

**REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING 3 JULY 2023**

**APPLICATION NO:**  
P/2020 /0887

**LOCATION:**  
CAIA FARM OLD WREXHAM ROAD  
GRESFORD WREXHAM LL12 8UA

**DATE RECEIVED:**  
24/11/2020

**COMMUNITY:**  
Gresford

**DESCRIPTION:**  
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AMAETHYDDOL I SUI GENERIS (LLE  
HYFFORDDIANT I CWN) MEWN  
HADOLWG / CHANGE OF USE OF  
LAND FROM AGRICULTURAL TO  
SUI GENERIS (DOG EXERCISE /  
TRAINING AREA (IN PART  
RETROSPECT)

**CASE OFFICER:**  
SEH

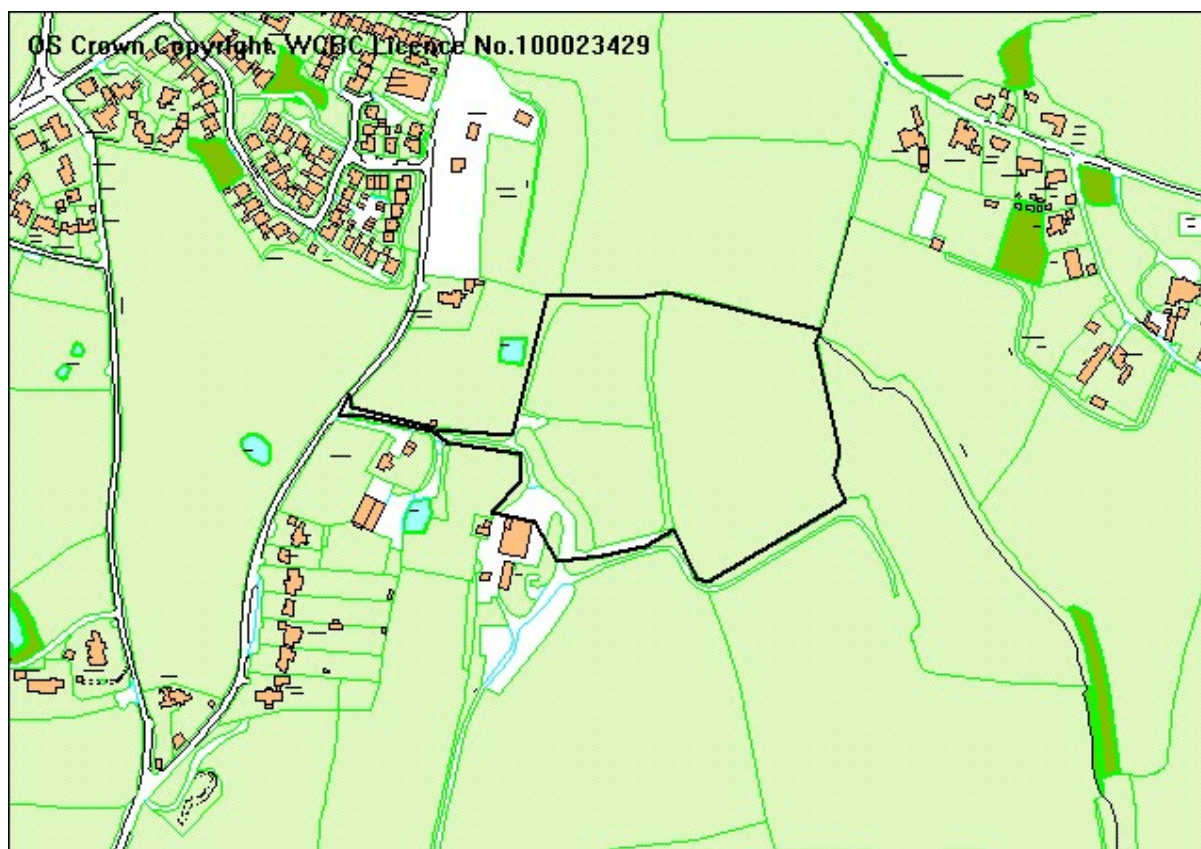
**WARD:**  
Gresford East and  
West

**AGENT NAME:**  
MISS RHIAN WILLIAMS

**APPLICANT(S) NAME:**  
MISS RHIAN WILLIAMS

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**THE SITE**



**PROPOSAL**

As above. The use has already started on the western part the site, therefore planning permission has been applied for partly in retrospect.

