

**Application Number:** DM/2021/01950

**Proposal:** Proposed construction of a standalone nursery unit, access path and use of off-site existing car park area to be used as parent drop off/pick up facility

**Address:** Trellech Primary School, Monmouth Road, Trellech

**Applicant:** Property Services, Monmouthshire CC

**Plans:** A9562/PA/01 - , A9562/PA/02 - , A9562/PA/03 - , Preliminary Ecological Appraisal - Just Mammals, November 2, DW/a9562/Response 07/06/2022 - , ARBORICULTURAL SURVEY - , Design and Access Statement - , A response from the agent - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong

Date Valid: 14.12.2021

### **1.0 APPLICATION DETAILS**

**The proposal is on behalf and on Monmouthshire County Council land. This application is presented to Planning Committee due to the objection from the Trellech United Community Council; they have no objection to the principle of a nursery unit, or to its design. However, they are concerned about parking provision and traffic congestion**

#### 1.1 Site Description

1.1.2 The proposal is for the erection of a standalone building for a children's day nursery within the grounds of the Trellech Primary School. The proposed building is single storey and will be measured some 11m in width, 18.7m in length and 5m to the ridge. The proposed external walls will have a mix of render and brickwork (i.e. two course brickwork above ground level with render above), a black slate roof, metal rainwater goods with aluminium double glazed windows and doors. Four rooflights will be installed to allow nature light into the classroom. Also, solar panels will be installed to improve the energy efficiency of the building.

1.1.2 According to the submission, a local play group, Busy Bodies Playgroup, is currently operating in the local community village hall, which is located some 44m south of the Trellech Primary School. The existing nursery facility can accommodate 24 children, though the playgroup rarely accepts more than 19 children per session. Four members of staff work within the existing nursery facility, up to a maximum of six members of staff. These numbers are expected to remain the same in use going forward with the new facility at Trellech Primary School. In addition, it is noted within the submitted document that Monmouthshire County Council after completion of this new facility, will still be involved with the future operations of this nursery, despite main operational control under the named independent play group.

1.1.3 In terms of parking, off-site parking provision will be provided to serve the proposed nursery. This off-site parking provision is located immediately north-west of the School; a new pedestrian access will be formed, linking this parking provision with the school site. Disabled parking is currently available within the existing parking provision of the school. This off-site parking provision can accommodate 10 cars for drop off/pick up. The opening times of the current nursery will be retained for the new facility; between Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15. It is useful to note that at Trellech Primary School, pupils start to arrive from around 8:30am for 9am opening, and the school day finishes at 15:15. Therefore, parents normally start to arrive from around 14:30.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2011/00472	Erection of bespoke canopy system to provide pupils with shelter from the elements.	Approved	27.06.2011
DC/2015/01364	Discharge of condition 14 from previous application DC/2015/00097 Bat/Bird enhancements.	Approved	21.03.2016
DC/2009/00065	Erection of 6m flagpole and Eco-School award flag	Approved	08.04.2009

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S5 LDP Community and Recreation Facilities  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
SD2 LDP Sustainable Construction and Energy Efficiency

### Supplementary Planning Guidance

Adopted Parking Standards

## 4.0 NATIONAL PLANNING POLICY

### Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

## **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Trellech United Community Council** - Councillors are concerned about parking provision and traffic congestion at the school site, which are already a problem and will only be made worse. However, there is no objection to the principle of a nursery unit, or to its design.

**MCC Highways** - There are concerns that the proposed use of the car park drop off/collection area off Harold Close is remote from the nursery unit; therefore it is not attractive and readily accessible for parents and children. It is more likely that parents will utilise the existing access, car park and turning area for the Primary School. Notwithstanding the above we cannot sustain an objection to the proposed use of the existing car park considering the referred improvements to the pedestrian access and remodelling of car park. Therefore, there is no objection, subject to conditions.

**MCC SAB (Drainage)** - Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>  
The SAB is entitled to a period of at least seven weeks to determine applications.

**MCC Trees** – Initial concerns identified (specification for the construction and installation of the new stepped access path, the location of all new service runs and any level changes for the proposed new hard standing area). Further information was submitted for consideration. Having reviewed the additional submitted information, I have no further objection to development proposals.

**MCC Biodiversity and Ecology** - No objection. A Preliminary Ecological Appraisal report (Just Mammals, November 2021) has been provided. A detailed specification for a sensitive external lighting scheme is requested via condition as light-sensitive bat species and hazel dormouse may disperse across the area or use adjacent habitats. In terms of ecological enhancement measures, a detailed scheme of ecological enhancement measures consistent with recommendations in Section 10 the ecology report should be secured by condition.

