

**18-2023-0120**

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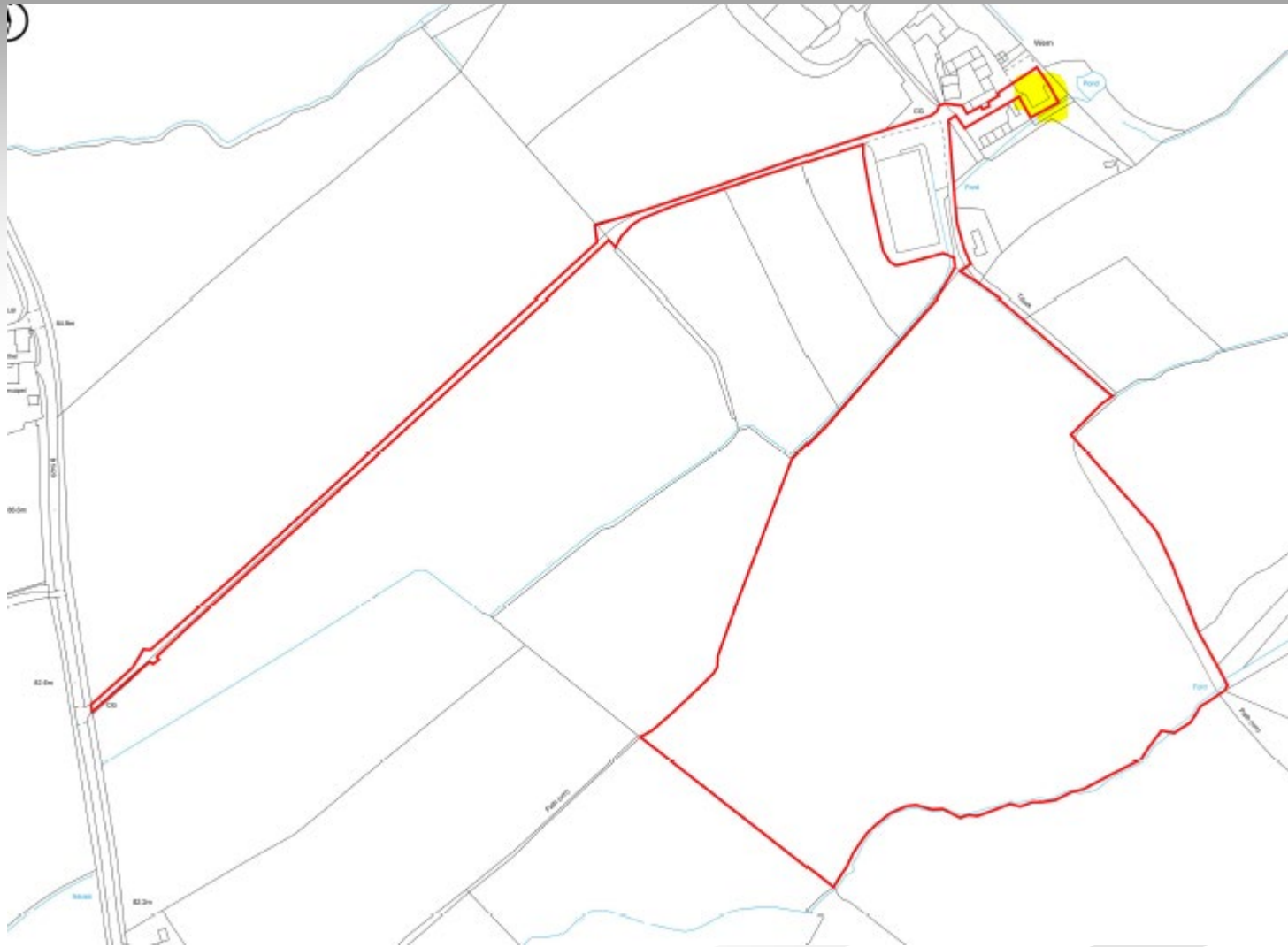


