

PLANNING COMMITTEE	DATE: 06/02/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 1**

**Application Number: C21/1028/18/LL**

**Date Registered: 20/10/2021**

**Application Type: Full**

**Community: Llanddeiniolen**

**Ward: Penisarwaun**

**Proposal: Change of use from a care home (C2 Use Class - residential establishments) to a serviced accommodation hostel for holiday use (sui generis use) together with associated warden's living accommodation.**

**Location: Penisarwaun Nursing Home, Penisarwaun, Caernarfon. LL55 3DB**

**Summary of the Recommendation: TO REFUSE**

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## **1. Description:**

- 1.1 This is a full application for a change of use of a former nursing home (C2 Use Class) to be used as a serviced holiday hostel (C1 Use Class - hotels) together with the provision of the warden's integrated living accommodation on a site on the eastern periphery of the settlement of Penisarwaun and the home has by now been dormant since 2018.
- 1.2 It is a single-storey building in terms of height, formed from two main wings linked in the centre by a flat roof structure. The existing building comprises 30 bedrooms; stores; kitchens; sitting rooms; boiler room; bathrooms together with administrative/staff rooms.
- 1.3 It is proposed to use the bedrooms as a serviced hostel type holiday accommodation that will also include the provision of a residential unit within the building for a manager/warden; stores and drying rooms; a new small lobby for the main entrance to the building (this is the only addition proposed to be undertaken to the existing building); games room; bath/shower rooms together with a kitchen and dining room. It is noted here that no further information has been submitted with the application that confirms how many beds will be in each bedroom.
- 1.4 Externally, it is proposed to use the existing parking facilities within the curtilage of the former-home together with the two entrances that serve the site off the adjacent class III county road. The proposal will employ a full-time person (manager/warden) together with 3 to 4 part-time members of staff.
- 1.5 The property is located a little outside the LDP's development boundary and within a 500m protected zone to an ancient monument and within the Dinorwig Landscape of Outstanding Historic Interest by CADW. Deiniol House Wildlife site is located adjacent to the site together with scattered residential dwellings surrounding the application site.
- 1.6 A Planning Statement was submitted to support the application although no pre-application enquiry was submitted for this proposal.

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 July 2017:-**
- PS 1 - The Welsh Language and Culture
- PS 5 - Sustainable developments.
- PS 6 - Mitigating the Effects of Climate Change and Adapting to Them
- PS14 - The visitor economy.

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PS 19 - Conserving and where appropriate enhancing the natural environment.

PS 20 - Conserving and where appropriate enhancing the natural environment.

TRA 2 - Parking standards.

TRA 4 - Managing transport impacts.

PCYFF 1 - Development boundaries.

PCYFF 2 - Development criteria.

PCYFF 3 - Design and place shaping.

TWR 2 - Holiday Accommodation.

AMG 5 - Local biodiversity conservation.

AT 1 - Conservation areas, world heritage sites and landscapes, parks and registered historic gardens.

Supplementary Planning Guidance (SPG): Tourist Facilities and Accommodation (2021).

SPG: Maintaining and Creating Distinctive and Sustainable Communities.

## 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Notes (TAN) 6: Planning for Sustainable Rural Communities.

TAN 11: Noise

TAN 12: Design.

TAN 13: Tourism.

TAN 18: Transportation.

TAN 20: Planning and the Welsh Language.

TAN 23: Economic Development.

TAN 24: The Historic Environment.

## 3. **Relevant Planning History:**

- 3.1 Application C09A/0468/18/LL - amend condition 9 on planning permission number C08A/0007/18/LL to allow the home to accommodate people over 40 years old rather than restrict the use to elderly care only, approved in 2010.

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3.2 Application C08A/0007/18/LL - extend the existing nursing home by creating a 2/3 storey extension, demolish the existing kitchen, create an access road and additional parking, landscaping and drainage works, approved in 2009.

#### 4. Consultations:

Community/Town Council: Object on the following grounds: -

- The application for 30 rooms is excessive for the area.
- The site is located on a winding narrow road which will create difficulties and a road hazard.
- It is possible that there will be an increase in noise in the area which will have an impact on the amenities of nearby residents.

Transportation Unit:

- The development is located on a narrow road in the countryside - the change of use from C2 to C1 will have an impact on the parking requirement and although there is provision for 21 parking bays it does not comply with the Welsh Government's parking requirements. This could create parking problems along the county road.
- As part of the application attention should be given to the need for the applicant to ensure that the vegetation on the boundary wall near the road is maintained to ensure sufficient visibility when joining the county road.

Natural Resources Wales: No observations on the proposed development.

Welsh Water: Condition regarding the disposal of foul water from the site together with standard advice.

Public Protection Unit: No response.

CADW: No response.

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received objecting on the following grounds:

- An increase in traffic using the sub-standard adjacent county road.
- Lack of parking provision.
- Scale and intensity of the proposed use is not appropriate or suitable for the site - overdevelopment of the site.
- Significant impact on the amenities of local residents based on noise nuisance.
- An excess of similar holiday accommodation uses in the area.
- The proposal is contrary to the policies of the LDP.
- Insufficient information submitted regarding the number of beds proposed as part of the development. Should there be two bunk-beds in each room this in turn would entail accommodation for a minimum of 60 and a maximum of 120 (or more) of visitors/residents.
- The use of the site as holiday accommodation is not in keeping with its original use as a care home for the elderly.
- Problem with flooding on the road, flowing from nearby fields.
- No business plan was submitted with the application.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 A number of local and national policies deal with the principle of providing serviced holiday accommodation including Policy PCYFF 1; Policy PS 14; Policy TWR 2 of the LDP together with Supplementary Planning Guidance: Tourist Facilities and Accommodation and the Technical Advice Notes, Planning for Sustainable Rural Communities together with Economic Development.
- 5.2 Policy PCYFF 1 states that proposals outside development boundaries will be refused unless they are in accordance with specific policies in the plan or national planning policies or that the proposal shows that its location in the countryside is essential. Policy PS 14 of the LDP supports the development of a year-round local tourism industry by, for example, supporting the provision of new high-quality serviced accommodation (i.e. in terms of land use) in the sub-regional, urban and local service centres and villages.
- 5.3 Policy TWR 2 of the LDP facilitates proposals for serviced holiday accommodation provided the proposal complies with several criteria. The relevant criteria in this particular case are: -
- (i) That the proposed development is appropriate in scale considering the site, the location and/or the settlement in question and that it can be in-keeping and fits comfortably into the environment - The proposal, amongst other associated uses, means providing 30 bed/sleeping rooms within the existing building although no further information has been received from the applicant which refers to the number of beds to be provided within these rooms. Although it is not intended to extend the existing structure (apart from the installation of a small-scale flat roof above the existing entrance), it is considered that the proposal, if approved, means that there would be a possible provision for 60 up to 120 occupants/residents within the facility at the same time, and possibly, permanently throughout

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the year. However, bearing in mind the nature and image of the previous use as a care home for the elderly (with a maximum of 30 permanent residents), it is considered that the proposed use could entail a significant increase in the nature and density of the site in the form of holiday accommodation and this may in turn, significantly harm the character, image and nature of the local area as well as undermine the residential amenities of nearby residents on the grounds of noise nuisance. Therefore, it is not considered that the proposed use is in-keeping and does not fit comfortably into the environment and to this end it is considered that the proposed use is not appropriate for this particular site/property. This concern has already been voiced by nearby residents as noted above.

- (ii) The development is not sited within a primarily residential area, or causes significant harm to the residential character of the area - although the site is located outside the development boundary, the obvious main nearby uses are in the form of residential dwellings. Several residential dwellings are located a stone's throw from the site including the dwellings known as Talsarnau, Ysgubor Cae Corniog, Tŷ Gwyn, Pantafon, Treflys and Llys yr Onnen. It is considered that approving the proposal, due to its scale (in terms of the number of people who can stay there at the same time) and the constant coming and going from the site that may derive from the use, would have a significant adverse impact on the amenities of local residents. It would also undermine the residential area's relaxed and tranquil character on the grounds of creating a noise nuisance. This concern reflects the observations received from the objectors to the application.
- (iii) The development does not lead to an excess of such accommodation in the area - note above that one of the reasons submitted by local residents objecting to this application is that there is an excess of similar holiday accommodation already established within the area. Since what is proposed here is serviced holiday accommodation, it will be a requirement for the applicant to submit a business plan. However, there may be exceptions, where it is considered that there is a high level (more than 15%) of holiday accommodation in a specific settlement/area within a community/town/city council area. In accordance with Council Tax figures (July 2021), the combined total of second homes and holiday accommodation in the Llanddeiniolen Community Council area is 3.42%, and therefore it is considered that approving this proposal would not lead to an excess of the types of uses within the community council despite the concerns of the objectors regarding this element of the proposal.

