

Public Document Pack



Cyngor Sir
CEREDIGION
County Council

Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
ceredigion.gov.uk

8 February 2024

Dear Sir / Madam

I write to inform you that a Meeting of the Development Management Committee will be held HYBRID - NEUADD CYNGOR CEREDIGION, PENMORFA, ABERAERON / REMOTELY VIA VIDEO CONFERENCE on Wednesday, 14 February 2024 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 17 January 2024 (Pages 3 - 6)**
5. **To consider planning applications deferred at previous Meetings of the Committee (Pages 7 - 32)**
6. **Development, Advertisement, Local Authority and Statutory Applications (Pages 33 - 70)**
7. **Planning applications dealt with by way of delegated authority (Pages 71 - 78)**
8. **Appeals (Pages 79 - 92)**
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

A handwritten signature in black ink, appearing to read 'J. Edwards'.

Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

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

Wednesday, 17 January 2024

Present: Councillor Rhodri Davies (Chair) Councillors, Marc Davies, Meirion Davies, Gethin Davies, Ifan Davies, Rhodri Evans, Hugh Hughes, Ceris Jones, Gareth Lloyd, Chris James, Sian Maehrlein and Carl Worrall

Also in attendance: Mrs Catrin Newbold – Service Manager (Development Management), Mr Jonathan Eirug- Development Management Team Leader – North, Mrs Sian Holder- Development Management Team Leader – South, Mrs Ffion Lloyd, Solicitor, Ms Nia Jones, Corporate Manager – Democratic Services, Mrs Dana Jones, Democratic and Standards Officer

(10:00am-11:30pm)

1 Apologies

Councillor Raymond Evans, Maldwyn Lewis and Mark Strong apologised for their inability to attend the meeting.

2 Disclosure of Personal and/or Prejudicial Interest

None.

3 Minutes of a Meeting of the Committee held on the 13 December 2023

It was RESOLVED to confirm as a true record the Minutes of the Meeting of 13 December 2023.

Matters arising

None.

5 Planning applications deferred at previous Meetings of the Committee

None.

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:-

Mr Jason Evans (Agent for objectors) and Mr Geraint John (Agent for the applicant) addressed the Committee in accordance with the Operational procedure for Members of the Public addressing the Development Management Committee

A220711 Full application for residential development comprising 5 x 2-bedroom self-contained apartments, Land adjacent to the Marina, Aberystwyth

To **REFER** the application to Site Inspection Panel in accordance with Paragraph 4 of the Council's adopted criteria.

A230527 Development of 18 flexible use commercial units (Uses B1, B2 and B8 of the Use Classes Order, including trade counters) in the form of two buildings, Plot C2 Parc Teifi, Cardigan

To **APPROVE** subject to conditions.

Mrs Helen Rowlands & Ms Rhiannon Sanders (Objectors) and Mr Andrew Vaughan Harries (Agent) addressed the Committee in accordance with the Operational procedure for Members of the Public addressing the Development Management Committee

A230561 Proposed demolition of existing dwelling and proposed new build of dwelling. And all associated works; The Beach House, Cae Dolwen, Aberporth, Cardigan

To **REFER** the application to Site Inspection Panel in accordance with Paragraph 4 of the Council's adopted criteria.

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 received.

Confirmed at the meeting of the Committee held on the 14 February 2024

Chairman:- _____

Date: _____

This page is intentionally left blank

1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A220711	27-09-2022	Mr J Ellis-Jones	Full application for residential development comprising 5 x 2-bedroom self-contained apartments	Land adjacent to the Marina, Aberystwyth	Approve Subject to Conditions
2	A230561	02-08-2023	Mr P Hodgson	Proposed demolition of existing dwelling and proposed new build of dwelling. And all associated works.	The Beach House, Cae Dolwen, Aberporth, Cardigan. SA43 2DE	Approve Subject to Conditions

1.1. A220711



Rhif y Cais / Application Reference	A220711
Derbyniwyd / Received	27-09-2022
Y Bwriad / Proposal	Full application for residential development comprising 5 x 2-bedroom self-contained apartments
Lleoliad Safle / Site Location	Land adjacent to the Marina, Aberystwyth
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr J Ellis-Jones, Unit 8 Science Park (private), Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3AH
Asiant / Agent	Mr Oliver Cooper (Geraint John Planning Ltd), Office 16 (house 1, 2nd Floor) The Maltings East Tyndall Street, Cardiff, CF24 5EA

Y SAFLE A HANES PERTHNASOL

Parsel o dir llinellog yw safle'r cais, yn union rhwng Fflatiau'r Marina yn y Lanfa, Trefechan a Heol Pen yr Angor a datblygiad Maes y Môr. I'r de-orllewin y mae llety fflatiau Glanfa Dewi. Defnyddir y safle ar gyfer parcio yn bennaf, a nodwedd ohono yw'r bancyn serth o graig tua'r dwyrain. Blociau fflatiau dwysedd uchel yw'r datblygiadau preswyl cyfagos, o dri neu bedwar llawr yn bennaf. Mae parsel o dir ar wahân, wrth y man troi ger fflatiau'r Lanfa, hefyd yn rhan o safle'r cais.

Mae sawl caniatâd cynllunio yn perthyn i safle'r cais, fel a ganlyn:-
840624 Codi pont gerdded; gwesty; uned gwerthu offer hwylio; fflatiau; gweithdai a lle parcio (Amlinellol). 22/11/84
930475 Tafarn a bwyty; siopau, caffi a swyddfeydd; fflatiau; lleiniau adeiladu; lle parcio. (Amlinellol) 15/09/93
940385 65 o fflatiau ac 14 o dai (Materion a gadwyd yn ôl). 21/08/94
980994 16 o fflatiau (Llawn) 05/02/99

Cyflwynwyd cais cynllunio llawn ar gyfer datblygiad preswyl ar y safle i'r Awdurdod Cynllunio Lleol yn Chwefror 2021 (A210143). Gwrthodwyd y cais ym mis Medi 2021 ar ddwy sail, sef bod uchder y cynnig ddim yn cyd-fynd â chymeriad a strydlyn y cyffiniau ac felly'n gwrthdaro â pholisi DM06 o'r CDLI; a bod yr Awdurdod Cynllunio Lleol wedi methu ag asesu'r cais yn llawn mewn perthynas â'r trefniadau priffyrdd a pharcio, yr effaith bosib ar Ardal Cadwraeth Forol Gorllewin Cymru, ac o ran y pryderon am lifogydd.

MANYLION Y DATBLYGIAD

Gofynnir am ganiatâd cynllunio llawn ar gyfer datblygiad preswyl o 5 fflat mewn un bloc, addasu'r mynediad presennol i gerbydau, a chyfleusterau parcio ceir cysylltiedig; gwelliannau i'r briffordd; lle i barcio beiciau a lle cymunedol ar y cyd.

Mae'r prif adeilad yn cynnwys strwythur o saith llawr fydd yn cynnwys pum fflat o ddwy ystafell wely. Bydd y llawr gwaelod yn darparu mynediad i'r adeilad a bydd y brif ddarpariaeth breswyl ar loriau 1 - 5. Bydd y chweched llawr yn cynnwys grisiau a lifft ac yn darparu mynediad i do fflat yr adeilad. O'r llawr i'r top, mae'r adeilad oddeutu 19.7m o uchder.

Ar wahân i'r fflat llawr cyntaf, mae cynllun mewnol fflatiau 2 i 5 yn union yr un fath â'i gilydd. Mae pob fflat yn darparu dwy ystafell wely, cegin, stydi, lolfa a lle bwyta ynghyd â balconi tua'r de-orllewin.

Mae'r adeilad o ddyluniad cyfoes ac mae'n defnyddio llawer o wydr, cladin metel, brics a rendro. Bwriedir codi murlun ar brif wyneb y llawr gwaelod.

Darperir y prif fynediad ar lefel y ddaear ar hyd Ffordd y Lanfa gan ddefnyddio man troi presennol ynghyd â phum lle parcio newydd a gynigir. Bydd y lle parcio presennol (ar hyd y Lanfa) yn parhau o dan yr adeilad arfaethedig, gan fod y strwythur wedi'i gantilefru ar lefel y llawr cyntaf dros ben y llyfdd parcio.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

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

DM06 Dylunio a Chreu Lle o Safon Uchel
DM11 Dylunio ar gyfer y Newid yn yr Hinsawdd
DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol
DM15 Cadw Bioamrywiaeth Leol
DM17 Y Dirwedd yn Gyffredinol
DM18 Ardaloedd Tirwedd Arbennig
LU04 Diwallu Amrywiaeth o Anghenion Tai
LU05 Sicrhau y Cyflenwir Datblygiadau Tai
S01 Twf Cynaliadwy
S02 Datblygu mewn Canolfannau Gwasanaethau Trefol
S05 Tai Fforddiadwy
Cymru'r Dyfodol: Y Cynllun Genedlaethol 2040
Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol y swyddogaethau hyn ar droseddau ac anhrefn o fewn ei ardal, ac i wneud popeth y gall yn rhesymol i atal troseddau ac anhrefn. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd sylweddol neu annerbyniol mewn troseddau 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 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 sy'n perthyn i grwpiau gwarchoddedig pan fydd yr anghenion hyn yn wahanol i anghenion pobl eraill;
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghyfartal o isel.

Rhodddwyd sylw dyledus 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 LLESANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

YMATEBION I'R YMGYNGHORI

Cyfoeth Naturiol Cymru - Dim gwrthwynebiad, yn ddibynnol ar amodau.

Ceredigion HPW - Dim gwrthwynebiad, yn ddibynnol ar amodau.

Cyngor Tref Aberystwyth - Gwrthwynebu'r datblygiad yn gryf ar sail ei uchder a'i faint; ei fod yn fater o orddatblygu'r safle; bod y dyluniad ddim yn cyd-fynd ag adeiladau cyfagos; bod gwrthwynebiad cryf yn lleol; colli tir glas cymunedol; mater perchnogaeth tir; perygl llifogydd; adeilad anghynaliadwy; darpariaeth fforddiadwy ar gael mewn llefydd eraill.

Dŵr Cymru - Dim gwrthwynebiad, yn ddibynnol ar amodau.

Draenio Ceredigion - Sylwadau.

Cafwyd 54 o sylwadau gan drydydd partiön yn gwrthwynebu'r datblygiad ar y seiliau canlynol:-

- bydd y datblygiad yn difetha'r tirwedd, a digon o dai gwag yn y dref;
- colli llefydd parcio a phryder am ddiogelwch ar y ffordd;
- cais heb ei hysbysebu'n ddigonol;
- bydd yr adeilad yn rhy dal;
- bydd y datblygiad yn tanseilio'r clogwyn;

- dim angen am fflatiau moethus anfforddiadwy;
- gormod o ddatblygiadau tai yn digwydd yn gyfagos;
- bod y datblygiad arfaethedig ddim yn cyd-fynd â chymeriad yr ardal gyfagos;
- colli amwynder a materion preifatrwydd i'r adeiladau cyfagos;
- datblygu ar ben ei gilydd / gorddatblygu;
- carbwncl mawr o adeilad / dolur llygad / ddim yn gweddu â chymeriad yr ardal;
- amharu o achos y gwaith adeiladu;
- heb gyflwyno hysbysiad i'r perchnogion tir perthnasol;
- effaith wael ar dreftadaeth ac ecoleg;
- llefydd parcio ychwanegol yn mynd â'r gofod cymunedol ar gyfer y Lanfa;
- colli golygfeydd;
- pryder am lifogydd;
- colli golau;
- pryderon archeolegol;
- gormod o ddwyseidd tai yn Nhrefechan eisoes.

CASGLIAD

Dywed Adran 38 (6) o Ddeddf 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."

Mae'r polisi cynllunio cenedlaethol yn cydnabod rôl Aberystwyth fel ardal dwf ranbarthol ar gyfer rhanbarth Canolbarth Cymru.

Mae Polisi S01 y CDLI yn ymwneud â Thwf Cynaliadwy ac mae'n nodi bod angen datblygu tua 6,544 o anheddau erbyn diwedd cyfnod y cynllun yn 2022. Strategaeth y CDLI yw y bydd 51% o ddatblygiadau tai newydd ar draws y Sir dros gyfnod y cynllun yn digwydd yn y Canolfannau Gwasanaethau Trefol, 24% yn y Canolfannau Gwasanaethau Gwledig a 25% mewn aneddiadau a lleoliadau eraill (gan gynnwys aneddiadau cyswllt).

Saif safle'r cais o fewn ffin ddiffiniedig anheddiad Aberystwyth, sy'n cael ei adnabod fel Canolfan Gwasanaethau Trefol yn y Cynllun Datblygu Lleol (CDLI).

Mae Polisi S02 y CDLI yn ymwneud â 'Datblygu mewn Canolfannau Gwasanaethau Trefol' ac mae hyn yn mynnu bod pob datblygiad o fewn terfynau diffiniedig y Canolfannau Gwasanaethau Trefol. Yn Aberystwyth, mae gofyn i ddatblygiad gyfrannu at arwyddocâd cenedlaethol y dref fel canolfan strategol Canolbarth Cymru, a chefnogi amcanion a chynlluniau gweithredu presennol parthed ei Statws Adfywio Strategol.

Yn ôl y CDLI, cyfanswm y gofyniad tai sydd angen eu cyflawni yn ardal Aberystwyth yw 1877. Mae ffigurau monitro tai diweddaraf (Ebrill 2023) y CDLI yn dangos mai dim ond 647 o anheddau sydd wedi'u cwblhau yn y Ganolfan Gwasanaethau Trefol gyda chaniatâd ar y gweill ar gyfer 230 o anheddau pellach. Felly, gan gyfrif am dai a ddymchwelir ac a addasir (-71), mae lle i 1071 o anheddau yn rhagor yn Aberystwyth. O'r herwydd, ystyrir y byddai'r cynigion yn cydymffurfio â Pholisïau S01 a S02 y CDLI a bod yr egwyddor o ddatblygu yn cael ei dderbyn.

Mae polisi DM01 - sy'n rheoli effeithiau Datblygu ar Gymunedau a'r Gymraeg - yn ei gwneud yn ofynnol darparu Asesiad Effaith Cymunedol ac Ieithyddol mewn perthynas â datblygiadau tai mewn canolfannau gwasanaethau lle byddai tai yn cael eu cyflawni yn gyflymach nag y nodir yn natganiad y Grŵp Anheddiad.

Ni fyddai'r ddarpariaeth tai arfaethedig yn cael ei chyflawni yn gyflymach nag y nodir yn natganiad y Grŵp Anheddiad, ac felly bernir y gellir cyflawni'r datblygiad heb effeithio'n negyddol ar broffil Cymunedol ac Ieithyddol Aberystwyth.

Mae Polisi S05 y CDLI, sy'n ymdrin â Thai Fforddiadwy, yn ei gwneud yn ofynnol i bob datblygiad preswyl ddarparu tai fforddiadwy ar y safle neu gyfrannu tuag at ddarpariaeth tai fforddiadwy. Er bod cais cysylltiedig mewn rhan arall o'r dref yn ceisio darparu'r holl ofynion tai fforddiadwy yn lle'r cynllun hwn, tynnwyd y cais yna yn ôl ac felly, er mwyn cydymffurfio â'r polisi, roedd angen darparu tai fforddiadwy fel rhan o'r cynllun hwn. Mae'r cynnig yn awr yn cynnig un fflat fel uned fforddiadwy ac yn bodloni'r gofyniad tai fforddiadwy i'r graddau bod 20% o'r cynllun arfaethedig yn fforddiadwy gan fodloni polisi S05.