**18/2023/0120**

## **Wern, Llandyrnog**

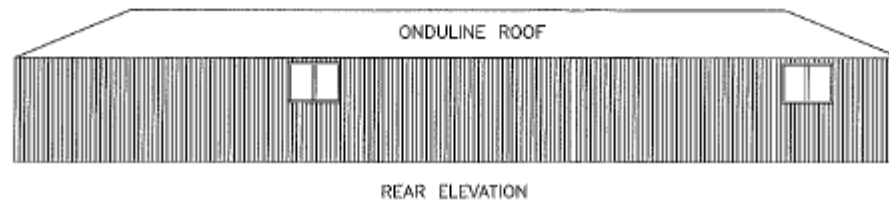
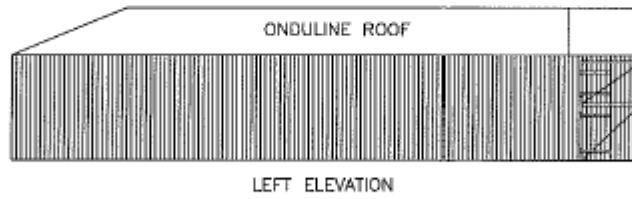
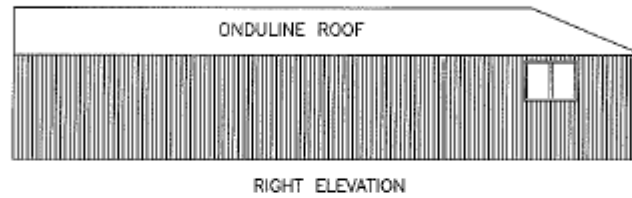
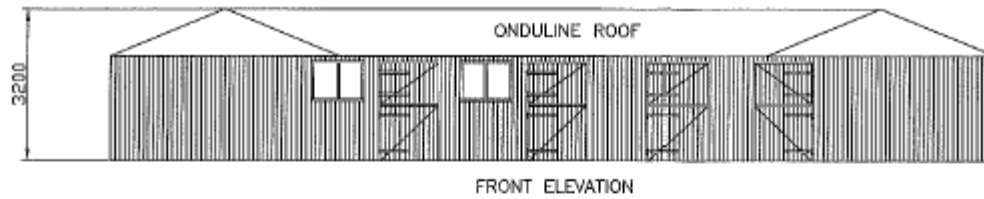
**Change of use of stable to Dog Day Care Facility and continuation of use of menage as mixed use of equestrian and dog exercise area and continuation of use of land as agricultural, equestrian and dog exercise area (retrospective).**





Location plan (stable block highlighted yellow)