**NRW** – No objection. The site is within the Phosphorus Sensitive Area Wye Valley Catchment. We understand that the nursery will replace an existing play group held at the community hall in the village and the proposed method of foul drainage is to the mains sewer. If you determine that there will not be an increase in wastewater as a result of the proposals, and as such you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

**Glamorgan Gwent Archaeological Trust** - The area has been disturbed for the creation of the existing school and grounds, and for drainage and landscaping purposes; it is our opinion that the development is unlikely to encounter significant archaeological features. We therefore we do not

propose any archaeological mitigation. As the archaeological advisors to your Members, we have no objection to the positive determination of this application.

SEWBRc - No significant ecological record identified.

### 5.2 Neighbour Notification

No response to date.

### 5.3 Local Member Representations

No response to date.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

LDP Policy S5 would support the provision of the proposed nursery:

Policy S5 helps to meet LDP objectives 1 and 5 by providing, protecting and enhancing community facilities and open spaces to assist in promoting sustainable communities in Monmouthshire.

*Policy S5 – Community and Recreation Facilities Development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. Development proposals that result in the unjustified loss of community and recreation facilities will not be permitted.*

For the purposes of this policy, community facilities are defined as facilities used by local communities for leisure, social, health education and cultural purposes and include village halls and shops, schools, GP surgeries / health centres, leisure centres, public houses, places of worship, cemeteries and libraries. Community facilities can be considered appropriate in residential and non-residential areas as they serve the needs of the wider community. Whilst there is a general presumption in favour of community facilities, they should not erode the character and appearance of the natural and built environment, nor the design qualities of their location. New facilities need to have good access to public transport, as well as be a walkable distance to as many homes as possible. The criteria against which proposals that involve the loss of community or recreation facilities will be assessed are set out in Development Management policies CRF1 and CRF3.

Recreation facilities are taken to include formal sport, recreation and leisure pursuits such as team games, children's play facilities, as well as more informal activities such as walking in the countryside. Further details on the categories of public recreation and open space is provided in paragraph 6.1.41. Recreation and leisure facilities are an important generator of tourism and, in practice, the difference between facilities for locals and tourists is difficult to define. However, for the purposes of the plan, policies which relate to recreation and leisure refer to activities primarily undertaken by local residents as opposed to the more tourist-related activities associated with visitors.

### **6.2 Impact on Amenity**

A children's nursery, which is not normally a high noise generating use, will only be operational during the day time. The proposed nursery building will be within the Trellech Primary School grounds and the proposed opening hours are reasonable and considered to be similar to the operational hours of the school. The neighbouring properties nearest to the proposal have also been consulted and there is no objection to date.

This would involve a purpose-built nursery building and in terms of noise insulation measures, it is not known if any sound proofing measures will be incorporated at this building. In any case, the general nature of day nurseries is similar to schools and this nursery building is of a modest scale and will be located within an existing educational setting. In addition, regarding people arriving and

leaving the nursery, this will not be different from activity associated with the school. In addition, the operation hours are between Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15. At Trellech Primary School, pupils start to arrive from around 8:30am for 9am opening, and the school day finishes at 15:15. Therefore, parents normally start to arrive from around 14:30. The proposed operational times are acceptable as they are considered to be within the range of normal working/sociable hours. An hours of use condition would be imposed to manage the opening times of the nursery, ensuring that neighbour amenity is protected.

The proposed building is single storey and is modest in scale. It would be located well away from the neighbouring properties i.e. some 29m from the nearest dwelling. No issues relating to overlooking, any sense of being overbearing and any form of overshadowing is anticipated. Given the above, the proposal accords with LDP Policy EP1.

### **6.3 Design and Energy Efficiency**

The proposed nursery building would be single storey. The design of the proposed building is functional and is visually acceptable in its setting. In terms of the proposed external finishing materials, they are acceptable in this context. Given the above, the proposal is in accordance with LDP Policy DES1. In terms of energy efficiency, solar panels will be installed to reduce energy demand, which is compliant with the thrust of LDP Policy SD2.

