



Janet.Finch-Saunders@senedd.wales

Ms Paula Jones,
Head of Planning,
Conwy County Borough Council,
By Email

Constituency Office

29 Madoc Street,
Llandudno LL30 2TL

Swyddfa'r Etholaeth

29 Stryd Madog,
Llandudno LL30 2TL

01492 871 198

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Re: Planning Application 0/48610

Dear Head of Planning, Paula,

In the first instance I would like to express my thanks to you for sending me a letter yesterday informing me that the Department has received additional documentation for application 0/48610. I am writing further to the letters I sent dated 15 July 2021 and 5 November 2021, formally objecting to the planning application.

Given the number of documents submitted since my last letter, I think it important to comment again and reiterate my point that the Planning Committee should refuse the application, and stand with a significant number of the elected representatives of Llandudno – from Town Council to Senedd Cymru – who are opposed to the scheme.

Please note that this letter should be read in conjunction with my previous correspondence, and rather than reiterate points, I only aim to offer additional comments for consideration here.

1. Local Housing Market Assessment (LHMA)

As previously outlined, Table 47 of the LHMA notes 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 remains in conflict with the LHMA. Indeed, having considered the numbers in the further amended *Design and Access Statement*, I believe that there are 9 one beds, 11 two beds, 20 three beds, 7 four beds, and 2 five beds (49 in total). That equates to 41% 1 and 2 beds; 41% 3 beds; and 18% 4 beds or more. Deviation from the LHMA should not be considered appropriate. As such, it remains 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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I remain extremely disappointed that CCBC Housing seem to have previously accepted via email on 16 September 2021 that the proposed open market mix was acceptable. Clearly, further consideration was required and I have seen that the Affordable Housing Officer, Ceri Ellis-Jackson, sent an email on 8 November clarifying the rationale behind accepting the deviation from the LHMA. However, it has been brought to my attention that the officer made no reference in her correspondence to the requirement in Policy HOU/5, LDP for a deviation to only be allowed if it is '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'.

I am clear that CCBC Housing should oppose the development based on the conflict with the LHMA as it remains the case that I have not seen any clear evidence which demonstrates that a different mix of housing to that recommended by the LMHA would better meet local needs. As such, the application is in breach of Policy HOU/5, LDP – Housing mix.

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, as I have previously advised, the site is a Registered Historic Landscape.

I remain of the opinion that the development is contrary to:

- 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...';
- policy CTH/2 – Development Affecting Heritage Assets, as it is unclear how the development will preserve and enhance the historic landscape.

3. Ysgol y Gogarth

Whilst I was pleased to read that the developer had agreed to deliver a 2m high boundary fence and 3m high evergreen buffer, I note that they have refused to provide sound proof windows and obscure/one way glass in the Llys Gogarth building, and refused to make a financial contribution towards alternative provision for any children utilising Llys Gogarth affected during the construction period. It is my opinion that the potential impact on Ysgol and Llys Gogarth are reasonable grounds upon which the application should be refused. I remain of the opinion that the development is not in line with:

- 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;
- 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';

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- 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'.

In addition to the above, I note that the equality impact assessment completed by Red Shiny Apple Ltd found that:

- 'the proposed development will have a significant detrimental impact upon disabled children who attend the school and the respite care facility';
- 'the overall conclusion that the proposal as it stands is considered to have a significant detrimental impact upon disabled children';
- *'the engagement pinpointed some areas where there is considered to be substantial impact upon disabled children presented by the planning proposal for the development adjacent to Ysgol y Gogarth and the respite care facility. Those areas were analysed and considered to breach the 'legal threshold' of the Equality Act 2010 as having a substantial impact upon disabled children... The areas of concern are as follows: a) Noise disturbance from residential dwellings... b) Noise disturbance from Building works... c) Disruption to the Respite care facility... d) Safe place... e) Potential for family breakdown... f) Disruption to quiet and tranquil green outdoor space... g) Road safety issues (congestion and parking)... h) Safeguarding'*

4. Highways

Further to the serious concerns I raised in relation to highways, I note that Mr Andrew Wilkinson, Head of Neighbourhood Services, Conwy County Borough Council, has made a submission on 22 November 2021 responding to my comments.

As you will recall, *Highways Technical Note 1: Response to Pre-Application Comments* states:

'Alternative access to serve the site direct to Bodafon Road to the south would be inappropriate, due to the narrow rural lane character of this route, which is not capable of being improved to meet modern standards'.

I agree, and must take this opportunity to remind you that any children living on the new estate would have to travel along Bodafon Road to reach Ysgol Bodafon. As such there is a potential that the proposal is in conflict with:

- PPW 4.1.10: *'make it possible for all short journeys within and beyond the development to be easily made by walking and cycling'*;

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- 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'.*

Mr Wilkinson has wrongly dismissed my concern about children having to travel along Bodafon Road to Ysgol Bodafon, by stating:

'The Highway Authority deems that with a development this size, it would be unreasonable for the Developer to fund an Active Travel compliant route to the existing school site at Ysgol Bodafon from the development site. The Highway Authority would wish for a shared footway/cycleway connecting the site to Ysgol Gogarth which will assist in developing an Active Travel network towards the amenities within Llandudno and Craig y Don'.