Mae Polisi DM06 yn ceisio diogelu amwynder preswylwyr y tai cyfagos rhag niwed sylweddol mewn perthynas â phreifatrwydd, sŵn a golygon. Bydd yr adeilad arfaethedig yn sefyll y tu cefn i fflatiau'r Marina ac i'r gogledd o fflatiau Dewi, ond mewn llinell â'r unedau hynny. Ar dir uwch ac i'r dwyrain y mae adeilad newydd Maes y Môr. Nid yw'r adeilad arfaethedig yn edrych dros unrhyw adeilad cyfagos yn uniongyrchol ac mae'r ffenestri ar dalcen Fflatiau Dewi yn rhai eilaidd. Mae'r manau cyffredin ar ochr Fflatiau Dewi ac adeilad y Lanfa eisoes yn barth cyhoeddus. O'r herwydd, bernir na fyddai effaith ar amwynder yr adeiladau presennol sydd yn y cyffiniau.

DM06 yw polisi'r CDLI o ran 'creu lle' ac mae'n nodi y dylai Datblygiad ystyried yn llawn, a chyfrannu'n gadarnhaol, at gyd-destun ei leoliad a'i amgylchedd. Dylai'r datblygiad ddangos dealltwriaeth glir o egwyddorion dylunio a'r cyd-destun ffisegol, cymdeithasol, economaidd ac amgylcheddol yn lleol. Dylai hyrwyddo dylunio arloesol gan ystyried y cymeriad a'r dreftadaeth ddiwylliannol leol o ran ffurf, dyluniad a deunydd. Dylai cynigion datblygu hefyd ategu'r safle a'i amgylchedd o safbwynt y cyd-destun, a pharchu'r golygfeydd i mewn i'r safle ac allan ohono, a chreu ffurf sy'n cydweddu â graddfa, uchder a maintoli'r ffurf adeiledig sydd yno'n barod.

Mae canllaw cynllunio atodol mabwysiedig y cyngor, Dylunio a'r Amgylchedd Adeiledig, yn rhoi DM06 mewn grym ac yn rhoi arweiniad ar y materion y mae angen eu hystyried wrth ddatblygu amrywiol adeiladau. Mae Adran 2 o'r canllaw cynllunio atodol yn ystyried sut y dylai ceisiadau ymateb i gymeriad Ceredigion. Mae Ceredigion yn ffodus o gael hanes cyfoethog, sy'n aml yn cael ei adlewyrchu mewn nifer o'i adeiladau a'i leoedd. Er mwyn gwella ansawdd amgylchedd adeiledig Ceredigion, mae'n hanfodol bod datblygiad newydd yn seiliedig ar asesiad trylwyr o'r cymeriad lleol.

Mae'r Canllaw Cynllunio Atodol yn rhoi arweiniad ar yr elfennau perthnasol i'w hystyried wrth ddylunio cynnig sy'n ymateb i gymeriad lleol Ceredigion. Mae angen ystyried y cydweddu gyda dwy o'r pedair prif elfen.

Bernir bod maint a dyluniad y datblygiad arfaethedig yn cyd-fynd â ffurf adeiledig yr ardal. Yn groes i'r cais blaenorol, mae'r cynllun hwn wedi gweld yr adeilad yn gostwng uchder gan 9.2m ac mae'n llawer mwy cydnaws â'r strydlun. Yn ogystal, nid yw'r deunyddiau a ddefnyddir yn niweidiol i gymeriad yr ardal.

Mae polisi DM03 yn cynghori y dylai datblygiad gael ei leoli mewn man sy'n lleihau'r angen i deithio'n ormodol. Hefyd mae polisi DM03 yn nodi y dylid darparu lle parcio fel rhan o'r cynigion datblygu, yn unol â chanllaw cynllunio atodol Safonau Parcio Ceredigion.

Byddai mynediad i gerbydau i'r datblygiad arfaethedig ar hyd y ffordd fynediad sy'n gwasanaethu adeiladau'r Lanfa. Darperir cyfanswm o 5 lle parcio newydd i wasanaethu'r datblygiad, sy'n cael ei ystyried yn unol â'r safonau parcio mabwysiedig fel y nodir yn y canllaw atodol, sef darparu rhwng 0.5 ac 1 lle parcio car i bob fflat. Derbyniwyd cadarnhad bod gan y datblygwyr fynediad i'r manau parcio arfaethedig ac nad yw'n effeithio ar y gofod amwynder a ddynodwyd ar gyfer adeiladau'r Lanfa.

Ymgynghorwyd â'r Awdurdod Priffyrdd Lleol ar y cais ac nid yw'n cynnig gwrthwynebiad i'r datblygiad arfaethedig, yn amodol.

Mae polisiâu DM14 a DM15 o'r Cynllun Datblygu Lleol yn ceisio cynnal a gwella bioamrywiaeth a diogelu safleoedd pwysig gwarchoddedig. Yn achos safleoedd, cynefinoedd neu rywogaethau a warchodir, naill ai'n uniongyrchol, yn anuniongyrchol neu ar y cyd, rhoddir caniatâd dim ond os gellir dangos bod y cynnig yn cyfrannu at amddiffyn, gwella neu reoli'r safle, cynefin neu rywogaethau, neu yn ôl amgylchiadau penodol eraill a nodir yn y polisi. Mae canllaw cynllunio atodol y Cyngor ar fioamrywiaeth yn darparu canllawiau ar asesu effaith datblygiad ar safleoedd dynodedig neu rywogaethau a warchodir.

Cynhaliwyd Arfarniad Ecologol Rhagarweiniol gan gynnwys arolwg estynedig o'r cynefin a oedd yn nodi bod y safle o werth ecologol isel ac yn cynnal ond ychydig o rywogaethau blodeuol. Er hynny, roedd yr Arfarniad yn argymhell mesurau lliniaru ac awgrymir bod y rhain yn amod fel rhan o unrhyw ganiatâd cynllunio.

Mae'r safle hefyd yn agos i Ardal Cadwraeth Forol Gorllewin Cymru. Er mwyn lliniaru unrhyw effaith bosib ar nodweddion dynodedig yr Ardal Gadwraeth, cyflwynwyd Cynllun Rheoli Amgylcheddol ar gyfer maes Adeiladu ac roedd Cyfoeth Naturiol Cymru o'r farn ei fod yn dderbyniol. Fodd bynnag, awgrymir y dylid gosod amod sy'n mynnu bod y datblygiad yn cael ei gyflawni yn unol yn llwyr â'r Cynllun Rheoli Amgylcheddol, os rhoddir caniatâd cynllunio.

Ystyrir bod safle'r cais ym mharth llifogydd A, fel y dangosir ar Fap Cyngor Datblygu Cyfoeth Naturiol Cymru, ond mae o fewn 4 metr o Barth C2 sydd o fewn amlinelliad perygl llifogydd eithafol, nad yw'n cael ei ddiogelu gan amddiffynfeydd llifogydd ac nad yw'n darparu ar gyfer newid hinsawdd a'r llanw yn y dyfodol.

Cyflwynwyd Asesiad Canlyniadau Llifogydd a chydnabu Cyfoeth Naturiol Cymru fod yr ardaloedd y gellir byw ynddynt yn cydymffurfio â TAN15 ond bod anhawster posib o ran mynd a dod o'r maes parcio ceir. O ystyried bod yr ardal parcio gan mwyaf yn estyniad i'r maes parcio presennol a bod y mynediad drwy'r un llwybr ag ar hyn o bryd, ystyrir na fyddai gwerth gwrthwynebu'r cynnig ar y sail honno.

Mae adran gwasanaethau technegol y cyngor ei hun wedi cynghori bod angen cymeradwyaeth SUDs ac wedi rhoi gwybodaeth am sut i leihau'r risg o lifogydd dŵr wyneb. Felly, ystyrir y gellid rheoli'r gwaith o waredu dŵr wyneb drwy broses gymeradwyo System Ddraenio Gynaliadwy, ac felly ni ystyrir bod y datblygiad arfaethedig yn cynyddu'r risg o lifogydd.

I gloi, ystyrir bod y cynnig yn dderbyniol ac y gellir ei gefnogi. Nid oes gwrthwynebiadau perthnasol i'r cynllun cyffredinol ac argymhellir bod y cais yn cael ei gymeradwyo, yn ddibynnol ar amodau a chyhyd â bod cytundeb Adran 106 yn cael ei gwblhau parthed darparu tai fforddiadwy.

RHESWM AM EI GYFEIRIO I'R PWYLLGOR RHEOLI DATBLYGU:-

Gofynnodd aelod lleol y ward, y Cynghorydd E Edwards, am i'r cais gael ei gyfeirio i'r Pwyllgor Rheoli Datblygu i'w ystyried am y rhesymau canlynol:

- Ei uchder a'i faint (ei uchder mewn perthynas â'r blociau sydd eisoes ar Y Lanfa yn ogystal â'r heol ym Mhen-yr-Angor);
- Hanes y safle o ran cynllunio – cafodd cais rhif A210143, am ddatblygiad tebyg yn yr ardal, ei wrthod gan y Cyngor;
- Ei fod yn gorddatblygu'r safle;
- Bod y dyluniad ddim yn gydnaws â'r adeiladau cyfagos;
- Gwrthwynebiad lleol cryf;
- Colli tir glas cymunedol (mae tir o'r fath yn brin yn Aberystwyth ac yn yr ardal benodol hon);
- Perygl llifogydd ar y safle.

RHESWM DROS OHIRIO:

Penderfynodd aelodau'r Pwyllgor Rheoli Datblygu, yn ei gyfarfod ar 17 Ionawr, 2024 gyfeirio'r cais i'r Panel Ymweld (SIP) yn unol â pharagraff 4 o feini prawf mabwysiedig y Cyngor.

Cyfarfu'r Panel Ymweld ar ddydd Gwener, 2 Chwefror, 2024 ac roedd y Panel yn cynnwys y Cynghorwyr Rhodri Davies (Cadeirydd), Gethin Davies, Ifan Davies, Meirion Davies a Sian Maehrlein. Roedd y Cyng. Endaf Edwards hefyd yn bresennol fel yr aelod ward lleol, ynghyd â Mrs. Catrin Newbold a Mr. Jonathan Eirug o'r Awdurdod Cynllunio Lleol (ACLI).

Cyflwynodd Mr. Eirug y cais ac amlinellodd y rhesymau pam yr oedd swyddogion yr ACLI yn argymhell caniatáu'r cais.

Bu'r aelodau'n archwilio safle'r cais a'r ardal o'i gwmpas, ac wedi hynny gwnaed y prif sylwadau a ganlyn gan y Panel:

- Nododd y Panel safle'r tirlithriad a oedd ar dir i'r de o safle'r cais;
- Nododd y Panel safle ardal amwynder preifat Fflatiau Dewi Sant ynghyd â'r ffenestri ar ochr yr adeilad hwnnw a oedd yn ffenestri eilaidd;
- Nododd y Panel hefyd y man parcio arfaethedig ar gyfer y 5 lle parcio newydd i'r gogledd o'r man troi gan nodi bod y tir dan reolaeth yr ymgeisydd ac nad oedd wedi'i ddynodi'n ffurfiol fel man amwynder ar gyfer adeilad y Lanfa;
- Nododd y Panel hefyd gymeriad yr ardal a dyluniad arfaethedig yr adeilad a oedd yn cydymffurfio â'r strydlun uniongyrchol.

ARGYMHELLIAD:

GOHIRIO'R cais hyd nes y cwblheir cytundeb Adran 106 ynghylch darparu tai fforddiadwy, a chymeradwyo'r cais yn ddibynnol ar amodau, unwaith y bydd cytundeb Adran 106 wedi'i wneud.

Rhif y Cais / Application Reference	A220711
Derbyniwyd / Received	27-09-2022
Y Bwriad / Proposal	Full application for residential development comprising 5 x 2-bedroom self-contained apartments
Lleoliad Safle / Site Location	Land adjacent to the Marina, Aberystwyth
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr J Ellis-Jones, Unit 8 Science Park (private), Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3AH
Asiant / Agent	Mr Oliver Cooper (Geraint John Planning Ltd), Office 16 (house 1, 2nd Floor) The Maltings East Tyndall Street, Cardiff, CF24 5EA

THE SITE AND RELEVANT PLANNING HISTORY

The application site is a linear parcel of land directly between the Marina Flats at the Lanfa, Trefechan and the Pen yr Angor Road and the Maes y Môr development. To the south-west is the flat accommodation of St David's Wharf Flats. The site is primarily used for parking and is characterised by a steep rock bank to the east. Residential development in the immediate area consist of high density apartment block predominantly of 3/4 storeys. A detached parcel of land directly adjoining the turning head by the Lanfa flats is also part of the application site.

There is a number of planning permissions relevant to the application site as follows:-

840624 Erection of footbridge; hotel; chandlery retail unit; apartments; workshops and parking (Outline). 22/11/84
 930475 Public house and restaurant; shops, cafe and offices; apartments; building plots; parking. (Outline) 15/09/93
 940385 65 Flats and 14 houses (Reserved Matters). 21/08/94
 980994 16 flats (Full) 05/02/99

A full planning application for the residential development of this site was submitted to the LPA in February 2021 (A210143). The application was refused in September 2021 on two grounds, namely that the height of the proposal was out of character with its surroundings and the streetscene and in conflict with policy DM06 of the LDP; and that the LPA had been unable to fully assess the application in relation to highway and parking arrangements; the potential impact on the West Wales Marine SAC and in respect of flooding concerns.

DETAILS OF DEVELOPMENT

Full planning permission is sought for the residential development of 5 flats in one block, the rationalisation of an existing vehicular access and associated car parking facilities; highway improvements; cycle parking provision and shared communal space.

The main building comprises of a seven storey structure which seeks to house five 2 bedroomed apartments. The ground floor will provide access to the building with the main residential provision being catered for on floors 1 - 5 with the sixth floor being the stairwell / lift area providing access to the flat roof area of the building. From ground to top, the building is approx 19.7m tall.

Apart from the first floor flat the internal layout of flats 2 - 5 are identical although all flats provide two bedrooms, kitchen, lounge and dining study together with a balcony area on the south-west elevation.

The building is of contemporary design and utilises a high area of glass, metal cladding, brickwork and render. A mural is proposed to be erected on the ground floor's main elevation.

Primary access is achieved at ground level along Y Lanfa Road which utilises an existing turning head along with 5 newly proposed parking spaces. The existing parking under the proposed building (along y Lanfa) will remain, as the structure is cantilevered over the spaces at first floor level.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

DM06 High Quality Design and Placemaking
DM11 Designing for Climate Change
DM13 Sustainable Drainage Systems
DM14 Nature Conservation and Ecological Connectivity
DM15 Local Biodiversity Conservation
DM17 General Landscape
DM18 Special Landscape Areas (SLAs)
LU04 Meeting a Range of Housing Needs
LU05 Securing the Delivery of Housing Development
S01 Sustainable Growth
S02 Development in Urban Service Centres (USCs)
S05 Affordable Housing
Future Wales: The National Plan 2040
Planning Policy Wales (edition 11, February 2021)

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

NRW - No objection STC

Ceredigion HPW - No objection STC

Cyngor Tref Aberystwyth Town Council - Strongly objects the development on grounds of its height and size; it represents over development of the site; the design is not in keeping with other neighbouring buildings; strong local objection; loss of green community land; the issue of land ownership; flood risk; unsustainable building; affordable provision located elsewhere.

