

Item 4f

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY 2nd DECEMBER 2019

APPLICATION NO:
P/2019 /0473

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

DATE RECEIVED:
21/06/2019

COMMUNITY:
Gresford

DESCRIPTION:
CHANGE OF USE OF FIELD SOUTH
OF CAIA FARM FROM
AGRICULTURAL TO SUI GENERIS
USE AS DOG EXERCISE / TRAINING
AREA (IN RETROSPECT)

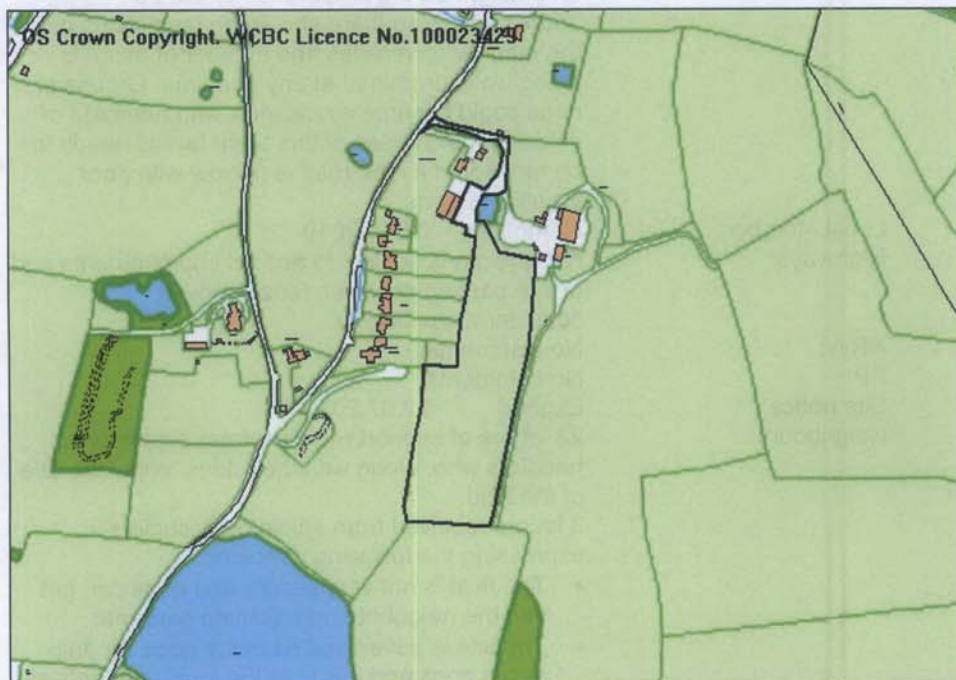
CASE OFFICER:
SEH

WARD:
Gresford East & West

AGENT NAME:
MISS RHIAN WILLIAMS

APPLICANT(S) NAME:
MISS RHIAN WILLIAMS

THE SITE



PROPOSAL

As above

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

PLANNING HISTORY

None relevant

DEVELOPMENT PLAN

The site is outside settlement and within Green Barrier and Special Landscape Area. UDP Policies PS2, EC1, EC5, T8 and GDP1 apply.

CONSULTATIONS

Community Council:

A discussion took place which acknowledged that neighbouring properties have raised concerns. It was resolved that there are no objections to the proposal, given that it is in retrospect. However, the need for fencing around the area of adequate height and strength, particularly where it borders onto neighbouring properties, should be addressed. Also there should be restrictions on the number of vehicles and number of animals being walked/ trained at any one time. Groups of dogs could become a nuisance, and numbers of vehicles making use of this area/ facility needs to be monitored as the road is narrow with poor visibility in parts.

Local Member:
Highways:

Re-notified 04.11.2019

No objections subject to access improvements and onsite parking provision (see special considerations below).

NRW:

No comments.

PP:

No comments.

Site notice:

Expired 22.07.2019

Neighbours:

23 letters of support received from customers / handlers who, along with their dogs, enjoy the use of the field.

3 letters received from adjoining occupiers expressing the following concerns:

- The field is not very secure and dogs can get into the neighbouring adjoining gardens;
- The site is advertised as being good for anti-social dogs and this puts the local residents at risk;
- Local residents don't feel safe in their gardens;
- 8 to 14 dogs on the field at the same time is not acceptable;
- Puppy play with 14 people and numerous dogs is very noisy with users shouting;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

- Dog training should be at the furthest end of the field, away from the houses to reduce noise;
- Loss of privacy with customers looking into gardens;
- Loss of security with strangers able to view and access the rear of the properties easily from the field;
- Users are loud when recalling their dogs and shouting to each other;
- The principle of the use is not acceptable in this location and would be better located elsewhere on the farm away from the boundary with the houses which would be less invasive for residents;
- 7 am to 7 pm, all year around audible persecution of dogs barking and owners shouting is not acceptable;
- Dog muck thrown into gardens is not acceptable;
- The loss of quite enjoyment of the residential properties is not acceptable.

