

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	NICK AYMES BRYMBO HERITAGE TRUST	Code No	BRY P/2023/0667
Agent	MATT FERGUSON BEREN HOUSE 1 QUEEN STREET BROSELEY	Date Received	18/09/2023
		Decision Date	13/11/2023

Town and Country Planning Act, 1990
Section 73

Location of application

BRYMBO IRON AND STEELWORKS, HERITAGE CENTRE, NEW HIGH STREET, BRYMBO, WREXHAM, LL11 5AX

Description of application

AMRYWIO AMOD 1 CANIATAD CYNLLUNIO P/2018/0661 I YMESTYN TERFYN AMSER AR GYFER CYCHWYN DATBLYGIAD / VARIATION OF CONDITION 1 OF PLANNING PERMISSION P/2018/0661 TO EXTEND TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC9	Listed buildings of special architectural or historic interest
GDP1	
PS1	Development objectives
PS2	Settlement limits
PS3	Development and the environment
PS4	Brownfield Land
T8	Settlement Pattern
	Parking

Revision	Date	Description of Decision
0	13/11/2023	Planning permission issued
1	13/08/2024	P/2024/0325 – Conditions 4, 9 and 10 Discharged

Particulars of decision that permission be GRANTED
Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of two years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered ST-01 Rev A, GA-01 Rev A, GA-02 Rev A and as contained within the application documentation, approved in connection with planning permission ref: P/2018/0661.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation, approved in connection with planning permission ref: P/2018/0661.
4. No part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Condition 4 Discharged (P/2024/0325) – 13/08/2024

5. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 4 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.
6. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

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7. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
8. The vehicular parking and turning areas as shown on drawing(s) No(s). ST-01 Rev A, approved in connection with planning permission ref: P/2018/0661, shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
9. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
 - a) Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;
 - b) Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001);
 - c) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula;
 - d) Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery.
 - e) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

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The development shall be carried out in strict accordance with the RAMs as are approved.

Condition 9 Discharged (P/2024/0325) – 13/08/2024

10. No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non Native Species (INNS) during the construction phase, and measures to control INNS as are currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.

Condition 10 Discharged (P/2024/0325) – 13/08/2024

11. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecological Appraisal as carried out by Enfrys Ecology, dated 18/07/2022 and referenced EE/373/LB V3, approved as part of this application.
12. The fuel, oil, waste oil, ordinary waste and recyclables shall only be stored in strict accordance with the details submitted and approved in connection with planning permission ref: P/2018/0661. Fuel, oil and waste shall not otherwise be stored on any external part of the site.
13. There shall be no WC / toilet or other wastewater generating facilities of any kind at the application site, at any time.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. In the interests of the amenities of the future occupants of the buildings
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6. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway.
8. To provide for the 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.
9. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted.
10. To prevent the spread of Invasive Non Native Species.
11. Having regard to its design and materials of construction, planning permission would not normally be granted in respect of temporary buildings in this location. Permission has been granted in this instance solely to allow the applicant adequate time to seek permanent, satisfactory accommodation.
12. The site has considerable wildlife/nature conservation interest and it is essential that the site is restored to ensure that its quality and integrity is not materially harmed by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
13. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

Further advice on compliance with condition no. 4 and 5 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

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All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties.

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A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm