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5 August 2021

Mrs Dana Jones

01545572031

Dear Sir / Madam

I write to inform you that a Meeting of the Development Control Committee will be held via Video conferencing on Wednesday, 11 August 2021 at 10.00 am for the transaction of the following business:

1. **Apologies**
2. **Personal Matters**
3. **Disclosures of personal interest/prejudicial interest**
4. **To consider the Minutes of the Meeting of the Committee held on the 28 July 2021 (Pages 3 - 6)**
5. **To consider planning applications deferred at previous Meetings of the Committee (Pages 7 - 8)**
6. **Development, Advertisement, Local Authority and Statutory Applications (Pages 9 - 36)**
7. **Planning applications dealt with by way of delegated authority (Pages 37 - 40)**
8. **Appeals (Pages 41 - 52)**
9. **Any other matter which the Chairman decides is for the urgent attention of the Committee**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: Chairman and Members of Development Control Committee
The remaining Members of the Council for information only.

Minutes of a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held remotely by video-conference on

Wednesday, 28 July 2021

Present: Councillor Lynford Thomas (Chair), John Adams-Lewis, Bryan Davies, Ceredig Davies, Gethin Davies, Meirion Davies, Odwyn Davies, Paul Hinge, Peter Davies MBE, Rhodri Davies, Dafydd Edwards, Rhodri Evans, Gwyn James, Maldwyn Lewis, Gareth Lloyd, Lyndon Lloyd MBE, Dai Mason, Rowland Rees-Evans and Wyn Thomas

Also in attendance: Councillor John Roberts

Officers in attendance: Mr Russell Hughes-Pickering, Corporate Lead Officer- Economy & Regeneration, Mr Jonathan Eirug – Development Management Team Leader North, Mrs Gwennan Jenkins, Development Management Team Leader South, Ms Elin Prysor- Corporate Lead Officer- Legal Services and Monitoring Officer, Ms Nia Jones – Corporate Manger – Democratic Services and Mrs Dana Jones, Democratic Services and Standards Officer

(10:00am –1:05pm)

1. **Personal**

The Chairman welcomed all to the meeting.

Condolences were extended to Councillor Ifan Davies following the loss of his mother.

Condolences were extended to the family of Lord Elystan Morgan, who passed away recently by Councillor Paul Hinge.

The Corporate Lead Officer – Economy & Regeneration was congratulated on raising awareness of prostate cancer by taking part in the Big Walk. His target was to complete 310 miles in July. A link the donation page would be circulated to Members.

2. **Apologies**

Councillor Ifan Davies and Catherine Hughes apologised for their inability to attend the meeting.

3 **Disclosure of Personal and/or Prejudicial Interest**

Councillor Rowland Rees –Evans declared a personal and prejudicial interest in Application A200862, however, he had been granted a dispensation to speak on the application by the Ethics and Standards Committee.

Councillor John Adams- Lewis, Dafydd Edwards, Rhodri Evans and Gareth Lloyd declared a personal and prejudicial interest in Application A201067.

Councillor Gethin Davies declared a personal and prejudicial interest in Application A210062.

The Corporate Lead Officer – Economy & Regeneration declared a personal and prejudicial interest in Application A201067 and A210077.

4. **Minutes of a Meeting of the Committee held on the 14 July 2021**

It was **RESOLVED** to confirm as a true record the Minutes of the Meeting of the 14 July 2021.

Matters arising

None.

5. **Planning applications deferred at previous Meetings of the Committee**

Consideration was given to the Report of the Corporate Lead Officer – Economy and Regeneration on the following planning applications which had been considered at a previous meeting and which required further consideration by the Committee:-

Written representations from Mr Robert Thomas (Agent) was read out in committee in accordance with the temporary addendum to the Operational procedure for Members of the Public addressing the Development Control Committee in response to Covid-19

A200862 Erection of a dwelling, Tycoch, Trefenter, Aberystwyth

To **DEFER** determination of the application to allow further time or a 'cooling off' period to consider the points raised by Members, to consider the significance of the departure and to consider the risks prior to reporting back to Committee in September.

Reason:

To ensure the Committee receives further advice on the significance of the departure and risks prior to making a final decision.

6. **Development, Advertisement, Local Authority and Statutory Applications**

Consideration was given to the Report of the Corporate Lead Officer Economy and Regeneration upon development, advertisement; local authority and statutory planning Applications:-

Written representation from Friends of ErwGoch field (objectors) and Mr Dylan Green (Agent) were read out in committee in accordance with the temporary addendum to the Operational procedure for Members of the Public addressing the Development Control Committee in response to Covid-19

A201067 Hybrid planning application comprising: A) Outline planning application with all matters reserved (except those included in full application below) for residential development to be developed in phases and associated works; B) Full application for residential development and associated works including public open space/play provision, a new spine road from Cefnesgair to Waunfawr Road, engineering and drainage arrangements, ecological mitigation, landscaping and associated works, Land adjoining Hafan Y Waun, Waunfawr, Aberystwyth

To **DEFER** determination of the application in order to receive the resolution of the Village Green application prior to considering this planning application, also confirmation from SSE and Welsh Water be sought that they had the appropriate infrastructure in place to cater for this residential development due to issues raised by Members, and that a management plan for the enhanced play area over the long term be provided.

Written representation from Mr Llyr Evans (Agent) was read out in committee in accordance with the temporary addendum to the Operational procedure for

Members of the Public addressing the Development Control Committee in response to Covid-19

A210062 Application for the siting of 8 holiday self-catering lodges together with access road, landscaping measures and associated works, Land west of Penrallt Hotel, Aberporth

To **APPROVE** the application subject to conditions.

Written representation from Mr Rhys Norrington-Davies (Applicant) and Mr Alex Smith (Agent) were read out in committee in accordance with the temporary addendum to the Operational procedure for Members of the Public addressing the Development Control Committee in response to Covid-19

A210077 Demolition of existing stables building and erection of a residential dwelling, including parking, landscaping and ancillary works, Land at Tyn-y-Cae, Talybont

To **DEFER** determination of the application to allow further time or a 'cooling off' period to consider the points raised by the agent, to consider the significance of the departure and to consider the risks prior to reporting back to Committee in September.

Reason:

To ensure the Committee receives further advice on the significance of the departure and risks prior to making a final decision.

7. **Planning Applications dealt with by Corporate Lead Officer – Economy and Regeneration:-**

It was RESOLVED to note the schedule of planning applications dealt with the Report of the Corporate Lead Officer – Economy and Regeneration.

8. **Planning Appeals**

None.

9. **Any Other Business**

The Chairman stated that he had been informed during the meeting that Councillor Catherine Hughes had lost her father; condolences were expressed to her and her family.

Confirmed at the meeting of the Committee held on the 11 August 2021

Chairman:- _____

Date: _____

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1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
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2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A201081	17-12-2020	Mr Robert Taylor	Proposed affordable dwelling to include installation of package treatment plant	Land adj College Farm, Bethania, Llanon, SY23 5NJ	Refuse
2	A210084	27-01-2021	Mrs Heather Luke	Retrospective planning application for consent for a holiday accommodation in a cabin located within the grounds of Porth Elenydd, Devils Bridge.	Porth Elenydd, Devils Bridge, Aberystwyth. SY23 3JN	Approve Subject to Conditions
3	A210291	22-03-2021	Mr Brian Wilkins	Erection of three affordable dwellings, including access, parking, landscaping and ancillary works	Land adjacent Maescrug, Pantycrug, Capel Seion, Aberystwyth, SY23 4EF	Refuse

2.1. A201081



Rhif y Cais / Application Reference	A201081
Derbyniwyd / Received	17-12-2020
Y Bwriad / Proposal	Annedd fforddiadwy arfaethedig i gynnwys gosod cyfleuster parod i drin carthion
Lleoliad Safle / Site Location	Tir yn gyfagos i College Farm, Bethania, Llanon, SY23 5NJ
Math o Gais / Application Type	Caniatâd Cynllunio Llawn
Ymgeisydd / Applicant	Mr Robert Taylor, Dol Y Gwanwyn, Nebo, Llanon, Ceredigion, SY23 5LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5E

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn ymwneud â chae amaethyddol sydd oddeutu 185m o'r B4577. Nid oes gan safle'r cais ddim hanes cynllunio perthnasol.

MANYLION Y DATBLYGIAD

Gofynnir am ganiatâd cynllunio llawn ar gyfer codi annedd fforddiadwy. Ôl troed yr annedd arfaethedig yw 137 metr sgwâr a bydd ganddi gegin cynllun agored gyda lle bwyta a lle byw gydag ystafell amlbwrpas a thoiled ar wahân ynghyd â dwy ystafell wely dwbl ac ystafell ymolchi. Mae defnyddiau'r annedd arfaethedig yn cynnwys waliau wedi'u rendro â godre brics gyda rhan o'r wedd flaen i fod yn gladin pren. Bydd y ffenestri a'r cafnau a pheipiau glaw yn uPVC llwyd ynghyd â drws pren. Cynigir bod y to yn llechi.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol - Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)
- TAN12 Dylunio (2016)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN 5 Cynllunio a Chadwraeth Natur (2009)

Mae polisiâu canlynol y Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- S05 Tai Fforddiadwy
- LU02 Gofynion sy'n ymwneud â phob Datblygiad Preswyl
- LU04 Diwallu Ystod o Anghenion o ran Tai
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Tirwedd Gyffredinol

Canllawiau Cynllunio Atodol perthnasol a fabwysiadwyd:

- Canllawiau Cynllunio Atodol Safonau Parcio Cyngor Sir Ceredigion

- • Canllawiau Cynllunio Atodol Amgylchedd Adeiledig a Dylunio
- □ • Canllawiau Cynllunio Atodol Cadwraeth Natur
- □ • Canllawiau Cynllunio Atodol Tai Fforddiadwy
- □ • Tafenni Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol arfer y swyddogaethau hynny ar droseddau ac anhrefn o fewn ei ardal, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anhrefn yn ei ardal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai dim cynnydd sylweddol nac annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oed; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hybu cydraddoldeb yn cynnwys:

- cael gwared ag anfanteision y mae pobl yn eu dioddef oherwydd eu nodweddion gwarchoddedig neu eu lleihau;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i angen pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Rhodddwyd ystyriaeth ddyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir na fyddai'r datblygiad arfaethedig yn peri goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt sy'n fwy nag ar unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i gyflawni'r saith nod llesiant yn y Ddeddf. Paratowyd yr adroddiad hwn wrth ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodir yn Neddf 2015. Wrth gyrraedd yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu diwallu heb gyfaddawdu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAD

- Cyfoeth Naturiol Cymru - Dim Gwrthwynebiad yn destun amod
- Priffyrdd - Ni all y gwaith gychwyn nes y derbynir cytundeb trydydd parti cynhwysfawr

Dyddiad ymateb 20-1-2021 - "I refer to your consultation dated 11th January 2021 regarding the above application and advise that the Local Highway Authority advises that planning permission should not be granted at this time as the applicant has provided insufficient information to determine the application. The applicant must address the following LHA concerns – The LHA needs to ensure that the increase in traffic that would be generated during the construction phase, and subsequent residential use of the property (to include visitor and service vehicles) would not have a detrimental impact on existing users of the County Unclassified (U/C) Road serving the site, and its nearby junction with the County Class II Road B4577. Whilst it is reasonable to consider that the development of a single dwelling at this location would not be likely to have a detrimental impact on the capacity of the U/C Road, which appears to serve 4 properties (approx.), there is a road safety concern over the increased use of the U/C Road junction with the B4577; this junction has substandard carriageway width, entry/exit radii and visibility conditions. It is unclear whether the applicant is able to undertake any works, by agreement with any affected third-party landowners, to carry out any mitigating improvement works that would address the LHA safety concerns. The applicant is required to investigate what measures may be readily carried out to improve road user safety at this location and submit a revised plan showing such improvements, to the LPA for approval. Please note that the junction is located within a 40mph Speed Limit; consequently, Manual for Streets demands splays measuring 2.4m (min 'x' distance) by 59m (min 'y' distance) by 600mm (max height) each side of the B4577 County Road junction".

Dyddiad ymateb 6-7-2021 - "The submitted third-party 'Agreement' regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the highway authority. Please find below relevant technical requirements on visibility based on guidance from Planning Policy Wales TAN18. The application should be accompanied a dimensioned survey illustrating the proposed junction visibility improvement. There is a need to plot the visibility splays, measured from a 2.4m set back (x) distance at the

junction to 59m (y) distance, measured along the nearside edge of carriageway, in each direction. The splays shall be taken at a 1.05m height at the 2.4m (x) distance to a 0.60 height at the (y) distance. All growth within the splay on land identified within the ownership/control shall be cleared and retained by the applicants in perpetuity. The junction improvement shall be identified in blue and notice served on the respective landowner(s). Any planning permission issued would be subject to the discharge of the pre-commencement condition relating to the junction improvement".

- Draenio Tir - Dim Gwrthwynebiad yn Destun Amodau
- Hawliau Tramwy Cyhoeddus - Effeithir yn uniongyrchol ar lwybr troed 34/38
- Dŵr Cymru Welsh Water - Dim Gwrthwynebiad
- Cafwyd gwrthwynebiad gan Ymgyrch Diogelu Cymru Wledig am y rhesymau a ganlyn:
 1. Gwrthodwyd pum cais ar wahân i ddatblygu ar gaeau cyffiniol, gyda nifer o'r gwrthodiadau yn cael eu cefnogi ar apel gan yr Arolygiaeth Gynllunio (891770, 762971, 762578, 762577, 751583).
 2. Mae Polisi S04 y CDLI, sy'n ei chael yn anodd rheoli toreth o ddatblygiadau preswyl yng nghefn gwlad agored, yn caniatáu anheddau newydd mewn 'Lleoliadau eraill' dim ond os oes menter wledig y gellir ei chyfiawnhau gan TAN6 neu angen lleol heb ei ddiwallu am dai fforddiadwy.
 3. Nid yw'r ymgeisydd yn dadlau bod menter wledig y gellir ei chyfiawnhau gan TAN6 — mae'n mwynhau "tyfu cynydau amrywiol", ond "yn gweithio fel gwas sifil".
 4. Rhaid i ddatblygiad mewn 'Lleoliadau Eraill', hyd yn oed tai fforddiadwy, gael ei "leoli yn union gyfagos i grwpiau presennol o anheddau yn unol â bwriadau Para 9.2.22 Polisi Cynllunio Cymru a TAN 2, Para 10.13" [CDLI SO4, 4b; Polisi Cynllunio Cymru 10, 4.2.34]. Nid yw'r safle hwn yn union gyfagos i unrhyw grwpiau o anheddau presennol: nid yw'n safle eithriadig gwledig.
 5. Mae p'un a fyddai'r annedd arfaethedig yn diwallu anghenion pobl leol am byth (fel sy'n ofynnol gan TAN2 a Pholisi Cynllunio Cymru 10) yn dibynnu ar a yw'n parhau i fod yn fforddiadwy. Byddai, heb os, yn diwallu anghenion presennol cwpl priod gyda dau o blant 4 a 2 oed, ond mae gan blant arfer o fynd yn fwy a mynnu eu hystafelloedd eu hunain. Byddai ehangu mewn ffordd ddisgwyliadwy yn ddiweddarach yn arwain at dŷ na ellir ei fforddio yn rhy gostus i ddiwallu unrhyw angen lleol.
 6. A fyddai'r adeilad amaethyddol a gynigiwyd yn flaenorol (A180718) wedi'i leoli'n gyfagos i'r annedd a gynigiwyd ar hyn o bryd?

CASGLIAD

Mae Adran 38 (6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

Egwyddor y Datblygiad:

Mae safle'r cais o fewn 'lleoliadau eraill' fel y'u nodwyd yn y Cynllun Datblygu Lleol (CDLI) mabwysiedig lle rheolir datblygu yn llym er budd cyflawni datblygu cynaliadwy a gwarchod cefn gwlad agored. Mae Polisi S04 y CDLI yn nodi bod tai cyffredinol yn amhriodol mewn 'lleoliadau eraill' oni bai y gellir ei gyfiawnhau ar y sail ei fod yn diwallu angen am dai fforddiadwy nas diwallwyd yn yr ardal. Mae'r Polisi hefyd yn ei gwneud yn ofynnol i dai fforddiadwy gael eu lleoli yn union gyfagos i grwpiau presennol o anheddau yn unol â bwriadau paragraff 9.2.22 Polisi Cynllunio Cymru. Er bod Polisi Cynllunio Cymru wedi'i ddiweddarau ers hynny, mae paragraff 3.60 yn parhau i fynnu bod datblygu yng nghefn gwlad wedi'i leoli o fewn aneddiadau ac yn gyfagos iddynt lle y gellir ei ddarparu orau o ran seilwaith, mynediad, cynefin a gwarchod y dirwedd ac mae'n nodi y gallai mewnlenni neu fân estyniadau i aneddiadau presennol fod yn dderbyniol yn enwedig pan fyddant yn diwallu angen lleol am dai fforddiadwy, ond bod yn rhaid parhau i reoli, yn llym, adeiladu newydd yng nghefn gwlad agored i ffwrdd o aneddiadau presennol.

Nid oes dim eiddo cyfagos i'r safle, gyda'r annedd agosaf oddeutu 185m i ffwrdd. Felly, mae'r cynnig yn amlwg yn groes i bolisi cenedlaethol a lleol, sef Polisi Cynllunio Cymru a pholisïau S01 ac S04 y CDLI, gan ei fod wedi'i leoli mewn lleoliad cefn gwlad agored.

Gofynion Nodweddion Ffisegol

Nodir lleiafswm ac uchafswm arwynebedd net y llawr ar gyfer cartref fforddiadwy yn atodiad 4 Taflenni Cymorth Canllawiau Cynllunio Atodol Tai Fforddiadwy (gweler tudalen 10). Y safon uchaf absoliwt yw 137 metr sgwâr. Fel y nodwyd uchod, arwynebedd net y llawr yw 137 metr sgwâr ac felly mae'n cydymffurfio ag uchafswm yr ôl troed a ganiateir ar gyfer annedd fforddiadwy.

Effaith ar Amwynder Preswyl

Oherwydd bod lleoliad y cynnig yng nghefn gwlad agored, nid oes dim eiddo cyfagos yn agos iawn. Felly, ni fydd y cynnig yn effeithio ar amwynder dim eiddo.

Effaith ar Gymeriad

Mae'r datblygiad arfaethedig ar gyfer annedd unllawr. Nid yw safle'r cais mewn lleoliad hynod amlwg er ei fod yn

debygol o fod yn weladwy o rannau o'r B4577. Felly ni ystyrir bod y cynnig yn cael effaith andwyol sylweddol ar y dirwedd.

Priffyrdd

Mae'r 'Cytundeb' trydydd parti a gyflwynwyd ynghylch caniatâd i'r ymgeisydd wneud gwaith gweledd ar gyffordd Ffordd y Sir ger "Gwynfa", Bethania yn rhy amwys ac ni all yr awdurdod priffyrdd ei gymeradwyo. Byddai unrhyw ganiatâd cynllunio a roddir yn amodol ar ryddhau amod cyn cychwyn i sicrhau gwella'r gyffordd a byddai'n rhaid i'r Awdurdod Cynllunio Lleol fod yn hapus bod gobaith rhesymol y bydd y tir hwnnw ar gael cyn y gellid gosod amod o'r fath.

Pwerau Dirprwyedig

Mae'r Aelod Lleol, y Cynghorydd Dafydd Edwards wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w benderfynu am y rhesymau a ganlyn:

1. Mae'n credu bod y cais yn cydymffurfio â pholisi fel y mae o fewn Bethania;
2. Mae'n annedd fforddiadwy;
3. Ni fydd yn cynyddu traffig i'r safle gan fod yr ymgeiswyr yn defnyddio'r safle nawr fel 'ardal ardd' ac yn ymweld o leiaf ddwywaith y dydd.

ARGYMHELLIAD :

Argymhellir gwrthod y cais gan fod y datblygiad arfaethedig yn cynrychioli datblygiad tai amhriodol mewn 'lleoliadau eraill' sy'n groes i Bolisiau S01 ac S04 y CDLI a'r polisi cynllunio cenedlaethol.

Rhif y Cais / Application Reference	A201081
Derbyniwyd / Received	17-12-2020
Y Bwriad / Proposal	Proposed affordable dwelling to include installation of package treatment plant
Lleoliad Safle / Site Location	Land adj College Farm, Bethania, Llanon, SY23 5NJ
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Robert Taylor, Dol Y Gwanwyn, Nebo, Llanon, Ceredigion, SY23 5LF
Asiant / Agent	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to an agricultural field located approximately 185m from the B4577. The application site has no relevant planning history.

DETAILS OF DEVELOPMENT

Full planning permission is sought for the erection of an affordable dwelling. The footprint of the proposed dwelling is 137sqm and is to have an open plan kitchen, dining, living space with a separate utility and w/c along with two double bedrooms and a bathroom. The materials of the proposed dwelling include rendered walls with a brick plinth with part of the front elevation to be timber cladding. The windows and guttering are to be grey uPVC along with a timber door. The roof is proposed to be slate.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales: The National Plan 2040
- PPW Planning Policy Wales (Edition 11, February 2021)
- TAN12 Design (2016)
- TAN2 Planning and Affordable Housing (2006)
- TAN5 Nature Conservation and Planning (2009)

These Local Development Plan policies are applicable in the determination of this application:

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape

Relevant adopted Supplementary Planning Guidances:

- CCC Parking Standards SPG
- Built Environment and Design SPG
- Nature Conservation SPG
- Affordable Housing SPG
- Affordable Housing SPG Help Sheets

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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.

CONSULTATION RESPONSES

- Natural Resources Wales - No Objection Subject to Condition
- Highways - Works cannot commence until a comprehensive third party agreement is received

Response dated 20-1-2021 - "I refer to your consultation dated 11th January 2021 regarding the above application and advise that the Local Highway Authority advises that planning permission should not be granted at this time as the applicant has provided insufficient information to determine the application. The applicant must address the following LHA concerns – The LHA needs to ensure that the increase in traffic that would be generated during the construction phase, and subsequent residential use of the property (to include visitor and service vehicles) would not have a detrimental impact on existing users of the County Unclassified (U/C) Road serving the site, and its nearby junction with the County Class II Road B4577. Whilst it is reasonable to consider that the development of a single dwelling at this location would not be likely to have a detrimental impact on the capacity of the U/C Road, which appears to serve 4 properties (approx.), there is a road safety concern over the increased use of the U/C Road junction with the B4577; this junction has substandard carriageway width, entry/exit radii and visibility conditions. It is unclear whether the applicant is able to undertake any works, by agreement with any affected third-party landowners, to carry out any mitigating improvement works that would address the LHA safety concerns. The applicant is required to investigate what measures may be readily carried out to improve road user safety at this location and submit a revised plan showing such improvements, to the LPA for approval. Please note that the junction is located within a 40mph Speed Limit; consequently, Manual for Streets demands splays measuring 2.4m (min 'x' distance) by 59m (min 'y' distance) by 600mm (max height) each side of the B4577 County Road junction".

Response dated 6-7-2021 - "The submitted third-party 'Agreement' regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the highway authority. Please find below relevant technical requirements on visibility based on guidance from Planning Policy Wales TAN18. The application should be accompanied a dimensioned survey illustrating the proposed junction visibility improvement. There is a need to plot the visibility splays, measured from a 2.4m set back (x) distance at the junction to 59m (y) distance, measured along the nearside edge of carriageway, in each direction. The splays shall be taken at a 1.05m height at the 2.4m (x) distance to a 0.60 height at the (y) distance. All growth within the splay on land identified within the ownership/control shall be cleared and retained by the applicants in perpetuity. The junction improvement shall be identified in blue and notice served on the respective landowner(s). Any planning permission issued would be subject to the discharge of the pre-commencement condition relating to the junction improvement".

- Land Drainage - No Objection Subject to Conditions
- Public Rights of Way - Footpath 34/38 is directly affected
- Dwr Cymru Welsh Water - No Objection

- An objection has been received from the Campaign for the Protection of Rural Wales for the following reasons:
 1. Five separate applications to develop on adjoining fields have been refused, with several of the refusals supported on appeal by the Planning Inspectorate (891770, 762971, 762578, 762577, 751583).
 2. LDP Policy S04, struggling to control the proliferation of residential development in open countryside, permits new dwellings in 'Other locations' only if there's a TAN6-justifiable rural enterprise or an unmet local need for affordable housing.
 3. The applicant does not contend that there is a TAN6-justifiable rural enterprise — he enjoys “growing various crops”, but “works as a civil servant”.
 4. Development in 'Other Locations', even of affordable housing, must be “located immediately adjacent to existing groups of dwellings in line with the intentions of Para 9.2.22 of PPW and TAN 2, Para 10.13” [LDP SO4, 4b; PPW10, 4.2.34]. This site is not immediately adjacent to any existing groups of dwellings: it is not a rural exception site.
 5. Whether the proposed dwelling would meet the needs of local people in perpetuity (as required by TAN2 & PPW10) rather depends upon whether it remains affordable. It would, undoubtedly, meet the present needs of a married couple with two children aged 4 & 2, but children have a habit of getting bigger and demanding their own rooms. A predictable later enlargement would result in an unaffordable house too costly to meet any local need.
 6. Would the previously-proposed agricultural building (A180718) be sited adjacent to the presently-proposed dwelling?

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise”.

Principle of Development:

The application site lies within 'other locations' as identified within the adopted Local Development Plan (LDP) where development is strictly controlled in the interest of achieving sustainable development and protecting the open countryside. LDP Policy S04 states that general housing is inappropriate within 'other locations' unless justified on the basis that it meets a demonstrated unmet affordable housing need in the locality. The Policy also requires affordable housing to be located immediately adjacent to existing groups of dwellings in line with the intentions of Planning Policy Wales (PPW) paragraph 9.2.22. Whilst PPW has since been updated, paragraph 3.60 continues to require development in the countryside to be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscaping conservation, and states that infilling or minor extensions to existing settlements may be acceptable in particular where they meet a local need for affordable housing, but that new building in the open countryside away from existing settlements must continue to be strictly controlled.

There are no neighbouring properties to the site with the nearest dwelling being approximately 185m away. Therefore, the proposal is clearly contrary to national and local policy, namely PPW and LDP policies S01 and S04, as it is located within an open countryside location.

Physical Characteristics Requirements

The minimum and maximum net floor area for an affordable home is set out within appendix 4 of the Affordable Housing SPG Help Sheets (see page 10). The absolute maximum standard is 137sqm. As noted above the net floor area is 137sqm and therefore, complies with the maximum footprint allowed for an affordable dwelling.

Impact on Residential Amenity

Due to the location of the proposal being within the open countryside, there are no neighbouring properties within close proximity. Therefore, the proposal will not impact on the amenity of any properties.

Impact on Character

The proposed development is for a one storey dwelling. The application site is not in an extremely prominent location although is likely to be visible from parts of the B4577. The proposal is therefore not considered to have a significant adverse impact on the landscape.

Highways

The submitted third party agreement regarding permission for the applicant to carry out visibility works at the County Road junction adjacent to "Gwynfa", Bethania is too vague and cannot be endorsed by the local highway authority. Any planning permission issued would need to be subject to the discharge of a pre-commencement condition relating to the junction

improvement and the LPA would have to be satisfied that there is a reasonable prospect of that land being made available before such a condition could be imposed.

Delegated Powers

The Local Member, Cllr Dafydd Edwards has requested that the application be taken to Development Control Committee to be decided for the following reasons:

1. Believes that the application complies with policy as it is within Bethania;
2. It is an affordable dwelling;
3. It will not increase traffic to the site as the applicants use the site now as a 'garden area' and visit at least twice a day.

RECOMMENDATION:

The application is recommended for refusal as the proposed development represents inappropriate housing development within 'other locations' which is contrary to LDP Policies S01 and S04 and national planning policy.

2.2. A210084



Rhif y Cais / Application Reference	A210084
Derbyniwyd / Received	27-01-2021
Y Bwriad / Proposal	Retrospective planning application for consent for a holiday accommodation in a cabin located within the grounds of Porth Elenydd, Devils Bridge.
Lleoliad Safle / Site Location	Porth Elenydd, Devils Bridge, Aberystwyth. SY23 3JN
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mrs Heather Luke, Porth Elenydd, Devils Bridge, Aberystwyth, Ceredigion, SY23 3JN
Asiant / Agent	Mr Alun Charles (Catalina Architecture and Design), The Cambria Marine Terrace, Aberystwyth, Ceredigion, SY23 2AZ

Y SAFLE A HANES PERTHNASOL

Mae Porth Elenydd yn dŷ ar wahân sy'n meddiannu llain fawr sydd wedi'i lleoli ar gyrion Pontarfynach ar ffordd y B4574 sy'n cysylltu Pontarfynach â Chwmystwyth.

Mae'r ymgeisydd wedi bod yn berchen ar yr eiddo ac wedi byw yn ddo ers 1984. Yn 1985/6 symudodd gŵr yr ymgeisydd ar y pryd i garafán ar dir Porth Elenydd gan ei feddiannu tan 2001/2. Rhwng 2002 a 2006 defnyddiwyd y garafán fel ystafell ardd.

Yn 2006 cymerodd yr ymgeisydd feddiant llwyr o'r eiddo, cafodd y garafán sefydlog ei hadnewyddu a'i defnyddio fel ystafell haf, gyda'r ymgeisydd a'i hwyrion yn aros yno dros nos yn achlysurol.

Ym mis Gorffennaf 2017, fe osododd yr ymgeisydd Porth Elenydd fel llety gwyliau i'w helpu i aros yn ariannol annibynnol. Ar y pryd, roedd y garafán sefydlog mewn cyflwr gwael a bu'n rhaid ei symud.

Disodlwyd y garafán sefydlog gan adeilad allanol, yn yr un safle â'r garafán sefydlog, gan ddefnyddio'r un cyfleusterau trydan, draenio a dŵr â'r garafán. Ym mis Medi 2018 dechreuodd yr ymgeisydd hefyd osod yr adeilad allanol fel llety gwyliau. Ymgwymerwyd â'r gwaith hwn a'r defnydd dilynol heb fudd caniatâd cynllunio.

MANYLION Y DATBLYGIAD

Cyflwynir y cais hwn o ganlyniad i gamau gorfodi gan Gyngor Sir Ceredigion (INV170265) ac mae'n ceisio unioni'r achos o fynd yn groes i'r ddeddfwriaeth gynllunio yn ôl-weithredol. Mae'r cais sy'n cael ei ystyried ar gyfer caniatâd cynllunio llawn ôl-weithredol ar gyfer codi'r adeilad allanol a'i ddefnyddio fel llety gwyliau. Mae'r cais hefyd yn ceisio caniatâd i wella'r mynediad presennol sy'n cael ei ystyried yn is-safonol.

Mae'r adeilad allanol yn mesur 6.09m wrth 5.25m ac mae'n 2.27m o uchder i'r bondo a 3.80m o uchder i'r crib. Mae'r deunyddiau allanol yn cynnwys cladin sment mwynol Cedral llwyd ar gyfer y waliau o dan do llechi. Mae'r ffenestri a'r drysau wedi'u gorffen â UPVC gwyn. Darperir parcio ar gyfer dau gar.

Mae'r tu mewn i'r llety yn cynnwys ardal fyw, bwyta a chysgu cynllun agored, ystafell gawod a chegin ar wahân.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiâu Cynllunio Cenedlaethol

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

Polisiâu Cynllun Datblygu Lleol Ceredigion

S01 Twf Cynaliadwy

S03 Datblygu mewn Canolfannau Gwasanaethau Gwledig

DM06 Dylunio a Chreu Lle o Safon Uchel

DM13 Systemau Draenio Cynaliadwy

DM18 Ardaloedd Tirwedd Arbennig

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw priodol i effaith debygol arfer y swyddogaethau hynny, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anrhefn yn ei ardal. Ystyriwyd y ddyletswydd hon wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol neu annerbyniol mewn trosedd ac anrhefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas neu bartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn golygu:

- Gwaredu neu leihau'r anfanteision y mae pobl yn eu dioddef yn sgil eu nodweddion gwarchoddedig;
- Cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle bo'r anghenion yn wahanol i rai pobl eraill; ac
- Annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghymesur o isel.

Rhodddwyd ystyriaeth briodol i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir nad oes gan y datblygiad arfaethedig oblygiadau sylweddol ar gyfer, neu unrhyw effaith ar, bersonau sy'n rhannu nodwedd warchoddedig, yn fwy nag unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau er mwyn bodloni'r saith nod llesiant a geir yn y Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygiad cynaliadwy', fel y'i nodir yn Neddf 2015. Wrth bennu'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAD

Cyngor Cymuned Pontarfynach – Dim Gwrthwynebiad

Priffyrdd Ceredigion – Dim gwrthwynebiad yn ddibynnol ar amodau

Draenio Tir Ceredigion – Dim gwrthwynebiad yn ddibynnol ar amodau

Ecoleg Ceredigion – Heb wneud sylw

Er nad yw cyngor cymuned Pontarfynach yn gwrthwynebu'r cynnig, maent yn gwrthwynebu defnyddio ceisiadau cynllunio ôl-weithredol. Mae cais cynllunio ôl-weithredol yn ddyfais ddeddfwriaethol gyfreithlon a ddefnyddir i reoleiddio sefyllfaoedd cynllunio lle mae rheolaeth gynllunio wedi'i thorri.

Derbyniwyd un llythyr gwrthwynebu trydydd parti gan breswylwyr yr eiddo cyfagos. Mae'r gwrthwynebiad yn canolbwyntio ar natur ôl-weithredol y cais cynllunio a'r niwed i'w hamwynder nhw o ganlyniad i'r datblygiad, a hynny oherwydd bod cerddoriaeth uchel yn cael ei chwarae ac nad oes ffens rhwng y ddwy ardd.

CASGLIAD

Dywed Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004: "Os rhoddir ystyriaeth i'r cynllun datblygu er mwyn gwneud penderfyniad o dan y Deddfau Cynllunio, bydd yn rhaid i'r penderfyniad hwnnw fod yn unol â'r cynllun oni bai fod ystyriaethau perthnasol yn awgrymu fel arall".

Egwyddor Datblygu

Twristiaeth yw un o brif sectorau cyflogaeth y Sir, ac un o amcanion y CDLI yw datblygu ei heconomi dwristiaeth mewn modd cynaliadwy drwy:

- Annog datblygu twristiaeth gynaliadwy;
- Helpu i wella atyniad Ceredigion fel cyrchfan dwristiaeth gydol y flwyddyn;
- Sicrhau bod llety twristiaeth yn cael ei ddatblygu mewn modd cynaliadwy a'i leoli'n briodol; ac
- Annog darparu rhagor o atyniadau a chyfleusterau twristiaeth.

Mae'r cais yn ceisio caniatâd cynllunio ôl-weithredol i godi caban i'w ddefnyddio fel llety gwyliau ac felly Polisi LU14 y CDLI sydd fwyaf perthnasol. Mae safle'r cais y tu allan i Ardal yr Arfordir gan ei fod i'r dwyrain o'r A487 ac felly mae maen prawf 2 o'r polisi yn berthnasol. Mae'r polisi'n caniatáu ar gyfer cabanau a chalets gwyliau newydd ar yr amod bod y datblygiad yn bodloni'r 4 maen prawf canlynol:

- “bydd, lle bo hynny'n bosibl, yn cefnogi canolbwyntiau twristiaeth strategol;
- bydd yn cefnogi rôl a swyddogaeth yr anheddiad y bwriedir lleoli'r safle ynddo (neu, fel arall, yr anheddiad agosaf), lle mae'n bosibl, drwy ddarparu cyfleusterau ychwanegol sydd ar gael at ddefnydd y gymuned;
- nid yw'r cyfleusterau a gynigir drwy'r safle yn effeithio ar ddichonoldeb gwasanaethau sydd eisoes yn bodoli yn yr anheddiad agosaf; a
- cyflwynir asesiad o'r Anghenion Twristiaidd ac Effeithiau Datblygu fel rhan o'r broses ymgeisio.”

