

**Applicant** MR JAMES CANNON

**Reference** P/2020/0649

**Agent** BARTON WILLMORE  
LLP  
9TH FLOOR BANK  
HOUSE 8 CHERRY  
STREET  
BIRMINGHAM B2 5AL

**Date Received** 01/10/2020

**Decision Date** 20/06/2024

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### **Town and Country Planning Act, 1990**

#### **Location of Application**

FORMER SITE OF BRYMBO STEELWORKS, BRYMBO, WREXHAM, LL11 5FS

#### **Description of Application**

CANIATAD CYNLLUNIO AMLINELLLOL AR GYFER HYD AT 295 ANNEDD (DEFNYDD DOSBARTH C3), YSGOL GYNRADD (2 DDOSBARTH MYNEDIAD), CANOLFAN ARDAL FACH SY'N CYNNWYS HYD AT 1,395 MEDR SGWAR AR GYFER MANWERTHU, HYD AT 372 MEDR SGWAR AR GYFER DEFNYDD DOSBARTH A3 BWYTY/TY TAFARN, HYD AT 465 MEDR SGWAR AT DDEFNYDD DOSBARTH D1, ISADEILEDD GWYRDD AML-SWYDDOGAETH, GAN GYNNWYS MAN AGORED ANFFURFIOL, PWLL CASGLU D?R WYNEB, MYNEDIAD I GERBYDAU, PARCIO CEIR, GWAITH PEIRIANNEG, LLWYBRAU CYHOEDDUS AC ARDALOEDD MEDDAL A CHALED WEDI'U TIRLUNIO, GWASANAETHAU TANDDAEAROL, A'R HOLL WAITH GALLUOGI AC ATEGOL, GYDA'R HOLL FATERION WEDI'U CADW'N OL AC EITHRIO MYNEDIAD I GERBYDAU O FFORDD BRYMBO

OUTLINE PLANNING PERMISSION FOR UP TO 295 DWELLINGS (CLASS C3 USE), A PRIMARY SCHOOL (2-FORM ENTRY), SMALL DISTRICT CENTRE COMPRISING UP TO 1,395 SQ.M OF CLASS A1 RETAIL, UP TO 372 SQ.M OF CLASS A3 RESTAURANT / PUBLIC HOUSE, UP TO 465 SQ.M OF CLASS D1 USE, MULTI-FUNCTIONAL GREEN INFRASTRUCTURE, INCLUDING INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, VEHICLE ACCESSSES, CAR PARKING, ENGINEERING WORKS, PUBLIC FOOTPATHS AND HARD AND SOFT LANDSCAPING, UNDERGROUND SERVICES, AND ALL ANCILLARY AND ENABLING WORKS, WITH ALL MATTERS RESERVED EXCEPT FOR VEHICULAR ACCESS FROM BRYMBO ROAD

In reaching this decision the Council has had regard to the following relevant policies: -

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



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**National Policies and Technical Advice Notes (TAN):**

Future Wales Policy 1 - Where Wales will grow

Future Wales Policy 20 - National Growth Area - Wrexham and Deeside

TAN 11 : Noise

TAN 12 : Design

TAN 18 : Transport

TAN 5 : Nature Conservation and Planning

**Wrexham Local Development 2013 – 2028:**

BE4 - Regeneration of the Former Brymbo Steelworks Site

CF2 - Provision of New Open Space

DM1- Development Management Considerations

H1 - Housing Allocations

H2 - Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites

NE1 - International and National Nature Conservation Designations

NE3 - Trees, Woodlands and Hedgerows

R6 - Retail, Leisure and Commercial Development (Edge and Out of Centre)

Policy SP1 - Housing Provision

SP11 - Transport and Accessibility

SP13 - Health and Wellbeing

SP14 - Natural Environment

SP15 - Historic and Cultural Environment

SP18 - Climate Change

SP19 - Green Infrastructure

SP2 - Location of Development

SP5 - Planning Obligations

T1 - Managing Transport Impacts

T2 - Active Travel

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 20/06/2024 | Planning permission issued |

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**Particulars of decision : GRANTED subject to the following:-**

**Condition(s)**

1. Details of the [INSERT AS APPROPRIATE: access, appearance, landscaping, layout or scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. No development or phase of development, including site clearance, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove and the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be implemented in accordance with the approved details.

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5. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:-
1. A preliminary risk assessment which has identified; a. all previous uses; b. potential contaminants associated with those uses; c. a conceptual model of the site indicating sources, pathways and receptors; d. potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  5. 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.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

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6. Prior to first occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.
7. No part of the development shall commence until a Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.
8. Prior to the first use of any building for a purpose falling with Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), a scheme for the ventilation, extraction and dispersal of cooking smells shall be implemented in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme submitted for approval shall include details of the method of construction, odour control measures and appearance and external finish. The approved scheme shall thereafter be permanently retained in an operational condition.

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9. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
10. Development shall not commence until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the drainage of foul water from the development site to discharge to the public sewerage system at manhole reference SJ29538601 and shall ensure that no land drainage run-off or surface water is permitted to discharge or connect to the public sewerage system, either directly or indirectly. No part of the development shall be occupied until the foul sewerage infrastructure has been installed in strict accordance with the scheme as approved.
11. The development hereby permitted makes provision for a primary school and a maximum of 295 dwellings, 1,395 sq.m of class A1 (Shops) floor space, 372 sq.m of Class A3 (Food and Drink) floor space and 465 sq.m of Class D1 (Non-Residential Institutions) floor space.