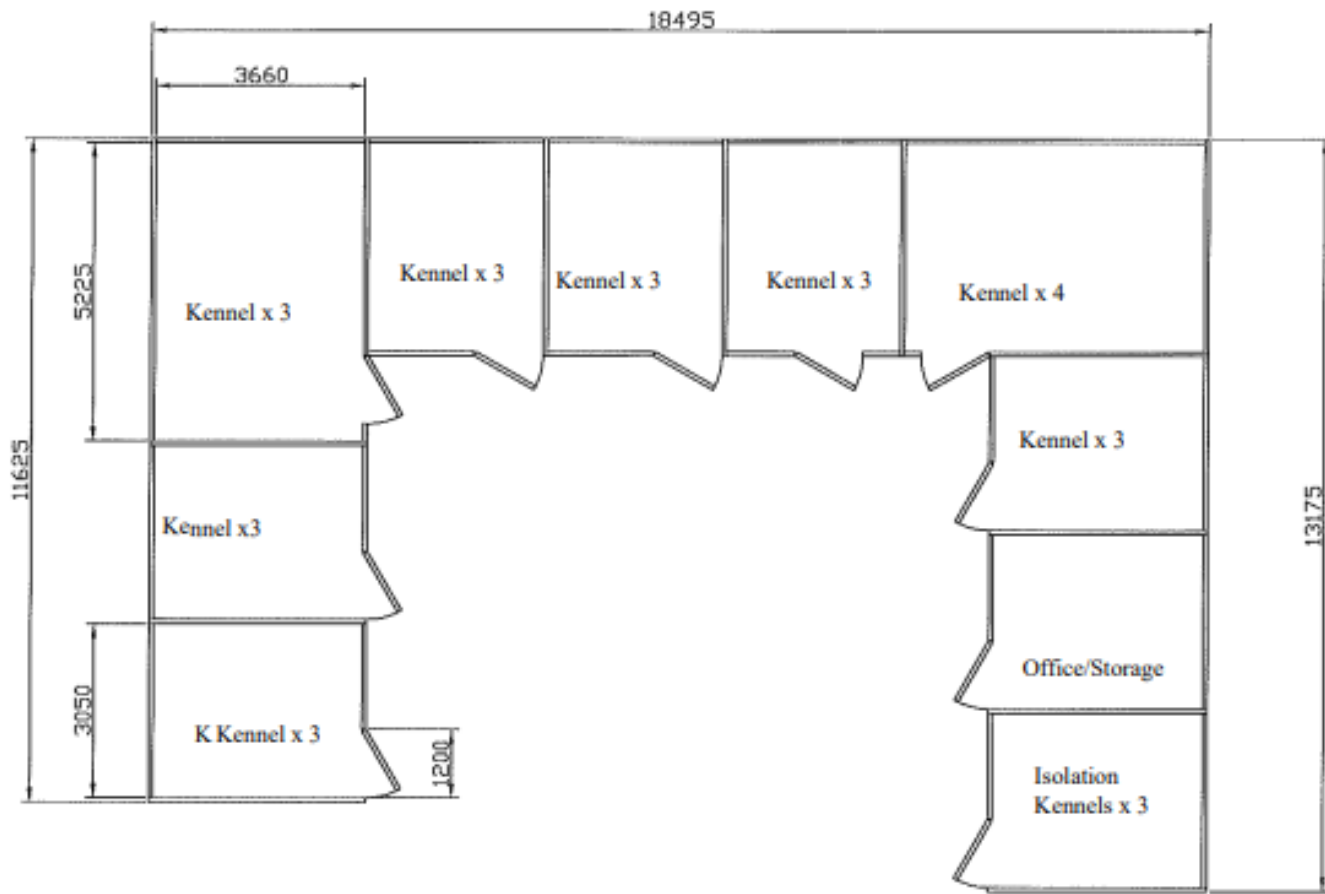




Existing elevations

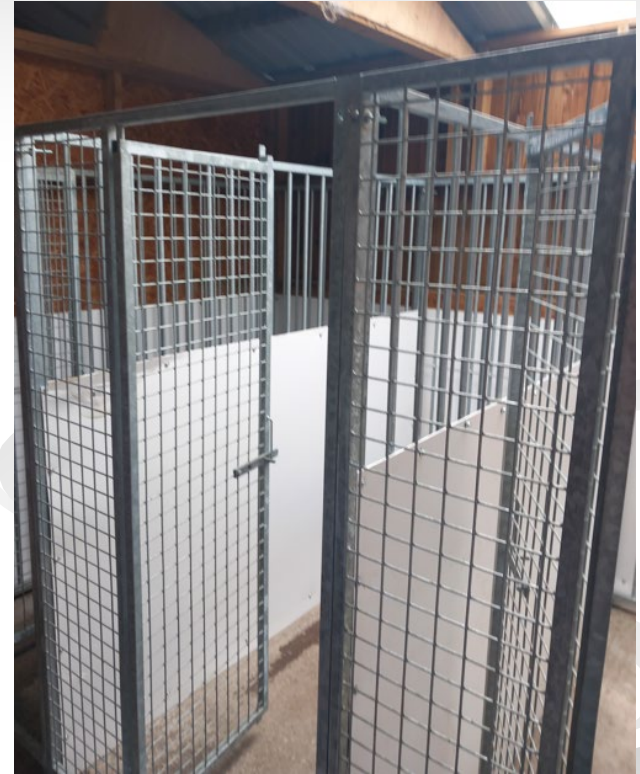






floor plan





Existing stable block and kennel eg.





Field used for lead walks





Menage for exercising and collections







Visitor parking opposite menege

**WARD :** Llandyrnog

**WARD MEMBER:** Cllr Merfyn Parry (c)

**APPLICATION NO:** 18/2023/0120/ PC

**PROPOSAL:** Change of use of stable to Dog Day Care Facility and continuation of use of manege as mixed use of equestrian and dog exercise area and continuation of use of land as agricultural, equestrian and dog exercise area (retrospective).

**LOCATION:** Wern, Llandyrnog, Denbigh, LL16 4HW

**APPLICANT:** Ms Catrin Davies, Beti Bach Dog Day Care

**CONSTRAINTS:** PROW AONB

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

**LLANDYRNOG COMMUNITY COUNCIL**

*Whilst supporting the principle the application the community council are also aware of the concerns of the neighbours regarding air borne sound and therefore a sound reduction plan needs to be a condition of any planning permission that may be granted.*

*It was felt that the offer of anti dog barking devices was somewhat a token gesture and a robust sound reduction plan that should be agreed with both the Planning and Environmental Health who are aware of the residents concerns and should include:*

- *walls of proposed kennels be lined with sound absorbing panels - and consideration give to lining the Onduline sheeting*
- *erect a soundproof fence along the north and north east boundary along with landscaping which when established would assist to absorb some of the noise emanating that particular area - again proprietary sound proofing fencing panels are easily available .*

*Also there should be a management plan confirming that there will be staff on site for the full working hours.*

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE**

No objections.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:**

**Traffic, Parking and Road Safety:**

**Highways Officer:**

No objection.

**Public Right of Way Officer:**

Public paths 12 & 55 Llandyrnog (footpaths) pass through the buildings and onto the field illustrated on the 'Plan additional information – 14/06/2023' as 'Field used for lead walks'.

The proposal does not have a physical impact on the paths, but we request that the applicant is made aware that the public have a right to use these paths, and to ensure they can do so safely.