## **PLANNING HISTORY**

P/2020/0218 CHANGE OF USE OF AGRICULTURAL LAND TO DOG EXERCISE AREA (IN RETROSPECT). Refused 7.8.2020.  
Allowed on appeal (reference H6955/A/20/3258360) 29.01.2021

## **DEVELOPMENT PLAN**

### Unitary Development Plan

The site is outside settlement and within Green Barrier and Special Landscape Area. UDP Policies EC1, EC5, EC6, T8 and GDP1

### Draft Local Development Plan

The site is outside settlement and within Green Wedge. Policies SP6, DM1 and T1 apply.

## **CONSULTATIONS**

### Community Council

Raises no objections and comments that there is a need for such a facility in the area.

### Local Member

Notified 15/02/2023. No comments received.

### Highway Officer

Raises no objection to the development subject to conditions to secure visibility, access and parking provision. The Highway Officer has advised that the submitted car parking plan is acceptable.

### Ecology Officer

Agrees to the measures outlined within the Ecology Report. These can be secured by condition.

### Tree Officer

Consulted on 14/02/2023. No comments received.

### Public Protection Officer

Accepts the findings of the revised noise report and recommends conditions be imposed to secure measures to minimise the impact of the development.

### Natural Resources Wales

Raises no objection to the development subject to conditions to ensure compliance with the submitted ecology reports.

Advises that the development should not harm or disturb the GCN subject to a condition to secure a Landscape and Ecology Management Plan.

### Site Notice

Expired 08/03/2023

Press Notice

Expired 15/03/2023

Neighbours

The owners/occupiers of 11 nearby properties notified 15/02/2023.

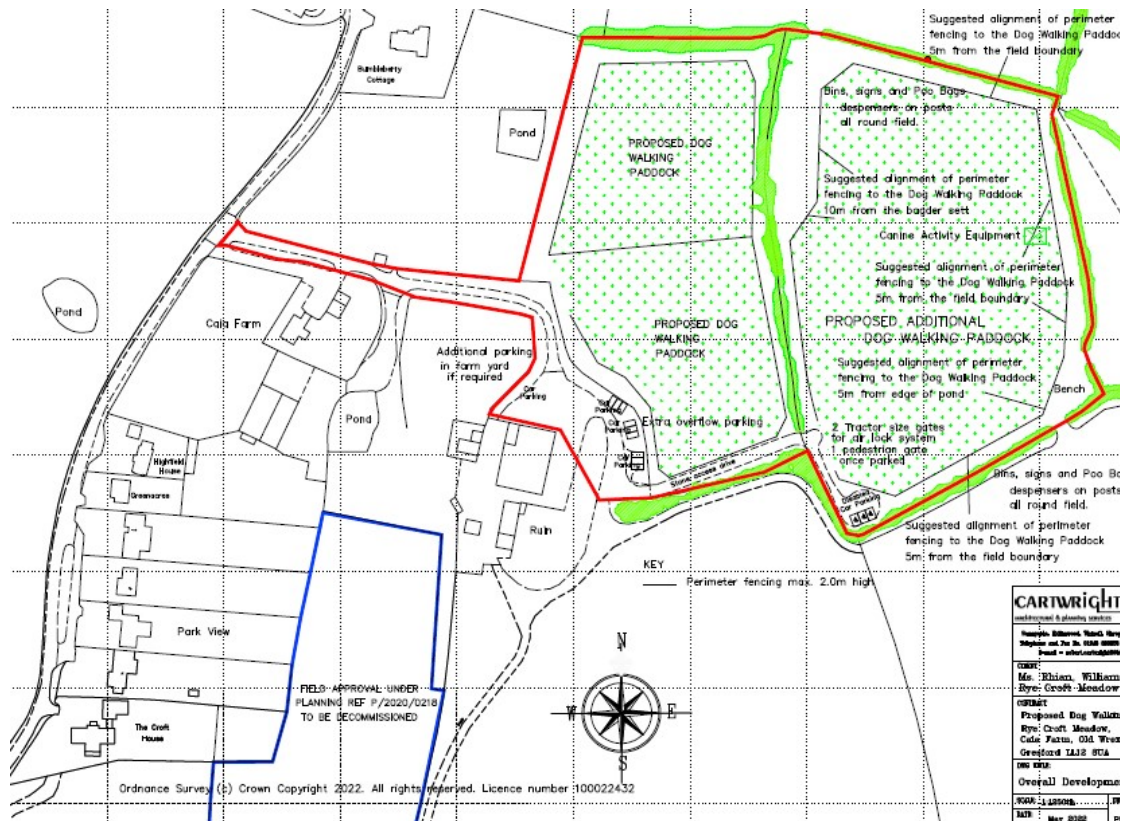
16 representations received confirming support for the application as an essential facility to provide a secure and safe place to walk dogs off the lead. The relocation of the previously approved walking field will be a betterment to the current location.