SPECIAL CONSIDERATIONS

Background: Proposed is the change of use of the agricultural field to a dog exercise / training area (in retrospect). The main issues to consider relate to the impact of the development upon the special landscape area, green barrier, local residential amenity and highway safety.

Policy: Policy EC1 (Green Barrier) allows for recreation facilities such as this which maintain the openness of the area and do not conflict with the purpose of including the land within it. Policy EC5 advises that development should be strictly controlled with special attention paid to minimising the impact of development from both nearby and distant viewpoints. The proposed change of use will have little or no impact upon the character and appearance of the area, and the development complies with both Policy EC1 and EC5.

Applicant's Statement: The field is approximately 4 acres in size and is fenced around the entire perimeter with stock proof fencing. There is one gate for customer access and two other access points for private/maintenance use. The field is served by vehicular access from Old Wrexham Road and is supported by 5 no. parking spaces (see site layout at figure 1 below).

The services can be booked seven days per week between the hours of 7am and 7pm weekdays, and 8 am to 6pm on weekends and bank holidays.

The average bookings are made for exclusive use for one owner and their dogs for approx. 50 minutes. There are also dog and puppy play sessions for up to 14 dogs maximum with 7 handlers minimum (1 handler per 2 dogs), with

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

the Applicant present. In the absence of the Applicant, it is circumstantial but in the region of 8 to 10 dogs with a minimum of 5 handlers.

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 adjoining local residents.

This is an established and secure activity field for dogs where they can be exercised off the lead under the supervision of their owners. It 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.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

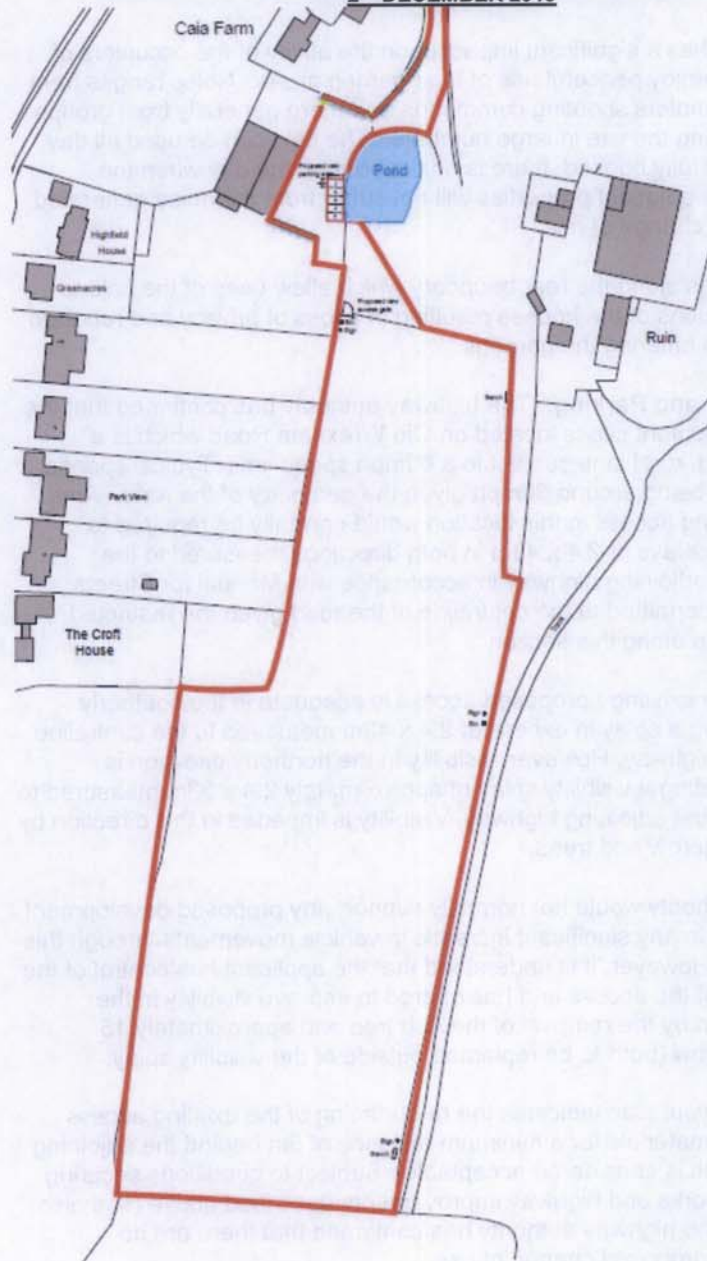


Figure 1. Site Layout

Residential Amenity: The field backs on to 7 residential properties, 4 of which have gardens which immediately adjoin the application site. Numerous concerns have been expressed in relation to loss of privacy, loss of security and noise nuisance. A large number of dogs are proposed along with their

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

handlers, which has a significant impact upon the ability of the occupiers of the dwellings to enjoy peaceful use of their garden areas. Noise ranges from dogs barking, handlers shouting commands and more generally from groups of people attending the site in large numbers. The field can be used all day every day and, if fully booked, there is no time during the day when the occupants' of the adjacent properties will not suffer from the noise generated by the proposed change of use.