We would suggest signage on entry to the field to provide reassurance before entering, that any dogs will be on leads and under close control. Some walkers may be accompanied by children or dogs and should not feel intimidated or prevented from using the paths.

We would request assurance from the applicant that dogs being moved between the kennels, menage and field are done so on leads where there is also a public right of way.

**Public Protection Officer:**

Requested that a Noise Impact Assessment is submitted.

**RE-CONSULTATION RESPONSES:**

**LLANDYRNOG COMMUNITY COUNCIL**

*The yard and buildings – former stables - which was the source of most of the noise that affected the nearest neighbours has now been shown as internal stable area for rest/ sleep rather than exercising so presumably the noise from that area will reduce however included in the amended retrospective application is a large field which will be used for 'lead walks' however this is going to be difficult if not impossible to actually monitor whether or not the dogs are on leads or not – presumably if they are on leads the person exercising the dog will have more control of their barking and if there are only two staff presumably the dogs will be taken maximum four at a time assuming each staff takes two dogs of course*

*There are concerns that the public protection officers subjective noise monitoring – Tuesday 18th May for an hour from 11:52 to 12:52, Friday 26th May from 9:35 to 10:35 and Wed 7th June 14:43 to 15:42 does not according to neighbours reflect the situation properly and the community council would like the public protection officers to monitor for full days from the time of arrival to time of leaving make a judgement on the results of those tests.*

*Although the stables are now shown as areas for rest of sleep the reality of situation is that it is impossible to train a dog to 'sleep' at any given hour and inevitably when taken to these buildings they will bark and therefore – as had been mentioned – there will need to be full – not token – noise mitigation measures agreed within an agreed time limit - it has been mentioned previously the investment in noise mitigation is minimal to say the least.*

*Although the community council does support the development in principle since clearly there is a need for such facility and to encourage farm diversity however a number of conditions need to be attached to any permission to ensure that the very real concerns of neighbours about the noise is addressed and monitored. The community council would like this matter to be discussed at full council to give all parties a fair hearing and a site meeting if possible.*

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY  
JOINT ADVISORY COMMITTEE**

No objection.

The concerns raised by the public in relation to noise and disturbance in relation to dog barking are noted. However subject to the conditions recommended by Public Protection there should be no adverse impact upon the tranquillity of the AONB.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

**Public Protection Officer:**

The site was monitored by Public Protection Officers on three separate occasions and the findings tallied with the findings of the Noise Impact Assessment.

The kennels for the dogs at the application site are simple wooden stables with corrugated roofing sheets. This will provide little noise attenuation when the dogs are barking in the kennels. The operator of the site has provided an operational plan for the running of the day care facility which may be further enhanced to help mitigate the potential noise impact from barking dogs.

Recommend conditions are attached to control the number of dogs on site at any time, the submission of details regarding a Noise Management Plan including noise insulation measures to be installed within the stable block/kennels and a further agreed operational plan for the day to day running of the facility.

Subject to the imposition of conditions as stated above, no objections raised.

Informally advised that a temporary planning permission should be considered over a period of 18 months should the application be approved at Committee, to allow sufficient time to monitor the site should further noise nuisance complaints be received.

Note to applicant to be included that the granting of planning permission does not preclude the Public Protection department from carrying out a formal investigation should a statutory nuisance complaint be received in the future.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES:

**Public Protection Officer:**

'The applicant has submitted further detail in support of the application for a doggy day care facility.'

The applicant's noise survey has been updated to take into account the applicants wish to have twenty five (25) dogs per day at the site. Whilst the number of dogs has changed the measurements and overall conclusions have not. My opinion on the noise survey is unchanged from my 15/06/2023 consultation response and still I believe the proposed kennels will need to be insulated to help prevent noise breakout while the dogs are within the kennels. Until the noise insulation has been installed, the applicant should be restricted to fifteen (15) dogs per day. The restriction of outside play time to a maximum of 8 dogs should allow staff to control barking while the dogs are being exercised but the applicant will have to ensure all staff are fully trained and understand the need to control barking at the earliest opportunity.'

Recommend grant subject to the following condition:

The applicant shall agree in writing with the Local Planning Authority and install suitable noise insulation measures for the kennels within three months of planning consent being granted and until such time the maximum number of dogs on site shall remain at fifteen (15).