5.4 Supplementary Planning Guidance – Tourist Facilities and Accommodation reflects the requirements of policy TWR 2, together with national planning advice. It advises that full consideration needs to be given to various factors when dealing with tourism developments of the type proposed here including high quality developments; landscape/environmental considerations; type of units; scale of the development; conversion of existing buildings together with over-provision. In this particular case, it is not considered that the proposal would create a development of high quality as it is not acceptable based on scale/density and that it is located mainly in a residential area.

5.5 TAN 6: Planning for Sustainable Rural Communities, states that one of the few circumstances in which a new residential development in the open countryside can be justified is when accommodation is required to enable a rural enterprise worker (that can include tourism use) to live at, or close to, his workplace. In this context, the proposal entails providing accommodation for a manager/warden of the facility and an integral part of serviced holiday accommodation provision of this type is the need for the manager to be available throughout the day and entails that the manager will have to either live at, or in the vicinity of the site. However, it is essential that there is a clear division between the manager's accommodation and the rest of the hostel and facilities such as a kitchen, lounge and toilets will not be shared. However, full information has

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not been submitted with the application indicating a detailed proposed floor plan to differentiate between the manager's accommodation and the rest of the holiday/hostel accommodation despite the efforts of the LPA requesting this information from the applicant via his agent.

- 5.6 As a result of this lack of information, it is unclear if a clear difference exists between the use of the floor area for the manager's accommodation and the rest of the building by the residents of the holiday/hostel accommodation itself i.e. there is a possibility that facilities will be shared or the unit will not be subservient to the main use as holiday accommodation. A Planning Inspector stated in an appeal outcome for a similar application that a clear difference is required between the manager's accommodation and the holiday accommodation within the same building as it would be very difficult for the LPA to control the spread of residential use within the holiday accommodation. Using a planning condition would not allow limiting the use of the residential section within the holiday accommodation. Although it would be possible to permit such residential use as an element that is associated and supplementary to the principal use as holiday accommodation, in this particular case and due to the lack of information, the LPA cannot support this part of the proposal as it is unclear if the applicant can prove the need for such accommodation for a manager within the existing building that would serve the holiday accommodation.
- 5.7 TAN 23: Economic Development is also relevant to the proposal's principle stating the need for the building in question to be suitable for the proposed use on the grounds of scale, form and size; that conditions overcome any concerns by the LPA and substantial building work would not be required to the existing building(s). As referred to above, it is not considered that the proposal, as submitted, is acceptable based on its scale or location and imposing conditions would not overcome the LPA's concerns regarding the nonconformity of the proposal with relevant local and national planning policies and guidance.
- 5.8 In considering this assessment as a whole and although it is acknowledged that the existing building is robust and structurally sound, it is not considered that the proposal, as submitted, would comply with all the criteria and guidance noted above and would not include conditions to overcome the LPA's concerns regarding the negative impacts of this proposal especially on the grounds of a lack of information together with the impact on residential amenities and the character and image of the local area. Therefore, to this end, it is considered that the proposal is acceptable in principle and therefore it does not comply with the requirements of Policies PCYFF 1, PS 14, TWR 2 of the LDP along with the advice contained within the SPG document: Tourist Facilities and Accommodation, TAN 6: Planning for sustainable rural communities and TAN 23: Economic Development.

#### **Visual amenities**

- 5.9 The proposal entails the installation of a flat roof above the building's main entrance and this is the only alteration to the external appearance of the existing building. Most of the change of use work will be carried out internally and bearing in mind the scale and design of the alteration to the external appearance of the front of the building, it is not considered that the proposal would have any detrimental impact on the area's visual amenities nor on the setting of the nearby ancient monument or on the area's designation as a Landscape of Outstanding Historic Interest by CADW. It is therefore deemed that the proposal is acceptable on the grounds of the requirements of Policies PCYFF 3, PS 19, PS 20 and AT 1 of the LDP.