Ystyrir bod y cynnig yn bodloni'r meini prawf uchod ac y bydd yn cyfrannu at ddiffyg cyffredinol mewn llety twristiaeth y tu allan i ardal yr arfordir. Mae'r asesiad o'r effaith ar dwristiaeth a gyflwynwyd i gefnogi'r cais cynllunio yn nodi:

"Mae'r llety gwyliau yn cefnogi'r economi leol heb effeithio ar y dirwedd na chyfleusterau eraill ym Mhontarfynach. Mae'r safle o fewn pellter cerdded hawdd i Westy'r Hafod ar gyfer prydau gyda'r nos, y siop leol ar gyfer darpariaethau cyffredinol, ac atyniadau megis Rheilffordd Cwm Rheidol a rhaeadrau Pontarfynach, ac ymhellach i ffwrdd mae Ystâd Hafod, Nant yr Arian ac Aberystwyth".

Fel y trafodwyd, mae safle'r cais ar gyrion Pontarfynach sy'n cael ei nodi fel canolfan gwasanaethau gwledig yn y CDLI. Felly, ystyrir bod lleoliad y llety gwyliau yn cydymffurfio â strategaeth gyffredinol y CDLI fel y'i nodir ym mholisiâu S01-S04, ac mae'r datblygiad yn cefnogi rôl a swyddogaeth yr anheddiad yn unol â maen prawf 2 ii o Bolisi S04.

Tirwedd, Dyluniad a Chymeriad

Mae'r datblygiad hwn yn gorwedd o fewn cwrtil annedd, mae'r plot yn fawr ac mae'r caban wedi'i leoli mewn ardal ddiarffordd ac wedi'i guddio o bob cyfeiriad gan lystyfiant, gan leihau unrhyw effaith ar gymdogion neu'r dirwedd. O'r herwydd, ystyrir na fyddai'r cynnig yn cael effaith annerbyniol ar ardal tirwedd arbennig Cwm Rheidol.

Priffyrdd

Mae'r ymgeisydd yn derbyn bod y mynediad yn ei ffurf bresennol yn is-safonol, ac mae'r Awdurdod Priffyrdd Lleol o'r farn y byddai'r cynnydd ym mha mor aml y defnyddir y mynediad presennol (sydd â lled mynediad, radiws mynediad/allanfa, a lleiniau gweledd annigonol) gan gerbydau oherwydd y chalet/caban gwyliau yn cael effaith andwyol ar ddiogelwch defnyddwyr y ffyrdd a llif rhydd y traffig ar hyd y Ffordd Sirol Dosbarth II gyfagos, sef y B4574.

Mae'r cais yn ceisio gwelliannau i'r fynedfa a fydd yn cynnwys trawsblannu'r clawdd ffawydd i ddarparu ar gyfer y lleiniau gweledd gofynnol. Mae Priffyrdd Ceredigion yn fodlon ar y trefniadau hyn yn ddibynnol ar amodau. Dylid rhoi'r gorau i ddefnyddio'r caban fel llety gwyliau hyd nes bod y gwelliannau arfaethedig i'r mynediad wedi'u cwblhau.

Draenio Tir

Mae'r ymgeisydd yn bwriadu cael gwared ar ddŵr wyneb drwy ffosydd cerrig. Mae draenio tir wedi argymhell, pe bai cyflwr y ddaear yn anaddas, y dylid cyflwyno dull amgen o waredu dŵr wyneb i'r awdurdod i'w asesu.

Amwynder preswyl

Cyflwynwyd un llythyr gwrthwynebu trydydd parti gan breswylwyr yr eiddo cyfagos. Mae'r gwrthwynebiad yn canolbwyntio ar y sŵn, y gerddoriaeth a'r tân gwyllt achlysurol sy'n deillio o'r partiön sy'n digwydd yn y caban gwyliau yn aml.

O ystyried bod deg metr ar hugain neu fwy o bellter rhwng ffin safle'r cais a'r eiddo cyfagos, ac oherwydd bod y math o sŵn a gweithgarwch a ddisgrifir yn debyg i hynny a fyddai fel arfer yn digwydd mewn gardd breswyl, ni ystyrir y byddai caniatáu'r datblygiad yn arwain at unrhyw niwed ychwanegol gormodol i amwynder y breswylfa gyfagos drwy sŵn ac aflonyddwch.

Fodd bynnag, er mwyn mynd i'r afael â phryderon ynglŷn â phartiön sy'n digwydd yn aml, ystyrir ei bod yn ddoeth argymhell bod amod ynghlwm wrth unrhyw ganiatâd cynllunio dilynol sy'n atal chwarae cerddoriaeth wedi'i seinchwyddo rhwng 23:00

ac 08:00.

Yn ogystal, mae'r ymgeisydd wedi cytuno i godi ffens ar hyd ffin yr ardd i roi preifatrwydd ychwanegol i'r breswylfa gyfagos os ystyrir bod hyn yn briodol. Gellir cyflawni hyn mewn amod sydd wedi'i eirio'n briodol.

Am y rhesymau uchod, ystyrir bod y datblygiad yn cydymffurfio â maen prawf 7 polisi DM06 y CDLI sy'n ceisio amddiffyn amwynder meddianwyr eiddo cyfagos rhag niwed sylweddol mewn perthynas â phreifatrwydd, sŵn a golygfa.

Y RHESYMAU DROS GYFEIRIO'R CAIS AT Y PWYLLGOR RHEOLI DATBLYGU:

Mae'r Cynghorydd Rhodri Davies wedi cyfeirio'r cais at y pwyllgor rheoli cynllunio oherwydd y niwed i'r amwynder cyfagos.

ARGYMHELLIAD

Am y rhesymau a amlinellir uchod, argymhellir **cymeradwyo'r** cais yn ddibynnol ar amodau.

Rhif y Cais / Application Reference	A210084
Derbyniwyd / Received	27-01-2021
Y Bwriad / Proposal	Retrospective planning application for consent for a holiday accommodation in a cabin located within the grounds of Porth Elenydd, Devils Bridge.
Lleoliad Safle / Site Location	Porth Elenydd, Devils Bridge, Aberystwyth. SY23 3JN
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mrs Heather Luke, Porth Elenydd, Devils Bridge, Aberystwyth, Ceredigion, SY23 3JN
Asiant / Agent	Mr Alun Charles (Catalina Architecture and Design), The Cambria Marine Terrace, Aberystwyth, Ceredigion, SY23 2AZ

THE SITE AND RELEVANT PLANNING HISTORY

Porth Elenydd is a detached house occupying a large plot located on the outskirts of Devils Bridge on the B4574 road connecting Devils Bridge to Cwmystwyth.

The applicant has owned and lived in the property since 1984. In 1985/6 the applicant's then husband moved into a caravan within the grounds of Porth Elenydd occupying it until 2001/2. From 2002 until 2006 the caravan was used as a garden room.

In 2006 the applicant took sole possession of the property, the static caravan was refurbished and used as a summer room with occasional sleepovers by the applicant and her grandchildren.

In July 2017 the applicant set up Porth Elenydd as a Holiday Let to help her stay financially independent. At this time the static caravan, was in disrepair and had to be removed.

The static caravan was replaced with an outbuilding, in the same position as the static, using the same electric, drainage and water facilities as the caravan. In September 2018 the applicant also began letting the outbuilding as a holiday let. This work and subsequent use was undertaken without the benefit of planning permission.

DETAILS OF DEVELOPMENT

This application submitted is as a result of Enforcement action by Ceredigion County Council (INV170265) and seeks to retrospectively rectify the breach in planning legislation. The application under consideration is for full retrospective planning permission for the erection of the outbuilding and its use as a holiday let. The application also seeks permission for improvements to the existing access which is considered substandard.

The outbuilding measures 6.09m by 5.25m and is 2.27m in height to the eaves and 3.80m in height to the ridge. External materials include grey Cedral mineral cement board cladding for the walls under a slate roof. Windows and doors are finished in white UPVC. Parking is provide for two cars.

Internal accommodation includes an open plan living, dining, sleeping area, a shower room and separate kitchen.

RELEVANT PLANNING POLICIES AND GUIDANCE

National Planning Policy

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

Ceredigion Local Development Plan Policies

S01 Sustainable Growth

S03 Development in Rural Service Centres (RSCs)

DM06 Good Design and Placemaking

DM13 Sustainable Drainage Systems

DM18 Special Landscape Areas

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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.

CONSULTATION RESPONSES

Cyngor Cymmuned Pontarfynach Community Council – No Objection

Ceredigion Highways – No objection STC

Ceredigion Land Drainage – No Objection STC

Ceredigion Ecology – Did not comment

While Pontarfynach community council do not object to the proposal, they object to the use of retrospective planning applications. Retrospective planning application are a legitimate legislative device used to regularise planning situations where a breach of planning control has occurred.

One third party letter of objection has been received from the residents of the neighbouring property. The objection focuses on the retrospective nature of the planning application and the amenity harm afforded to them as a result of the development by virtue of loud music being played and the lack of fence between the two garden areas.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

Principle of Development

Tourism is one of the County's main employment sectors and indeed one of the objectives of the LDP is to sustainably develop its tourism economy through:

- Encouraging the development of sustainable tourism;
- Assisting in improving the attractiveness of Ceredigion as a year round tourism destination;

- Ensuring that tourism accommodation is developed in a sustainable manner and appropriately located; and
- Encouraging the provision of further tourism attractions and facilities.

The application seeks retrospective planning permission for the erection of a cabin to be used for holiday accommodation and therefore LDP Policy LU14 is of main relevance. The application site lies outside of the Coastal Area as it is eastwards of the A487 and therefore criterion 2 of the policy applies. The policy allows for new holiday cabins and chalets provided that the development meets with the following 4 criteria:

- i. "Where possible it supports strategic tourism nodes;
- ii. It supports the role and function of the settlement within which it is proposed (or otherwise nearest settlement), where possible, by providing additional facilities that are available for use by the community;
- iii. Facilities offered via the site do not affect the vitality of services which already exist within the nearest settlement; and
- iv. Tourism Needs and Development Impact Assessment is submitted as part of the application process"

It is considered that the proposal satisfies the above criteria and will contribute to a general deficiency in tourism accommodation outside of the coastal zone. The tourism impact assessment submitted in support of the planning application states that:

"The holiday accommodation does support the local economy without impacting on the landscape or other facilities within Devils Bridge. The site is within easy walking distance of the Hafod Hotel for evening meals, the local shop for general provisions, and attractions such as the Vale of Rheidol railway, Devils Bridge falls and further afield the Hafod Estate, Nant yr Arian and Aberystwyth".

As discussed the application site lies on the outskirts of Devils Bridge which is identified as a rural service centre within the LDP. The location of the holiday accommodation is therefore considered as being in compliance with the general strategy of the LDP as set out in policies S01-S04, and the development supports the role and function of the settlement in accordance with criterion 2 ii of Policy S04.

Landscape, Design and Character

This development sits within the curtilage of a dwelling, the plot is large and the cabin is situated within a secluded area screened from all directions by vegetation, minimising any impact on neighbours or the landscape. As such it is considered that the proposal would not have an unacceptable impact on the Rheidol Valley special landscape area.

Highways

The applicant accepts that the access in its current form is substandard and the LHA considers that the additional vehicular traffic trips generated by the holiday chalet/cabin using the existing access (which has insufficient access width, entry/exit radii and visibility splays) would have a detrimental effect on road user safety and the free flow of traffic along the adjoining County Class II Road B4574.

The application seeks improvements to the access which will involve the transplantation of the beach hedge to accommodate the required visibility splays. Ceredigion Highways are content with this arrangements subject to conditions. The continued use of the cabin as a holiday let should cease until the proposed access improvements have been made.

Land Drainage

The applicant proposes to dispose of surface water drainage by soakaways Land drainage have recommended that should ground conditions prove unsuitable an alternative method of surface water disposal should be submitted to the authority for assessment.

Residential amenity

One third party letter of objection has been by the residence of the neighbouring property. The objection focuses on the frequent noise, music, and occasional fireworks which are a result of the frequent parties which take place at the holiday cabin.

Given a separation distance of thirty or more metres from the application site boundary and the neighbouring dwelling and the type of noise and activity described as being similar to that which would normally occur in a residential garden it is not considered that allowing the development would result in any undue additional harm on the amenity of the neighbouring residence through noise and disturbance.

However in order to address concerns in regard to parties frequently taking place, it is considered prudent to recommend a condition be attached to any subsequent planning permission preventing the playing of amplified music between the hours of 23:00 – 08:00.

In addition the applicant has agreed to erect a fence along the garden boundary to afford the neighbouring residence additional privacy.

For the above reasons the development is considered to accord with the criterion 7 of policy DM06 of the LDP which seek to protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook.

REASONS FOR REFERRING THE APPLICATION TO THE DEVELOPMENT CONTROL COMMITTEE:

Councillor Rhodri Davies has referred the application to the Development Control Committee due to the harm to the surrounding amenity.

RECOMMENDATION:

For the reasons outline above it is recommended that the application be **Approved** subject to conditions.

2.3. A210291



Rhif y Cais / Application Reference	A210291
Derbyniwyd / Received	22-03-2021
Y Bwriad / Proposal	Erection of three affordable dwellings, including access, parking, landscaping and ancillary works
Lleoliad Safle / Site Location	Land adjacent Maescrug, Pantycrug, Capel Seion, Aberystwyth, SY23 4EF
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Brian Wilkins, Ty Traeth, Clarach, Aberystwyth, Ceredigion, SY23 3DL
Asiant / Agent	Mr A Smith (Simply Planning), Studio 211 Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF

Y SAFLE A HANES PERTHNASOL

Parsel o dir hirsgwar yw safle'r cais sydd wedi'i leoli'n ganolog yn y grŵp o anheddau a adwaenir gyda'i gilydd fel Pant-y-Crug. Mae blaen y safle yn wynebu ffordd yr A4120 sy'n cysylltu Aberystwyth a Phontarfynach ac mae ffurf adeiledig ar y ffiniau bob ochr iddo ac yn uniongyrchol gyferbyn ag ef. Mae rwbwl yn gorchuddio rhan o'r tir ac mae rhan o'r tir wedi'i orchuddio â llystyfiant.

Hanes Cynllunio:

A060585 – Cais Cynllunio Amlinellol – Codi Annedd – Cymeradwywyd gydag Amodau(30/11/2006)

A080826 - Cais Cynllunio Llawn - Codi dau dŷ pâr - Gwrthodwyd(12/05/2009)

A110255 - Cais Cynllunio Llawn – Codi dau dŷ pâr – Cymeradwywyd gydag Amodau (23/12/2011)

A120099 - Materion a Gedwir yn ôl - Codi Annedd - Cymeradwywyd gydag Amodau (17/05/2012)

A150969 - Cais Cynllunio Amlinellol - Codi 5 tŷ fforddiadwy yn cynnwys rhes o3 tŷ teras a dau dŷ pâr. Cymeradwywyd gydag Amodau (14/06/2016)

A160646 - Materion a Gedwir yn ôl - Codi 5 tŷ fforddiadwy yn cynnwys rhes o 3 tŷ teras a dau dŷ pâr - Cymeradwywyd gydag Amodau (26/08/2016)

A190441 - Cais Cynllunio Llawn - Codi bloc o dair annedd sy'n cynnwys mynedfa newydd i gerbydau - Gwrthodwyd (30/04/2021)

Mae'r cais cyfredol yn debyg i gais A190441 gan ei fod yn cynnig codi tair annedd ar y safle. Y prif wahaniaeth yw y bydd y tai i gyd yn fforddiadwy ac ni fydd y cynnig yn cynnwys annedd marchnad agored yn rhan o'r gymysgedd.

MANYLION Y DATBLYGIAD

Mae'r cais yn gofyn am ganiatâd cynllunio llawn i godi 3 annedd fforddiadwy. Bydd yr anheddau arfaethedig yn rhai teras i'w lleoli'n gyfochrog â'r ffordd, a bydd mynediad o'r A4120. Bydd y tair annedd yn rhai deulawr.

Nodir bod gorffeniad y deunyddiau arfaethedig fel a ganlyn:

- Waliau: Wedi'u rendro â gorchudd o goed cedrwydd
- To: Llechi artiffisial ag iddynt ymylon ac arwyneb rhychiog
- Ffenestri/Drysau: UPVC gwyn

Bydd dŵr arwyneb yn cael ei waredu drwy ffosydd cerrig, a charthion drwy gyfleuster parodi drin carthion.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 (Chwefror 2021)
- Polisi Cynllunio Cymru 11 (Chwefror 2021)
- TAN12 - Dylunio (2016)
- TAN6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)

Mae'r polisïau a ganlyn o'r Cynllun Datblygu Lleol yn berthnasol wrth wneud penderfyniad ynghylch y cais hwn:

- S01 Twf Cynaliadwy
- SO4: Datblygu Mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'
- S05 Tai Fforddiadwy
- LU02 Gofynion sy'n ymwneud â phob Datblygiad Preswyl
- LU04 Diwallu Amrywiaeth o Anghenion Tai
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- DM03 Teithio Cynaliadwy
- DM06: Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol

Canllawiau Cynllunio Atodol Mabwysiedig Perthnasol:

- Canllawiau Cynllunio Atodol Tai Fforddiadwy
- Canllawiau Cynllunio Atodol Gwarchod Natur
- Canllawiau Cynllunio Atodol Dylunio a'r Amgylchedd Adeiledig
- Canllawiau Cynllunio Atodol Safonau Parcio Cyngor Sir Ceredigion

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol gweithredu'r swyddogaethau hynny ar droseddau ac anhrefn yn ei ardal, ac i wneud popeth y gall, yn rhesymol, i atal troseddau ac anhrefn. Rhoddwyd ystyriaeth i'r ddyletswydd hon wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd mawr neu annerbyniol mewn troseddau ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn dynodi nifer o 'nodweddion gwarchoddedig' sef oedran; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau'r anfanteision y mae pobl yn eu dioddef yn sgil eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle bo'r rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghymesur o isel. Rhoddwyd ystyriaeth briodol i'r uchod wrth wneud penderfyniad ynghylch y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt yn fwy nag ar unrhyw un arall.

DEDDF LLESIAENT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i fodloni'r saith nod llesiant sy'n rhan o'r Ddeddf. Paratowyd yr adroddiad hwn gan roi ystyriaeth i ddyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y'i nodir yn Neddf 2015. Wrth bennu'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

YMATEBION YMGYNGHORI

Cyngor Cymuned Melindwr Community Council – Dim ymateb

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad ond bydd amodau

Draenio Tir - Dim gwrthwynebiad, Sylwadau

Ecoleg - Dim ymateb

Derbyniwyd sylwadau trydydd parti gan breswylwr Maes Gwyn, Pantycruga phryderon ynghylch draenio i gwrs dŵr Paith.

CASGLIAD

Mae Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise".

Egwyddor Datblygu

Mae safle'r cais yn gorwedd o fewn 'Lleoliadau Eraill' fel a ddiffinnir yn y Cynllun Datblygu Lleol mabwysiedig lle bo datblygiad yn cael ei reoli'n dynn er mwyn cyflawni datblygu cynaliadwy ac amddiffyn cefn gwlad agored.

Mae Polisi S04 y Cynllun Datblygu Lleol yn nodi bod tai yn gyffredinol yn anaddas mewn 'lleoliadau eraill' oni bai y cyfiawnheir eu bod yn seiliedig ar fodloni angen am dai fforddiadwy nas diwallwyd y gellir ei ddangos yn yr ardal, a'i fod yn cydymffurfio â Pholisi S05; neu'r angen am annedd menter wledig yn unol â TAN6. Mae'r cais cynllunio hwn ar gyfer tair annedd fforddiadwy. Lleolir safle'r cais o fewn grŵp o anheddau a anwaenir fel Pant-y-Crug. Ystyrir bod y lleoliad, at ddibenion polisi cynllunio, yn 'Lleoliadau Eraill' neu gefn gwlad agored. Nid yw'r anheddiad yn 'Anheddiad Cyswllt' yn y Cynllun Datblygu Lleol ac ystyrir ei fod yn lleoliad llai cynaliadwy ar gyfer datblygu. Ychydig o gyfleusterau sydd ym Mhant-y-Crug ac felly byddai'r trigolion yn ddibynol ar ddefnyddio cerbydau preifat i gyrraedd gwasanaethau a chyfleusterau. Mae hyn yn groes i bolisi cynllunio lleol a chenedlaethol sy'n ceisio hyrwyddo dull cynaliadwy o deithio drwy sicrhau bod datblygiadau tai yn cael eu hadeiladu mewn lleoliadau o lle y gellir cael mynediad at wasanaethau a chyfleusterau drwy gerdded a beicio yn y lle cyntaf, yna drwy gludiant cyhoeddus ac yn olaf drwy gerbydau modur preifat. Mae Polisi Cynllunio Cymru yn datgan bod yn rhaid i adeilad newydd mewn cefn gwlad agored yn bell o aneddiadau presennol barhau i gael eu rheoli'n dynn ac mae darparu tair annedd yn y lleoliad hwn yn groes i bolisi cynllunio lleol a chenedlaethol.

Mae Polisi S04 Maen Prawf 2c y Cynllun Datblygu Lleol yn nodi'n benodol na ddylai datblygiadau tai mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill' ddatblygu ar raddfa gymesur uwch na'r Ganolfan Wasanaeth berthnasol (Canolfan Wasanaeth Aberystwyth yn yr achos hwn).¹ Mae'r cydbwysedd yn y grŵp anheddiad hwn yn anghywir ar hyn o bryd, a rhoddir caniatâd i ddatblygu mwy mewn Aneddiadau Cyswllt a Lleoliadau Eraill nag a ganiateir gan y strategaeth. Felly, os rhoddir mwy o ganiatâd yn yr 'Aneddiadau Cyswllt a Lleoliadau Eraill', bydd yn mynd yn fwy anodd cyflawni'r Strategaeth mewn perthynas â'r Grŵp Strategaeth unigol hwn, a bydd yn mynd yn fwy anodd cyflawni cynllun cyffredinol y Strategaeth. Mae'r cais yn methu, felly, ar sail maen prawf 2c ac o ganlyniad mae'n methu o ran Polisi S04 yn ei gyfanrwydd.

Cyflwynwyd asesiad hyfywedd i roi gwybodaeth nad yw cyflenwi'r 5 uned fforddiadwy a gymeradwywyd o dan Ganiatâd Amlinellol A150969 a Chaniatâd Materion a Gedwir yn ôl

A160646 bellach yn hyfyw. Fodd bynnag, nid yw'r Awdurdod Cynllunio Lleol yn ystyried bod hyn yn ddigon o gyfiawnhad i ganiatáu cael mwy o anheddau yn y lleoliad anghynaliadwy hwn, a ddynodir yn 'Lleoliadau Eraill' at ddibenion y Cynllun Datblygu Lleol. Yn yr un modd, byddai lleihau cyfradd ddisgownt y tai fforddiadwy o 30% i 15% yn gwneud yr anheddau arfaethedig yn llai fforddiadwy ac nid yw'n cyd-fynd â darpariaethau Polisi S05.

Mae anheddau fforddiadwy ychwanegol yn y lleoliad hwn ar gyfradd ostyngol tai fforddiadwy yn groes i strategaeth gyffredinol y Cynllun Datblygu Lleol ac yn groes i bolisi lleol a chenedlaethol.

O oes tystiolaeth o'r angen am dai fforddiadwy yn y lleoliad hwn?

Cefnogir tai fforddiadwy mewn 'lleoliadau eraill' dim ond pan y dynodir bod angen nas diwallwyd yn yr ardal, fel a nodir ym Mholisi S04 y Cynllun Datblygu Lleol. Mae paragraff 6.162 y Cynllun Datblygu Lleol hefyd yn nodi y dylai'r cyfiawnhad am annedd fforddiadwy ddangos nad oes modd bodloni angen nas diwallwyd mewn Canolfan Wasanaeth neu Anheddiad Cyswllt.

Ni chafwyd tystiolaeth i ddangos bod angen am dai fforddiadwy yn ardal uniongyrchol Pant-y-Crug, ac ni ddangoswyd chwaith nad oes modd diwallu'r angen hwn am dai fforddiadwy mewn Aneddiadau Cyswllt Canolfan Wasanaeth gyfagos. Cwblhawyd nifer o unedau fforddiadwy yn ddiweddar ym Mhant-y-Crug ac ar hyn o bryd mae 41 caniatâd heb ei weithredu mewn 'Lleoliadau Eraill' yng ngrŵp anheddiad Aberystwyth. Ystyrir bod y caniatadau hyn sydd heb eu gweithredu a heb eu cwblhau yn fwy na digon i wasanaethu anghenion yr ardal.

Nid oes tystiolaeth o angen am fwy o dai fforddiadwy yn y lleoliad hwn, ac felly nid yw polisi cynllunio lleol a chenedlaethol yn cefnogi'r egwyddor o ddatblygu.

Nid yw'r Awdurdod Prifffyrdd Lleol wedi gwrthwynebu'r cynnig, yn ddibynnol ar amodau.

Cafwyd sylwadau trydydd parti ynghylch draenio ar y safle; fodd bynnag, ni dderbyniwyd gwrthwynebiad gan naill ai'r Awdurdod Draenio Tir, Dŵr Cymru na Chyfoeth Naturiol Cymru.

Byddai cymeradwyaeth SDCau yn angenrheidiol cyn dechrau datblygu ar y safle.

Casgliad

Mae'r datblygiad yn cynnig 3 annedd fforddiadwy ar y safle ar gyfradd ddisgownt ostyngol o 15%. Mae caniatâd ar y safle ar hyn o bryd ar gyfer 2 annedd fforddiadwy, ar gyfradd ddisgownt o 30%.

Ystyrir bod y datblygiad arfaethedig yn groes i bolisi, gan nad oes cyfiawnhad digonol ar gyfer caniatáu anheddau ychwanegol ym Mhant-y-Crug. Ystyrir bod y lleoliad ar gyfer y datblygiad arfaethedig yn llai cynaliadwy ac yn anaddas ar gyfer datblygu preswyl ychwanegol ar hyn o bryd. Byddai caniatáu datblygu pellach yn y lleoliad hwn yn groes i strategaeth gyffredinol y Cynllun Datblygu Lleol ac yn groes i ddarpariaethau Polisiâu S01, S04 ac S05 y Cynllun Datblygu Lleol.

Awdurdod Dirprwyedig:

Mae'r Aelod Lleol, y Cynghorydd Rhodri Davies, wedi gofyn ar i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w ystyried am y rhesymau a ganlyn:

- Yr angen am dai fforddiadwy yn yr ardal
- Cefnogi'r genhedlaeth iau i aros yn yr ardal, yn enwedig o ystyried y newyddion diweddar ynghylch prisiau eiddo drud nad yw'r bobl leol yn gallu eu fforddio
- Mae'r lleoliad yn cael ei weld fel datblygiad mewnlenni

ARGYMHELLIAD:

Gwrthod, gan ei fod yn groes i Bolisiâu S01, S04 ac S05 y Cynllun Datblygu Lleol.

Rhif y Cais / Application Reference	A210291
Derbyniwyd / Received	22-03-2021
Y Bwriad / Proposal	Erection of three affordable dwellings, including access, parking, landscaping and ancillary works
Lleoliad Safle / Site Location	Land adjacent Maescrug, Pantycrug, Capel Seion, Aberystwyth, SY23 4EF
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Brian Wilkins, Ty Traeth, Clarach, Aberystwyth, Ceredigion, SY23 3DL
Asiant / Agent	Mr A Smith (Simply Planning), Studio 211 Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF

THE SITE AND RELEVANT PLANNING HISTORY

The application site is a rectangular parcel of land centrally located within the group of dwellings collectively known as Pant-y-Crug. The site fronts onto the A4120 road that connects Aberystwyth with Devil's Bridge and is bordered by built form on its flanks and directly opposite. The land is partly overlaid with hard-core and partly overgrown with vegetation.

Planning History:

A060585 – Outline Planning – Erection of Dwelling – Approved Subject to Conditions(30/11/2006)

A080826 – Full Planning – Erection of two semi-detached dwellings – Refused(12/05/2009)

A110255 – Full Planning – Erection of a pari of Semi-detached houses – ApprovedSubject to Conditions (23/12/2011)

A120099 – Reserved Matters – Erection of a Dwelling – Approved Subject toConditions (17/05/2012)

A150969 – Outline Planning – Erection of 5 affordable houses comprising of a row of3 terrace houses and a pair of semi-detached houses. Approved subject to Conditions (14/06/2016)

A160646 – Reserved Matters – Erection of 5 affordable houses comprising of a row of 3 terrace houses and a pair of semi-detached houses – Approved Subject to Conditions (26/08/2016)

A190441 – Full Planning - Erection of a block of three dwellings, inclusive of a new vehicular access – Refused (30/04/2021)

The current application is similar to application A190441 in that it proposes 3 dwellings on the site. The main difference is that the houses will all be affordable and the proposal will not include an open market dwelling as part of the mix.

DETAILS OF DEVELOPMENT

The application seeks full planning permission for the erection of 3 affordable dwellings. The proposed dwellings will be terraced and be positioned parallel with the road with access gained from the A4120. All three dwellings will be two storey in height.

The proposed material finishes have been stated as being:

- Walls: Render with cedar cladding
- Roof: Man made riven faced and edge slates
- Windows/ Doors: white UPVC

Surface water will be disposed of via soakaways and foul sewage via PackageTreatment Plant.

RELEVANT PLANNING POLICIES AND GUIDANCE

National Planning Policy

- Future Wales: The National Plan 2040 (February 2021)
- Planning Policy Wales 11 (February 2021)
- TAN12 Design (2016)
- TAN6 Planning for Sustainable Rural Communities (2010)

These Local Development Plan policies are applicable in the determination of this application:

- S01 Sustainable Growth
- S04 Development in 'Linked Settlements and Other Locations
- S05 Affordable Housing
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- DM03 Sustainable Travel
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape

Relevant adopted Supplementary Planning Guidance's:

- Affordable Housing SPG
- Nature Conservation SPG
- Built Environment and Design SPG
- CCC Parking Standards SPG

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local

Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

EQUALITY ACT 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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 wellbeing 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.

CONSULTATION RESPONSES

Cyngor Cymuned Melindwr Community Council – No Response

Highways – No Objections Subject to Conditions

Land Drainage – No Objection, Comments

Ecology – No Response

Third party representation was received from the occupier of Maes Gwyn, Pantycrug with concerns over drainage into the Paith watercourse.

CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise".

Principle of Development

The application site lies within 'Other Locations' as identified within the adopted Local Development Plan (LDP) where development is strictly controlled in the interest of achieving sustainable development and protecting the open countryside.

LDP Policy S04 states that general housing is inappropriate within 'other locations' unless justified on the basis that it meets a demonstrated unmet affordable housing need in the locality and accords with Policy S05; or need for a rural enterprise dwelling in line with TAN6. This planning application is for three affordable dwellings. The application site is located within a group of dwellings known as Pant-y-Crug. The location is considered as 'Other Locations' or open countryside for planning policy purposes. The settlement is not a named 'Linked Settlement' within the LDP and is considered a less sustainable location for development. Pant-y-Crug has little facilities and occupiers would therefore be reliant on the use of a private vehicle to access services and facilities. This is contrary to national and local planning policy which seek to promote sustainable means of travel by ensuring that housing development are built in locations where services and facilities can be accessed in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. Planning Policy Wales states that new building in the open countryside away from existing settlements must continue to be strictly controlled, the provision of three dwellings at this location is contrary to both local and national planning policy.

Policy S04 Criteria 2c of the LDP stipulates that housing development in 'Linked Settlements and Other Locations' should not come forward at a greater proportionate rate than the relevant Service Centre (in this case, Aberystwyth Service Centre). The balance in this settlement group at present is incorrect, with more development being permitted in 'Linked Settlements and Other Locations' than is allowed for by the strategy. Therefore, if more permissions are allowed in the "Linked Settlements and Other Locations" the more difficult it will become to achieve the Strategy in relation to this individual Settlement Group and the overall Plan Strategy will become less achievable. The application therefore fails on criterion 2c and as a result it fails with regard to Policy S04 as a whole.

A viability assessment has been submitted to provide information that delivering the 5 affordable units approved under Outline Consent A150969 and Reserved Matters Consent A160646 is no longer viable. However, the LPA do not consider this sufficient justification for allowing further dwellings at this unsustainable location identified as 'Other Locations' for the purposes of the LDP. Similarly, reducing the discounted rate of the affordable housing from 30% to 15% would render the proposed dwellings less affordable and does not attune with the provisions of Policy S05.

Additional affordable dwellings at this location at a discounted affordable housing rate is contrary to the overall strategy of the LDP and is contrary to both national and local planning policy.

Is there evidence of need for an affordable housing in this location?

Affordable housing within 'other locations' are only supported where an unmet need in the local area has been identified, as set out within Policy S04 of the LDP.

Paragraph 6.162 of the LDP also states that the justification for an affordable dwelling should also demonstrate that the unmet need cannot be met in a nearby Service Centre or Linked Settlement.

No evidence has been provided to demonstrate that there is an affordable housing need within the immediate locality of Pant-y-Crug, nor has it been demonstrated that this affordable housing need cannot be met in a nearby Service Centre or Linked Settlement. Several affordable units have recently been completed within Pant-y-Crug and there are currently 41 outstanding consents within 'Other Locations' of the Aberystwyth settlement group. These completions and outstanding consents are considered more than enough to service the needs of the locality.

There is no evidence of additional affordable housing need at this location, and the principle of development is not therefore supported by national and local planning policy.

Other Matters

The Local Highway Authority have raised no objections to the proposal, subject to conditions.

Third party representation was received concerning drainage at the site; however, no objection has been received from either the Land Drainage Authority, Dwr Cymru or Natural Resources Wales.

SuDS approval would be required prior to commencement of development at the site.

Conclusion

The development proposes 3 affordable dwellings at the site at a reduced discount rate of 15%. The site has extant permission for 2 affordable dwellings with a discount rate of 30%.

The proposed development is considered contrary to policy, as there is insufficient justification for permitting additional dwellings at Pant-y-Crug. The location for the proposed development is considered less sustainable and unsuitable for additional residential development at present. Permitting further development at this location would be contrary to the overall strategy of the LDP and contrary to the provisions of

Policies S01, S04 and S05 of the LDP.

Delegated Authority:

The Local Member, Cllr Rhodri Davies, has requested the application be presented to the development management committee for the following reasons:

- The need for affordable housing in the area
- Supporting the younger generation to stay in the area, especially considering recent news concerning expensive property prices which local people cannot afford
- The location is viewed as infill development

RECOMMENDATION:

Refuse, as contrary to Policies S01, S04 and S05 of the LDP.

3. Diprwydedig/Delegated

22-07-2021 - 04-08-2021

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
1	A200687	Mr and Mrs Islwyn & Rose Edwards	Change of use of building last used as a storage facility associated with a school, back to domestic property along with extension of a single storey wrap around extension to three sides of the existing building with associated garden landscaping.	Bryn Ardwyn, Ffordd Dewi, Aberystwyth. SY23 1ED	Caniatawyd gydag Amodau a Cytundeb S106 / Approved Subject to Conditions and S106 Agreement	27-07-2021
2	A210040	Mr A Aziz (Hawkstones Ltd)	Proposed generic partition/flooring/bulkhead details to potential apartments to southern end of building to reflect those at 2nd/3rd floor levels. Foul drainage routing.	Former Council Offices, Marine Terrace, Aberystwyth. SY23 2DE	Caniatâd wedi ei roi / Consent Granted	23-07-2021
3	A210093	Helen Griffiths	Formation of a 20m x 40m all weather outdoor horse arena	Llaindafydd, Llwyndafydd, SA44 6BY	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-07-2021
4	A210360	Mr Gwyndaf Jenkins	Variation of Condition 2 on A100904MN to extend time to allow for mineral extraction.	Moelfryn Maen Quarry Bethania, Llanon, SY23 5NP	Caniatawyd gydag Amodau / Approved Subject to Conditions	03-08-2021
5	A210413	Mr and Mrs D Jones	Erection of steel framed building over existing collection yard.	Llanfair Fach, Lampeter, Ceredigion, SA48 8JZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	04-08-2021
6	A210423	A Bunton	The siting of a shipping container to store packaging on behalf of Sarah Bunton Chocolates	Cwmergyr, Ponterwyd, Aberystwyth, Ceredigion, SY23 3LD	Caniatawyd gydag Amodau / Approved Subject to Conditions	22-07-2021
7	A210425	Emrys Rees & Bros	Replace a disused cottage with 1 replacement dwelling.	Garden View, Water Street, Aberarth, SA46 0LN	Caniatawyd gydag Amodau / Approved Subject to Conditions	26-07-2021
8	A210433	T M Edwards (TME Electrical Contracting Ltd)	Retention of 2 no Air Source Heat Pumps to rear of property.	Unit 105 Glanyrafon Industrial Estate, Llanbadarn Fawr, Aberystwyth. SY23 3JG	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-07-2021
9	A210461	Mr T Havard	Development of a single storey dwelling with associated access, parking and private amenity area.	Land Affronting Lewis Terrace Lewis Terrace, New Quay. SA45 9PJ	Gwrthodwyd / Refused	22-07-2021

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
10	A210462	Mr Rob Gordon	Proposed storage shed and associated works.	Cae Penrhiw, Y Ferwig, Cardigan, Ceredigion, SA43 1RX	Caniatawyd gydag Amodau / Approved Subject to Conditions	30-07-2021
11	A210469	Mr D Williams	Adeiladu sied ar gyfer cadw cyfarpar amaethyddol yn gysylltiedig gyda'r mandyddyn.	Pen Bryn Poeth, Llanon. SY23 5LZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	28-07-2021
12	A210476	Mrs C Taylor	Change of Use of agricultural land into glamping pod site to include 5no. glamping pods, plant room, pond, vehicular access and installation of package treatment plant.	Land At Gwern Yr Efail, Cross Inn, New Quay, SA44 6NH	Caniatawyd gydag Amodau / Approved Subject to Conditions	28-07-2021
13	A210495	Mrs Sarah Lloyd	Proposed replacement of existing barn with office building	Brynwerydd, Synod Inn, SA44 6JH	Caniatawyd gydag Amodau / Approved Subject to Conditions	26-07-2021
14	A210498	Mr Elfed Humphreys	Proposed erection of an agricultural building over the existing feeding yard.	Penderllwyngoch, Tynygraig, Ystrad Meurig, Ceredigion, SY25 6AQ	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-07-2021
15	A210530	Mr and Mrs Bohra	Proposed front, side and rear extension	17 Paitholwg, Rhydyfelin, Aberystwyth, SY23 4QP	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-07-2021
16	A210531	Mr G Evans	Roof covered yard.	Wernfach, Llanrhystud, Aberystwyth, Ceredigion, SY23 5BE	Caniatâd ddim ei angen / Permission not required	23-07-2021
17	A210540	Mr E Holliday	Extension to dwelling	Cefntyncoed, Aberaeron, Ceredigion, SA46 0EG	Caniatawyd gydag Amodau / Approved Subject to Conditions	26-07-2021
18	A210550	Mr Wiliam Williams	Extension to dwelling	10 Bro Henllys, Felinfach, Lampeter, SA48 8AD	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-07-2021
19	A210551	Mr S Glenn	Alterations and extension	2 Pandora, Church Street, New Quay. SA45 9NZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	04-08-2021
20	A210564	Mrs D Williams	Discharge planning condition 3 of planning permission A200888 - Method Statement and specification	Cartref, 13 Alban Square, Aberaeron. SA46 0DB	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	04-08-2021
21	A210565	Mrs D Williams	Discharge planning condition 4 from planning permission A200888 Window details and glazing bar widths.	Cartref, 13 Alban Square, Aberaeron. SA46 0DB	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	04-08-2021
22	A210567	Mr G Davies (Trustees of Drefach Village Hall)	Rear extension replacement	Drefach Village Hall Drefach, Llanwenog, Llanybydder, SA40 9UR	Caniatawyd gydag Amodau / Approved Subject to Conditions	02-08-2021

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
23	A210568	Mr B Morgan	Proposed extension to existing house and associated works.	Dolerin, Blaenporth, Cardigan, SA43 2AX	Caniatawyd gydag Amodau / Approved Subject to Conditions	04-08-2021
24	A210577	Mr and Mrs D & C Morris	Rear Extension & Replacment Garage	Y Garth, 12 South Road, Aberaeron. SA46 0DP	Caniatawyd gydag Amodau / Approved Subject to Conditions	04-08-2021
25	A210603	T Sanders (Blakemore Design & Shopfitting)	Display of signage.	Llwyncelyn Post Office, Dryslwyn Filling Station, Llwyncelyn, Aberaeron, SA46 0HF	Dychwelwyd yn annilys / Returned Invalid	28-07-2021
26	A210609	Mr JG Sansom (Sansom Timber Frame (Design) Ltd)	Minor Amendment to planning permission A120267 (Revised plans).	Chapel Street Development (Phase 1), Chapel Street, Llanarth, SA47 0RG	Dychwelwyd yn annilys / Returned Invalid	28-07-2021
27	A210646	Mr and Mrs Garcia	Minor amendment to planning permission A160803 (revised plan).	Bryncoed, St Dogmaels Road, Cardigan, SA43 3AX	Tynnwyd yn ôl / Withdrawn	29-07-2021
28	A210653	Mr M John	Electricity lines	Coal Yard, Trwynyrallt, Gwbert, Cardigan. SA43 1PN	Dim gwrthwynebiad / No Objection	29-07-2021
29	A210666	Mr Dylan Evans	Discharge condition 7 of planning permission A210400 - Bat development licence final and Method Statement	Cardigan Secondary School, Park Place, Gwbert Road, Cardigan. SA43 1AD	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	28-07-2021
30	A210669	Mr Rhys Evans	Proposed new agricultural building	Crymant Fach Brongest, SA38 9EX	Caniatâd ymlaen llaw ddim ei angen / Prior Approval Not Required	02-08-2021
31	A210681	J Brook	Proposed replacement of rotten timber sash window, with a new timber sash window and opening beneath.	The Vicarage, Llanarth SA47 0NJ	Caniatâd ddim ei angen / Permission not required	28-07-2021

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4. Penderfyniadau Apeliadau/Appeal Decisions

22-07-2021 - 04-08-2021

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
1	APP/D6820 /A/20/32623 810	A190793	P & E Couton	Refused Planning Permission	Dol Aur, Beulah	Dismissed	27-07-2021

5. Apeliadau a Dderbyniwyd/Appeals Received

22-07-2021 - 04-08-2021

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/21

gan **A L McCooey, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/7/21

Appeal Decision

Site visit made on 13/04/21

by **A L McCooey, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 27/7/21

Appeal Ref: APP/D6820/A/20/3262380

Site address: Dol Aur, Beulah, SA38 9QB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs E & P Cowton against the decision of Ceredigion County Council.
 - The application Ref: A190793 dated 8 November 2019, was refused by notice dated 2 July 2020.
 - The development proposed is a change of use from garage to a one-bedroom holiday flat.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs E & P Cowton against Ceredigion County Council. This application is the subject of a separate Decision.

Procedural Matters and Background

3. The description of the development on the original application form and the decision notice included a "granny" annex at ground floor level in the former garage, that shared an access and facilities with the house. The Local Planning Authority deemed that this element was ancillary and incidental to the enjoyment of the dwelling/house. The annex is used for purposes incidental to the enjoyment of Dol Aur and occupied by a relative of the applicants. In these circumstances the Local Planning Authority has confirmed that the annex did not constitute development. The appeal form states that the appeal is for the change of use of garage to a one-bedroom holiday flat. This is what is before me in this appeal and I have amended the description to reflect the matter that constitutes development.

Main Issues

4. The main issues are the effect of the development on the living conditions of adjoining residents; on highway safety; and on internationally important nature conservation sites

Reasons

5. The site is located within the linked settlement of Beulah. The site is within a row of relatively recently constructed dwellings along the main road to the west of the village. The garden of the dwelling to the east is modest and the land to the rear of the appeal building is in the ownership of the next dwelling. The host dwelling was granted planning permission in 2010. A double garage on two floors was part of this planning permission. The Local Planning Authority confirms that toilet and sinks were provided. The annex and store room are at ground floor and an external stair affords access to the first-floor holiday accommodation in the roof space. This comprises of a kitchen, living room, bathroom, bedroom and a dressing room (or dog room). The application was a retrospective one with the use having commenced in 2018.
6. The Local Development Plan and national policy are broadly supportive of additional tourist accommodation. The main policy referred to in the first reason for refusal is Policy DM06 High Quality Design and Placemaking. Criterion 7 seeks to protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook. Concerns have been raised regarding loss of privacy and noise and disturbance issues as a result of the holiday let and the frequency of traffic associated with arrival and leisure trips.

Effect on living conditions

7. In terms of overlooking of adjoining property, whilst the holiday let is at first floor level, the windows are a Velux type in the roof plane. As noted above, those to the rear adjoin the extended garden and outbuildings of a dwelling that is some distance away. The distance involved and relationship of the buildings means that overlooking of the dwelling is not an issue. The objectors refer to patrons sticking their heads out of the Velux windows and viewing their garden area. This could be addressed by restricting the opening of the rear windows. I note that the objectors refer to issues with noise from use of the apartment and the adjoining hot tub. The proposal is for a one-bedroom unit, which would restrict the occupation and use to a low level. There is no evidence of any complaints to the Council regarding noise or disturbance. The appellants point out that a relative lives in the annex below and noisy behaviour would not be accepted. The extra traffic from a 1-bed holiday flat would be modest and given the location and separation distances would not be significant. The appellants have confirmed that the provision of non-opening Velux windows in the rear elevation and the removal of the hot tub can be the subject of planning conditions.

Access and highway safety

8. The proposal was to gain access from a minor road to the east off the B4333. There is a track across the field that leads to the rear of the site. The access and part of this track is in separate ownership. The appellants have provided evidence of a right to cross this land. The level of use and terms of the right of way are disputed by the owner. There was also a dispute related to works affecting the surfacing of the track. However, these are private matters and not of direct relevance to this appeal.
9. The Council objects to the use of this track to access the development because appropriate visibility splays cannot be provided and retained by the appellants as the land required is not under their control. The access is existing and serves the appellants' and the other owner's land. The level of traffic on the minor road and using the access would be low. There have been no recorded accidents on this road or at its junction with the B4333. The parties agree that traffic speeds can be estimated

at 25 mph. The required visibility splays¹ would therefore be 2m by 31m and the actual available splays are 2m by 20m to the north and unrestricted to the south. I consider that the low traffic levels and speeds and the evidence of the safe operation of the existing access, means the access would not adversely affect highway safety.

10. In the event that the rear access cannot be provided for any reason, the appellants have indicated that the existing access to the main dwelling can be used. No highway safety concerns have been raised in regard to the use of the existing access. The increased traffic would be low and would not affect the amenities of other adjoining occupiers. Overall, I conclude that the proposal would comply with Policy DM06 for the reasons set out above. In these circumstances I make no comment on the approval for two holiday dwellings in Tresaith cited by the appellants.

