

PLANNING COMMITTEE	DATE: 14/01/19
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 3**

**Application Number: C16/1412/19/LL**

**Date Registered: 08/03/2017**

**Application Type: Full - Planning**

**Community: Bontnewydd**

**Ward: Bontnewydd**

**Proposal: Demolition of existing dwelling and erection of 12 bedroom hotel (three storeys) with parking spaces, sewage treatment tank and alterations to existing access, the existing Summer House and Gatehouse to be used as ancillary buildings to the proposed hotel.**

**Location: Tŷ Glan Menai, Ffordd yr Aber, Caernarfon, LL54 5RP**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 Full application to demolish existing dwelling (Tŷ Glan Menai) and erect a 12 bedroom hotel (three storeys) with parking spaces, sewage treatment tank in place of the existing, water harvesting tank and alterations to the existing access with the existing Summer House, boat-house and gatehouse as ancillary buildings to the hotel. Internally, the facilities will comprise a lounge/bar, kitchen, reception and toilets on the first floor with an external terrace that would be attached to the lounge/bar on the bottom floor. There would be seven bedrooms (double rooms) on the first floor with five bedrooms (double rooms) on the second floor. Externally, the hotel would partly be constructed with a natural slate roof (including solar panels), walls of horizontal timber, hardwood and UPV-c windows/openings, aluminium rainwater goods, oak frames for the balconies with glazed panels at the sides. It is proposed to create parking spaces for 12 cars together with three parking spaces for staff. The floor surface area of the new building is 462m<sup>2</sup>. The proposal also includes a landscape scheme and tree planting.
- 1.2 The proposal involves erecting the new building on a floor level that is similar to the existing house, setting it forward towards the road and following the angle of the road compared to the location of the house itself. The new building would measure approximately 11m at its highest to the roof ridge and would be located approximately 11.5m back from the road with the floor level approximately 3m higher than the road itself. The building would include a front terrace, balconies and extensive use of glass to maximise the views of the Menai Strait with Anglesey in the background.
- 1.3 The site is triangular and its northern boundary in its entirety abuts the class III public highway (Ffordd yr Aber) for approximately 140m. The remainder of the site abuts Caernarfon Golf Club land. The plot of land opposite the application site, where a small harbour is situated, is also in the applicant's ownership. A substantial garage is located near the northern access to the site and further on along the county highway, there is a boat-house with direct access to the road itself. Further to the south, but continuing within the site, is a second access. Taking into account the topography of the local landscape, the site has been terraced and comprises green lawns, paths and vegetation.
- 1.4 The site is situated approximately 1.5km from the south western boundary of Caernarfon Town and is served by a class III public highway (Ffordd yr Aber). An extensive part of the road lies within a C2 Flooding Zone, as defined in Technical Advice Note 15: Development and Flood Risk (2004). The site is opposite the Anglesey coastline that is designated as an Area of Outstanding Natural Beauty. The Menai Strait is designated as the Menai Strait and Conwy Bay Special Area of Conservation and as a result of this designation a Test of Likely Significant Impact on the Menai Strait itself was undertaken under the requirements of the Conservation of Habitats and Species Regulations, 2010 (as amended).
- 1.5 As part of the application information in the form of a Planning and Access Statement, Access Report (based on flooding), Linguistic and Community Statement, Design Report and Sustainability Assessment Report were submitted. This latest application is submitted before committee as the previous application (approved on appeal) has expired.

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## 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 Act (Wales) 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:-

Policy PS1 - the Welsh Language and Culture

Policy PS2 - infrastructure and developer contributions

Policy ISA1 - infrastructure provision.

Policy TRA2 – parking standards.

Policy TRA4 – managing transport impacts.

Policy PS5 - sustainable development.

Policy PS6 - mitigating the effect of climate change and adapting to them.

Policy PCYFF1 – development boundaries.

Policy PCYFF2 – development criteria.

Policy PCYFF3 – design and place shaping.

Policy PCYFF4 - design and landscaping.