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### General and residential amenities

- 5.10 Policy PCYFF 2 of the LDP states that planning permission will be refused where the proposed development would have an unacceptable adverse impact on the health, safety or amenity of occupiers of local residencies due to increased activity, disturbance, noise, light pollution or other forms of pollution or nuisance. Policy TWR 2 together with the SPG: Tourist Facilities and Accommodation, support the objectives of this policy by stating that any development for holiday accommodation should protect residential interests together with being a use that would be in-keeping with the uses of adjoining property (residential property in this case) in terms of noise; traffic disturbance and lack of privacy for any adjoining/nearby property.
- 5.11 As referred to above, there are established residential dwellings located not far from the application site, including Talsarnau (2m - 5m to the east). Tŷ Gwyn (40m east); Llys yr Onnen (30m north); Treflys (46m north-west); Pant Afon (83m west) and Ysgubor Cae Corniog (78m south). There are also a vast number of residential dwellings beyond the site to the west and east. Correspondence has been received from local residents regarding the impact of the proposal on residential amenities on the grounds of noise nuisance.
- 5.12 It is noted that the current character of the site and its catchment has a quiet/tranquil, relaxed nature and the previous use as a care home for the elderly together with the associated day-to-day activities are ones that would be considered suitable and appropriate to the partially residential and partially rural sense of the area i.e. that the use of the site/property as a care home did not significantly disturb nearby residential amenities. The Planning Statement submitted with the application notes that the activities that would derive from the holiday accommodation would not be significantly different to the activities that would have derived from the previous home and 24-hour supervision of the facility would entail a reduction in any disturbance that may stem from the proposed holiday accommodation use.
- 5.13 The nature of a hostel type holiday accommodation may create a significant impact at the expense of residential amenities by creating a noise disturbance either in the form of vehicle/general movements or convening/socialising externally during the day and/or on evenings of warmer weather. In this particular case, and although the Planning Statement notes that there would be 24-hour supervision of the facility, the LPA anticipates that using the property for a hostel type holiday accommodation of high density (with the potential of having between 60 and 120 residents at a time) will inevitably have a significant impact on nearby residential amenities and the tranquil and relaxed character of the local area. No information or evidence was submitted by the applicant to convince the LPA that the proposal would not have a substantial negative impact on the amenities of nearby residents and occupiers on the grounds of creating a noise nuisance.
- 5.14 Although we note the applicant's comments regarding the minimum impact of the proposed use on residential amenities, there is no mechanism in place within the requirements of Circular 016/2014 (The Use of Planning Conditions for Development Management) that would allow the LPA to control and limit the residents/occupiers of the holiday accommodation to only socialise inside by preventing them from socialising outside around the building. Using such a condition would be unreasonable and unenforceable. Although there would be a manager/warden as well as other staff on site, it is considered that this in itself would not be a means of ensuring without a doubt that residents would not convene and socialise outside and, as a result, it is envisaged that such an intensive use of the site would inevitably have a significant detrimental impact many times throughout the year at the expense of the amenities of nearby residents. Therefore, to this end, it is considered that the proposal is contrary to the requirements of Policies PCYFF 2 and



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TWR 2 of the LDP along with the advice contained in the SPG document: Tourist Facilities and Accommodation.

### **Transport and access matters**

- 5.15 The site together with the village is served by a class III county road with a junction and the A4244 main road approximately 520m east with passing places here and there. The site has two gateways together with parking spaces within the site itself. In response to advertising the application, objections were received from local residents regarding the unsuitability of the road to cope with additional traffic that would be created by the proposed holiday accommodation and this concern has been noted above.
- 5.16. In response to the statutory consultation process, the Transportation Unit has no concerns regarding the suitability of the county road to cope with traffic that would derive from the holiday accommodation/hostel. However, they are concerned regarding the lack of parking spaces within the site that may possibly force vehicles to park on the county road carriageway at the expense of road safety. The Welsh Government's parking standards (CSS Wales, 2014) recommend that one parking space should be provided for a commercial vehicle; one parking space for each bedroom and one parking space for every 3 members of staff/persons from outside.
- 5.17 The information submitted with the application by the agent confirms that there are 21 to 25 formal parking spaces currently within the site with an additional plot of land adjacent to the western gable-end of the building that was formerly used as an overflow car park. This plot of land has a gravel surface and it would be possible to provide a parking plot for at least 12 vehicles here, if required. Should the principle of the development be acceptable to the LPA, it would be possible for the applicant to submit a comprehensive parking plan for the proposed holiday/hostel accommodation to ensure a sufficient supply of parking spaces within the site and it would then be possible to control these via a planning condition.
- 5.18 However, the parking provision proposed as part of this current application is not acceptable on the grounds of the Welsh Government's parking requirements for holiday/hostel accommodation and therefore, to this end, it is considered contrary to the requirements of Policies TRA 2 and TRA 4 of the LDP along with the advice contained in TAN 18: Transportation.

