

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

|                  |                                                                                                                       |                      |                 |
|------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | NICHOLL                                                                                                               | <b>Code Number</b>   | OVE P/2022/0136 |
| <b>Agent</b>     | DIOGEL ARCHITECTURE<br>MR ADAM M<br>3 CONNAUGHT HOUSE<br>RIVERSIDE BUSINESS PARK<br>BENARTH ROAD<br>CONWY<br>LL32 8UB | <b>Date Received</b> | 11/01/2022      |
|                  |                                                                                                                       | <b>Decision Date</b> | 24/06/2022      |

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

#### **Location of application**

GWALIA FIELDS, ADJACENT TO GWAILA FARM, OSWESTRY ROAD, OVERTON, WREXHAM, , LL13 0LG

#### **Description of application**

NEWID DEFNYDD O DIR YN FAES CERDDED O CWN / CHANGE OF USE OF LAND TO DOG WALKING FIELD

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

|      |                                 |
|------|---------------------------------|
| EC4  | Hedgerows, Trees and Woodland   |
| EC6  | Biodiversity Conservation       |
| GDP1 | Development objectives          |
| PS2  | Development and the environment |
| T8   | Traffic management              |

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 24/06/2022 | Planning permission issued |

#### **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 five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 1025-02-01-003 and as contained within the application documentation.

|                  |                                                                                                                          |                      |                 |
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3. 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 plans and documents. Upon cessation of this use, the land shall return to its former use as agricultural and all structures and carpark surface treatments etc. removed within one month of last use.

4. Within 1 month of the date of first use of the development hereby approved, a management scheme for the dog exercise and training area shall be submitted to and approved in writing by the local planning authority. Once approved the management scheme shall be fully implemented within one month of the date of approval.

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; and
- g) Biosecurity measures.

5.

No use of the development shall be made before 7am or after 7pm Monday to Friday, or before 8am or after 6 pm on Saturdays, Sundays and Bank Holidays.

6. The maximum number of dogs and their handlers attending the site shall not exceed 6no. and 3no. respectively, at any one time. For the avoidance of doubt, no other persons should attend the site except for 1 no. staff member.

7. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 1025-02-01-003.

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8. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

9. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

10. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

11. Prior to first use of the development, the passing places as shown on approved plan ref: 1025-02-01-003, to include any appropriate markings and signage, shall be constructed in strict accordance with Highway Authority adoptable standards.

12. Within six months of the first use of the development hedgerow shall be planted on the site boundaries in strict accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

13. Within one month of commencement of development, a scheme of Net Biodiversity Benefit (NBB) shall be submitted to and approved in writing by the Local Planning Authority. The approved NBB scheme shall be fully implemented on site within one month of the date of approval of the details.

### **Reason(s)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
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 amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the occupiers of nearby properties and in the interests of highway safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.

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7. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. To provide an adequate pedestrian / cycleway link from / into the development site in accordance with Policies GDP1 and T9 of the Wrexham Unitary Development Plan.
12. 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, EC6 and PS2 of the Wrexham Unitary Development Plan.
13. To secure net biodiversity benefits in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

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

The written consent of the Highway Authority (as required by section 38 of the Highways Act 1980) must be obtained before any work is carried out on private land that is intended for adoption by the Highway Authority in connection with condition no(s). 11. All works shall be constructed to a safe and usable condition and completed to an adoptable standard. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council.

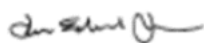
The proposed passing places should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense.

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This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

Public Footpath No.5 - Overton passes approximately 8 metres away along the southern boundary of the development site and should not be interfered with. I recommend that the applicant liaise with our Public Rights of Way Section, contact Mr. Sean Hanratty on Tel: 01978 729761.



Ian Jones

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Interim Chief Officer Planning & Regulatory

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](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)