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Aelod Senedd Cymru dros Aberconwy
Member of the Welsh Parliament for Aberconwy



Ms Paula Jones,
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By Email

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Re: Planning Application 0/48610

Dear Head of Planning, Paula,

I am writing to formally object to planning application 0/48610. This is for the erection of a new residential development of 49 dwellings together with associated public open space and access on to Nant-y-Gamar Road and required on site infrastructure. I will outline below the reasons why the application should be refused planning permission.

1. Local Housing Market Assessment (LHMA)

The purpose of the LHMA is to provide a robust evidence base to inform the Local Housing Strategy (LHS) and the provision of affordable housing within the Conwy Local Development Plan 2007-2022 (LDP). As the Local Authority has acknowledged, it is vital that they have a comprehensive understanding of their local housing market and a robust evidence base on which to make informed decisions about future housing provision in terms of both market and affordable housing delivery, number of bedrooms required and affordable housing tenure. When looking at Table 47 of the latest LHMA you will find that the recommended mix of market housing types on residential sites is 30% 1 and 2 beds; 35% 3 beds; and 35% 4 beds or more. The development under consideration is in conflict with the LHMA. Indeed, rather than adhering to Table 47, the application provides 19% 1 and 2 beds; 56% 3 beds; and 25% 4 and 5 beds. Deviation from the LHMA should not be considered appropriate. In fact, I do not believe that the applicant's own sale enquiries are sufficient evidence to demonstrate that 'local circumstances' suggest a different mix of housing would better meet local needs. Indeed, the data used is enquiries for the whole of Wales (See Appendix 1, Planning Statement). A reasonable person would not classify data for all of Wales as demonstrating the local circumstances of Llandudno. As such, it is highly likely that the application is in breach of:

- Policy HOU/5, LDP – Housing mix:
'Development proposals should reflect the requirements for tenure, house types and sizes as set out in the Local Housing Market Assessment and the Conwy Affordable Housing and First Steps Registers, unless it can be demonstrated by evidence that the local circumstances of the particular settlement or location suggests a different mix of housing which would better meet the local needs. A proposed mix of dwellings which results in a negative residual value and lower affordable housing provision will be discouraged'.

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2. Landscape

The *Landscape and Visual Technical Report* concludes that there are no issues arising with regards to landscape and visual matters that would undermine the feasibility of the scheme. However, the site is a Registered Historic Landscape. In fact the aforementioned report states that the Principal Management Recommendation for the Historic Landscape is 'Discourage urban sprawl eating into this countryside block'. It seems reasonable to suggest that the development would be contrary to the management recommendation.

Also of importance is that the following is stated in the strategic policy CTH/1 – Cultural Heritage, LDP: 'The council is committed to protecting and, where appropriate, enhancing its cultural and heritage assets. This will be achieved by... Seeking to preserve and, where appropriate, enhance conservation areas, Conwy World Heritage Site, historic landscapes...'. I kindly ask that you considerer how building on a historic landscape is in line with the aim of seeking to preserve historic landscapes.

Additionally, policy CTH/2 – Development Affecting Heritage Assets, states that development proposals which affect a heritage asset, including 'Historic Landscapes', shall preserve or, where appropriate, enhance that asset. I kindly ask that you considerer how building on a historic landscape is in line with the aim of ensuring that development proposals preserve and enhance the historic landscape.

3. Ysgol y Gogarth

Concerns have been raised that the development is not in line with the following requirement in DP/3, LDP: 'Have regard to the impact on adjacent properties'. In particular, I am concerned about potential noise, disturbance, and nuisance that may be caused to Llys Gogarth.

This is a matter which has been raised with Satplan Ltd by myself, a number of concerned residents, and the school. It follows that I am disappointed at the conclusion of the Noise Impact Assessment: 'noise need not be a material consideration in the granting of planning permission if the recommendations of this report are followed and included within the design stage'.

As is sated in the Noise Impact Assessment, 'certain sounds, such as those created by trees, birds, and water features, can contribute to a sense of tranquility... problematic forms of sound are generally experienced as noise pollution can affect the amenity and be prejudicial to health or a nuisance'. I agree with this, and it is essential when considering that the development would be situated immediately behind Llys Gogarth. According to Ysgol y Gogarth:

'Llys Gogarth is a new, purpose built residential facility. It offers an integrated residential education and developmental care package to children and young people aged between 7 and 19 years of age. Llys Gogarth also offers a respite service to assist families in their capacity to sustain themselves. The service provides a caring, structured and homely environment, specifically designed to meet the needs of the client group in general. Each individual follows their own written care programme in an atmosphere of high but realistic expectation, their units of education work are verified externally and accredited to them through the Assessment and Qualifications Alliance (AQA) and their personal and social developmental outcomes are monitored against clear objectives.'