1 representation received (from a resident approximately half a mile away from the site) raising concerns that the hours of use are excessive, the use increases noise and creates the need for lots of parking.

**SPECIAL CONSIDERATIONS**

**Background:** Planning permission was granted in 2021 for a dog walking / training field to the south of Caia Farm. Since then a second field has been used to the north of the Farm and this application seeks planning permission for its retention. The time the application has been under consideration, has allowed for the impact of the use to be monitored. The use is not subject to any official complaints in relation to either noise nuisance or highway safety implications.

Planning permission is also sought to extend the use into an adjoining field. The applicant also intends to cease using the field subject to the 2021 appeal decision. Please see the proposed site layout plan at figure 1 below.



*Figure 1. Site Layout*

The main issues to consider are impact of the development upon the special landscape area, green barrier/wedge, residential amenity and highway safety.

**Green Barrier/Green Wedge:** Both UDP Policy EC1 and Draft LDP Policy SP6 allow for recreation facilities which maintain the openness of the Green Barrier/Green Wedge and do not conflict with the purpose of including the land within it. No buildings or other physical development are proposed and accordingly the proposed development does not impact upon the openness of the UDP Green Barrier or LDP Green Wedge.

**Special Landscape Area:** UDP Policy EC5 seeks to minimise the impact of development from both nearby and distant viewpoints. The proposed development does not result in any physical or permanent changes to the site and therefore does not impact upon the character and appearance of the area, thus complying with policy EC5.

The site is not located within a Special Landscape Area in the LDP. Nevertheless policy DM1 requires developments to accord with or enhance the character of the area. Given the specific characteristics of the development, these requirements are met.

**Scale of Operation:** The proposed combined walking fields would be approximately 9 acres in size, just over double the originally approved 4-acre scheme. The fields are to be enclosed with stock proof fencing. The field is

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served by vehicular access from Old Wrexham Road and is supported by 3 no. parking areas.

Booking is available seven days per week between the hours of 7am and 9pm Monday to Sunday. The average bookings are made for exclusive use for one owner and their dogs for approx. 50 minutes, with 10 minutes between bookings to allow vehicles to leave before the next users arrive. There are also dog and puppy play sessions for up to a maximum of 30 dogs with a minimum of 15 handlers minimum, with the Applicant or Trainer present.

Dogs are never left unattended or unsupervised and are kept on a lead at all times when outside of the field. Dog waste bins are provided in the field together with signage to advise users of the rules of the field and to be mindful of the local residents.

This scheme provides secure activity fields for dogs where they can be exercised off the lead under the supervision of their owners. In addition provides the opportunity to train anxious, elderly or deaf dogs etc. and dogs with little or no recall, in a place where there are fewer distractions.

**Residential Amenity:** The originally approved field, allowed on Appeal in 2021, backs on to 7 no. residential properties; 4 of which have gardens which immediately adjoin the application site. Numerous concerns were expressed in relation to loss of privacy, loss of security and noise nuisance. The concerns have continued to be an issue for the local residents and as a result, the development allows for the use to be relocated to the north of the site, away from nearby houses. This is a benefit to the occupiers of the adjoining dwellings, and to secure this, the applicant has requested that the original permission be revoked.

A Noise Assessment for the combined new fields has been carried out, and the Council's Public Protection Officer has confirmed that subject to a Noise Action Plan and site wide Management Scheme, there are no objections to the proposal.

Having regard to these matters, the proposed development does not adversely impact upon residential amenity and in such terms accords with UDP policy GDP1 and LDP policy DM1.