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Carol Tate, Fron Fanadl, Llandyrnog T Brock, Aberloyw Mawr, Llandyrnog, Denbigh Roger Sheers, Fron Vox, Llandyrnog, Denbigh Jane Shaw, Gelli R Bugail, Llandyrnog  
Aeron and Menna Ellis, Gader Goch, Llandyrnog

Summary of planning based representations in objection:

Residential amenity

Noise impacts from constant barking Monday to Friday.  
Sound proofing required  
Noise impacting on quality of life of local residents  
More time spent outside in summer and noise pollution an increasing problem  
Dogs are let out in packs which increases noise and barking through excitement along with pick up time triggering excitement and more barking disturbance

#### Impacts to AONB

Impacts to the way the AONB is experienced as a result of the noise generated

#### In support

Representations received from:

Brandon Keating, 4 Ty Nant Gardens, Llandyrnog Paul Mazurek, 18 Trewen, Denbigh  
Samantha Green, Dolydd, Gellifor, Ruthin  
Rachel Pigott, 9 Caer Felin, Llanrhaeadr Luke Hughes, 25 Ffordd Pen y Maes, Trefnant Sian Roberts, 16A Highgate, Denbigh Joanne Knights, 14 Llys Pant y Celyn, Llanrhaeadr Michael Salisbury, 11 Bodawen, Gellifor Rebecca Shone, 9 Gerddi Mair, Denbigh Jessica Shakes, 41 Beacons Hill, Denbigh  
Lowri Wynne, 3 Accar y Forwyn, Denbigh Michelle Mallard, Bryn Clwyd, Llandyrnog Ann Harrison, 34 Llwyn Elwy, St Asaph Eiry Davies, Fronheulog, Llanrhaeadr Dafydd Roberts, Kinmel Farm, Llandyrnog, LL16 4HN Dawn Barraclough, 12 Maes Y Felin, Llanrhaeadr Cae Davies, 3 Maes Y Felin, Llanrhaeadr  
Ceris Davies, 3 Maes Y Felin, Llanrhaeadr Hannah Griffiths, Denbigh Danielle Evans, 2 Domgay Place, Llanymynech  
Christopher Burrows, The Green, Llandyrnog Jill Owen, 9 Lon Ceiriog, Denbigh Serene Kinlan, Hafod Ynys, Rhewl Lauren Mallard, Bryn Clwyd, Llandyrnog Jessica Edwards, Gwyddfor, Llanefydd Louise Eccleston, White House Bungalow, Llandyrnog Shane Rumney, Fron Gelyn Bungalow, Llandyrnog Sarah Blackwell, Trem y Mynydd, Parc Gwelfor, Dyserth, LL18 6LN Bre Carrington-Sykes, Pentre Mawr, Llandyrnog  
Iolo Williams, Glanrafon House, Lower Street, St Asaph Laura Williams, 3 Glanrafon Terrace, St Asaph, LL17 0SF Nicky Davies, Ty Arall, Llanynys, LL16 4NY V Conry, Rectory Cottage, Llandyrnog, LL16 4HN Christopher McCulloch, Trem Y foel, Llandyrnog Beth Jones-Owen, Wern, Llandyrnog, Denbigh Kacey Dallolio, 51 Maes Y Goron, Denbigh Lisa Wynne, 33 Llys Gwydr, Denbigh  
Rachel Costeloe, 79c Crud Y Castell, Denbigh

#### **Summary of planning based representations in support:**

Employs local people from the village  
Voluntary days and work experience from Highfield nursing home visits  
Business has a big impact on the community  
Support reuse of redundant building  
Great location for exercising dogs and successful rural business  
Local rural businesses should be supported  
Much needed service for the local area and asset to local community.  
Location is away from housing estates or public walking areas reducing disturbance  
Not open after 6pm or on the weekend

#### Neither support nor object

Coral Yorston, Cefn Buddel, Llandyrnog

Concerned about noise as business is getting busier and barking is a problem when they are in packs outside. Measures can be put in place to minimise the noise.

#### **RECONSULTATION RESPONSES TO PUBLICITY:**

Noise Impact Assessment submitted.

In objection

Representations received from:

T Brock, Aberloyw Mawr, Llandyrnog, Denbigh

Summary of planning-based representations in objection:

Conditions will go some way to alleviate the sound nuisance but who will be responsible for ensuring this is adhered to.

Agree with Community Council's request to conduct longer sessions out of noise monitoring to reflect the experience documented by local residents before committee make a final decision.

**RECONSULTATION RESPONSES TO PUBLICITY:**

Amended application for 25 dogs

In objection

Representations received from:

T Brock, Aberloyw Mawr, Llandyrnog, Denbigh Carol Tate, Fron Fanadl, Llandyrnog Aeron and Menna Ellis, Gader Goch, Llandyrnog

Summary of planning-based representations in objection:

Noise management measures not installed in 18 months while it has been trading

Numerous noise complaints logged with the Council

License stipulates 15 dogs and has already been breached by the number of dogs actually on site (22 stated in updated noise report)

Mental health and well being of local residents not taken into account

Not clear if dogs are supervised during the day given the amount of barking and howling taking place at the site.