Policy PCYFF5 - Carbon Management

Policy PCYFF6 - water conservation

Policy TWR2 - visitor accommodation.

Policy PS14 - the visitor economy.

Policy AMG 1 - Areas of Outstanding Natural Beauty Management Plans.

Policy AMG 4 - coastal protection.

Policy AMG5 - local biodiversity conservation.

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Gwynedd Design Guidance (2003).

Supplementary Planning Guidance (SPG): Tourist Accommodation (2010).

## 2.4 National Policies:

Planning Policy Wales (PPW), Edition 10, (2018).

Technical Advice Note (TAN) 5: Planning and Nature Conservation (2009).

TAN 6: Planning for sustainable rural communities (2010).

TAN 12: Design (2016).

TAN 13: Tourism (1997).

TAN 15: Development and Flood Risk

TAN 18: Transport (2007).

TAN 22: Sustainable Buildings (2010).

## 3. Relevant Planning History:

- 3.1 Application Number C10A/0556/19/LL - demolition of existing dwelling and erection of 12 bedroom hotel (three storeys) with a swimming pool, parking spaces, sewage treatment tank and alterations to existing access, the existing Summer House and Gatehouse are intended to be used as ancillary buildings to the proposed hotel. This was refused in May, 2011 on the grounds that:- (i) the site was in the countryside; (ii) the previously developed site was unsuitable; (iii) it was not essential for the hotel to have a coastal location; (iv) the building would have a detrimental impact on visual amenities on the grounds of scale, design, size, intensity, location and (v) over-development.
- 3.2 An appeal was lodged against the above refusal, and the appeal was approved in January, 2012 with conditions on the grounds of (i) sustainability - that the site is sustainable and accessible; (ii) that the site is a previously developed site suitable for a hotel; (iii) the proposal would not protrude into an open coastline area and is acceptable in terms of scale and mass and environmental construction with the proposal reviewed twice by the Wales Design Commission. It should also be noted here that the Planning Inspector allowed costs against the LPA on the grounds that the LPA had behaved unreasonably in coming to a determination to refuse the application, as current policies support the type of development on the site in question.
- 3.3 C96A/0096/19/CL – Erection of Greenhouse – Approved 22/07/2006
- 3.4 C96A/0341/19/CL – Erection of gate – Approved 08/11/1996
- 3.5 C01A/0569/19/LL – Construction of jetty – Approved 07/11/2001
- 3.6 C01A/0304/19/LL – Construction of jetty – Refused 05/07/01

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- 3.7 C00A/0234/19/LL – Construction of jetty – Refused 05/07/2000
- 3.8 3/19/13H – Extension to the existing curtilage and amended site for slipway – Approved 8/12/1993
- 3.9 3/19/13G – Alterations and extensions including a boat-house and slipway – Approved 3/02/1993
- 3.10 3/13/19D - Change of use of old golf house into a residential dwelling - Approved 07/06/1982

#### 4. Consultations:

Community/Town Council: Object as the development is within an area of natural beauty with concerns regarding the narrow nature of the road, the Welsh language, flooding and sewage.

Transportation Unit: No objection, but with relevant conditions.

Natural Resources Wales (NRW): The Local Planning Authority (LPA) needs to complete a test of likely significant effect on the possible impact of the proposed development on the Menai Strait and Conwy Bay Special Area of Conservation. It will be necessary to ensure that the sewage treatment works and the soakaway comply with the relevant British Standards. It will be necessary to comply with the requirements of NRW regarding Environmental Licensing Regulations 2016.

Welsh Water: No objection, but with conditions relating to the submission of a drinking water scheme to be agreed by the LPA.

Public Protection Unit: No response.

Biodiversity Unit: Having undertaken a Test of Significant Impact on the Menai Strait the LPA can be confident that the development as submitted would not lead to a significant harmful impact on the features or the processes of the Menai Strait and Conwy Bay. Should the application be approved then (i) a new trees report should be submitted in accordance with the requirements of British Standards and (ii) a condition should be included that the slates are taken off the existing house manually avoiding the months of June to August.

Isle of Anglesey County Council: The visual impact on the landscape should be considered carefully, especially when the development is lit in the evening.

Fire and Rescue Service: The Fire Authority will have an opportunity to offer observations during the Building Regulations Consultation process.

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Public Consultation: A notice was posted on site, an advert placed in the press and nearby residents were informed. The advertising period has already expired and correspondence was received objecting on the following grounds:

- The impact of the development on the visual amenities and character of this sensitive area on the grounds of size, scale and location.
- Approving the application would set a precedence for similar holiday accommodation in the countryside, contrary to local planning policies.
- A network of sub-standard roads serve the site (e.g. no pavement and the flow of traffic will increase).
- The nearby road will be affected by flooding from the Menai Strait.
- Doubtful about how many jobs will be created if this development is approved.
- Odours from the existing sewerage system.

As well as the above objections, objections were received that were not material planning objections and these included:

- Plenty of holiday accommodation already exists in the vicinity of Caernarfon.

A letter of support to the proposal was also received following the statutory notification period.

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

5.1 In considering the acceptability of the principle of this development, the decision of the Planning Inspectorate on the appeal in 2012 (that is a material consideration) has to be borne in mind, together with local and national planning policies that are currently operational under the LDP. As referred to above, a similar application was refused back in 2011 referring to policies included within the former development plan, namely the Gwynedd Unitary Development Plan (UDP) on the grounds:- (i) site in the countryside; (ii) it is not a suitable previously developed site; (iii) it was not essential for the hotel to have a coastal location; (iv) the building would have a detrimental impact on visual amenities on the grounds of scale, design, size, intensity, location and (v) over-development. However, the development was approved on appeal following a hearing with the Planning Inspector referring to the following planning issues:-

- Sustainability - it was confirmed that the site was a previously developed site and was a suitable site to erect holiday accommodation. Although the initial journey to the site was likely to be made in a private car, this was the most common method of transport to other hotels in the area, and the development would not perform any worse than any other hotel located in Caernarfon in terms of the main mode of travel to the area. The Inspector was of the opinion that the site was within reasonable walking and cycling distance to the town,

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although it was at the highest limit of usual commuting by walking. The excellent views and the level footpaths/county highway would possibly make the journey less laborious. He also noted that there would be advantages to the golf club as well as hotel occupiers if local services were located close together in order to encourage multi-purpose journeys that may reduce the commute when staying in the proposed hotel.

- Character and appearance - following a visit to the site the Inspector confirmed that the main elevations and views from the development would be nearby rather than from a distance. Distant views would not be significant due to the topography of the site and its green character. It is deemed that the development would be appropriate for its context and in accordance with the relevant policies that aim to promote a good plan and reduce the impact on the landscape. The development would not protrude out into the open Menai Strait coastal area.
- Conclusions - the proposal would satisfy policies within the development plan at the time (UDP) in terms of high quality serviced accommodation and was acceptable on the grounds of the impact of sustainability, impact on the countryside location and in terms of scale and plan. Other impacts such as ecology, flooding, language character and cultural effects would be acceptable and the objections of the LPA together with the third party objections did not outweigh the Inspector's own conclusions.

- 5.2 It is important to also note here that there are no changes to the plans as submitted under the previous application, although the swimming pool is no longer part of this current application. As referred to above, the previous application was dealt with under the UDP policies, however, this latest application has to be dealt with under the requirements and aims of the LDP policies as this is currently in force at the time of assessment.
- 5.3 Generally, the policies listed above (particularly Policy PCYFF1, PCYFF2, PCYFF3, PS14, TWR2 and TRA2) are consistent with the aims and requirements of the former plan, namely the UDP. However, there are additional criteria in Policy TWR2 (holiday accommodation) that were not included in a similar policy in the former plan (Policy D14), namely (i) criteria 3 that deals with a loss in the stock of permanent houses and (ii) criteria 4 where the development is not located in a residential area.
- 5.4 Although the proposal would entail the loss of one house from the substantial stock of permanent housing it is considered that approving the development would outweigh the loss of one house. Although residential dwellings are situated in the application site's area, it is not considered that the site is located in a mainly residential area as the site itself is considered to be in the countryside that also includes a golf course and a scattered agricultural holding.
- 5.5 Policy PCYFF1 of the LDP states that outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in the UDP or national planning policies or that the proposal shows that its location in the countryside is essential. To this end, and considering the decision of the previous appeal, it is believed that the application complies with current policies and planning guidance that continue to support the principle of situating new, high quality holiday accommodation in the countryside by using a suitable site previously developed and a site that is accessible to different types of commute. Therefore, on this basis it is considered that the proposal is acceptable in principle.

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### **Visual amenities**

- 5.6 Policy PCYFF3 states that all proposals will be expected to demonstrate high quality design which enhance the character and appearance of the site, the building or the area in terms of setting, appearance, scale, height, mass and elevation treatment. It is not considered, therefore, that the development would create an incongruous structure within this part of the coastal landscape on the grounds of its design, scale, external elevations and its setting within the landscape. The impact of the development on the Anglesey Coast AONB on the grounds of light pollution can be reduced by attaching a condition to any planning permission regarding submitting a light scheme for the development itself. It is also noted that the Planning Inspector in his appeal decision did not have any objection to the appearance, setting or scale of the proposal and in his decision he referred that the plan had received the approval of the Wales Design Commission before it was submitted as a full planning application to the LPA and on this basis it is considered that the proposal complies with the requirements of Policy PCYFF3, PCYFF4, AMG1 and AMG4 of the LDP.

### **General and residential amenities**

- 5.7 Policy PCYFF2 states that proposals should be refused if they have a significant detrimental impact on the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased disturbance, noise, fumes, and light pollution. As referred to above, the site is not located in a mainly residential area and the nearest private residential property (Bryn Teg) is situated approximately 200m north east of the application site. Considering the distance between the development site and the nearby dwellings together with its scale, density, use and setting in the local landscape it is deemed that the proposal would not have a significant impact on the residential and general amenities of nearby occupants and would therefore comply with the requirements of Policy PCYFF2 of the LDP.

### **Transport and access matters**

- 5.8 Policies TRA2 and TRA 4 relate to parking standards and management of transport impact. In response to the statutory consultation the Transportation Unit had no objection to the development on the grounds of road safety and parking facilities, subject to the inclusion of appropriate conditions. It is also noted that matters relating to transportation did not cause concern to the Planning Inspector when discussing the previous appeal. To this end, it is believed that the proposal is acceptable based on the requirements of Policy TRA2 and TRA4 of the LDP.

### **Biodiversity matters**

- 5.9 The site is located opposite the Menai Strait which has been designated as the Menai Strait and Conwy Bay Special Area of Conservation, and to this end it is necessary for the LPA to undertake a Test of Likely Significant Impact on the Menai Strait. As a result of undertaking this assessment the Biodiversity Unit states that the LPA can be confident that the development as submitted would not lead to a significant harmful impact on the features or the processes of the Menai Strait and Conwy Bay. Should the application be approved then (i) a new trees report should be submitted in accordance with the requirements of British Standards and (ii) a condition should be included that the slates are taken off the existing house manually, avoiding the months of June to August. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy AMG5 of the LDP.

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### **Sustainability matters**

- 5.10 There are a number of policies within the LDP that promote sustainability in new developments in the County. Policy PS 5 refers to the need where possible to re-use previously used land and buildings in order to use land and infrastructure effectively together with promoting the varied local economy and reduce the need to travel in private vehicles and encourages opportunities for every user to travel as required as often as possible using alternative modes of travel. Policy PCYFF5 states that a contribution from renewable or low carbon energy will need to be demonstrated to satisfy the proposal's need for electricity and heating. Policy PCYFF6 states that proposals should incorporate water conservation measures where practicable.
- 5.11 As referred to above, the Planning Inspector at the appeal confirmed that the proposal was acceptable in relation to its impact on sustainability and the proposal includes the installation of solar panels on the building's rear roofs together with a water harvesting tank above the parking spaces and near the northern gable-end of the building. As part of the above application a Sustainability Assessment Report was submitted -this refers to the different ways the BREEAM sustainability requirements can be met (although these are not a statutory requirement with this application). Therefore, it is believed that an effort has been made to create a development that is sustainable and complies with the policies noted above.

### **Flooding matters**

- 5.12 As part of the application an Access Report was submitted (on the grounds of flooding risk) as parts of the adjacent county highway serving the site is located within a C2 flood zone. In response to the report NRW confirm, within the context of the advice included within TAN 15: Development and Flooding Risk, that the applicant has satisfied their concerns regarding flooding risk to the road serving the site. Because of the location of the site, tidal flooding is the flooding risk here. It is confirmed that they are satisfied that the hotel and parking spaces are higher than the exceptional flooding outline and therefore the proposal is acceptable on the grounds of flooding risk. Considering the above, it is believed that the proposal complies with the requirements of Policy ISA1 and PS6 of the LDP together with the advice included within TAN 15.

### **Linguistic matters**

- 5.13 Policy PS1 of the LDP states that a Welsh Language Statement will need to be submitted with the planning application for developments that are greater than 1,000m<sup>2</sup>. Although we recognise the third party concerns and those of the Community Council regarding the possible impact the development may have on the Welsh Language and culture, it is not possible to ask for such a statement with this application as the surface floor area of the hotel is lower than the maximum. Despite this, the applicant has submitted a Language and Community Statement with the application and states that one of the main aims of the proposal will be to promote and boost the Welsh Language. The Welsh language can be promoted and signed within the proposed development by including an appropriate condition within any permission that incorporates the requirements of Policy PS1 of the LDP relating to ensuring that bilingual signs are used as part of the development itself.

### **Infrastructure matters**

- 5.14 Policy ISA 1 of the LDP states that proposals will only be granted where adequate infrastructure capacity exists or where it is delivered in a timely manner. To this end,

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Welsh Water has responded by stating that an appropriate condition will need to be attached relating to the submission of a drinking water scheme for the development, as uncertainty currently exists regarding a suitable drinking water supply for serving not only the application site but also the nearby golf club. Attaching a condition to this end would comply with one of the guidances in Policy ISA1 that refers to service and utilities infrastructure, including water supply, drainage, sewers, gas and electricity. The proposal will entail installing a sewage treatment tank in place of the existing with a connected soakaway with the results of the porosity tests indicating that the area subject to the tests is suitable for a soakaway system. Natural Resources Wales (NRW) originally had concerns regarding the drainage method for the swimming pool. In response to this concern, the swimming pool element of the application has been deleted. Considering the above, it is believed that the proposal is acceptable on the basis of the requirements of Policy ISA1 of the LDP.

### **The economy**

- 5.15 Policy PS14 of the LDP states that ensuring compatibility with the local economy and communities can be done, for example, by protecting and enhancing existing serviced accommodation and supporting the provision of new high quality serviced accommodation. The explanation to Policy TWR2 states that quality hotels and other serviced accommodation can potentially bring significant economic benefits to the Plan area and broaden the range of holiday accommodation available to visitors, and it is widely recognised that the area lacks an adequate range of such accommodation. This policy aims to support the principle of providing high quality holiday accommodation in sustainable locations. Planning Policy Wales, Edition 10 (2018) states - In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment ... Planning authorities should adopt positive approaches to proposals which utilise previously developed or disused land and water bodies for tourism uses, particularly in relation to urban regeneration. The Access and Design Statement submitted states that this type of accommodation would add to the variety of hotels that already exist in Caernarfon but this site is more ideal on the grounds of its location and views. To this end, therefore, it is believed that approving this proposal will contribute to supporting the local economy in the Caernarfon area.

### **Response to the public consultation**

- 5.16 As referred to above, correspondence was received objecting to the development and the main issues raised included:-
- Road safety - the site is served off a class III county highway (Ffordd yr Aber) with a footpath/carriageway along sections of the road itself for pedestrians. The objections to the application were based on the narrowness of the road, increase in traffic and a lack of a footpath. However, the Transportation Unit has no objection to the proposal based on road safety and parking facilities, subject to the inclusion of appropriate conditions. In addition to the above, the element of road safety was not considered as a barrier to the development under the previous application and appeal.
  - Visual amenities - the site is located in open countryside near the coastline with the Menai Strait and Anglesey AONB. The objectors state that the proposal would create an oppressive and intrusive structure in this section of the sensitive landscape. However, this was not the view of the Planning Inspector when dealing with the previous appeal where he confirmed that the proposal was acceptable on

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the grounds of its setting, scale, mass and design in the coastal landscape. The plans included in the current application have not changed since the original application.

- Flooding - although sections of the nearby county highway are within a C2 Flooding Zone, as defined in TAN 15: Development and Flood Risk, NRW state that matters such as flooding have been inspected and considered sufficient and show that ways in and out of the site comply with the requirements of TAN 15.
- Setting a precedent - the objectors have stated that granting this application may create a precedent for allowing other similar holiday accommodation in the countryside. However, it has to be considered that every application should be dealt with according to its own merits by considering the nature and character of the site together with relevant local and national planning policies and guidance. Therefore, to this end, approval of this particular application would not set a precedent for similar developments in the countryside of Anglesey and Gwynedd.

### **Planning history**

- 5.17 As referred to above, an appeal was made against the refusal of the LPA to the proposal of erecting holiday accommodation on this special site, however, the appeal was approved in January 2012. This is a material consideration for this current application on the grounds that the latest proposal reflects the details submitted with the original application for holiday accommodation (apart from the swimming pool that has now been deleted from the application) and the Planning Inspector has determined that the principle of locating such a development on this land is acceptable. It is also noted that the Inspector allowed costs against the LPA as he considered that it was possible to approve the proposal in accordance with the requirements of local and national planning policies and that the process of preparing an appeal was protracted in terms of background research and an appeal could have been avoided in the first place, especially in relation to previously developed land. Although these policies are operational under the joint development plan, it is noted that the principle and objectives of the previous policies are incorporated within the current plan policies namely the LDP and Welsh Government national guidance. Therefore, significant weight needs to be given to the Inspector's determination to allow the appeal and although the Development Plan has changed since the appeal was allowed, the nature of the policies for applications like this continues to be very similar and it would therefore be very difficult to arrive at a different conclusion.

### **6. Conclusions:**

- 6.1 Having considered the above assessment, together with all the observations received including third party responses to the consultation period as well as the previous appeal decision for a similar development, it is believed in this case that the proposal is acceptable and complies with the relevant current local and national planning policies and guidance.

### **7. Recommendation:**

- 7.1 To approve – conditions:-
1. Five years.
  2. In accordance with the plans.

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3. Samples of external materials to be submitted and confirmed by the LPA prior to the commencement of any work on the site.
4. The hotel shall not be used until the access and the parking areas have been completed.
5. Agree on a drinking water and surface water drainage scheme prior to the commencement of any work on the site.
6. Before any work is commenced details regarding the timing and provision of a bat roost should be submitted.
7. No demolition work between 15 April to 1 October with a licensed worker present during the demolition work as well as taking slates off the roof manually.
8. No demolition work between 1 April to 31 August unless it can be proven that no birds are nesting in the existing building.
9. In compliance with the tree report and the landscape scheme.
10. Restrict the use to holiday use only.
11. Highways conditions
12. Agree on a lighting scheme.
13. Bilingual signs.
14. Septic tank and the connected soakaway to comply with British Standards.