### **Sustainability matters**

- 5.19 Policy PS 5 (Sustainable Developments) supports developments which are consistent with sustainable development principles, and where appropriate, developments should:

*"Reduce the need to travel by private transport and encourage opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport", in accordance with Strategic Policy 4".*

This is supported by bullet point 4 of PS 14 (The Visitor Economy), which states:

*"Supporting new tourism provisions and enterprises on an appropriate scale in sustainable locations in the countryside by reusing existing buildings, if appropriate, or as part of diversification on farms, particularly where these would also benefit local communities and support the local economy and where they are in accordance with sustainable development objectives;"*

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5.20 It is considered that the policies of the LDP are consistent with local and national planning policies in terms of how it deals with sustainable development principles. Paragraph 3.39 Planning Policy Wales (PPW) (Edition 11, February 2021) states:

*"In rural areas the majority of new developments should be located in those settlements which have relatively good accessibility by non-car modes when compared with the rural area as a whole. Development in these areas should embrace the national sustainable place making outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys."*

This is supported by paragraph 3.11, Technical Advice Note 18: Transportation, that states:

*"Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas. Most developments should be located in places accessible by a range of travel modes."*

In addition, paragraph 3.15 TAN 18 states that tourism proposals, particularly in rural areas, should demonstrate access by a choice of modes to avoid locking in the requirement for travel by car and, in rural areas, a lack of public transport access needs to be balanced against the contribution tourism makes to the rural economy in the specific area.

5.21 The applicant has submitted details with the following information:-

- Official bus stops are located directly opposite the application site to the north-west of the class III county road.
- The site is within a close distance to several popular tourist attractions in Eryri which are linked together with the road network and good public footpaths and cycle paths.
- Although it is acknowledged that the majority of users of the holiday/hostel accommodation would use a private car to reach the site, there are various alternative transport options available once they reach the site, including cycling, public transport and on foot.

5.22 It is also noted that the site is located not far from an established settlement and not on a site in the middle of open countryside, with an established transport network already in place to serve the site and the nearby village.

5.23 To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policies PS5 and PS14 of the LDP and complies with the advice included in TAN 18, TAN 23 and Planning Policy Wales, 2021.

### **The Welsh Language**

5.24 In accordance with the Planning (Wales) Act 2015, it is a duty when determining a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.

5.25 It is noted that there are some specific types of developments where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in

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Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds to submit a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing development, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement / Assessment should show how consideration has been given to the language.

5.26 To this end, the Planning Statement submitted as part of the application states:-

(i) that residents staying in the hostel will stay there for temporary periods only and therefore there will be no permanent impact on the Welsh language in the area;

(ii) the manager/warden will be local and will speak Welsh and will respond bilingually to the residents;

(iii) the attraction would have a Welsh name or a name with a local connection together with bilingual information to advertise local attractions. Therefore, to this end, it is considered that the proposal is acceptable based on the requirements of the relevant SPG.

## **6. Conclusions:**

6.1 In assessing the application, full consideration was given to all the relevant policies and the observations received in response to the consultation period and to the responses received from statutory consultees. Therefore, to this end, it is considered that the proposal, as submitted, is not acceptable based on the lack of compliance with policies and local and national planning guidance quoted in the above assessment.

## **7. Recommendation:**

7.1 To refuse the application based on the following reasons:-

1. The proposal as submitted is considered to be contrary to the requirements of Policy PCYFF 1, PCYFF 2 and TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan, 2017 together with the advice contained within the document Supplementary Planning Guidance: Tourist Accommodation and Facilities as insufficient information has been submitted confirming the number of beds provided as part of the proposal and, as a consequence of this shortcoming, a detailed consideration of the proposal's impact on local residential amenities cannot be made. Notwithstanding this, and based on the information submitted with the application, it is envisaged that due to the number of bedrooms and the capability of the attraction accommodating a substantial number of residents, the proposal could have an unacceptable adverse impact on the amenities of local residents on grounds of an increase in noise and general disturbance emanating from the proposed holiday accommodation/hostel.
2. The proposal as submitted is considered to be contrary to Policy PCYFF 1 and the guidance contained within Technical Advice Note 6: Planning for Sustainable Rural Communities due to insufficient information being submitted regarding the nature and extent of the manager/warden accommodation within the proposed holiday accommodation/hostel.
3. The proposal as submitted is considered to be contrary to the requirements of Policy TRA 2 and TRA 4 of the Anglesey and Gwynedd Joint Local Development Plan, 2017 together with the guidance contained within the document Technical Advice Note 18: Transport as insufficient on-site car parking provision has been proposed and this, in turn, could force vehicles to park along the verge of the adjoining classified road to the detriment of highway safety.