Effect on ecological interests

11. In January 2021 Natural Resources Wales (NRW) published the results of its Compliance Assessment of Welsh River Special Areas of Conservation against Phosphorus Targets. The site lies within the catchment of the Afon Teifi Special Area of Conservation (SAC) which is currently failing to meet phosphates targets. The proposal was screened in accordance with guidance issued by NRW². It was decided that the drainage from the development is potentially capable of increasing the levels of phosphates discharged into the catchment of the SAC. In these circumstances, it was necessary to undertake a Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017. The HRA is attached as an Annex. The development is likely to have a significant effect on the SAC in relation to phosphorus inputs because it is likely to be a source of additional phosphorus and there is a pathway for impacts. The development would have an adverse effect on the integrity of the Afon Teifi SAC (European site) and its features, alone or in combination with other plans and projects. The appellants' proposed mitigation measures would not address these impacts for the reasons set out in the HRA. The conclusion reached, based on the particular circumstances of this case, was that it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would have an adverse effect on the integrity of a European Site, namely the Afon Teifi SAC. In these circumstances it would conflict with guidance on the importance of the protection of European sites in PPW and TAN5 as well as Policy DM14 of the LDP.

Other Matters

12. This is an existing building and the only loss of amenity space would be to provide a parking space to serve the development, which would not significantly affect the provision for the existing house. I also note that the appellants own 2.3 acres of adjoining land to the rear.
13. The Local Planning Authority alleges that a parcel of land outside the curtilage of the main dwelling has been fenced off as an amenity area for the holiday let without planning permission. The appellant contends that it has always been part of the curtilage of Dol Aur. This area is shown on the plans but does not appear to have been included within the appeal site. The Council also refers to unauthorised development in the field/paddock area behind the dwellings. The glamping pod that was present has been removed but there was some domestic paraphernalia and play equipment at the

¹ Manual for Streets Table 7.1

² Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation

time of my site visit. There is no evidence that the play area has any connection to the holiday let. The Local Planning Authority considers that this development does not have planning permission. It appears that all this alleged development is not within the appeal site and is not therefore before me. It is a matter for the Council to consider whether enforcement action should be taken in order to remedy breaches of planning control

14. The harm that would result from the creation of a new planning unit was not explained by the Local Planning Authority. In any event, the appellants have offered to enter into a planning obligation (if necessary) to tie the holiday let to the main dwelling. This was not considered to be necessary in this case, as the appeal is dismissed. The other appeal decision referred to by the Local Planning Authority related to a larger tourism development in a timber building (with decking) that was in a more built-up location. I have considered the evidence and conclude that the location and circumstances of that appeal are not comparable to this case.

Conclusion

15. Having regard to the above and having considered all other matters raised by the appellants in support of the development, I conclude that the appeal should be dismissed. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

A L McCooey

Inspector

Annex – Habitat Regulations Assessment

Preliminary Matters

1. In January 2021 Natural Resources Wales (NRW) published the results of its Compliance Assessment of Welsh River Special Areas of Conservation (SAC) against Phosphorus Targets. The site lies within the catchment of the Afon Teifi SAC which is currently failing to meet the phosphates targets. The drainage from the development would flow into the river or its tributaries. The descriptions of the site and the proposal are set out in the main decision.
2. The need for Habitats Regulations Assessment (HRA) is set out within Article 6 of the EC Habitats Directive 1992, which is transposed into British Law by the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Inspector, as competent authority with respect to the Regulations, will need to decide whether 'likely significant effects' alone or in-combination with other plans or projects, can be ruled out based on the information provided by the parties. The competent authority may agree to the project only after ascertaining that it will not adversely affect the integrity of the European site.
3. Whilst the Regulations provide strict protection, they are not a prohibition on new development or activities. Instead, they involve a case-by-case examination of the implications for each European protected site, its qualifying features and its conservation objectives. There is no statutory method for undertaking an HRA and the approach can vary on a case-by- case basis. Nonetheless, guidance issued from the European Commission³ sets out a four-stage assessment process involving Screening; Appropriate Assessment (AA); Assessment of Alternatives and Imperative Reasons of Overriding Public Interest (IROPI). AA considers the implications of the proposal for the European site in view of its conservation objectives. Steps 3 and 4 are collectively known as derogation.
4. The purpose of this HRA is to report on the impacts of the scheme on the Afon Teifi SAC, which is a European protected site. Conscious of the requirements of Regulation 63(3) and 63(4) regard has been had to the representations of Natural Resources Wales (NRW), the Local Planning Authority, the appellants and the general public in carrying out this assessment.

Screening

5. As can be seen from the appeal details, the application was refused in July 2020, which was prior to the notification from NRW. The Local Planning Authority did not formally screen the proposal under the Regulations. The Council did carry out a screening exercise at the appeal stage (copy attached) in accordance with the guidance issued by NRW.
6. The entry in the register of European sites for Wales states the habitat types and species for which the site is designated as a SAC. The habitats of importance are: Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation and Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*. The species that are a primary reason for the selection or a qualifying feature of the site are: Sea lamprey (*Pteromyzon marinus*), Brook and River Lamprey (*Lampetra*

³ Assessment of plans and projects significantly affecting Natura 2000 sites' (2001)

species), Atlantic Salmon (*Salmo salar*), Bullhead (*Cottus gobio*), European otter (*Lutra lutra*) and Floating water-plantain (*Luronium natans*).

7. The advice of NRW⁴ has been followed in screening the development that is the subject of this appeal. Considering the criteria identified in the advice. The project will increase the volume of foul wastewater. There was no indication that the project will improve the quality of the wastewater discharges from the site. The proposal does not involve a private treatment plant.
8. It is proposed to connect to the existing public sewer. The sewerage undertaker has confirmed that the area is served by the Beulah waste water treatment works, the environmental permit for which does not have the required phosphate conditions in place. Consequently, there is no capacity to treat the additional wastewater and the additional phosphate from the proposed development. In addition, the sewerage undertaker has confirmed that the necessary treatment capacity to remain within existing discharge permit limits will not be delivered within the current Asset Management Plan (AMP) period.
9. Recent caselaw has confirmed that the screening process must exclude any proposed mitigation measures (other than embedded mitigation). Mitigation can be taken into account as part of the AA.
10. Applying the NRW advice, the project does not fall within the types of developments that can be screened out as not likely to have a significant effect on the SAC in relation to phosphorus inputs because it is likely to be a source of additional phosphorus and there is a pathway for impacts. The project cannot therefore be screened out as not likely to have a significant effect on the SAC, nor is it functionally linked to the European site. From the evidence before me, I conclude that there would be likely significant effects arising from this development and therefore an AA is necessary.

Appropriate Assessment

11. The appellants argue that the only additions to the wastewater generated as a result of the proposal are a shower, washing machine and midi dishwasher. This is not the complete picture. NRW guidance states that **any increase in occupancy** (*my emphasis*) must be taken into account. This implies that the effects of any project, no matter how small, should be considered in a HRA. The garage approved as part of the dwelling could not have increased the occupancy of the dwelling. However, the annex that is occupied by an elderly family member could have resulted in an increase in occupancy. However, this aspect is not development and is not subject to planning control. It is referred to for information only. The holiday let (the project) provides tourist accommodation which would (or does) increase the occupancy of the site. This has increased the volume of wastewater emanating from the site, with consequent significant effects on the SAC as described in the advice from NRW and related information.
12. The appellants state that they have extensively researched methods to avoid or reduce the effects of phosphates. The evidence appears to support the contention that detergents used in washing products contain little or no Phosphorous. The appellants' proposal to use environmentally friendly washing, dishwasher powders and detergents would make little difference to the Phosphorous inputs. The suggested filtration of the incoming water supply would not address the waste water issue at all.

⁴ Advice to Planning Authorities for Planning Applications Affecting Phosphorus Sensitive River SACs

NRW has not identified any issue with public water supplies containing phosphates. These measures would not avoid or reduce the effects of the project and are not deemed to be mitigation.

13. The appellants suggest that any planning permission could be limited to a seasonal operation only as applies to caravan parks⁵. This measure would reduce the extent of the increased occupancy but would not avoid the significant effects outlined above.
14. The appellants refer to the possible provision of a package waste water treatment plant avoiding connection to the public sewer altogether. This is mooted as a possible future consideration in the event that the appellants' views are not supported. The appellants do not consider this to be proportionate and also state that the geology of the area would make any below ground installation challenging.
15. The appellants correctly state that they have no control over phosphate removal by the statutory sewerage undertaker in the treatment works. Their evidence is that there is not an option for private treatment, as there is no effective small-scale removal technology available at a reasonable cost. The appellants refer to pollution from farm effluent discharges. The NRW compliance assessment and resultant actions has taken all potential sources into account. The actions aim to tackle all sources or inputs of which waste water is one. This HRA is addressing the impact of the development that is the subject of this appeal.

Conclusions on the AA and Derogation

16. The views of NRW have been sought and are reflected in this assessment, which follows the approach advocated in the NRW's advice and consultation replies. NRW agrees with the conclusions reached in this assessment.
17. The conclusions of this AA are that the development or project (despite its small scale) would have an adverse effect on the integrity of the Afon Teifi SAC (European site) and its features, alone or in-combination with other plans and projects. The proposed mitigation would not address the impacts identified by NRW for the reasons set out above.
18. I now need to consider steps 3 and 4 of the HRA process⁶ namely the 'Assessment of Alternative Solutions' and Imperative Reasons of Overriding Public Interest (IROPI). Alternative solutions mean a different type of proposal, or a different location, etc. There are no alternative solutions before me and given the nature and scale of the development or project, IROPI does not apply either.

Conclusion

19. I have taken into account all the available evidence and have adopted the precautionary principle in carrying out this HRA. I have considered the potential impacts on the integrity of the site that have been identified by NRW. Account has been taken of the information supplied by the Local Planning Authority. The evidence of the appellants and the mitigation measures put forward have been assessed.

⁵ Normally from 1 March to 31 October

⁶ See paragraph 3 above

20. I conclude that it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would have an adverse effect on the integrity of a European Site, namely the Afon Teifi SAC. In these circumstances planning permission must be refused for this reason. This conclusion is based on the particular circumstances of this case.

A L McCooey

Inspector

Penderfyniad ar gostau

Costs Decision

gan A L McCooey, BA (Hons) MSc
MRTPI

by A L McCooey, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 27/7/21

Date: 27/7/21

Costs application in relation to Appeal Ref: APP/D6820/A/20/3262380

Site address: Dol Aur, Beulah, SA38 9QB

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6.
 - The application is made by Mr & Mrs E & P Cowton for a full award of costs against Ceredigion County Council.
 - The appeal was against the refusal of planning permission for a change of use from garage to a one-bedroom holiday flat.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Section 12 Annex, Award of Costs, to the Development Management Manual advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The reasons for refusal reflect the Local Planning Authority's concerns that are related to relevant policies of the Local Development Plan and material planning considerations. Whilst I have found against the Local Planning Authority on those issues, relevant evidence to substantiate the decision to refuse planning permission is set out in the Council's officer report and appeal statement. The highway safety concerns were supported by the Highway Authority with reference to guidance in the Manual for Streets. As acknowledged by both parties, this guidance is open to interpretation. It appears that the suggested use of the existing access serving the main dwelling was not before the Council and was only suggested at appeal stage. The residential amenity concerns of the Local Planning Authority were clearly expressed and supported by a neighbouring resident. I do not therefore agree that the reasons for refusal were inadequate and unsustainable in the terms set out in the Section 12 Annex.
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4. I have had regard to the particular circumstances of the site and surroundings of the appeal proposal. The approved tourist accommodation development that was referred to by the appellant was not directly comparable to the appeal proposal. Each case must be considered on its own merits and I find no inconsistency on the part of the Council in the determination of these applications.
5. It was not explained in the application for costs how the alleged unreasonable behaviour (if it occurred) in the processing of the application by Council officers and Members led to unnecessary or wasted expense in the appeal process. The application does not explain how the conduct of site visits or the nature of the inconsistent advice or liaison affected the application process. The application refers to an incorrect interpretation of permitted development regulations, but no explanation of this is provided. Taking all these matters in the round, I consider that there is no convincing evidence of unreasonable behaviour in any of them.

Conclusion

6. For the reasons given above, I find that that the Local Planning Authority did not behave unreasonably in refusing planning permission. I therefore conclude that unreasonable behaviour resulting in unnecessary expense, as described in the Section 12 Annex to the Development Management Manual, has not been demonstrated. The application for an award of costs is refused.

A L McCooey

Inspector