There are patches along the rear boundary which allow uses of the field to look into the gardens of the houses resulting in a loss of privacy and reported incidents of dogs entering the gardens.

Highway Safety and Parking: The highway authority has confirmed that the proposed development site is located on Old Wrexham Road which is a narrow, classified, rural lane subject to a 60mph speed limit. Typical speeds are estimated at being around 30mph given the geometry of the road. Any proposed / existing access in this location would normally be required to provide visibility splays of 2.4 x 43m in both directions measured to the centreline of the adjoining highway in accordance with Manual for Streets. Visibility can be permitted to the centreline of the road given the restricted carriageway width along this section.

Visibility from the existing / proposed access is adequate in the southerly direction providing a splay in excess of 2.4 x 43m measured to the centreline of the adjoining highway. However, visibility in the northerly direction is inadequate providing a visibility splay of approximately 2.4 x 33m measured to the centreline of the adjoining highway. Visibility is impeded in this direction by the existing hedgerow and trees.

The highway authority would not normally support any proposed development that would result in any significant increase in vehicle movements through this existing access. However, it is understood that the applicant has control of the land either side of the access and has offered to improve visibility in the northerly direction by the removal of the Ash tree and approximately 15 metres of hedgerow (both to be replanted outside of the visibility splay).

The submitted layout plan indicates the re-surfacing of the existing access with hard bound materials for a minimum distance of 5m behind the adjoining carriageway which is considered acceptable. Subject to conditions securing the resurfacing works and highway improvements described above (see also figure 2 below), the highway authority has confirmed that there are no objections to the proposed change of use.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

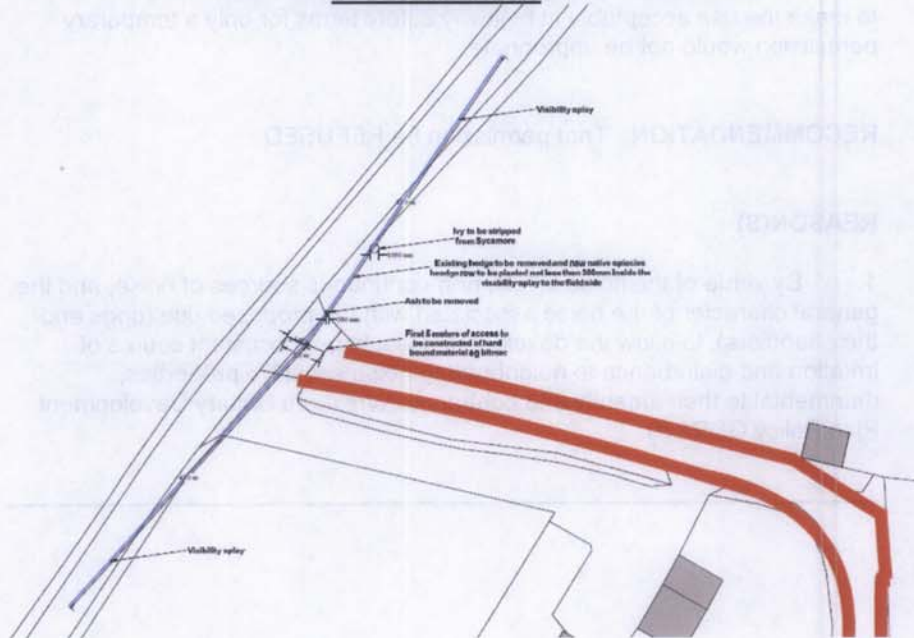


Figure 2. Proposed Access Alterations

Trees: The tree officer has confirmed that there are no objections to the removal of the Ash tree provided that there will be compensation tree planting nearby. The tree officer recommends the planting of a Lime (*Tilia cordata*) tree in any suitable gap in the hedgerow along the roadside boundary and that this could be secured by way of planning condition. A condition can also be attached to ensure that there is no hedgerow removal within the bird nesting season (March to August).

CONCLUSION

I am in no doubt that this facility is popular with users and that it is a good facility for those wishing to train and exercise their dogs in a secure location. However, I do have to give greater weight to protecting the amenities of the existing local residents, and the principle of such a facility which is attended by large groups of people and dogs, so close to residential properties, is not acceptable. To allow the use of the land for dog exercising / training purposes to continue on a permanent basis would be significantly detrimental to the amenities of the occupiers of the adjoining dwellings and the proposed use is not compatible with the existing dwellings.

I have given careful consideration to the possibility of granting a temporary permission to allow for the use to be monitored over a 12 month period. However during the 6 month period that the application has been under consideration, numerous noise complaints have been received and this is unlikely to decrease. Further, the removal of the Ash tree at the site access

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
2nd DECEMBER 2019

to make the use acceptable in highway safety terms for only a temporary permission would not be appropriate.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. By virtue of the noise levels, non-continuous sources of noise, and the general character of the noise associated with the proposed use (dogs and their handlers), to allow the development would be a constant source of irritation and disturbance to neighbouring noise sensitive properties, detrimental to their amenity and contrary to Wrexham Unitary Development Plan Policy GDP1 (f).
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