 Monday to Saturday. The Local Planning Authority shall be notified prior to, or as soon as is reasonably possible, of any emergency operations to be undertaken outside the operating hours specified above
12. Prior to works a programme of air monitoring shall be submitted to, and agreed in writing by, the Local Planning Authority. The air monitoring shall be undertaken by a company accredited by UKAS in air sampling. Air monitoring certificates shall be kept on site and provided to the Local Planning Authority for inspection on request. Should the results of air monitoring exceed the detection limit of 0.01 fibres per millilitre of air work shall cease on site and appropriate measures taken to address any release of fibres. Any breach of the detection limit shall be reported to the Local Planning Authority, including measures taken to address the release of fibres. Following a breach of the detection limit work shall not recommence until it can be demonstrated to the satisfaction of the Local Planning Authority that the detection limit is no longer exceeded.
13. No building materials shall be stored on the right of way.
14. No damage or substantial alteration, either temporary or permanent, shall be caused to the surface of the right of way
15. Vehicle movements shall be arranged so as not to interfere with the public's use of the way.
16. No additional barriers (e.g. gates) shall be placed across the right of way, of either a temporary or permanent nature
17. No asbestos shall be stored on site unless the fire prevention measures, as identified on approved plan 2392/OCT/11A are in place and effective
18. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the proposed development being brought into use.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. 2. In order to protect the amenity of the area and to regulate the use of land. Other waste materials raise environmental and amenity issues that would require consideration afresh and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
3. 3. There is an exceptional need to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
4. In order to protect the amenity of the area and to regulate the use of land and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP
5. To enable the County Planning Authority to control the use of the site in the interests of the amenity of the locality and human health, and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
6. To protect the amenities of the area and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
7. 7. In order to protect the amenity of the area and to regulate the use of land. A significant increase in volume of material being imported to the site would raise environmental and amenity issues that would require consideration afresh and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP
8. To minimise the impact of litter on the amenities of the area and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
9. To protect the amenity of the area and to regulate the use of land and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP
10. To prevent pollution of the water environment and to ensure the development is in accordance with policies GEN 6, ENP 4, EMP 7, EMP 8, and MEW 11 of the UDP
11. To protect the amenities of local residents and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP.
12. To protect human health and to ensure the development is in accordance with policies GEN 6 and MEW 11 of the UDP
13. To safeguard the adjacent public right of way and ensure that the development is in accordance with policy TRA 10 of the UDP
14. To safeguard the adjacent public right of way and ensure that the development is in accordance with policy TRA 10 of the UDP
15. To safeguard the adjacent public right of way and ensure that the development is in accordance with policy TRA 10 of the UDP
16. To safeguard the adjacent public right of way and ensure that the development is in accordance with policy TRA 10 of the UDP
17. To protect human health and to ensure the development is in accordance with policy MEW 11 of the UDP.
18. To provide for the loading, unloading, parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

#### **NOTES TO APPLICANT:**

The safety of members of the public using the right of way must be ensured at all times; if the path needs to be temporarily closed on safety grounds during construction, the developer will be required to apply for a closure 6 weeks prior to any works commencing.

The applicant is advised to adhere to the following guidance if unsuspected contamination is found on site:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that the Environment Agency will require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to the Environment Agency website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.  
The Highways Officer has requested the following matters be drawn to the applicant's attention:
  - (i) Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10
  - (ii) New Roads & Street Works Act 1991 - Part N Form