Concerns over timing of noise measurements in noise report and not being representative of the peak times.

**EXPIRY DATE OF APPLICATION: 04/05/2023**

**EXTENSION OF TIME AGREED: 10/11/2023**

**REASONS FOR DELAY IN DECISION (where applicable):**

- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application seeks retrospective planning permission for the change of use of stables to Dog Day Care Facility, continuation of use of manege as mixed use of equestrian and dog exercise area and continuation of use of land as agricultural, equestrian and dog exercise area at Wern, Llandyrnog.

- 1.1.2 The stable block has been converted internally to dog kennels involving movable 'cage' type kennels which are placed on the ground within the bay of each stable. No external alterations to the stable block are proposed.
- 1.1.3 The application proposes a maximum of 25 dogs are cared for per day at the facility.
- 1.1.4 The stable has 6 kennels which can hold 3 dogs each whilst 2 larger corner kennels can hold up to 4 dogs maximum. There is an office/storage area and a separate kennel for isolation if required which can hold 3 dogs. A static caravan for staff welfare is located adjacent to the stable block. Anti bark devices have been fitted within the kennel block.
- 1.1.5 The business has been operating from the location since September 2022 in conjunction with a boarding kennels ran elsewhere. The site is licensed for 15 dogs and is located within a commercial stabling/equestrian complex.
- 1.1.6 The facility is open from 7.30am till 6pm Monday to Friday with dog drop off times between 7.30am and 9am and collection times of 4.30-6pm.
- 1.1.7 The dogs are dropped off at the manege and are taken up to the kennel block after an approximately 1 hour/1.5hours of initial play time. There are 4 staff members on site to collect the dogs and each staff member is delegated a group of dogs to manage. The last dogs to arrive are taken up to the kennels no later than 9.45am.
- 1.1.8 After the morning rest time, dogs are let out again between 12 and 2pm for lunch time play in their delegated groups. The dogs are then put back in the kennels with rest time till 4pm when they are not disturbed.
- 1.1.9 At the end of the day, the dogs are brought down to the manege by staff in groups knowing which are early collections and more dogs are brought down as some leave. The owners collect them directly from the manege between 4pm and 6pm.
- 1.1.10 There are 4 full time workers as well as the applicant and one part time worker. The business has volunteers from mental health care homes twice a week.

## 1.2 Other relevant information/supporting documents in the application

- 1.2.1 Planning Support Statement, Noise Impact Assessment and Operational Statement.

## 1.3 Description of site and surroundings

- 1.3.1 The site is located within the open countryside and is accessed off the B5429 via a long track to the east. The complex is an existing equestrian centre specialising in ex-racehorses with a number of outbuildings and the stable block is located to the east of the complex.
- 1.3.2 The manege is situated to the south of the site with visitor parking to the north and the lead walking field is shared with the equestrian centre and is located to the south of the manege.

## 1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located outside of any development boundaries defined by the LDP.
- 1.4.2 The site is located within the AONB designated area of protection.

1.4.3 There is a Public Right of Way running past the stable block to the north side and past the manege and into the exercise field to the north eastern boundary.

1.5 Relevant planning history

1.5.1 Previous permission relating to the erection of the stable block in 2010. Other permissions relating to the equestrian centre.

1.6 Developments/changes since the original submission

1.6.1 Submission of amended location plan, Noise Impact Assessment and Operational Statement.

1.7 Other relevant background information

1.7.1 Statutory Noise Nuisance Complaints have been received regarding this business.

**2. DETAILS OF PLANNING HISTORY:**

2.1 18/2010/0594 Erection of 10 no stable block for personal use, GRANTED 06/12/2010

2.2 18/2010/0538 Continuation of use as a livery yard and construction of a manege, GRANTED 06/12/2010

2.3 18/2011/0992 Change of use from agricultural cattle shed to stables and tack room for equestrian use and continuation of use of land as mixed use of agriculture and equestrian (partly retrospective), GRANTED 15/05/2012

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

**Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy PSE4** – Re-use and adaptation of rural buildings in open countryside

**Policy PSE5** – Rural economy

**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

**Policy VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Planning for Dark Skies – SPG for lighting in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

**Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

TAN 18 Transport (2007)

**4. MAIN PLANNING CONSIDERATIONS:**



In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Impact on the Area of Outstanding Natural Beauty
- 4.1.4 Residential amenity including noise impacts
- 4.1.5 Ecology
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
Policy PSE4 states proposals for the conversion of rural buildings outside development boundaries for employment use will be supported.

Policy PSE5 supports commercial development outside development boundaries, subject to compliance with policy criteria, including that proposals are appropriate in

scale and nature to its location and existing buildings are converted in preference to new build.