DC/WW - No objection STC

Ceredigion Drainage - Comments

54 third party representations received objecting the proposal on the following grounds:-

- development will destroy landscape when there are plenty of empty dwellings in the town;
- loss of parking spaces and concern over highway safety;

- application not publicised adequately;
- building will be too tall;
- development will undermine cliff;
- no need for luxury unaffordable flats;
- too much housing development going on in immediate area;
- proposed development out of keeping and character with immediate area;
- loss of amenity and privacy issues to adjoining buildings;
- cramped development / over-development;
- giant carbuncle / eyesore / out of character with immediate area;
- construction disruption;
- no notice served on relevant landowners;
- detrimental impact on heritage and ecology;
- additional parking spaces will take up over communal space for Y Lanfa;
- loss of views;
- detrimental on impact;
- concern over flooding;
- loss of light;
- archaeological concerns;
- housing density in Trefechan already too high.

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".

National planning policy recognises the role of Aberystwyth as a regional growth area for the Mid Wales region.

Policy S01 of the LDP relates to Sustainable Growth and this identifies that approximately 6,544 dwellings are required to be developed by the end of the plan period in 2022 The Strategy of the LDP is that over the plan period 51% of new housing development across the County will occur in the Urban Service Centres, 24% in the Rural Service Centres and 25% in other settlements and locations (including linked settlements).

The application site lies within the defined settlement boundary of Aberystwyth, which is identified as an Urban Service Centre (USC) within the Local Development Plan (LDP).

Policy S02 of the LDP relates to 'Development in Urban Service Centres' and this requires that all development is within the defined limits of the Urban Service Centres. In Aberystwyth, development is also required to contribute to its national significance and its role as the strategic centre for Mid Wales and Supports current objectives and action plans relating to its Strategic Regeneration Status.

The total requirement for housing delivery within the Aberystwyth as set out in the LDP is 1877. The latest LDP housing monitoring figures (April 2023) shows that only 647 dwellings have been completed in the Urban Service Centre with extant permission for a further 230 dwellings. Therefore, accounting for demolitions and conversions (-71) there is capacity for a further 1071 dwellings in Aberystwyth. As such, it is considered that the proposals would comply with Policies S01 and S02 of the LDP and the principle of development is accepted.

Policy DM01 managing the impacts of Development on Communities and the Welsh Language Requires a Community and Linguistic Impact Assessment (CLIA) to be provided in respect of housing developments within service centres where delivery would come forward at a rate faster than that referenced in the Settlement Group Statement.

The proposed housing delivery would not come forward at a rate faster than that referenced in the Settlement Group Statement, and as such it is considered that the development can be delivered without negatively impacting the Community and Linguistic profile of Aberystwyth.

Policy S05 of the LDP which deals with Affordable Housing requires all residential development to provide onsite affordable housing or a contribution towards affordable housing provision. Although an associated application in another part of the town was looking to provide all of the affordable housing requirement in lieu of this scheme, that application was withdrawn and as such, in order to comply with policy, an affordable housing provision was required as part of this scheme. The proposal now looks to accommodate one of the flats as an affordable unit which would meet the relevant affordable housing requirement to the tune of 20% of the proposed scheme and therefore satisfies policy S05.

Policy DM06 seeks to protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook. The proposed building is to be located to the rear of the Marina flats and to the north of the St Davids flats

albeit in line with those units. On higher ground and to the east is the newly constructed building of Maes y Môr. The proposed building does not directly overlook any neighbouring building and fenestration on the gable end of St Davids Flats are secondary windows. The communal areas to the side of St Davids Flats and the Lanfa building are already in the public domain. As such it is considered that there would not be any impact on the amenities of existing buildings in the vicinity.

DM06 is the place making policy of the LDP and states that Development should have full regard, and positively contribute to the context of its location and surroundings. Development should reflect a clear understanding of design principles, the local physical, social, economic and environmental context and should promote innovative design whilst having regard to local distinctiveness and cultural heritage in terms of form, design and material. Development proposals should also complement the site and its surroundings in terms of layout, respecting views into and out of the site, producing a cohesive form in relation to the scale, height and proportion of existing built form.

The councils adopted Design and Built Environment SPG gives effect to DM06 and provides guidance on the issues that need to be considered when developing various buildings. Section 2 of the SPG considers how proposals should respond to Ceredigion's Character. Ceredigion is fortunate to have a rich history, which is often reflected in many of its buildings and spaces. In order to improve the quality of Ceredigion's built environment it is essential that new development is based on a thorough assessment of local character.

The SPG provides guidance on the elements of relevance to consider when designing a proposal which responds to Ceredigion's local Character with people and connectivity with the existing two of the four main elements to consider.

The scale and design of the proposed development is considered to be compliant with the built form in the area. Contrary to the previous application, this scheme has seen the building reduced in height by 9.2m and is much more in keeping with the streetscene. Additionally, the use of materials are not detrimental to the character of the immediate area.

Policy DM03 advises that development will be located so as to minimise the need to travel. Policy DM03 also sets out that parking provision should be provided as part of development proposals in accordance with the Ceredigion Parking Standards SPG.

Vehicular access to the proposed development would be via the access road serving the Lanfa buildings and a total of 5 new car parking spaces will be provided to serve the development which is considered to accord with the adopted parking standards as set out in the SPG of providing between 0.5 and 1 car parking space per apartment. Confirmation has been received that the developer has access to the proposed parking areas and does not impact designated amenity space reserved for the Lanfa buildings.

The Local Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions.

Policies DM14 and DM15 of the Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

A Preliminary Ecological Appraisal including extended habitat survey was carried out which identified that the site was of low ecological value that support few floral species. Notwithstanding, the PEA did recommend mitigation measures and it is suggested that these are conditioned as part of any planning permission.

The site is also in close proximity to the West Wales Marine Special Area of Conservation. In order to mitigate against any potential impact on the designated features of the SAC a Construction Environmental Management Plan was submitted and deemed acceptable by NRW. However it is suggested that a condition be imposed requiring the development to be undertaken in strict accordance with the CEMP should permission be granted.

The application site is considered to be in flood zone A as shown on NRW's Development Advice Map but is within 4 metres from Zone C2 which is within the extreme flood risk outline, is not protected by flood defences, and does not account for future tidal climate change.

A Flood Consequence Assessment was submitted and NRW acknowledged that the habitable areas was compliant with TAN15 but that there was potentially an issue with the access and egress from the car parking area. Given that the parking area is primarily an extension to the existing parking area and accessed and egressed via the same existing route it is considered that there would be no merit in objecting the proposal on those specific grounds.

The councils own technical services department have advised SUDs approval is required and provide details of how to minimize the risk of surface water flooding. It is therefore considered that surface water disposal could be appropriately

managed by way of the SUDs approval process, as such the proposed development is not considered to increase the risk of flooding.

In conclusion it is considered that the proposal is acceptable and can be supported. There are no material objections to the overall scheme and it is recommended that the application be approved subject to conditions and subject to the completion of a S106 agreement regarding the provision of affordable housing.

REASON FOR REFERRAL TO THE DEVELOPMENT MANAGEMENT COMMITTEE:

The application is referred to the Development Management Committee for consideration at the request of the local Ward Member, Cllr E Edwards for the following reasons:-

- Its height and size (both its height relative to the blocks which are already there at Y Lanfa and to the road at Penyrangor);
- The planning history of the site – application number A210143 for a similar development in the area was refused by the Council;
- It represents overdevelopment of the site;
- The design is not in keeping with neighbouring buildings;
- Strong local objection;
- Loss of green community land (such land is rare within Aberystwyth and within the particular area);
- The risk of flooding at the site.

REASON FOR DEFERRAL:

Members of the Development Management Committee, at its meeting on the 17th January, 2024 resolved to refer the application to the Site Inspection Panel (SIP) in accordance with paragraphs 4 of the Council's adopted criteria.

The SIP met on Friday, 2nd February, 2024 and the panel comprised of Cllr's Rhodri Davies (Chair), Gethin Davies, Ifan Davies, Meirion Davies and Sian Maehrlein. Cllr. Endaf Edwards was also in attendance as the local ward member, along with Mrs. Catrin Newbold and Mr. Jonathan Eirug from the Local Planning Authority (LPA).

Mr. Eirug introduced the application and outlined the reasons why officers of the LPA were recommending the approval of the application.

Members inspected the application site and the surrounding area, after which the following main observations were made by Panel:

- The Panel noted the site of the landslip which was on land to the south of application site;
- The Panel noted the site of the private amenity area of St Davids Flats together with the fenestration on the side of that building which were secondary windows;
- The Panel also noted the proposed parking area for the 5 new parking spaces to the north of the turning head and noted that the land was in the control of the applicant and not formally designated as amenity space for the Lanfa building;
- The Panel also noted the character of the area and proposed design of the building which was in compliance with the immediate street scene.

RECOMMENDATION:

To DEFER the application for completion of a S106 agreement regarding the provision of affordable housing and to approve the application subject to conditions once the S106 agreement is complete.

1.2. A230561



Rhif y Cais / Application Reference	A230561
Derbyniwyd / Received	02-08-2023
Y Bwriad / Proposal	Proposed demolition of existing dwelling and proposed new build of dwelling. And all associated works.
Lleoliad Safle / Site Location	The Beach House, Cae Dolwen, Aberporth, Cardigan. SA43 2DE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr P Hodgson, Gilwendeg Cae Dolwen, Aberporth, Ceredigion, SA43 2DE
Asiant / Agent	Mr Stewart Corbett (Archi-Tech), Unit 3 Canolfan Teifi Pendre, Cardigan, Ceredigion, SA43 1JL

Y SAFLE A HANES PERTHNASOL

Mae'r cais yn ymwneud â byngalo sengl sy'n cael ei adnabod fel The Beach House, sydd wedi'i leoli yng nghornel gogledd-ddwyreiniol ystâd Cae Dolwen o fewn terfynau anheddiad Aberporth. Mae gan y brif annedd do sydd ar oledf a gardd gefn sy'n ffinio â Heol Pentraeth i'r gogledd ac mae'n edrych allan dros Draeth Dolwen.

Hanes cynllunio perthnasol

A211058 – Y bwriad i ddymchwel y tŷ presennol a'r bwriad i adeiladu annedd newydd gan gynnwys wal gynnal gaergawell hyd at y man parcio ceir a'r holl waith cysylltiedig. Gwrthodwyd – 28/10/2022.

MANYLION Y DATBLYGIAD

Mae'r cais arfaethedig yn gofyn am ganiatâd cynllunio llawn i ddymchwel y byngalochalet pedair ystafell wely gan godi annedd dau lawr yn ei le a fydd yn cynnwys tair ystafell wely.

Mae mesuriadau'r annedd bresennol fel a ganlyn: 15 metr o led, 7.4 metr o hyd a 5.6 metr o uchder i fyny at y grib.

Mae mesuriadau'r annedd arfaethedig newydd fel a ganlyn: 15.17 metr o led ar hyd y gweddun blaen, 15.38 metr o led ar hyd y gweddun cefn, 12.46 metr o hyd gan leihau i 7.9 metr ar hyd y gweddun ochr, 5.42 metr hyd at y bondo a 7.47 metr i fyny at y grib (cynnydd o 1.87 metr). Mae'r deunyddiau a gynigir ar gyfer y gorffeniad ar y tu allan yn cynnwys – teils crib i gyd-fynd â'r llechi ar y to presennol sydd wedi'u gosod â llaw, ffasgia a bondoeau alwminiwm, ffenestri a drysau wedi'u gwneud o alwminiwm llwyd, waliau plinth cerrig wedi'u rendro'n llyfn.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

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

- S01 Twf Cynaliadwy
- S03 Datblygu mewn Canolfannau Gwasanaethau Gwledig
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM12 Seilwaith Cyfleustodau
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM18 Ardaloedd Tirwedd Arbennig
- LU08 Anheddau Newydd yn Lle'r Rhai Presennol
- Canllawiau Cynllunio Atodol 6: Amgylchedd Adeiledig a Dylunio (2015)
- FW21: Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

- PPW21: Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn rhoi dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw dyledus i effaith debygol y swyddogaethau hyn ar droseddau ac anhrefn o fewn ei ardal, ac i wneud popeth y gall yn rhesymol i atal troseddau ac anhrefn. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai cynnydd sylweddol neu annerbyniol mewn troseddau 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 priodol i hyrwyddo cydraddoldeb yn golygu:

- dileu neu leihau anfanteision a wynebir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl sy'n perthyn i grwpiau gwarchoddedig pan fydd yr anghenion hyn 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 anghyfartal o isel.

Rhoddwyd sylw dyledus 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 LLESIAENT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

YMATEBION YMGYNGHORI

Cyngor Cymuned Aberporth - Gwrthwynebiad

Priffyrdd – Dim gwrthwynebiad, yn ddibynol ar amodau

Gwasanaethau Draenio Tir – Dim gwrthwynebiad, yn ddibynol ar amodau. Angen cymeradwyaeth ar gyfer System Ddraenio Cynaliadwy.

Ecoleg – Dim gwrthwynebiad, yn ddibynol ar amodau. Asesiad Rheoliadau Cynefinoedd wedi'i gynnal.

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Dŵr Cymru– gwnaeth Dŵr Cymru argymhell amod ynglŷn â dŵr wyneb

Cafwyd 14 o lythyron yn gwrthwynebu. Roedd y rhain yn codi pryderon ynghylch y canlynol:

- Uchder yr annedd arfaethedig (byddai'n anghydnaws o ran graddfa / byddai'n tra-arglwyddiaethu dros yr ardal, byddai'n uwch na'r eiddo cyfagos)
- Nid yw'n gydnaws â'r gymdogaeth.
- Mae'n fwy na'r ôl troed presennol.
- Mae'n effeithio'n andwyol ar yr amwynder preswyl
- Bod lefelau'r tir wedi'u codi.
- Cynlluniau camarweiniol
- Bydd y gwaith dymchwel arfaethedig a'r traffig sy'n gysylltiedig â'r gwaith adeiladu y amharu ar yr ardal.
- Effaith ar y strydlyn

CASGLIAD

Mae Adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn nodi'r canlynol: "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

Mae'r cynnig wedi'i gyflwyno'n llawn a'r bwriad yw dymchwel yr annedd presennol sy'n cynnwys pedwar ystafell wely a chodi annedd newydd yn ei le a fydd yn cynnwys tair ystafell wely.

Mae polisi S01 y Cynllun Datblygu Lleol yn nodi'r ardaloedd ar gyfer twf yng Ngheredigion. Mae safle'r cais wedi'i leoli o fewn ffin anheddiad Aberporth/Parclyn sydd wedi'i nodi fel Canolfan Gwasanaethau Gwledig yn y Cynllun Datblygu Lleol.

Felly, mae Polisi S03 y Cynllun Datblygu Lleol yn berthnasol. Mae'r polisi hwn yn nodi y bydd ffocysu datblygu yn y Canolfannau Gwasanaethau Gwledig, yn fodd i wella cynaliadwyedd yr ardaloedd gwledig ac felly caniateir datblygu, cyn belled ag y bodlonir meini prawf penodol.

Gan fod y cais arfaethedig yn ymwneud ag adeiladu annedd newydd o fewn Canolfan Gwasanaethau Gwledig yn lle annedd sydd yno'n barod, ystyrir bod yr egwyddor datblygu yn dderbyniol yn unol â Pholisi S01 a S03 y Cynllun Datblygu Lleol.

LU08 – Anheddau Newydd yn Lle'r Rhai Presennol

Mae codi anheddau newydd yn lle'r rhai presennol yn dod o dan Bolisi LU08 y Cynllun Datblygu Lleol sy'n nodi:

1. Ni ddylai'r annedd bresennol fod yn furddun ac mae modd ei hadnabod o hyd fel annedd barhaol o dan Ddosbarth C3 Gorchymyn Dosbarthiadau Defnydd 1987 (fel y'i diwygiwyd);

2. O godi annedd newydd yn lle hen un

i) dylid ei lleoli o fewn neu gerllaw ôl troed yr annedd wreiddiol a dylai adlewyrchu ffurf, swmp, maint a graddfa'r annedd wreiddiol onid oes manteision clir o newid cyfeiriadedd, safle a maint yr un wreiddiol.

ii) dylai barchu neu wella ar ddyluniad yr annedd wreiddiol, eiddo cyfagos a'r gymdogaeth

3. Bydd y datblygiad arfaethedig yn amodol ar ddymchwel yr annedd wreiddiol ar yr adeg briodol

O ran Maen Prawf 1, mae'r Awdurdod Cynllunio Lleol yn fodlon bod rhywun yn byw yn yr annedd ar hyn o bryd ac felly nad ydyw'n furddun.

O ran Maen Prawf 2:

• Lleoliad --

- Cynigir y bydd yr annedd newydd yn cael ei leoli dros ôl-troed yr annedd bresennol. Serch hynny, gan fod yr annedd arfaethedig yn fwy o faint a bod ei siâp yn wahanol, derbynnir bod rhan o ôl-troed yr annedd newydd y tu allan i ôl troed yr annedd wreiddiol.

• Ffurf, swmp, maint, a graddfa --

- Cydnabyddir bod yr annedd arfaethedig yn ehangach, yn hirach ac yn uwch na'r eiddo presennol ac felly mae'r ardal fewnol gros yn fwy ac felly mae'r ôl-troed yn fwy. Serch hynny, mae'r gofod ychwanegol ar gyfer y llawr wedi'i sicrhau gan ystyried yr annedd bresennol a'r lleoliad. Dim ond cynnydd bach sydd wedi bod o ran y lled ac nid oes cynnydd mawr wedi bod i'r hyd a'r uchder. Y bwriad yw gwneud y defnydd gorau o'r llain.
- Mae'r annedd arfaethedig yn gyfforddus o fewn ffin bresennol yr eiddo. Er bod dau lawr i'r annedd arfaethedig o gymharu â'r byngalo *chalet*, ystyrir bod hyn wedi'i wneud mewn modd sensitif drwy godi'r grib 1.87 metr a gwneud y defnydd gorau o'r gofod yn y to a'r talcenni sydd wedi'u hymgorffori. Bydd hyn yn sicrhau nad yw'r hyn a gynigir yn uwch na'r eiddo cyfagos sy'n cael ei adnabod fel Camara.

• Parchu neu wella'r annedd wreiddiol --

- Er mai byngalos oedd nifer o'r tai ar yr ystâd yn wreiddiol, ers hynny maent wedi cael eu haddasu ac maent bellach yn darparu lle i fyw ar y llawr cyntaf. Ystyrir erbyn hyn nad oes yna arddull / math penodol o eiddo ac y ceir cymysgedd eang wrth ystyried cymeriad yr ystâd.
- Ystyrir bod ffurf yr annedd arfaethedig o ran y dyluniad a'r deunydd a ddefnyddir yn well na'r annedd bresennol.
- Nid oes dim byd penodol i'w nodi am ddyluniad yr annedd bresennol ac nid oes gwerth pensaernïol iddo. Bernir bod dyluniad arloesol i'r annedd arfaethedig a bod y datblygiad yn un o ansawdd uchel yn unol â Maen Prawf 2(ii).

Er mwyn caniatáu i'r annedd arfaethedig gael ei hadeiladu, bydd angen i'r annedd bresennol gael ei dymchwel. Felly, bydd maen prawf 3 wedi'i fodloni.

O ystyried yr uchod, ystyrir bod y datblygiad arfaethedig yn cydymffurfio â Pholisi LU08 y Cynllun Datblygu Lleol.

Dyluniad ac Effaith Weledol

Mae polisi DM06 yn gofyn bod datblygiad yn rhoi sylw llawn, ac yn cyfrannu'n bositif at gyd-destun ei leoliad a'i amgylchedd. Mae'n hyrwyddo dylunio arloesol sy'n rhoi sylw ar yr un pryd i hynodrwydd lleol yn nhermau ffurf, dyluniad a deunyddiau, ac mae'n gofyn am gynhyrchu ffurf gydynol o ran graddfa, uchder a maintiol'r ffurf adeiledig sydd yno'n barod.

Yn ogystal, mae Polisi DM17 yn nodi na ddylai datblygiad gael effaith andwyol sylweddol ar ansawdd a chymeriad tirwedd, boed trwy ymyrraeth weledol, lleoliad anystyriol, defnyddiau anghydnaws, methiant i gysoni neu wella tiffurf, neu golli nodweddion a phatrymau traddodiadol pwysig.

Er bod yr annedd arfaethedig yn uwch na'r annedd bresennol, caiff hyn ei wneud mewn modd sensitif er mwyn caniatáu ail lawr drwy ymgorffori'r ddau dalcen a'r to gwastad i sicrhau nad yw'r to ar oleddf ar y tu blaen yn rhy uchel o gymharu â gweddill adeiladau'r ystâd. Mae hyn hefyd wedi sicrhau nad yw'r eiddo yn uwch na Camara gerllaw. Hefyd, mae lefelau'r safle drwy'r ystâd yn parhau i godi oherwydd natur y tir. Wrth reswm, mae'r adeiladau wedi'u lleoli ar wahanol lefelau tir ac maent yn uwch na'r safle sydd wedi'i nodi yn y cais. Felly, ystyrir na fydd yr uchder arfaethedig yn golygu y bydd yr annedd yn anghydnaws â'r adeiladau eraill ac na fydd ychwaith yn tra-arglwyddiaethu dros yr ardal.

Ar ben hynny, ystyrir bod graddfa'r annedd arfaethedig newydd yn dderbyniol a bod y datblygiad yn parchu cyd-destun yr ardal, ond ei fod hefyd yn dod â phensaernïaeth fodern i'r ystâd. Mae Polisi DM06 y Cynllun Datblygu Lleol yn nodi bod dylunio arloesol yn cael ei annog ac y gall defnyddio pensaernïaeth fodern fod yn llwyddiant os adlewyrchir y ffurf adeiledig bresennol ynddi. Mae'r Canllawiau Cynllunio Atodol o ran yr Amgylchedd Adeiledig a Dylunio yn nodi'r canlynol:

"Yn aml, ceir canfyddiad na all dyluniad arloesol fodoli o fewn patrymau sefydledig neu anheddiad ac y gallai wrthdaro â phensaernïaeth sydd ag arddulliau traddodiadol. Y gwirionedd amdani yw bod arddulliau pensaernïol wedi esblygu dros gannoedd o flynyddoedd a'u bod wedi newid nifer o weithiau yn y gorffennol gan ymateb i amodau cymdeithasol, economaidd ac amgylcheddol sy'n newid. Felly, nid oes dim rheswm paham na ddylai dyluniad sy'n defnyddio deunyddiau modern ac sy'n ymateb i estheteg gyfoes fod yn gydnaws â ffurfiau mwy traddodiadol o ddatblygu, cyn belled â bod hyn yn cael ei wneud yn gywir".

Yn yr achos hwn, ystyrir bod hyn wedi'i wneud yn gywir. Er bod dyluniad modern i'r datblygiad arfaethedig, mae wedi parchu'r patrymau sefydledig, gan gyfyngu ar uchder arfaethedig yr eiddo ac ystyrir bod dyluniad modern yn perthyn i'r tu blaen (a fydd yn wynebu'r ystâd) ond ei fod yn gymharol gyffredin ac yn parchu'r ardal. Er mai byngalos oedd nifer o'r tai ar yr ystâd yn wreiddiol, ers hynny maent wedi cael eu haddasu ac maent bellach yn darparu lle i fyw ar y llawr cyntaf. Ystyrir erbyn hyn nad oes yna arddull / math penodol o eiddo ac y ceir cymysgedd eang wrth ystyried cymeriad yr ystâd.

Hefyd, gwnaed sylwadau ynglŷn â'r eiddo o ran ei leoliad a sut y bydd yn edrych o ben y clogwyn uwchben Nant Howni ger y toiledau cyhoeddus. Mae hyn wedi'i ystyried a bernir na fydd yn achosi amhariad gweledol nac yn amharu ar y strydlun. Byddai modd gweld yr eiddo o'r B4333, ger yr hen swyddfa bost hyd at ddiwedd Heol Pentraeth sy'n cynnwys nifer o adeiladau mawr a modern, gan gynnwys Y Ship, yr adeiladau modern ar hyd Heol Pentraeth ac annedd fawr Pentraeth. Gan ei fod yn cyd-fynd ag uchder presennol yr adeilad drws nesaf, ni fydd yn sefyll yn uwch na gweddill adeiladau'r ystâd, ac ni fydd yn anghydnaws â'r strydlun. Felly, ystyrir na fydd yn creu amhariad gweledol.

O'r herwydd, ni fydd newid yn y cyd-destun preswyl presennol. Mae lleoliad yr annedd yn briodol, ac nid yw dyluniad a swmp yr annedd yn peri unrhyw niwed uniongyrchol nac ehangach i'r tirlun.

Amwynder Preswyl

Mae Maen Prawf 7, Polisi DM06 yn nodi y dylai'r datblygiad amddiffyn amwynderau deiliaid eiddo cyfagos rhag niwed arwyddocaol o safbwynt preifatrwydd, sŵn a golygon.

Mae nifer o lythyron yn gwrthwynebu wedi dod i law ynglŷn â'r datblygiad hwn ac maent wedi cael eu hasesu isod. Cododd yr eiddo mwyaf cyfagos sy'n cael ei adnabod fel 'Camara' bryderon ynghylch yr effaith ar amwynder preswyl. Mae'r pryderon hyn yn ymwneud â pha mor agos yw'r datblygiad i ffin yr eiddo. Byddai dau lawr i'r datblygiad yn ogystal â tho a byddai'r balconi arfaethedig yn edrych yn syth i mewn i'w hystafell fyw.

Serch hynny, fel yr aseswyd uchod, ystyrir bod uchder arfaethedig yr annedd yn dderbyniol ac mae wedi'i ddylunio yn y fath fodd fel ei fod yn lleihau maint y to drwy ymgorffori dau dalcen ac mae'r to gwastad yn dal i barchu'r eiddo cyfagos. Mae'r adeiladau eisoes wedi'u lleoli'n agos at y ffin ac nid yw'r datblygiad arfaethedig wedi'i leoli'n agosach na'r un presennol. O ran y balconi, mae'r cynnig wedi cynnwys sgrîn farugog 1.8m o uchder er mwyn atal unrhyw broblemau o ran edrych drosodd ac amddiffyn preifatrwydd y ddwy ochr.

Ymgynghoreion

Priffyrdd – Ymgynghorwyd â'r awdurdod priffyrdd lleol a bu iddo argymhell pedwar amod i'w rhoi ynghlwm wrth unrhyw gais cynllunio. Roedd yr amodau hyn yn ymwneud â chyfleusterau parcio, dŵr wyneb a suddfannau dŵr, a hynny er mwyn

sicrhau diogelwch ar y ffyrdd.

Draenio Tir – Ymgynghorwyd â thîm draenio tir yr Awdurdod Cynllunio Lleol a bu iddo argymhell nifer o amodau i'w rhoi ynghlwm wrth unrhyw gais cynllunio. Roedd yr amodau hyn yn ymwneud â dŵr wyneb a suddfannau dŵr er mwyn sicrhau na fydd y datblygiad yn achosi llifogydd ac er mwyn lleihau effaith hyn ar yr amgylchedd naturiol. Byddai angen cymeradwyaeth ar gyfer System Ddraenio Cynaliadwy.

Ecoleg – Ymgynghorwyd ag Ecolegydd yr Awdurdod Cynllunio Lleol a bu i'r Ecolegydd argymhell y dylai'r datblygiad gael ei gyflawni yn unol â'r argymhelliad yn y Gwerthusiad a wnaed o'r Arfarniad Ecolegol Rhagarweiniol a'r Asesiad Rhagarweiniol o Glwydfannau Ystlumod a gyflwynwyd, a hynny er mwyn gwella bioamrywiaeth ac osgoi effeithiau andwyol ar Rywogaethau a Warchodir gan Ewrop (Ystlumod). Lleolir y safle o fewn 30m o Ardal Gadwraeth Arbennig Bae Ceredigion a Safle o Ddiddordeb Gwyddonol Arbennig Aberarth-Carreg-Wylan a 110m o Ardal Gadwraeth Arbennig Forol Gorllewin Cymru. Ceir posibilrwydd y gall llygredd o gam adeiladu'r datblygiad fynd i mewn i'r safleoedd dynodedig o ganlyniad i ddŵr ffo. Felly, mae posibilrwydd y gallai'r datblygiad arfaethedig gael effaith andwyol ar integreidd yr Ardaloedd Cadwraeth Arbennig.

O ganlyniad i hynny, cynhaliwyd Asesiad Rheoliadau Cynefinoedd o dan reoliad 63 Rheoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017. Canfu'r Asesiad bod posibilrwydd y gallai llygredd (H1) ac argaeledd ysglyfaeth (H2) gael effaith sylweddol ar Nodweddion Dynodedig yr Ardaloedd Cadwraeth Arbennig yn ystod cyfnod adeiladu'r datblygiad. Felly, roedd angen symud ymlaen i gam yr Asesiad Priodol.

Er mwyn osgoi effeithiau andwyol ar yr Ardal Cadwraeth Arbennig, daeth yr Asesiad Priodol i'r casgliad y byddai angen Cynllun Atal Llygredd. Byddai modd sicrhau hyn drwy osod amod a fyddai wedi'i geirio'n briodol.

Ymatebion y cyhoedd

Cafwyd 14 o lythyron yn gwrthwynebu'r annedd arfaethedig newydd ac roedd y materion a godwyd fel a ganlyn:

- Uchder yr annedd arfaethedig (byddai'n anghydnaws o ran graddfa / byddai'n tra-arglwyddiaethu dros yr ardal, byddai'n uwch na'r eiddo cyfagos)
- Nid yw'n gydnaws â'r gymdogaeth.
- Mae'n fwy na'r ôl troed presennol.
- Mae'n effeithio'n andwyol ar yr amwynder preswyl
- Bod lefelau'r tir wedi'u codi.
- Cynlluniau camarweiniol
- Bydd y gwaith dymchwel arfaethedig a'r traffig sy'n gysylltiedig â'r gwaith adeiladu y amharu ar yr ardal.
- Effaith ar y strydlyn

Cyflwynwyd cynlluniau diwygiedig i roi eglurhad ynghylch y datblygiad, y lefelau ar y safle a lleoliad y datblygiad hwn yng nghyd-destun yr eiddo cyfagos. Mae hyn yn dangos nad oes cynnydd yn y lefelau ar y safle, bod safle'r cais wedi'i leoli yn is na'r eiddo cyfagos a bod uchder y datblygiad a gynigir yr un uchder â'r adeilad drws nesaf.

Yn ogystal â'r sylwadau sydd wedi'u crynhoi uchod, mae nifer o'r gwrthwynebiadau yn nodi bod y cais arfaethedig yn mynd yn groes i bolisiau LU08, DM06 a DM17. Bernir bod sylw pellach wedi'i roi i hyn ac ni ystyrir bod y cais yn mynd yn groes i'r polisi.