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12. Development shall not commence until the following have been submitted to and approved in writing by the Local Planning Authority:-
1. A report of findings arising from intrusive site investigations for mine entries and shallow coal mine workings
  2. The submission of a layout plan which identifies appropriate zones of influence for mine entries on site and the identification of suitable 'no-build' zones;
  3. The submission of a layout plan which identifies appropriate no-build zones for any high walls present on the site;
  4. The submission of a scheme of treatment for mine entries on site;
  5. The submission of a scheme of remedial works for shallow coal mine workings.
- All works approved in connection with 1 - 5 shall be implemented in accordance with the approved details.
13. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 12 have been satisfactorily carried out, and the results of which have been submitted to and approved in writing by the Local Planning Authority.
14. The sales floor area of the convenience store shall not exceed 744m<sup>2</sup>.

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15. No part of the development shall commence until a Great Crested Newt Conservation and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
  1. Details of amphibian reasonable avoidance measures to prevent or reduce incidental capture or killing;
  2. Detail of amphibian friendly surface water management scheme;
  3. Details of initial aftercare and long-term maintenance and management of green infrastructure present on site and within the environs of the proposed development site, to include details of how management and maintenance will be financed. Details to include specific prescriptions for the benefit of amphibians;
  4. A timescale for implementation.

The Conservation and Mitigation Plan shall be implemented as approved.
16. No part of the development shall commence until a Management Plan for the improvement of habitat to benefit breeding birds has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be fully implemented in accordance with the approved details, prior to first occupation of the development.
17. No part of the development shall commence until a Reptile Mitigation Plan, to include a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Plan shall be implemented in accordance with the approved details.
18. No part of the development shall commence until a Badger Survey as carried out by a qualified Ecologist has been submitted to and approved in writing by the Local Planning Authority.

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19. No part of the development shall commence until a site wide scheme to deliver a Net Benefit to Biodiversity, which shall include areas of native wildflower and tree planting, as well as integral bat and bird boxes, has been submitted to and approved in writing by the Local Planning Authority.
20. Prior to commencement of development, a scheme for the signalisation of the A525/Heritage Way junction, to include a timescale for implementation of the works, shall be submitted to and approved in writing by the Local Planning Authority. Scheme shall thereafter be implemented in accordance with the approved details.
21. Details of each access point into the site and any alterations to Phoenix Drive shall be submitted as part of the reserved matters applications. The development shall be carried out in accordance with the approved details.
22. No dwelling shall be occupied until a scheme of low and zero carbon technology has been implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.
23. Any building erected for a use falling within Class A1, Class A3 or Class D1 shall be occupied until a scheme of low and zero carbon technology has been implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the measures installed in accordance with the scheme shall be retained.

### **Reason(s)**

- 1 To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

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- 2 To comply with Section 92 of the Town and Country Planning Act, 1990.
- 3 To comply with Section 92 of the Town and Country Planning Act, 1990.
- 4 In the interest of controlling invasive species in accordance with LDP Policy NE1
- 5 In the interests of the amenities of future occupants in accordance with LDP Policy DM1.
- 6 In the interests of the amenities of future occupants in accordance with LDP Policy DM1.
- 7 In the interest of safeguarding amenities of existing occupiers in accordance with LDP Policy DM1.
- 8 In the interest of safeguarding amenities of existing occupiers in accordance with LDP Policy DM1.
- 9 In the interest of safeguarding amenities of existing occupiers in accordance with LDP Policy DM1.
- 10 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with LDP Policies NE1 and NE6.
- 11 To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained in accordance with LDP Policies DM1, NE1 and NE6.
- 12 To establish the exact nature of the coal mining legacy issues on the site and in accordance with policy LDP policy DM1

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- 13 To establish the exact nature of the coal mining legacy issues on the site and in accordance with policy LDP policy DM1
- 14 To protect the vitality and viability of existing District, Local, Village and Neighbourhood Centres in accordance with LDP policy R6
- 15 To protect Great Crested Newts which would otherwise be damaged / lost by the development hereby permitted in accordance with LDP Policy NE1.
- 16 To protect species listed as a Priority in Wales in accordance with LDP Policy NE1 and Section 7 of the Environment Act Wales.
- 17 To protect reptiles which would otherwise be damaged / lost by the development hereby permitted in accordance with LDP policy NE1.
- 18 To protect badgers which would otherwise be damaged / lost by the development hereby permitted in accordance with LDP policy NE1.
- 19 In order to protect wildlife interests, which are afforded special protection in accordance with LDP policy NE1 and to ensure the development delivers a net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
- 20 To maintain the flow of traffic and prevent adverse impacts on highway safety in accordance with LDP Policy DM1.
- 21 In the interest of highway safety in accordance with the LDP policy DM1.
- 22 To ensure the development minimises energy use and carbon emissions in accordance with policy RE1 of the Wrexham Local Development Plan.

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- 23 To ensure the development minimises energy use and carbon emissions in accordance with policy RE1 of the Wrexham Local Development Plan.

### **Note(s) to applicant**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water.

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption"" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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Land contamination: In addition to the above conditions with respect to land contamination, we would recommend that developers should: 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's 'Guiding Principles for Land Contamination' for the type of information that we 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's (2018) 'Approach to Groundwater Protection' The applicant should also note that the treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Pollution prevention: During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list>

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

\* Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

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**\* Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

[https://www.wrexham.gov.uk/english/planning\\_portal/sab/sab.htm](https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm) or by contacting the SAB Team directly at [SAB@wrexham.gov.uk](mailto:SAB@wrexham.gov.uk)

A handwritten signature in black ink, appearing to read 'David Fitzsimon'.

**David Fitzsimon**

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam  
Chief Officer Economy and Planning, Wrexham County Borough Council***

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Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)