The site lies outside of any development boundary and the proposal is for the conversion of a stable block to an employment use involving dog day care and the change of use of a manege and agricultural land to mixed use dog exercise areas.

Having regard to the policies above, the proposal is considered acceptable in principle subject to an assessment of impacts considered in the remainder of this report.

#### 4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

No representations have been received on visual amenity grounds.

The proposal is for the change of use of a stable block to dog day care facility including the change of use of the manege to mixed use equestrian and dog exercise area and change of use of land to mixed use agricultural, equestrian and dog exercise areas. No external changes are proposed to the stable block. The proposal would utilise the existing access into the site and parking arrangements are existing to the front of the manege.

Whilst the proposal will result in the change of use of an agricultural field and manege to mixed use dog exercise area, the appearance of the field and manege would remain as existing including temporary toys and structures used for play within the manege similar to horse paraphernalia. Having regard to the existing siting of the stable block, Officers do not consider the proposal would result in a detrimental impact on visual amenity.

Having regard to the nature of the proposal, in relation to the character and appearance the locality and landscape, it is not considered the proposals would have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

#### 4.2.3 Impact on the AONB

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and indicates that this should be resisted where it would cause

unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

Paragraph 7.4 of the SPG states that *'development begins to impact on tranquillity with the introduction of intrusive movement, sources of artificial light and sound'*.

Concerns have been raised over the impact the use and noise impacts would have on the way the AONB is experienced.

Officers acknowledge the dog barking disturbance which has been reported to the Council's Public Protection section as a result of this use. However, having taken advice from the Public Protection Officer it is considered that there are reasonable noise mitigation measures which can be put in place to reduce the potential and impact of any further noise nuisance. As the site would accommodate up to 25 dogs maximum at any one time, Officers consider that noise mitigation measures in conjunction with daily operations and staff supervision would control the noise from the site to an acceptable level.

The AONB Joint Committee have not objected to the proposal and acknowledge the concerns raised by the public in relation to noise and disturbance in relation to dog barking, however the AONB committee considers that subject to the conditions recommended by Public Protection there should be no adverse impact upon the tranquillity of the AONB.

Having regard to the advice from the AONB Joint Committee, Officers consider the soundscape of the AONB to not be detrimentally affected by the use and consider that the tranquillity and the atmosphere of calm, stillness, and peace and quiet would not be impacted to an unacceptable degree as a result of the change of use. Paragraph 7.4 of the AONB Supplementary Planning Guidance identifies that intrusive movement and sources of artificial sound can impact on tranquillity, and paragraph 6.7.3 of the PPW11 states that even low levels of noise can be disruptive and sets out the need to protect soundscape amenity wherever necessary. Dogs barking is not an uncommon or unnatural sound within rural areas and Officers consider that appropriate noise mitigation and noise management measures can be put in place to control the noise generation by the dogs at the site.

Overall, it is not considered the proposal would cause conflict with the Clwydian Range and Dee Valley AONB Supplementary Planning Guidance and advice contained in PPW11.

#### 4.2.4 Residential amenity including noise impacts

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received on residential amenity grounds stating that noise generation from the site impacts the residential amenity of the occupiers of nearby properties.

The nearest residential property which is not part of the Wern Farm complex is approximately 370m to the southeast of the stable/kennel block, Coed Copi Fancer. To the northwest of the site are a number of properties who have raised objections on noise disturbance grounds including Aberloyw Mawr, Fron Fanadl, Gader Goch and Gellir Bugail, the nearest of which is approximately 600m away.

The amended Planning Statement states that a maximum of 25 dogs can be cared for during the day at the site. This does not include any dogs which live on site in connection with Wern Farm or the equestrian centre. The dogs are exercised in the manege twice a day, once when they first arrive and once before they are collected. A lead walk is provided around one of the larger fields to the south in the middle of the day. When they are not exercised, they have rest time in the kennel block and staff remain on site at all times. The facility closes at 6pm and no dogs are left overnight.

Having regard to the comments received on the application and the noise nuisance complaints which have been reported, it is considered that the dogs bark less when out playing in the manege or in the field on a lead walk where they are supervised by staff members and noise can be dispersed more easily. It is therefore considered, based on the experience of the Public Protection Officer that the kennel block is the main source of the noise complaints. The Public Protection Officer has undertaken periodic noise monitoring and has advised that suitable noise insulation measures should be installed to the kennel block and has recommended a condition advising this is installed within 3 months of the details being approved.

The application has been amended to allow for up to 25 dogs on site. Whilst this does exceed the numbers on the existing licensing agreement (15 dogs), this licence is due for renewal on 31/12/2023 and the Animal Welfare (Licensing) Officer will determine whether to issue a license for the increased number of dogs on the site. Should the applicant demonstrate the noise levels at the site can be managed acceptably with the recommended noise insulation measures and management plan being implemented as part of this planning approval, they may agree to the increase in numbers.