### **6.4 Highway Safety**

As part of this application, off-site car parking provision with a new pedestrian access will be provided to link to the proposed nursery. The Council's Highways Department advised that the proposed off-site car park off Harold Close is remote from the nursery unit and that parents are more likely to use the existing access, car park and turning area for the School. However, an objection to the proposed use of the existing car park could not be sustained; relevant conditions are requested i.e. no occupation of the nursery until the improvements to the car parking area and pedestrian access have been implemented and a Construction Traffic Management Plan (CTMP) is submitted prior to commencement. Furthermore, no adverse concern is raised in relation to the anticipated traffic movements from the proposed nursery. Given the above, it is considered that the application is in accordance with LDP Policy MV1.

### **6.5 Biodiversity**

There is no objection from both the Council's Biodiversity Officer or NRW in relation to this element of the application. As part of the planning process, it is now mandatory to provide Biodiversity Net Benefit and this element can be managed via the use of an appropriately worded planning condition. Also, a standard lighting scheme will be requested for consideration prior to commencement. Given the above, the proposal is in accordance with policies EP3 and NE1 of the LDP.

### **6.6 Drainage**

A sustainable drainage system is required in this instance as the total construction area is greater than 100 square metres. The applicant is aware of this requirement and their consultant is already engaging with the Council's SAB Team. The SAB approval is separate from the Planning process and an informative will be used to inform the applicant accordingly.

### **6.7 Foul Drainage**

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

According to the latest phosphate guidance, it advises that any developments intended to provide services, facilities, commercial sites, or places of employment (e.g. community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment can be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs. This children's nursery is exactly just that i.e. it is intended to serve the local population, and so the proposal can be screened out and is not subject to Appropriate Assessment.

### **6.8 Response to the Representations of Third Parties and/or Community Council**

Trellech United Community Council objected to this application and the objection is addressed in section 6.4 of this report (Highway Safety).

### **6.9 Well-Being of Future Generations (Wales) Act 2015**

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### **6.10 Conclusion**

LDP Policy S5 would support the provision of the proposed nursery. On the basis of the above, it is considered that the proposal would not have a detrimental impact on the character and appearance of the area, highway safety or residential amenity. The proposal would not increase phosphorus pollution and the biodiversity net gain enhancement measure can be secured via an appropriately worded condition. Given the above, the application is considered compliant with the relevant policies of the LDP and is recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The nursery shall not be used for the approved purposes outside the following times:- Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

4 The development shall be carried out in strict accordance with Section 10 of the Preliminary Ecological Appraisal report (Just Mammals, November 2021). Should the development not be carried out in strict accordance with the approved mitigation plan/strategy or if variations are proposed, all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme.

REASON: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife and Countryside Act 1981 regarding the requirement to protect bats, nesting birds and hazel dormouse, to avoid spread of non-native invasive species and to ensure compliance with LDP Policy NE1.

5 Prior to commencement of any construction works, a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and bat roosting provision, native or wildlife-friendly planting and hedgehog habitat and connectivity measures identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable and shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide no net loss and net gain of biodiversity in accordance with the Section 6 Duty of the Environment (Wales) Act 2016 and LDP Policy NE1.

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional lighting or lighting fixtures shall be installed on site until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification and must demonstrate that key flightlines for bats are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

REASON: To safeguard foraging/commuting habitat for bat species and other light-sensitive wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and LDP policies NE1 and EP3.

7 There shall be no occupation of the nursery until it has been clearly demonstrated that the proposed improvements to the car parking area and pedestrian access have been implemented.

REASON: To ensure compliance with LDP Policy MV1.

8 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure compliance with LDP Policy MV1.

9 Prior to commencement, a service run drawing showing the locations of all new service runs (electricity, gas, water, telecommunications etc) shall be submitted and approved by the Local Planning Authority. The tree retention and protection plan shall also be amended to include this information. The works shall be carried in accordance with the approved drawing.

REASON: To protect the trees on site (LDP Policy NE1).

## **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.

If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

4 Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

5 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sab>

THE REQUIREMENT TO OBTAIN SAB CONSENT SITS OUTSIDE OF THE PLANNING PROCESS BUT IS ENFORCEABLE IN A SIMILAR MANNER TO PLANNING LAW. IT IS A REQUIREMENT TO OBTAIN SAB CONSENT IN ADDITION TO PLANNING CONSENT. FAILURE TO ENGAGE WITH COMPLIANT SuDS DESIGN AT AN EARLY STAGE MAY LEAD TO SIGNIFICANT UN-NECESSARY REDESIGN COSTS.

6 Please be advised that, in addition to planning permission, it is your responsibility to ensure they secure all other permits/consents/licences relevant to their development.