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All children and young people who stay at Llys Gogarth are valued as individuals and treated with respect and dignity. The overall objective is to create the ideal conditions for each child and young person to succeed to the maximum of their potential, to build personal and family resilience and to prepare for living as independently as possible and to have a fulfilling adult life'.

Our community are rightly proud of the exceptional care, education, and support provided by Ysgol y Gogarth. There is a real risk that the development – being so closely situated to the residential facility which assists some of the most vulnerable people in our area – could result in it no longer having 'ideal conditions for each child and young person to succeed'. As such, I believe that the impact of the development on Ysgol y Gogarth, and in particular Llys Gogarth, could see the application be in conflict with:

- Policy STR/3, LDP: 'New developments will be required to mitigate the undesirable effects of travel such as; noise, pollution, impact on amenity and health and other environmental impacts';
- Policy DP/4, LDP: 'Planning permission will not be granted where the proposed development would have an unacceptable adverse impact... e) On environmental conditions arising from noise, lighting, vibration, odour, noxious emissions or dust';
- Policy NTE/1, LDP: 'In seeking to support the wider economic and social needs of the Plan Area, the Council will seek to regulate development so as to conserve and, where possible, enhance the Plan Area's natural environment, countryside and coastline. This will be achieved by... Preventing, reducing or remedying all forms of pollution including air, light, noise, soil and water, in line with Policy DP/6';
- Policy DP/3, LDP: 'Have regard to the impact on adjacent properties'.

I maintain that the Local Planning Authority need to consider the impact of the development on Ysgol y Gogarth extremely carefully, even though it is true that the applicant has made an effort to engage directly with the Headteacher and Chair of Governors of the school, and made some changes, such as a redesign of plots 7-15.

4. Highways

Serious concerns have been raised with me about the impact the development would have on Nant-y-Gamar Road. It is well known locally that the volume of traffic on the Local Authority managed highway is high and potentially dangerous. Indeed, in addition to serving residential properties, it is a key route to access Ysgol Bodafon and Ysgol y Gogarth. The latter in particular provides education to pupils from across the County, and as such sees a high number of minibuses and taxis accessing the school twice daily on school days. In fact, so busy can the highway become at points that parents have expressed concern about their own safety when trying to cross the highway to access the school.

Given the above, it is reasonable to suggest that the proposed development would have a detrimental impact on the existing highway situation, and as such contradict policies DP/4 and DP/3, of the LDP. With regards to the latter, I am particularly concerned that the requirement to 'Meet required standards of accessibility, having suitable regard to the needs of people of different ages

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and abilities in the design of the proposal' may not have been met. Additionally, careful consideration should be given as to whether the requirements in Section 3, Planning Policy Wales (PPW) (Edition 11) has been met: 'Ensuring ease of access for all'. Not only is the development likely to see its residents face highway difficulties but contribute to the already challenging situation faced by current residents.

That the Local Authority acknowledge that there may be a serious highway issue in the immediate vicinity of the development is apparent when considering my work in relation to Fferm Bach Road and Tan-y-Bryn Road. As many locals would inform you, these roads are used as a shortcut to reach the A470 without having to pass through the middle of Craig y Don. In fact, given that the entrance for the proposed development is situated between St Margarets Dr and Tan-y-Bryn Road, I have no hesitation in suggesting that the estate would see an increase in the volume of traffic using Fferm Bach Road and Tan-y-Bryn Road. This is extremely concerning, because by approving the development the Planning Authority would be enabling an increased use of a highway which does not have a pavement along its whole length and a blind corner. In fact, having written to Mr Geraint Edwards, Head of Environment, Roads, and Facilities, Conwy County Borough Council, about this matter recently, he responded to me on 30 June 2021 stating:

'I regret that I have been unable to locate any information regarding the 2015 investigation. However, will arrange that a new assessment is made of the site, where evidence gathered that will help inform us of what appropriate measures (if any) are required to improve the situation. This evidence will be in the form of historical road traffic collision data, traffic speed and volume counts and also professional judgment. I will keep you informed of the outcome of the assessment in due course'.