Following the submission of an updated Noise Impact Assessment, the Public Protection Officer has advised 25 dogs can be accepted on the site, providing noise mitigation measures are installed. This would include installing insulation within the kennel block, operational and staff controls such as ensuring only 8 dogs are allowed to play in the manege at one time and noise complaint recording and management etc. They have advised that the approved noise mitigation measures should be installed within 3 months of approval and until such a time the maximum number of dogs on site shall remain at 15. Having regard to this advice, Officer's are of the opinion that, providing these measures are installed within a timely manner following any approval, the levels of noise from the site would not result in an unacceptable impact on residential amenity which would warrant a reason for refusal in this regard.

It is considered therefore, that the proposal is acceptable subject to noise mitigation measures and noise management practices to be secured and implemented by way of appropriately worded planning conditions.

Members should note that the granting of any planning permission would not prevent the Public Protection Team from investigating, should any noise complaints arise in the future. Should further noise complaints come in, it would be unlikely that a renewed license would be granted for an increased number of dogs to 25 at the site, regardless of the planning permission.

Having regard to the advice provided by the Public Protection and Animal Welfare (Licensing) Officer, it is considered that the proposals would not have an unacceptable impact on residential amenity subject to the imposition of appropriately worded conditions, and would therefore be in general compliance with the tests of the policies referred to.

#### 4.2.5 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) advises that *'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment'*. It is therefore recommended that these are included and form part of any planning application.

The proposal is not supported by an ecology survey, however PPW states that all new developments should demonstrate a biodiversity enhancement. It is therefore considered reasonable to attach a condition to demonstrate that biodiversity enhancement will be provided at the site as a result of the development. It is therefore considered subject to a condition, that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 11 and would provide enhancement measures to increase the biodiversity opportunities at the site.

#### 4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

There is a Public Right Of Way which runs past the stable block and manege and into the exercise fields.

No representations have been raised on highways grounds.

The site is located within an existing equestrian complex and there is ample parking spaces available in the immediate yard area and to the front of the manege.

The Highways Officer has not raised any objections to the scheme and it is therefore considered that there would not be any unacceptable impacts to the highways network as a result of the business being located at this site.

Regarding the impact on the Public Rights of Way, it is noted that the Rights of Way Officer does not raise an objection but has asked for certain matters to be brought to the attention of the applicants which will be included in notes to applicant on any decision notice.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

##### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age;

disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 Having regard to the detailing of the proposals, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable subject to the imposition of appropriate conditions and is recommended for grant.

**RECOMMENDATION: GRANT** subject to the following conditions:

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Location Plan - Received 17 April 2023
  - (ii) Existing / Proposed Floor Plan - Received 1 September 2023
  - (iii) Existing / Proposed Elevation - Received 1 September 2023
  - (iv) Supporting Planning Statement (Civitas Planning Limited) - Received 1 September 2023
  - (v) Noise Impact Assessment v2(Hepworth Acoustics, dated September 2023) received 11 September 2023
  - (vi) Operational Statement (Civitas Planning Limited) - Received 6 October 2023
  - (vii) Annotated plan in conjunction with Operational Statement (Civitas Planning Limited) - Received 12 June 2023
2. Notwithstanding the hereby approved plans and documents, within 42 calendar days of the granting of this permission, a Noise Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Noise Management Plan shall include full details of measures for mitigating disturbance to neighbouring properties and the surrounding soundscape, including: noise insulation measures to be installed; operational controls; and a method of logging any complaints received and actions taken to resolve them. The Noise Management Plan shall be implemented and adhered to at all times the business is open, and noise insulation measures installed in full within 2 months of its written approval by the Local Planning Authority and retained as approved at all times.
3. No more than 8 dogs shall be permitted to be exercised within the manage at one time and no more than 8 dogs shall be walked in the field at one time.
4. Notwithstanding the hereby approved plans and documents, the operating hours of the facility hereby approved shall be 07:30hrs to 18:00hrs on Monday to Friday, and no dogs shall occupy the facility's kennel block and exercise areas outside of these hours. Within the operating hours, no more than a total of 25 dogs shall occupy the kennel block and exercise areas at any one time.
5. Within 3 months of the date of this permission a scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for approval. This shall include provision for

roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.

The reasons for the conditions are:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of residential amenity and to protect the soundscape of the AONB
3. In the interests of residential amenity and to protect the soundscape of the AONB
4. In the interests of residential amenity and to protect the soundscape of the AONB
5. In order to maintain and enhance biodiversity