There is no question that the officer response is unacceptable and provides clear proof that the application is in breach of PPW 4.1.10 & 4.1.1. Indeed, it seems that the Local Authority, if they approve the development, are willing for children to walk and cycle to Ysgol Bodafon along 'a the narrow rural lane... which is not capable of being improved to meet modern standards'.

Given the above, I recommend that all members of the Planning Committee undertake a site visit and walk from the development location to the school at around 8:30am on a school day, and back at around 3:30pm on a school day. I am sure that they would come to a reasonable conclusion that the route is unsafe and as such the development in breach of PPW. This is further supported by the fact that there does not seem to be suitable walking and cycling routes to Ysgol Craig-y-Don, as the official has referred to the development of an Active Travel network towards amenities in Craig-y-Don, rather than there being one in existence. In fact, even the Play Development Officer has previously stated that:

'This area during school drop off and pick up can become very difficult for children and young people to navigate. We therefore think it vital that sustainable traffic crossing and pathways are put in place to enable residents to move around Nant Y Gamar Road and Bodafon Road safely. We feel this is important as it will allow children from the new development to walk to school as well as provide access to the nearby green space and play area on Queens Road. A road crossing and pathways would therefore enable children's freedom, physical activity and encourage community cohesion by providing safe routes to different places'.

My previous correspondence also highlighted that on street parking by Ysgol Gogarth is a problem as it creates an informal one-way shuttle-working between parked areas. No measures have been highlighted addressing this problem, other than the suggestion by Mr Wilkinson that 'vehicles accessing the site is currently being investigated looking at increasing capacity within the school land for vehicles'. However, I am yet to see any concrete solution.

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Additionally, I would like to reiterate my request for the applicant and Environment, Roads, and Facilities, to arrange for the safety of Roumania Drive, St Margarets Drive, Tany-Y-Bryn Road, and Bodafon Road to be assessed so that we can have clarity as to whether the expected increase in traffic would result in a development which is contrary to:

- PPW: *'Ensuring ease of access for all'*;
- Point 4.8.4.2, LDP: *'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'*.

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'. One space is required per bedroom (maximum 3). 41% of the development is to be 3 beds and 18% 4 beds or more. Having looked at the drawings, it is not clear to me that 59% of the properties have been allocated the maximum of 3 parking spaces. I think that the figure could be 51%, and as such, it remains reasonable to suggest that the application is in breach of STR/2, LDP.

As I have previously noted, I am extremely disappointed that no plans are in place to provide charging points. Therefore, I maintain that the absence of electric vehicle charging points in the design is contrary to:

- PPW 4.1.40: *'To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development'*;
- PPW 4.1.41: *'The provision of electric vehicle charging points should be planned as part of the overall design of a development'*.

6. Children's Playing Space

There has been progress in this area, with the developer including a location for play equipment. However, it remains unclear to me that the following observation of the Play Development Officer has been addressed:

'The proposed location of the play area may prove problematic due to two key features firstly the lack of oversight from houses to the play area may reduce permission to access. Secondly the water/flooding collection being so close to the proposed play equipment. Without careful planning this area may become unusable due to the condition of the ground in winter months considering wheelchair and pram user access'.

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Additionally, I note that the Play Development Officer has written the following on 21 November 2021: 'Conwy play development do not have any objections to the proposed location/layout but would like to advocate for a change in approach in the design and planning to ensure that children's and young people's needs are met across the whole development.'

Given the above, it is reasonable to suggest that the needs of children and young people may not have actually been met.

7. Historic Environment

As I have highlighted previously, according to the *Archaeological Evaluation* dated September 2021, within Trench 6 two archaeological features were excavated, a large pit and a gully. It is possible that the trench had an imbrex tile with a date range of Roman to post medieval. Given the findings in Trench 6, I believe that the proposal, if approved, could still 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'.

I believe that my concerns are supported by the letter submitted by Gwynedd Archaeological Planning Services, dated 3 November 2021, in which it is noted:

- 'Trenches positioned further north along the route of the access road and attenuation pond did identify some potential archaeological features – the material from which is currently being assessed. As such the potential here is moderate'.

8. Biodiversity

The further amended *Design and Access Statement* notes that a number of measures will be implemented within the site to deliver biodiversity enhancement. However, I agree with Llandudno Town Council that one of the reasons for objection should be the impact on curlews. They are predicted to be on the brink of extinction as a viable breeding species in Wales by 2033. Due to the significance of this emergency, curlew is now considered to be the most pressing bird conservation priority in Wales.

On 6 December 2021 Kate Surry, Ecologist, stated: 'At high tide during winter, curlew (a species on The Birds of Conservation Concern 5 Red list) from the Conwy estuary are known to roost in only three places: Conwy reserve, Dinerth Hall Farm and Bodafon Fields'. Whilst she does explain that the likelihood of long term displacement during and post construction is unlikely, it remains a possibility. As such, it is reasonable to suggest that the development would be in conflict with *A Wales Action Plan for the Recovery of Curlew*, which requires, for example, the need to:

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- increase awareness of the presence and needs of breeding curlew amongst renewable energy developers, planning authorities and land management planners.

I would be grateful if further consideration could be given to the potential impact of the development on curlews.

I maintain that the Local Authority recommend refusal.

Kind regards,

Janet Finch-Saunders MS/AS