ARGYMHELLIAD:

Cymeradwyo gydag amodau

RHESYMAU DROS GYFEIRIO'R CAIS I'R PWYLLGOR RHEOLI DATBLYGU: -

Mae'r Cynghorydd Gethin Davies wedi gofyn i'r Pwyllgor Rheoli Datblygu ystyried y cais am y rhesymau canlynol:

- Dros Ddatblygu'r safle
- Effaith weledol ar y dirwedd
- Pryderon ynghylch y deunyddiau e.e. gwydr

Adroddiad y Panel Archwilio Safle

Yn y cyfarfod a gynhaliwyd ar 17 Ionawr 2024, penderfynodd Aelodau'r Pwyllgor Rheoli Datblygu i gyfeirio'r cais at y Panel Archwilio Safle er ystyriaeth yn unol â Pharagraff 4 y meini prawf a fabwysiadwyd gan y Cyngor.

Cyfarfu'r Panel ddydd Gwener, 2 Chwefror 2024 ac ar y panel roedd y Cynghorydd Rhodri Davies (Cadeirydd), y Cynghorydd Ifan Davies (Is-adeirydd), y Cynghorydd Hugh Hughes, y Cynghorydd Sian Mæhrlein a'r Cynghorydd Meirion Davies. Hefyd yn bresennol yr oedd y Cynghorydd Gethin Davies fel yr aelod lleol. Mrs Catrin Newbold, Rheolwr Gwasanaeth – Rheoli Datblygu, a Mrs Sian Holder, Arweinydd Tîm Rheoli Datblygu'r De.

Cyflwynodd Mrs Holder v cais ac esboniodd v prif brvderon a godwvd oan v cyvnoar cymuned, y trydydd partiön a'r aelod lleol, a'r rhesymau mae'r Awdurdod Cynllunio Lleol yn argymhell y dylid cymeradwyo'r cais.

Archwiliodd v Panel v safle o aefn vr annedd (ochr v traeth) oan edrvch ar v golvafevdd o Heol Pentraeth (ben uchaf v traeth) ac vn aqos o ardd vr eiddo presennol. Roedd vr vmaeisvdd wedi marcio'r tir i ddanoos llinell adeiladu arfaethedig vr annedd newydd, oan gynnwys lleoliad v balconi a'r sgrîn preifatrwydd. Dywedodd Mrs Newbold a Mrs Holder fod y marciau i weld yn cyd-fynd â'r cynlluniau a gyflwynwyd. O ran lleoliad v balconi a'r ffenest fyddai'n rhedeg o'r top i'r gwaelod ar v wal ochr, ystvriodd v panel hvn o safbwynt vr eiddo drws nesaf, sef Camara, oan roi sylw penodol i leoliad ffenestri Camara. Nodwvd v byddai'r ffenest hon vn edrvch vn unionavrchol i mewn i ffenest Camara ac v aellid osqoi hvn drwy barhau â'r wal solet hyd at ddiwedd v wal ochr er mwyn diogelu preifatrwydd vr eiddo cvfaqos. Opsiwn arall a drafodwvd oedd gwvdr aneqlur. Cerddodd v Panel ar hyd v ffin rhwng safle'r cais a Camara, a nodwvd lleoliad arfaethedig yr ochr uchaf a'r ffaith y byddai'n wynebu wal wag Camara.

Archwiliodd v Panel du blaen vr eiddo (yn yr vstâd) ac uchder Camara oan v byddai'r annedd newydd vr un uchder. Hefyd, edrvchodd v Panel ar vr eiddo arall vn vr vstâd a nodwvd bod oan un eiddo yn benodol lawer o wydr yn y tu blaen, er nad oedd yn gyfan gwbl o wydr, ac roedd oan eiddo arall falconi.

Cerddodd v Panel at fynedfa'r vstâd ac ar hyd Rhiw Roff a Heol Pentraeth er mwyn aweld v golvafevdd o'r onal hon. Gorffennodd v Panel drwy edrvch ar vr eiddo eto o Heol Pentraeth (ben uchaf v traeth) oan roi vstvriaeth benodol i uchder a ffenestri'r annedd newydd. Edrvchodd v Panel ar rai eiddo arall yn yr ardal hefyd, oan gynnwys yr eiddo mwy modern ar ochr arall y traeth a'r eiddo mwy a oedd ger safle'r cais.

Cytunodd y Panel eu bod wedi gweld y safle yn ei gyfanrwydd a daethpwyd â'r cyfarfod i ben.

Rhif y Cais / Application Reference	A230561
Derbyniwyd / Received	02-08-2023
Y Bwriad / Proposal	Proposed demolition of existing dwelling and proposed new build of dwelling. And all associated works.
Lleoliad Safle / Site Location	The Beach House, Cae Dolwen, Aberporth, Cardigan. SA43 2DE
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr P Hodgson, Gilwendeg Cae Dolwen, Aberporth, Ceredigion, SA43 2DE
Asiant / Agent	Mr Stewart Corbett (Archi-Tech), Unit 3 Canolfan Teifi Pendre, Cardigan, Ceredigion, SA43 1JL

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to a detached bungalow known as The Beach House, located to the north eastern corner of Cae Dolwen estate within the settlement limits of Aberporth. The host dwelling features a gable pitched roof with a rear garden that borders Heol Pentraeth to the north and outlooks across Traeth Dolwen.

Relevant Planning History

A211058 – Proposed demolition of existing house and proposed new build of a dwelling inc gabion retaining walls to carparking area and all associated works. Refused – 28/10/2022.

DETAILS OF DEVELOPMENT

The proposed application seeks full planning permission for the demolition of the existing four bedroomed chalet bungalow and replacement with a three bedroomed two-storey dwelling.

The existing dwelling measures ~15 meters in width, by a length of ~7.4 meters with a ridge height of ~5.6 meters.

The proposed replacement dwelling measures ~15.17 meters in width to the front elevation, with a width of 15.38 meters to the rear elevation by a length of 12.46 meters in length reducing to 7.9 meters at the side elevation with an eaves height of 5.42 meters and a height to ridge of 7.47 meters (an increase of ~1.87 meters). The proposed external material finishes include - Ridge tiles to match existing, man-made slate roofing, Aluminium Fascias and Soffits, Grey Aluminium Windows and Doors, smooth rendered walls with stone plinth.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

- S01 Sustainable Growth
- S03 Development in Rural Service Centres (RSCs)
- DM06 High Quality Design and Placemaking
- DM12 Utility Infrastructure
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM18 Special Landscape Areas (SLAs)
- LU08 Replacement of Existing Dwellings
- SPG6 Built Environment and Design SPG 2015
- FW21 Future Wales: The National Plan 2040

- PPW21 Planning Policy Wales (edition 11, February 2021)

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 Cymuned Aberporth Community Council - Objection

Highways – No Objection STC

Land Drainage – No Objection STC. SuDS Approval required.

Ecology – No Objection STC. HRA Undertaken

Natural Resources Wales – No Objection

Dwr Cymru Welsh Water – Recommended condition relating to Surface Water

14 Letters of Objection received which raised concerns regarding:

- Height of the proposed dwelling (Out of scale/would dominate the area, higher than neighbouring property)
- Not in keeping with the neighbourhood.
- Exceeds existing footprint.
- Adversely affect residential amenity
- Raised ground levels.
- Misleading Plans
- Disruption caused by proposed demolition and building traffic.
- Impact Upon Street Scene

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

The proposal has been submitted in full and looks to demolish the existing 4 bedrooomed dwelling and erect a new three bedrooomed dwelling in its place.

Policy S01 of the LDP identifies the areas for growth within Ceredigion. The application site lies within the settlement boundary of Aberporth/Parcllyn which is identified as a Rural Service Centre (RSC) within the LDP.

Therefore, Policy S03 of the LDP is of relevance. Which states that focusing development in Rural Service Centres will improve the sustainability of rural areas and therefore development will be permitted as long as it meets certain criteria.

As the proposed application comprises replacement of an existing dwelling within a Rural Service Centre the principle of development is considered acceptable inline with Policy S01 and S03 of the LDP.

LU08 – Replacement of Existing Dwelling

The replacement of existing dwellings is controlled by policy LU08 of the Local Development Plan which states:

1. *The existing dwelling should not have been abandoned and remains clearly recognisable as a permanent dwelling under Class C3 of the Use Class Order 1987 (as amended);*
2. *The replacement dwelling should:*
 - i) *be located within or adjacent to the footprint of the original dwelling and reflect the form, bulk, size and scale of the original dwelling unless there are demonstrable planning advantages to be gained from deviating from the original orientation, position or size.*
 - ii) *respect or enhance the design of the original dwelling, that of surrounding properties and the locality;*
3. *The proposed development will be subject to the demolition of the original dwelling at an appropriate time.*

With regards to Criterion 1, the LPA is satisfied that the dwelling is currently occupied and thus is not abandoned.

With regards to Criterion 2:

- **Siting --**
 - The dwelling is proposed to be located over the existing footprint. However, as the proposed dwelling is larger and shaped differently, it is accepted that part of the footprint is located outside the original.
- **Form, Bulk, Size, and Scale --**
 - The proposed dwelling is acknowledged as being wider, longer and higher than that of the existing and therefore providing a greater gross internal area across a larger footprint. However, the additional floorspace has been achieved with the existing dwelling and setting in consideration, such as only marginally increasing the width and no drastic changes to the length and height, in order to make best use of the existing size of the plot.
 - The proposed dwelling sits comfortably within the existing property boundary. Whilst the proposed dwelling is two-storeys in height compared to the chalet bungalow, it is considered that this has been achieved sympathetically by raising the ridgeline by ~1.87 meter making the best use of the roof space and incorporated gable ends. This ensures that the proposed is no higher than the immediate neighbouring property known as Camara.
- **Respect or enhance the original dwelling --**
 - Whilst many of the properties in the estate were originally bungalows, they have since been altered to provide first floor accommodation and it is considered there is now no specific style/type of property with a wide mixture of character.
 - The form of the proposed dwelling is deemed to be enhanced compared to that of the existing in terms of the design and use of material.
 - The existing dwelling does not hold specific interest in its design and is of no architectural value. The proposed dwelling is adjudged to be of innovative design and achieves a high-quality development in accordance with Criterion 2(ii).

To enable the build of the proposed dwelling, the existing dwelling will need to be demolished. Therefore, criterion 3 will be satisfied.

With the above in mind, the proposed development is considered to be in compliance with Policy LU08 of the LDP.

Design and Visual Impact

Policy DM06 requires development to have full regard and positively contribute to the context of its location and surroundings. It promotes innovative design whilst having regard for local distinctiveness in terms of form, design and material and requires consideration of the cohesiveness of the built form in terms of scale, height and proportion in reference

to existing layout patterns.

Additionally, Policy DM17 states that development should not have a significant adverse effect on the quality and character of a landscape, whether through visual intrusion, an insensitive siting, incompatible uses, failure to harmonise or enhance landform, or the loss of important traditional features and patterns.

Whilst the proposed dwelling does increase in height compared to the existing, it is considered to do this sympathetically to allow for a second storey by incorporating two gable end and a flat roof to ensure the pitched roof on the front elevation is not excessively high compared to that of the estate. This has also ensured the property does not exceed the height of the neighbouring property Camara. Additionally, the site levels throughout the estate continue to rise due to the nature of the land. Naturally the properties are located on differing ground levels and sit higher than that of the application site. Therefore, the proposed height is considered to not be out of scale nor dominate the area.

Furthermore, the proposed replacement dwelling is deemed to be of an acceptable scale that has respected the context of its existing setting, whilst introducing modern architecture to the estate. Policy DM06 of the LDP states that innovatively designed development is encouraged and the use of modern architecture can be successful if the relationship between the existing built form is reflected. Whilst The Built Environment design SPG states:

"It is often perceived that innovative design cannot exist within established patterns or a settlement and that it conflicts with traditional styles of architecture. The reality is that architectural styles have evolved over hundreds of years and have changed numerous times in the past in response to changing social, economic and environmental conditions. Therefore, there is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with the context of more traditional forms of development if done correctly".

In this instance, it is considered that it has been done correctly. The proposed development whilst being of modern design has respected the established patterns, limited the proposed height of the property and the front elevation which faces the estate is considered to be of modern design but relatively modest and respect the area. Whilst many of the properties in the estate were originally bungalows, they have since been altered to provide first floor accommodation and it is considered there is now no specific style/type of property with a wide mixture of character.

In addition, comments were received regarding how the property will sit within the street scene from the top of the cliff above Nant Howni by the public toilets. This has been considered and deemed to not cause a visual intrusion or disrupt the street scene. From this viewpoint, the property would be viewed in the context from the B4333, by the old post office along to the end of Heol Pentraeth which includes many large and modern properties. Including The Ship, the modern properties along Heol Pentraeth and the large dwelling of Pentraeth. As it matches the existing height of the next door property it will not tower above the estate, nor the street scene. Therefore, considered to not create a visual intrusion.

As such, the existing residential context will be retained, the siting of the dwelling is appropriate, and the design and bulk of the dwelling raises no immediate nor wider landscape harm, in accordance with DM06 and DM17 of the LDP.

Residential Amenity

Criterion 7 of Policy DM06 states that the development should protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook.

Several letters of objection have been received in relation to this development which have been assessed below. The immediate neighbouring property known as 'Camara' raised concerns regarding impact upon residential amenity. These concerns relate to the proximity of the development to the property boundary, the development being two storeys plus roof and the proposed balcony would look directly into their living room.

However, as assessed above, the proposed height of the dwelling is considered to be acceptable and has been designed in such a way as to minimize the height of the roof by incorporating two gable ends and the flat roof still respect the neighbouring property. The properties already sit close to boundary and the proposed development is located no closer than the existing. With regards to the balcony, the proposal has included a 1.8m high frosted screen in order to prevent overlooking and protect privacy for both parties.

Consultees

Highways – The local highway authority were consulted and recommended four conditions to be applied to any planning permission relating to parking facilities, surface water and soakaways in the interest of road safety.

Land Drainage – The LPA land drainage team were consulted and recommended several conditions to be applied to any planning permission related to surface water and soakaways to ensure the development does not cause flooding and reduce the impact on the natural environment. SuDS Approval is required.

Ecology - The LPA Ecologist was consulted and recommended that the development shall be carried out in strict accordance with the recommendations made in the Evaluation of the Preliminary Ecological appraisal and Preliminary Roost Assessment submitted, in order to enhance biodiversity and avoid adverse effects on European protected species (Bats). The site is located within 30m of Cardigan Bay SAC and Aberarth-Carreg-Wylan SSSI and 110m of West Wales Marine SAC, and there is the potential for pollution from the construction phase of the development to enter the designated sites via surface water run-off. There is therefore the potential for an adverse effect from the proposed development on the integrity of the Special Conservation Areas.

A Habitats Regulations Assessment has consequently been carried out under regulation 63 of the Conservation of Habitats and Species Regulations 2017, which found that it is possible that there could be a significant effect on Designated Features of the SACs from H1 pollution and H2 Prey Availability during the construction phase of development. Therefore, it needed to be carried forward to the Appropriate Assessment stage.

The AA concluded that in order to avoid adverse impacts on the SAC a Pollution Prevention plan would be necessary, which will be secured by an appropriately worded condition.

Public Responses

14 Letters of objection were received regarding the proposed replacement dwelling relating to the following:

- Height of the proposed dwelling (Out of scale/would dominate the area, higher than neighbouring property)
- Not in keeping with the neighbourhood.
- Exceeds existing footprint.
- Adversely affect residential amenity
- Raised ground levels.
- Misleading Plans
- Disruption caused by proposed demolition and building traffic.
- Impact Upon Street Scene

Amended plans were submitted to provide clarification on the development, the site levels and how the development compared to the neighbouring property. This shows that the site levels are not increasing, the application site sits lower than the neighbouring property and the height of the proposed matching that of next door.

In addition to the comments summarised above, many of the objections referenced the proposed application being contrary to LU08, DM06 and DM17. This is deemed to have been addressed further above and is not considered to be contrary to policy.

RECOMMENDATION:

Approve Subject to Conditions

REASONS FOR REFERRING THE APPLICATION TO THE DEVELOPMENT MANAGEMENT COMMITTEE: -

Cllr. Gethin Davies has requested that the application be considered by the Development Management Committee for the following reasons:

- Over Development of the Site
- Impact on Visual landscape
- Material concerns e.g. Glass

Report of the Site Inspection Panel

Members of the Development Management Committee at its meeting on 17 January 2024, resolved to refer the application to the Site Inspection Panel (SIP) for consideration in accordance with Paragraph 4 of the Council's adopted criteria.

The SIP met on Friday, 2 February 2024 and comprised Cllr Rhodri Davies (Chair), Cllr Ifan Davies (Vice Chair), Cllr Hugh Hughes, Cllr Sian Maehrlein and Cllr Meirion Davies. Also in attendance was Cllr Gethin Davies as the local member, Mrs Catrin Newbold, Service Manager – Development Management and Mrs Sian Holder, Development Management Team Leader South.

Mrs Holder introduced the application and explained the main concerns raised by the community council, third parties and local member, and the reasons that the LPA is recommending that the application is approved.

The Panel inspected the site from the rear of the dwelling (beach side) looking at views from Heol Pentraeth (top of the beach) and also up close from the garden area of the existing property. The applicant had marked out on the ground the proposed building line of the replacement dwelling, including the location of the balcony and the privacy screen. Mrs Newbold and Mrs Holder advised that the markings appear to accord with the submitted plans. The Panel considered the location of the balcony and the strip of glazing that runs from top to bottom on the side elevation in relation to the

neighbouring property of Camara, with particular attention given to the location of the windows of Camara. It was noted that the strip of glazing looks directly into the window of Camara and that this could be avoided by continuing the solid wall to the end of the side elevation to protect the privacy of the neighbouring property. Another option discussed was obscure glazing. The Panel walked along the side boundary of the application site and Camara and noted the location of the proposed upper side elevation and that it would face onto the blank wall of Camara.

The Panel inspected the front of the property (within the estate) and observed the height of Camara as the replacement dwelling would be of the same height. The Panel also observed the other properties on the estate where it was noted that one property in particular had large amount of glazing to its front, although not fully glazed, and that another property had a balcony.

The Panel walked to the entrance of the estate and along Rhiw Rofft and Heol Pentraeth to observe views from this angle. The Panel concluded by observing the property again from Heol Pentraeth (the top of the beach) with particular consideration given to the height and extent of glazing of the replacement dwelling. The Panel also observed some other properties within the area, including the more modern property on the other side of the beach and the larger property adjacent to the application site.

The Panel agreed that they had fully observed the site and the meeting was consequently closed.

This page is intentionally left blank

2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A230293	17-04-2023	C & A Harries and Venville	Erection of a rural enterprise dwelling (TAN 6) and shed	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB	Refuse
2	A230893	14-12-2023	Mr Rhodri Llwyd (Ceredigion County Council (Highways))	Non Material Amendment of Condition 2 - Approved Plans	Aberaeron Harbour & South Beach Aberaeron	Approve
3	A230898	14-12-2023	Mr Rhodri Llwyd (Ceredigion County Council (Highways))	Variation of condition 2 of A211020 - Approved Plans	Aberaeron Harbour & South Beach, Aberaeron	Approve Subject to Conditions

2.1. A230293



Rhif y Cais / Application Reference	A230293
Derbyniwyd / Received	17-04-2023
Y Bwriad / Proposal	Erection of a rural enterprise dwelling (TAN 6) and shed
Lleoliad Safle / Site Location	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	C & A Harries and Venville, Fflatrï Isaf, Talgarreg, Llandysul, SA44 4HB
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfyd, Lampeter, SA48 8AN

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn ymwneud â pharsel o dir sydd ar hyn o bryd mewn defnydd amaethyddol tua 1.2km i'r de-orllewin o Dalgarreg. Mae'r eiddo preswyl agosaf tua 85m i'r gorllewin.

Mae'r safle'n mesur tua 0.2 hectar. Mae gan y safle lethr bach o'r Gorllewin i'r Dwyrain gan fod y safle'n ffinio â'r nant. Mae dau strwythur syml ar ymyl orllewinol y cae sy'n cael eu defnyddio ar gyfer cysgodi anifeiliaid.

Mae'r safle hwn i'r gogledd o'r nant sy'n cael ei hadnabod fel Nant Glowen, tu hwnt i leoliad Chwarel Crug yr Eryr. I'r de, mae'r safle ger Heol Wledig.

Mae safle'r cais yn wledig ei gymeriad.

Nodir hanes cynllunio'r safle isod:

Rhif y cais	Cynnig	Penderfyniad	Dyddiad
920965	Amlinellu – Ffurio mynediad a chodi ysgubor wair.	Cymeradwyo yn ddibynol ar amodau	07/09/1992
900237	Codi gweithdy, efail a stablau ar gyfer ceffylau.	Gwrthod	29/4/1990
901651	Gweithdy, efail a stablau ar gyfer ceffylau adferol.	Cymeradwyo yn ddibynol ar amodau	04/04/1993

MANYLION Y DATBLYGIAD

Mae'r cais sy'n cael ei ystyried yma yn gofyn am gymeradwyaeth amlinellol ar gyfer codi sied B2, B8 ac annedd TAN6. Mae'r holl faterion yn cael eu cadw ac eithrio mynediad.

Cyflwynir i gefnogi'r cais mae paramedrau graddfa a nodir fel a ganlyn mewn perthynas â'r annedd arfaethedig:

- Uchder: 7.0m – 9.5m
- Lled ar hyd blaen edrychiad: 8.0m – 18.0m
- Dyfnder: 8.0m – 12.0m

Ac fel a ganlyn mewn perthynas â'r sied arfaethedig:

- Uchder: 5.0m – 7.0m
- o Lled: 12.0m – 14.5m
- o Hyd: 18.0m – 23.0m

Byddai'r sied yn elwa o ddefnydd B2 (Diwydiannol Cyffredinol) / B8 (Storio a Dosbarthu). Byddai'r defnydd hwn yn cael ei sicrhau trwy gyflwr.

POLISIĀU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Mae'r polisiāu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn:

- DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Gymraeg
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM05 Datblygu Cynaliadwy a Budd Cynllunio
- DM06 Dylunio o Ansawdd Uchel a Gwneud Lleoedd
- DM09 Dylunio a Symud
- DM10 Dylunio a Thirlunio
- DM11 Dylunio ar gyfer Newid Hinsawdd
- DM12 Seilwaith Cyfleustodau
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Tirwedd Gyffredinol
- DM20 Diogelu Coed| Gwrychoedd a choetir
- LU04 Diwallu amrywiaeth o anghenion tai
- LU05 Sicrhau bod datblygiad tai yn cael ei gyflawni

- LU06 Dwysedd Tai
- LU24 Darparu Gofod Agored Newydd
- S01 Twf Cynaliadwy
- S04 Datblygu mewn aneddiadau cysylltiedig a lleoliadau eraill
- S05 Tai Fforddiadwy
- Cymuned a'r Iaith Gymraeg Canllawiau Cynllunio Atodol (SPG) 2015
- SPG Mannau Agored Ebrill 2014
- Taflen Gymorth SPG y Gymuned a'r Gymraeg 2015
- SPG Safonau Parcio Cyngor Sir Ceredigion 2015
- SPG Asesiad Trafnidiaeth 2015
- Amgylchedd a Dylunio Adeiledig SPG 2015
- SPG Cadwraeth Natur 2015
- SPG Tai Fforddiadwy 2014
- Tafleni Cymorth SPG Tai Fforddiadwy 2014
- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (argraffiad 11, Chwefror 2021)
- TAN12 Dylunio (2016)

- TAN18 Trafnidiaeth (2007)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN20 Cynllunio a'r Iaith Gymraeg (2017)
- TAN5 Cadwraeth Natur a Chynllunio (2009)

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae adran 17(1) o Ddeddf 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, a'r angen i wneud popeth o fewn ei allu rhesymol i atal, trosedd ac anhrefn yn ei ardal. Mae'r ddyletswydd hon wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai 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 oedran; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hyrwyddo cydraddoldeb yn cynnwys:

- dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle mae'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 mae eu cyfranogiad yn anghymesur o isel.

Rhoddyd ystyriaeth ddyledus i'r ddyletswydd uchod wrth benderfynu ar y cais hwn. Ystyrir nad oes gan y datblygiad arfaethedig unrhyw oblygiadau sylweddol ar gyfer neu effaith ar bersonau sy'n rhannu nodwedd warchoddedig, yn ychwanegol at 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 o fewn y Ddeddf. Paratowyd yr adroddiad hwn i 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 YMGYNGHORI

Cyngor Cymuned Llandysiliogogo – Dim gwrthwynebiad

Priffyrdd – Dim gwrthwynebiad

Draenio Tir – Angen cymeradwyaeth SUDs.

Ecoleg – Dim gwrthwynebiad STC

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Derbyniwyd cyfanswm o dri chynnis trydydd parti yn gwrthwynebu'r datblygiad arfaethedig. Mae'r pryderon a godwyd yn ymwneud ag effaith y llwyth ychwanegol ar brif bibell y dŵr, effaith traffig trwm ar ddiogelwch priffyrdd ehangach, colli gwrychoedd, a'r effaith ar fioamrywiaeth.

CASGLIAD

Mae adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn nodi: "Os oes angen rhoi sylw i'r cynllun datblygu at ddiben unrhyw benderfyniad sydd i'w wneud o dan y Deddfau Cynllunio rhaid i'r penderfyniad fod yn unol â'r cynllun oni bai bod ystyriaeth berthnasol yn nodi fel arall".

Egwyddor Anedd Menter Wledig

Yn unol â pholisïau cynllunio cenedlaethol a lleol, mae datblygiad preswyl wedi'i gyfeirio at aneddiadau cynaliadwy a dylid ei gynnwys o fewn ffiniau aneddiadau presennol. Strategaeth y CDLI yw y bydd 51% o ddatblygiadau tai newydd ar draws y Sir yn digwydd yn y Canolfannau Gwasanaethau Trefol, 24% yn y Canolfannau Gwasanaethau Gwledig a 25% mewn aneddiadau a lleoliadau eraill (gan gynnwys aneddiadau cysylltiedig).

Mae'r safle y tu hwnt i unrhyw anheddiad neu grŵp o anedd diffiniedig ac felly ystyrir ei fod wedi'i leoli o fewn 'lleoliad arall' at ddibenion polisi cynllunio. Mae Polisi S04 y CDLI yn ceisio rheoli amlhau datblygiad tai ychwanegol o fewn lleoliad arall yn unol â pholisi a chanllawiau cynllunio cenedlaethol sy'n cyfeirio datblygiad i'r aneddiadau mwyaf cynaliadwy. Mae Maen Prawf 2a o S04 yn cael ei ailadrodd isod.

2. Yn achos datblygiad tai:

a. Dim ond yn yr 'Aneddiadau Cysylltiedig' y caniateir darparu tai cyffredinol. Mae'r holl 'leoliadau eraill' yn amhriodol ar gyfer datblygu tai oni bai y gellir cyfiawnhau hynny ar y sail ei fod yn cwrdd ag arddangosiad:

- i. angen tai fforddiadwy heb eu diwallu yn yr ardal leol ac yn cyd-fynd â Pholisi S05; neu*
- ii. angen menter wledig i fyw ynddo yn unol â TAN 6.*

Mae TAN 6, paragraff 4.3.1 yn amlinellu enghreifftiau o'r adeg y mae polisi cenedlaethol o'r farn ei bod yn briodol rhoi caniatâd cynllunio ar gyfer anedd menter wledig newydd. Bydd anedd newydd ar fenter wledig sefydledig ond yn cael ei chefnogi ar yr amod bod y meini prawf canlynol yn cael eu bodloni:

- a. mae angen swyddogaethol sydd eisoes wedi'i sefydlu'n glir;*
- b. mae'r angen yn ymwneud â gweithiwr llawn amser ac nid yw'n ymwneud â gofyniad rhan-amser;*
- c. mae'r fenter dan sylw wedi'i sefydlu ers o leiaf tair blynedd, yn broffidiol i o leiaf un ohonynt ac mae'r angen am fenter a'r busnes am y swydd ar hyn o bryd, yn gadarn yn ariannol, ac mae ganddo obaith clir o aros felly;*
- d. ni ellid cyflawni'r angen swyddogaethol gan anedd arall na thrwy drosi adeilad addas presennol sydd eisoes ar ddaliad y tir sy'n cynnwys y fenter, nac unrhyw lety presennol arall yn yr ardal sy'n addas ac ar gael i'r gweithiwr dan sylw ei feddiannu; a*
- e. Mae gofynion cynllunio arferol eraill, er enghraifft lleoli a mynediad, yn cael eu bodloni.*

Mae'r rhain yn cael eu hystyried yn eu tro isod:

Y Prawf Swyddogaethol

O ran "gofyniad swyddogaethol", mae TAN6 yn nodi ym mharagraff 4.8 bod:

"angen prawf swyddogaethol i sefydlu a yw'n hanfodol, er mwyn i'r fenter weithio'n iawn, er mwyn i un neu fwy o weithwyr fod ar gael yn rhwydd ar y rhan fwyaf o amser. Dylai ymwneud â sefyllfaoedd annisgwyl a allai godi, y mae angen i weithwyr fod wrth law ar eu cyfer y tu allan i oriau gwaith arferol ar gyfer y fenter benodol. Gallai gofynion o'r fath godi, er enghraifft, os oes angen i weithwyr fod wrth law nos a dydd i ddelio ag argyfwng a fyddai'n bygwth hyfywedd a bodolaeth barhaus y fenter heb sylw ar unwaith. Lle mae annedd (au) presennol ar y fenter, yna rhaid dangos bod angen i weithwyr ychwanegol fyw ar y safle er mwyn gweithredu'r fenter yn briodol yn hanfodol".

Mae'r fenter dan ystyriaeth gan yr ymgeisydd yma yn ymwneud â busnes Gwaith Daear a Gwaith Coed. Mae'r busnes yn seiliedig ar ddarparu gwasanaethau ffensio a gwaith daear i safleoedd preifat a masnachol, gan gynnwys eiddo preifat, contractau cyngor, ffermydd amaethyddol a'r sector twristiaeth. Mae'r gwaith ar ffermydd yn cynnwys ffensio, gwaith daear, cloddio deunydd, creu pyllau slyri, lloriau concrit ac adeiladu sied.

Mae'r busnes yn cwmpasu Ceredigion i gyd.

Mae'r datganiad a gyflwynwyd i gefnogi'r cais yn nodi bod angen i'r busnes storio peiriannau ac atodiadau mewn man diogel. Byddai'r gwaith cynnal a chadw ar y peiriannau a'r trelars yn cael ei wneud o'r sied arfaethedig. Cyfeirir hefyd at yr angen i fod yn agos at ffynhonnell o bren a chyfanrwydd ac awydd yr ymgeisydd i dreulio mwy o amser gyda'i deulu, gan y byddai ar y safle i ymgymryd â'r busnes.

Mae nodyn cyfarwyddyd TAN6 Anheddau Menter Wledig yn cadarnhau bod *"angen swyddogaethol hanfodol yn ymwneud â gweithgaredd rheoli penodol neu gyfuniad o weithgareddau sy'n gofyn am bresenoldeb gweithiwr yn barod ar y rhan fwyaf o adegau os na ddylid rhagfarnu gweithrediad cywir menter bresennol ac na ellir ei gyflawni trwy unrhyw ddulliau ymarferol eraill fel gwyliadwriaeth electronig"* mae'n mynd ymlaen i ddatgan *"Mae'n angen a bennir gan gymeriad a gofynion rheoli'r fenter, ac nid gan unrhyw ddewisiadau personol neu amgylchiadau unrhyw un o'r unigolion dan sylw"*.

Ar ôl ystyried y datganiad a ddarparwyd, mae swyddogion o'r farn nad oes angen swyddogaethol i fusnes yr ymgeisydd gael ei leoli yn yr union leoliad hwn. Er bod llawer o'r gwaith a wneir gan yr ymgeisydd ar ffermydd, ystyrir bod y fenter dan sylw yn fusnes adeiladu yn hytrach na chynrychioli gwir fenter wledig fel y'i diffinnir gan TAN6. Yn ystod oriau gwaith, byddai'r rhan fwyaf o amser y gweithwyr yn cael ei dreulio oddi ar y safle. Mae'r ymgeisydd yn cadarnhau yn eu datganiad bod gwaith diweddar wedi digwydd mor bell i ffwrdd â: Llandysul, Castellnewydd Emlyn, Plwmp, Cei Newydd, Aberystwyth, Llangwryfon, Llanbedr Pont Steffan, Llanybydder

Gellid diwallu angen diogelwch y busnes trwy oruchwyliaeth electronig ac nid yw dewisiadau'r ymgeisydd yn ystyriaeth gynllunio berthnasol. Ystyrir y gellid diwallu anghenion gwasanaeth y fenter mewn lleoliadau mwy cynaliadwy eraill er enghraifft ar gyrion anheddiad cysylltiedig neu o fewn ystâd ddiwydiannol bresennol.

Nid yw awydd partneriaid yr ymgeiswyr i gael eu lleoli'n agos at ei man gwaith yn berthnasol i'r fenter wledig sydd dan ystyriaeth yma.

Y Prawf Amser

Mewn perthynas â'r "Prawf Amser", mae TAN6 yn nodi ym mharagraff 4.9:

“Os sefydlir gofyniad swyddogaethol, yna bydd angen ystyried nifer y gweithwyr sydd eu hangen i'w fodloni, y bydd graddfa a natur y fenter yn berthnasol ar eu cyfer. Lle nad oes annedd yn gysylltiedig â'r fenter wledig ar hyn o bryd, rhaid i'r gweithiwr y mae angen swyddogaethol am lety newydd fod yn weithiwr llawn amser. Ac eithrio ail anheddau ar ffermydd sefydledig, ni ddylai fod yn gysylltiedig â gofyniad rhan-amser, na gofyniad nad yw'n ymwneud â'r fenter. Os yw hwn yn ail annedd (neu fwy), rhaid i bob annedd bresennol gael ei feddiannu gan weithwyr llawn amser y mae'n hanfodol eu bod hefyd yn aros ar y safle am resymau swyddogaethol, neu gan weithwyr a'u dibynyddion a gyflogir ddiwethaf mewn menter wledig”.

Mae'r busnes yn cael ei gefnogi gan 1 gweithiwr llawn amser. Er nad oes dadl am hyn, mae'r Awdurdod Cynllunio Lleol o'r farn bod y gweithiwr yn cael ei gyflogi'n bennaf ym maes adeiladu yn hytrach nag mewn menter wledig ddilys. Ni ddangoswyd pam fod rhaid i weithiwr llawn amser fod yn bresennol bob amser ar y tir.

Prawf Ariannol

O ran y Prawf Ariannol nododd TAN6 ym mharagraff 4.10:

“Dylai'r fenter wledig a'r gweithgaredd dan sylw fod yn gadarn yn ariannol a dylai fod â rhagolygon da o aros yn gynaliadwy yn economaidd am gyfnod rhesymol o amser, fel arfer o leiaf 5 mlynedd.

Bydd angen tystiolaeth o berfformiad economaidd gwirioneddol neu bosibl. Er mwyn asesu cynaliadwyedd economaidd, bydd angen dangos bod gan y busnes obaith rhesymol o ddarparu elw marchnad i bob gweithredwr am faint o fewnbynnau rheoli a llafur â llaw, gan gynnwys y swydd y ceisir annedd y fenter wledig ar ei chyfer, am o leiaf bum mlynedd ar ôl i'r datblygiad arfaethedig gael ei gwblhau. Dylid asesu hyn ar sail yr hyn sy'n incwm realistig ar gyfer sgiliau'r gweithredwr.

Mae'r cyfrifon a ddarparwyd i'r LPA yn dangos bod y fenter yn gwneud elw cymedrol iawn. Fodd bynnag, roedd yn derbyn bod yr elw hwn wedi'i gyflawni ar ôl i luniadau ar gyfer yr ymgeisydd gael eu cymryd. Ystyrir bod y luniadau a gymerwyd yn cynrychioli elw marchnad deg ar fewnbynnau llafur yr ymgeisydd.

Mae TAN6 yn datgan:

“Mae angen prawf ariannol hefyd i asesu maint yr annedd y gall y fenter fforddio ei adeiladu a'i gynnal. Ni ddylid caniatáu anheddau sy'n anarferol o fawr mewn perthynas ag anghenion y fenter, neu'n anarferol o ddrud i'w hadeiladu mewn perthynas â'r incwm y gall ei gynnal yn y tymor hir. Gofynion y fenter yn hytrach na'r perchennog neu'r meddiannydd sy'n berthnasol i bennu maint yr annedd sy'n briodol”

Mae'r cais yn amlinellol, gyda graddfa derfynol yr annedd arfaethedig yn fater o ystyriaeth yn y dyfodol. Er gwaethaf hyn, ystyrir bod y fenter yn broffidiol, ac yn gallu aros felly wrth ariannu annedd a sied o faint cymedrol, tra'n darparu elw marchnad ar fewnbwn llafur yr ymgeisydd. Byddai graddfa derfynol yr annedd a'r sied yn cael eu hystyried ar y cam materion a gadwyd

yn ôl.

Prawf Anheddau Eraill

O ran y Prawf Anheddau Eraill, nododd TAN6 ym mharagraff 4.11:

Rhaid darparu tystiolaeth i ddangos nad oes unrhyw annedd(au) nac adeiladau eraill sy'n addas i'w haddasu, sydd ar gael i ddiwallu'r angen. Os oes annedd(au) presennol ar y fenter mae angen dangos pam na ellir defnyddio'r rhain i ddiwallu anghenion y fenter ar gyfer gweithiwr preswyl, a pham na ellir aildrefnu trefniadau llafur neu breswyl i sicrhau bod y llety presennol yn diwallu anghenion y fenter heb fod angen annedd bellach.

Mewn achosion lle mae'r awdurdod cynllunio yn arbennig o bryderus am gam-drin posibl, gallai fod yn ddefnyddiol ymchwilio i hanes y fenter i sefydlu'r patrwm defnydd diweddar o dir ac adeiladau ac a oedd, er enghraifft, unrhyw anheddau neu adeiladau sy'n addas i'w haddasu i anheddau wedi cael eu gwerthu'n ddiweddar. Gallai gwerthiant o'r fath fod yn dystiolaeth o ddiffyg angen.

Mae nodyn cyfarwyddyd Menter Wledig TAN6 yn nodi "Wrth brofi cynigion anheddau mentrau gwledig mae'n angenrheidiol i ymgeiswyr ddangos, ac i awdurdodau cynllunio lleol gael eu sicrhau, nad oes dewis arall rhesymol yn lle annedd newydd ar gael".

Mae yna adeilad a ddefnyddiwyd unwaith fel ysgubor wair ar y safle. Mae'r ymgeisydd wedi egluro bod y sied hon mewn defnydd amaethyddol sy'n bodoli eisoes ac yn cael ei ddefnyddio i storio'r gwair a'r offer ar gyfer y ceffylau, felly nid yw ar gael i'w addasu ac mae angen ei chadw at ddibenion amaethyddol.

O fewn eu datganiad mae'r ymgeisydd yn awgrymu nad oes unrhyw anheddau gyda'r sied ofynnol (na lle i godi un) o fewn milltir i Dalgarreg sy'n fforddiadwy i'r ymgeisydd. Fel uchod, mae'r Awdurdod Cynllunio Lleol yn ystyried bod yr ymgeiswyr yn dymuno byw wrth ymyl sied storio, fel dewis personol yn hytrach na deillio o angen swyddogaethol dilys. Ystyrir bod anheddau ar gael ar y farchnad agored a fyddai'n fforddiadwy i'r ymgeisydd.

Egwyddorion B2 a B8 o ddefnyddio sied

Mae Polisi S01 yn nodi'r mathau hynny o ddatblygiad ar wahân i dai gael eu darparu ar safleoedd dynodedig fel y nodir yn Natganiadau'r Grŵp Aneddiadau ac a ddangosir ar y Map Cynigion ac ar safleoedd nad ydynt wedi'u dyrannu, bydd cynigion yn cael eu hystyried yn unol â pholisïau cynllunio eraill.

Ystyrir bod safle'r cais wedi'i leoli o fewn 'lleoliad arall' gan fod polisi cynllun o'r fath yn berthnasol i S04.

Ystyriodd Maen 3 o S04 ddatblygiad economaidd ac mae'n darllen fel a ganlyn:

Yn achos datblygiad economaidd:

a. cais arfaethedig ar safle a ddyrannwyd fel y nodir yn Natganiadau'r Grŵp Aneddiadau ac a ddangosir ar y Map Cynigion neu

b. safle nad yw wedi'i ddyrannu a naill ai:

i. o 'raddfa fach' sy'n diwallu angen lleol penodol; neu'n

ii. unol â gofynion TAN 6 o ran menter wledig.

Diffinnir testun ategol S04 ar raddfa fach o ddibenion maen prawf 3 fel datblygiad cyflogaeth B2 neu B8 gydag arwynebedd llawr gros o lai na 1500 metr sgwâr. Yn seiliedig ar y paramedrau graddfa a gyflwynir, ystyrir y byddai'r datblygiad arfaethedig yn bodloni maen prawf 3 o S04 ond mae maen prawf 4 o S04 yn glir bod yn rhaid ym mhob achos i ddatblygu cynigion datblygu mewn 'lleoliadau eraill' yn unol â TAN6. Ni ddifinnir B2 a B8 fel mentrau gwledig at ddibenion TAN6 ac o'r herwydd mae'r sied arfaethedig yn methu â bodloni maen prawf 4 o S04.

Caiff yr holl Ystyriaethau Cynllunio eraill eu hystyried yn eu tro ymhellach o fewn yr adroddiad hwn.

Effaith ar y Gymraeg

Mae Polisi DM01 sy'n rheoli effeithiau Datblygu Cymunedau a'r Gymraeg yn ei gwneud yn ofynnol i Asesiad Effaith Cymunedol ac Ieithyddol (CLIA) gael ei ddarparu mewn perthynas â datblygiadau tai o fewn canolfannau aneddiadau a gwasanaethau cysylltiedig lle byddai'r ddarpariaeth yn dod ymlaen ar gyfradd gyflymach na'r hyn y cyfeirir ato yn y Datganiad Grŵp Aneddiadau perthnasol.

Mae'r safle datblygu arfaethedig o fewn 'lleoliad arall' ac o'r herwydd nid oes angen CLIA mewn perthynas â'r datblygiad arfaethedig.

Cymeriad ac Effaith Weledol

DM06 yw polisi gwneud lle y CDLI ac mae'n nodi y dylai Datblygu gael ystyriaeth lawn, a chyfrannu'n gadarnhaol at gyd-destun ei leoliad a'i amgylchoedd. Gwneir y cais yn amlinellol, gyda'r dyluniad, ymddangosiad, cynllun, tirlunio, a graddfa'r mater a gedwir i'w ystyried yn y dyfodol. Er gwaethaf hyn, ystyrir y byddai darparu annedd a sied ar wahân i unrhyw adeiladau cyfagos, ynghyd â pharaphernalia cysylltiol yn arwain at effaith drefoli ar gymeriad a golwg weledol ardal a dymunoldeb y dirwedd wledig yn groes i DM17.

Dwysedd

Mae'r ffin llinell goch a ddarperir yn mesur tua 0.2 hecтар. Yn seiliedig ar ddarparu un uned, mae hyn yn cyfateb i ddwysedd o tua 5 annedd yr hecтар. Mae hyn yn cael ei ystyried o dan y dwysedd canllaw fel y nodir ym mholisi LU06 y CDLI lle mae dwysedd o 15-25 uned yr hecтар yn cael eu hargymell ar gyfer anheddau gwledig sengl oherwydd yr angen i sicrhau bod cynigion datblygu yn cael eu gwneud a defnydd effeithlon o dir. Fodd bynnag, mae LU06 hefyd yn cydnabod y gall dwyseddau fod yn amrywiol os oes cyfiawnhad. Cydnabyddir yn yr achos hwn fod y cynnig hefyd yn cynnwys darparu sied, sy'n cael ei hystyried yn ddigon cyfiawnhad dros ddwysedd tai is yn yr achos hwn.

Amwynder Preswyl

Mae Maen 7 Polisi DM06 yn ceisio diogelu amwynder preswylwyr eiddo cyfagos rhag niwed sylweddol mewn perthynas â phreifatrwydd, sŵn a rhagolygon. Mae yna eiddo preswyl cyfyngedig i gyffiniau'r safle.

Felly, ystyrir y gellir cyflawni'r datblygiad heb achosi unrhyw niwed sylweddol i amwynder preswyl, a chytunir ar y dyluniad terfynol a'r cynllun ar gam faterion a gadwyd ynghynt.

Effaith ar y Briffordd

Ar lefel leol, mae Polisi DM03 yn cynghori y bydd datblygiad yn cael ei leoli er mwyn lleihau'r angen i deithio. Mae Polisi DM03

hefyd yn nodi y dylid darparu darpariaeth parcio fel rhan o gynigion datblygu yn unol â Safonau Parcio Ceredigion CCA.

Byddai mynediad i gerbydau i'r datblygiad arfaethedig ar hyd ffordd ddi-ddosbarth. Ymgynghorwyd â'r Awdurdod Priffyrdd Lleol ar y cais ac yn dilyn cyflwyno gwybodaeth ychwanegol mewn perthynas â symudiadau cerbydau nid yw'n cynnig gwrthwynebiad i'r fynedfa arfaethedig yn ddiabyddol ar amodau.

Mae Polisi DM04 yn tynnu sylw ymgeiswyr at yr angen i wneud y mwyaf o'r cyfleoedd ar gyfer cerdded, beicio a defnyddio trafnidiaeth gyhoeddus. Dylid cyflawni hyn drwy ddarparu cysylltiadau â llwybrau presennol o ddatblygiad newydd, ail-godi seilwaith sydd wedi syrthio i segur lle bydd hynny'n gwasanaethu datblygiad newydd mewn ffordd gynaliadwy a darparu gwell iechyd ac ansawdd bywyd trwy ymgorffori nodweddion mewn datblygiad sy'n manteisio ar gysylltiadau â dulliau teithio nad ydynt yn geir ar gyfer symudiad dynol a chludo nwyddau. Ni ystyrir bod y datblygiad arfaethedig mewn lleoliad da mewn perthynas â chyfleusterau a gwasanaethau, a byddai preswylwyr y dyfodol yn dibynnu'n llwyr ar geir preifat.