**Highway Safety:** The Highway Officer has not raised any highway safety concerns about the traffic generated by the development and has advised that adequate visibility is achievable at the site access.

There is parking provision for 12 spaces and a Car Parking Management Plan is proposed. The Highway Officer has not raised objections to the proposed parking arrangements.

Having regard to the above, there are no objections to the development on highway safety grounds. In such terms the development accords with policies

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GDP1 and T8 of the Wrexham Unitary Development Plan and policy DM1 of the Wrexham Local Development Plan.

### **CONCLUSION**

The change of use is acceptable in terms of scale and location, impact upon the Green Barrier/Wedge, landscape, residential amenity and highway safety. Subject to the revocation of the 2021 planning permission, the proposed development accords with the relevant UDP and LDP policies.

### **RECOMMENDATION A**

That the Council instigate the formal revocation process required to revoke planning permission reference H6955/A/20/3258360, dated 29/01/2021

### **RECOMMENDATION B**

Subject to completion of the formal revocation process that planning permission be GRANTED subject to the following conditions:-

### **CONDITION(S)**

1. The development shall only be carried out in strict accordance with the details shown on the approved plan ref: PL 1 A3 and approved document refs: Car Park Management Plan Dated February 2023 and Hepworth Acoustics Noise Impact Assessment Report No. P21-513-R02v2 Dated May 2022, and as contained within the application documentation.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application.
3. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 12 weeks of the date of this decision, a site wide Management Scheme for the dog exercise and training area shall have been submitted for the written approval of the Local Planning Authority. The Management Scheme shall include details relating to:
    - a) Booking system, with appropriate buffer between users, no use without appointment;
    - b) Maintenance of an appointment diary, that shall be made available for viewing by the local planning authority on request;
    - c) Site rules and how these will be communicated to site users;
    - d) Dogs must stay in the car until their appointment slot and/or the previous users have put dogs into their vehicles;
    - e) Right to refuse any dog or owner who displays excessive noise, aggressive, destructive or unreasonable behaviour;
    - f) Reporting procedure of any site issues/incidents;
    - g) Biosecurity measures;
  - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the

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prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers;

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;

iv) The Management Scheme shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers.

The development shall thereafter be operated in strict accordance with the approved Management Scheme.

4. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:

i) Within 12 weeks of the date of this permission, a Noise Action Plan detailing the measures to be adopted in the control and supervision of the dogs to ensure that barking is minimised, shall have been submitted for the written approval of the Local Planning Authority.

ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers;

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;

iv) The Noise Action Plan shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers. The development shall thereafter be operated in strict accordance with Noise Action Plan.

5. No use of the development shall be made before 7am or after 9pm Monday to Sunday.

6. The maximum number of dogs attending the application site, as outlined in red, shall not exceed 30 no. at any one time.

7. The use hereby permitted shall permanently cease unless the vehicular parking area is laid out and drained in accordance with the details shown on drawing no. PL 1 A3 within 12 weeks of the date of this decision. The parking area shall be retained thereafter, kept free of any obstruction and made available solely for the parking of motor vehicles.

8. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:

i) Within 12 weeks of the date of this decision, the submission of a scheme for the reinstatement of the modified highway verge (loose bound materials) on the northern side of the access to the site has been submitted in writing for the approval of the Local Planning Authority.

ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers;

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;

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iv) The highway verge has been reinstated in accordance with the approved scheme within 3 months of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers.

The verge shall thereafter be retained and maintained in strict accordance with the approved scheme.

9. The use hereby permitted shall permanently cease unless visibility splays of 2.4 metres x 43 metres in both directions measured to the centreline of the adjoining highway are provided within 12 weeks of this decision. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. Following the provision of the visibility splays, they shall thereafter be permanently retained clear of any obstruction to visibility in excess of 1 metre in height above the level of the adjoining highway.

10. The use hereby permitted shall permanently cease unless the mitigation and compensation measures contained within the Ecology Assessment referenced Caia Farm - Eco Report-V2 hereby approved are provided within 12 weeks of this decision. Following the implementation of the compensation and mitigation measures they shall thereafter be permanently retained.

### **REASON(S)**

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
  2. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  3. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  5. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  6. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  7. To provide for the parking of vehicles clear of the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan
  8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
  9. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  10. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
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