Clearly, the Local Authority has accepted that there is a need to investigate the safety of the highway, so I am deeply concerned that the Planning Authority could be in breach of the following policies should planning be granted before we know the outcome of the aforementioned highway safety investigation:

- PPW: *'Ensuring ease of access for all'*;
- PPW 4.1.10: *'make it possible for all short journeys within and beyond the development to be easily made by walking and cycling'*;
- PPW 4.1.1: *'The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport'*;
- Point 4.8.4.2, LDP: *'A primary planning consideration is to ensure that development proposals achieve a suitable connection to the highway that is safe for pedestrians, cyclists, occupants of vehicles and other road users. Equally important is the need to ensure that road safety is not jeopardised by allowing proposals which would generate levels of traffic beyond the capacity of the surrounding road network'*;
- STR/4 – Non-Motorised Travel, LDP: *'The Council will support increased levels of non-motorised travel, including cycle use and walking, by ensuring that travel generating developments are located and designed to facilitate and encourage short distance trips between home, work, schools and colleges, other suitable destinations and for leisure'*;

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- DP/4, – Development Criteria, LDP: ‘Development proposals, where appropriate and in accordance with the policies of the Plan and the Council’s Standards should provide the following... b) Safe access from the highway network and enhancement of public transport, cycling and pedestrian infrastructure’.

The above is also supported by the fact that the development is situated in the catchment area for Ysgol Bodafon. As you may be aware, so to access the primary school from the development location, individuals would have to travel up Nant-y-Gamar Road, and then along Bodafon Road. This is a single-track country lane with a 60mph speed limit at some parts. It is too dangerous for children to walk along, and as such the development could result in families which move into the estate having to drive their children to primary school. This could also be the case for children that attend Ysgol Craig y Don as there are no plans that I am aware of to have a safe pedestrian crossing along Nant-y-Gamar Road.

Given the above, I believe it clear that the following claim in the Design and Access Statement is erroneous:

‘The site location is considerably sustainable and has excellent links to the wider road, cycle, and transport network. The access to the site has been made possible by various modes of transport through the provision of appropriate care, cycle and pedestrian infrastructure’.

5. Parking

STR/2 – Parking Standards, LDP, requires that ‘Car parking provision should be in accordance with the Council’s maximum standards, to reduce dependency on the car and to promote more sustainable forms of transport’. As stated in the *Design and Access Statement*, 1 space is required per bedroom (maximum 3). 25% of the proposed development will be 4 and 5 beds, and 56% 3 beds. Having looked at the drawings, it is not clear to me that 81% of the properties have been allocated the maximum of 3 parking spaces. As such, it is reasonable to suggest that the application is in breach of STR/2, LDP.

6. Children’s Playing Space

As stated in the Planning Statement: ‘the scheme does not include the provision of children’s play equipment. It is noted that this is required in accordance with Policy CFS/11 and the associated Planning Obligations SDP’. Whilst the applicant has attempted to demonstrate the there are exceptional and justified circumstances for failing to adhere to Policy CFS/11, LDP, and therefore proposed to provide an off-site contribution, I kindly ask that careful consideration be given as to whether the requirement of ‘exceptional and justified circumstances’ for the provision of a commuted sum as an alternative to on-site provision has been met.

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7. Historic Environment

I fully support the concerns raised by Gwynedd Archaeological Planning Service (GAPS) in the letter dated 29 June 2021. In particular I kindly ask that you note the point that:

‘The DBA concluded that the archaeological potential of the site was low, however this is strictly within the context to the lack of known archaeological features within the development boundary. It is important to note that desk-based research is incredibly limited when it comes to assessing pre-historic potential, and as such I’d suggest that the prehistoric potential of the site is still relatively high, owing to its position on the landscape and the proximity of numerous known prehistoric sites’.

GAPS have made a reasonable recommendation that a Geophysical Survey be undertaken. The applicant has agreed, and the survey was due to commence on 7 July 2021. As of yet, I have not seen the outcome of the survey, so the proposal could be in conflict with:

- Policy DP/4, LDP: ‘Planning permission will not be granted where the proposed development would have an unacceptable adverse impact... on archaeological interests and the built form’.
- Strategic Policy CTH/1: ‘The council is committed to protecting and, where appropriate, enhancing its cultural and heritage assets. This will be achieved by... seeking to preserve and, where appropriate, enhance... areas of archaeological importance in line with Policy DP/6’.

The Planning Authority should remember the sentence in the LDP that ‘Planning permission will be refused if the archaeological site is of sufficient interest to merit protection from disturbance altogether’.

Whilst the outcome of the Geophysical Survey should assist in establishing if the site is of sufficient archaeological interest, even if it is not, it is clear to me that the application may not comply with numerous planning policies, as outlined in points 1 to 6 of this letter. Therefore, I recommend that the application be refused planning permission.

Please note that Llandudno Town Council have recommended refusal also. As such, it is clear that a significant number of the elected representatives of Llandudno – from Town Council to Senedd Cymru – are opposed. I request that the Local Authority Planning Committee stand with us and refuse permission for the reasons already detailed.

Yours sincerely,

Janet Finch-Saunders MS/AS