Ecoleg

Mae DM14 a DM15 o'r Cynllun Datblygu Lleol yn ceisio cynnal a gwella bioamrywiaeth a diogelu safleoedd pwysig gwarchoddedig. Dim ond os gellir dangos bod y cynnig datblygu sy'n effeithio ar safleoedd, cynefinoedd neu rywogaethau gwarchoddedig naill ai'n uniongyrchol, yn anuniongyrchol neu ar y cyd yn cael ei ganiatáu dim ond os gellir dangos bod y cynnig yn cyfrannu at amddiffyn, gwella neu reoli cadarnhaol neu'r safle, cynefin neu rywogaethau, neu mewn amgylchiadau penodol eraill a nodir yn y polisi. Mae CCA y Cyngor ar fioamrywiaeth yn darparu canllawiau ar asesu effaith datblygiad ar safleoedd dynodedig neu rywogaethau a warchodir.

Mae safle'r cais o fewn dalgylch ACA Teifi.

Gan gymhwyso cyngor Cyfoeth Naturiol Cymru (CNC) mewn perthynas â mewnbynnau ffosffad i SAC Teifi, ystyrir bod y prosiect yn dod o fewn y mathau o ddatblygiadau y gellir eu sgrinio fel rhai nad ydynt yn debygol o gael effaith sylweddol oherwydd manyleb y maes draenio a phellter o ollyngiadau eraill i gyrsiau daear a dŵr. Mae CNC yn cytuno â'r dull hwn.

Ymgynghorwyd ag Ecolegydd Cynllunio CSC mewn perthynas â'r datblygiad arfaethedig ac nid yw'n cynnig gwrthwynebiad i'r cynllun arfaethedig.

Perygl Llifogydd a Gwaredu Dŵr Arwyneb

Mae'r safle ger ardal sydd â risg uchel o lifogydd afonydd o 'Nant Glowen'.

Ystyrir bod y safle yn ardal llifogydd A fel y dangosir ar Fap Cyngor Datblygu CNC, a Pharth Llifogydd 1 fel y dangosir o'r Map Llifogydd ar gyfer cynllunio sef y wybodaeth ddiweddaraf a'r wybodaeth orau sydd ar gael mewn perthynas â llifogydd. Nodir fodd bynnag fod y safle yn gyfagos i ardal sydd â risg uchel o lifogydd mewn afonydd o 'Nant Glowen'.

Mae adran gwasanaethau technegol y cyngor eu hunain wedi cynghori bod angen cymeradwyaeth SUDs ac yn rhoi manylion am sut i leihau'r risg o lifogydd dŵr wyneb. Yn gyffredinol, ystyrir y gellid rheoli'r gwaredu dŵr wyneb yn briodol drwy broses gymeradwyo'r CDU, ac felly ni ystyrir bod y datblygiad arfaethedig yn cynyddu'r risg o lifogydd.

Diogelu Mwynau

Nod Polisi LU30 yw sicrhau nad yw adnoddau mwynau cyfanredol yn cael eu sterileiddio'n ddiangen gan ddatblygiadau eraill. Mae safle'r cais yn eistedd o fewn parth byffer diogelu mwynau lle mae'r cyfanrediad yn cael ei gloddio'n weithredol. Ystyrir bod y datblygiad arfaethedig yn anghydnaws â diogelu'r adnodd mwynau mewn gwrthdaro â LU30.

ARGYMHELLIAD:

Argymhellir gwrthod y cais am y rhesymau canlynol:

1. Mae safle'r cais o fewn 'lleoliad arall', y tu allan i anheddiad sefydledig lle mae rhagdybiaeth gyffredinol yn erbyn datblygiad preswyl newydd oni bai ei fod yn eithriad penodol a ragnodir gan bolisi cynllunio. Ar ôl ystyried y cynnig datblygu, ystyrir nad yw'r cynnig datblygu yn dangos cydymffurfiaeth â phroffion annedd mentrau gwledig a

gynhwysir gyda Nodyn Cyngor Technegol 6. Felly, ystyrir bod y cynnig yn groes i ddarpariaethau Rhifyn 11 Polisi Cynllunio Cymru, Cymru'r Dyfodol 2040, Nodyn Cyngor Technegol 6 a Pholisiâu S01, S04 a DM04 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).

2. Byddai datblygu tŷ annedd a sied gysylltiedig yn y lleoliad hwn yn arwain at effaith drefoli ar yr hyn sydd fel arall yn lôn wledig ddymunol ar draul cymeriad ac ymddangosiad gweledol yr ardal yn gwrthdaro â DM06 a DM17 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).
3. Mae safle'r cais wedi'i leoli o fewn parth clustogi diogelu mwynau a nodwyd. Ystyrir bod y defnydd arfaethedig yn anghydnaws â diogelu'r adnodd mwynau yn groes i bolisi LU30 Cynllun Datblygu Lleol Ceredigion 2007 -2022 (mabwysiadwyd 2013).

Rheswm dros Gyfeirio

Mae Aelod Lleol y ward wedi gofyn i'r cais gael ei gyfeirio i'r pwyllgor rheoli datblygu i'w ystyried oherwydd y rhesymau a ganlyn

- Diffyg anneddau o'r fath hyn trwy'r sir, heb son am yn yr ardal yma.
- Credaf bod angen trafodaeth am y functional test gan fy mod yn credu bod agweddau o'r cais medru dod o dan TAN6.
- Cynladwyedd y safle yma i amgheinion yr ymgeisydd.
- Ffurf adeiledig ar y safle yn barod.

Rhif y Cais / Application Reference	A230293
Derbyniwyd / Received	17-04-2023
Y Bwriad / Proposal	Erection of a rural enterprise dwelling (TAN 6) and shed
Lleoliad Safle / Site Location	Land Adj. Maespwll, Talgarreg, Llandysul, SA44 4HB
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	C & A Harries and Venville, Fflatri Isaf, Talgarreg, Llandysul, SA44 4HB
Asiant / Agent	Mrs Gwennan Jenkins (JMS Planning and Development), Hafan Y Coed, Maeshyfyd, Lampeter, SA48 8AN

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to a parcel of land currently in agricultural use some 1.2km south west of Talgarreg. The nearest residential property is located some 85m to the west.

The site measures approximately 0.2 ha. The site has a slight slope from West to East as the site bounds the stream. There are two simple structures on the western edge of the field which are used for animal shelter.

The site is bound to the North by the stream known as Nant Glowen beyond which sits Crug yr Eryr Quarry. To the south the site is bound by the County Road.

The application site is rural in character.

The planning history of the site is set out below:

Application Number	Proposal	Decision	Date
920965	Outline – Formation of access and erection of hay barn.	Approved subject to conditions	07/09/1992
900237	Erection of workshop, smithy and stabling for horses.	Refused	29/4/1990
901651	Workshop, smithy and stabling for remedial horses.	Approved subject to conditions.	04/04/1993

DETAILS OF DEVELOPMENT

The application under consideration here seeks outline approval for the erection of a B2, B8 shed and a TAN6 dwelling. All matters are reserved except for access.

Submitted in support of the application are scale parameters set out as follows in respect of the proposed dwelling:

- Height: 7.0m – 9.5m
- Width along front elevation: 8.0m – 18.0m
- Depth: 8.0m – 12.0m

And as follows in respect of the proposed shed:

- Height: 5.0m – 7.0m
- o Width: 12.0m – 14.5m
- o Length: 18.0m – 23.0m

The shed would benefit from a B2 (General Industrial) / B8 (Storage and Distribution) use. This use would be secured by way of condition.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

- DM01 Managing the Impacts of Development on Communities and the Welsh Language

- DM03 Sustainable Travel

- DM04 Sustainable Travel Infrastructure as a Material Consideration

- DM05 Sustainable Development and Planning Gain

- DM06 High Quality Design and Placemaking

- DM09 Design and Movement

- DM10 Design and Landscaping

- DM11 Designing for Climate Change

- DM12 Utility Infrastructure

- DM13 Sustainable Drainage Systems

- DM14 Nature Conservation and Ecological Connectivity

- DM15 Local Biodiversity Conservation

- DM17 General Landscape

- DM20 Protection of Trees| Hedgerows and Woodlands

- LU04 Meeting a Range of Housing Needs

- LU05 Securing the Delivery of Housing Development
- LU06 Housing Density
- LU24 Provision of New Open Space
- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- Community and the Welsh Language SPG 2015
- Open Space SPG April 2014
- Community and the Welsh Language SPG Help Sheet 2015
- CCC Parking Standards SPG 2015
- Transport Assessment SPG 2015
- Built Environment and Design SPG 2015
- Nature Conservation SPG 2015
- Affordable Housing SPG 2014
- Affordable Housing SPG Help Sheets 2014
- Future Wales: The National Plan 2040
- Planning Policy Wales (edition 11, February 2021)

- TAN12 Design (2016)
- TAN18 Transport (2007)
- TAN2 Planning and Affordable Housing (2006)
- TAN20 Planning and the Welsh Language (2017)
- TAN5 Nature Conservation and Planning (2009)

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 Cymuned Llandysiliogogo Community Council – No Objection

Highways – No Objection STC

Land Drainage – SUDs approval required.

Ecology – No Objection STC

Natural Resources Wales – No Objection

A total of three third party representations have been received objecting to the proposed development. Concerns raised relate to the impact of the additional load on the water main, impact of heavy traffic on wider highway safety, loss of hedgerows, and the impact on biodiversity.

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 Rural Enterprise Dwelling

In accordance with national and local planning policies residential development is directed towards sustainable settlements and should be contained within existing settlement boundaries. The Strategy of the LDP is that over the plan period 51% of new housing development across the County will occur in the Urban Service Centres, 24% in the Rural Service Centres and 25% in other settlements and locations (including linked settlements).

The site sits beyond any defined settlement or group of dwelling and as such is considered as being located within an ‘other location’ for planning policy purposes. Policy S04 of the LDP seeks to control the proliferation of additional housing development within other location in accordance with national planning policy and guidance which direct development to the most sustainable settlements. Criterion 2a of S04 is repeated below.

2. In the case of housing development:

a. General housing provision will only be permitted in the ‘Linked Settlements’. All ‘Other Locations’ are inappropriate for housing development unless justified on the basis that it meets a demonstrated:

- i. unmet affordable housing need in the locality and accords with Policy S05; or*
- ii. need for a rural enterprise dwelling in line with TAN 6.*

TAN 6, Paragraph 4.3.1 outlines examples of when national policy considers it appropriate to grant planning permission for a new rural enterprise dwelling. A new dwelling on an established rural enterprise will only be supported provided the following criteria are met:

- a. there is a clearly established existing functional need;*
- b. the need relates to a full-time worker and does not relate to a part-time requirement;*
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;*
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and*
- e. other normal planning requirements, for example siting and access, are satisfied.*

These are considered in turn below:

The Functional Test

In terms of a “Functional requirement”, TAN6 indicates at para 4.8 that:

“a functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential”.

The enterprise under consideration here relates to the applicants Groundworks & Carpentry business. The business is based on providing fencing and groundworks services to private and commercial premises, including private properties, council contracts, agricultural farms and tourism sector. The work on farms includes fencing, ground works, excavation of material, creating slurry pits, concrete flooring and shed building.

The business covers the whole of Ceredigion.

The statement submitted in support of the application state that there is a need for the business to store machinery and attachments in a safe place. The maintenance on the machines and trailers would be carried out from the proposed shed. Reference is also made to the need to be close to a source of timber and aggregate and the desire of the applicant to spend more time with his family, as he would be on site to undertake the business.

The TAN6 Rural Enterprise Dwelling guidance note confirms that an *“An essential functional need relates to a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an existing enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance”* it goes on to state that *“It is a need determined by the character and management requirements of the enterprise, and not by any personal preferences or circumstances of any of the individual(s) involved”.*

Having considered the statement provided, officers are of the view there is no functional need for the applicant’s business to be situated in this exact location. While much of the work undertaken by the applicant is on farms, the enterprise in question is considered to be a construction business rather than representing a true rural enterprise as defined by TAN6. During working hours, most of the workers time would be spent off site. The applicant confirms within their statement that recent work has taken place as far away as: Llandysul, Newcastle Emlyn, Plwmp, New Quay, Aberystwyth, Llangwryfon, Lampeter, Llanybydder

The security need of the business could be met through electronic surveillance and the preferences of the applicant are not a material planning consideration. It is considered that the service needs of the enterprise could be met in other more sustainable locations for example on the edge of linked settlement or within an existing industrial estate.

The desire of the applicants’ partners to be located close to her place of work is not material to the rural enterprise under consideration here.

The Time Test

In respect of the "Time Test", TAN6 indicates at para 4.9 that:

"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise".

sg. business is supported by 1 full time worker. While this is not disputed, the LPA considers that the worker is employed primarily in construction rather than in a genuine rural enterprise. It has not been demonstrated why a full-time worker must be always present on the land.

Financial Test

In terms of the Financial Test TAN6 indicated at para 4.10 that:

"The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.

Evidence of actual or potential economic performance will be required. To assess economic sustainability, it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator.

The accounts provided to the LPA show the enterprise to be making a very modest profit. It is however accepted that this profit was achieved after drawings for the applicant have been taken. It is considered that the drawings taken represent a fair market return on the labour inputs of the applicant.

TAN6 goes on to state that:

"A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate"

The application is in outline, with the final scale of the proposed dwelling a matter of future consideration. Notwithstanding this it is considered that the enterprise is profitable, and capable of remaining so while financing a modestly sized dwelling and

shed, while providing a market return on the applicant's labour input. The final scale of the dwelling and shed would be considered at reserved matters stage.

Other Dwelling Test

In terms of the Other Dwelling Test TAN6 indicated at para 4.11 that:

Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.

In cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of lack of need.

The TAN6 Rural Enterprise guidance note states that "In the testing of rural enterprise dwelling proposals it is necessary for applicants to demonstrate, and for local planning authorities to be assured, that no reasonable alternative to a new dwelling is available".

There is a building once used as a hay barn on site. The applicant has explained that This shed is in existing agricultural use and used to store the hay and equipment for the horses, it is therefore not available for conversion and needs to be retained for agricultural purposes.

Within their statement the applicant suggests that there are no dwellings with the required shed (or space to erect one) within a mile of Talgarreg which are affordable to the applicant. As above the LPA consider the applicants desire to live adjacent to a storage shed, as a personal preference rather than resulting from a genuine functional need. It is considered that there are dwellings available on the open market which would be affordable to the applicant.

Principle of B2 and B8 use shed

Policy S01 identifies those types of development other than housing shall be delivered on allocated sites as set out in the Settlement Group Statements and shown on the Proposals Map and on sites which have not been allocated, proposals shall be considered in accordance with other plan policies.

The application site is considered as being located within an 'other location' as such plan policy S04 is of relevance.

Criterion 3 of S04 considered economic development and reads as follows:

In the case of economic development is:

a. proposed on an allocated site as set out in the Settlement Group Statements and shown on the Proposals

Map; or

b. a site that has not been allocated and either:

i. of a 'small scale' meeting a specific local need; or

ii. accords with TAN 6 requirements in terms of a rural enterprise.

The supporting text of S04 confirms small scale of the purposes of criterion 3 is defined as B2 or B8 employment development with a gross floor space of less than 1500 sq meters. Based on the scale parameters submitted it is considered that the proposed development would satisfy criterion 3 of S04 however criterion 4 of S04 is clear that in all cases development proposals development in 'other locations' must accord with TAN6. B2 and B8 are not defined as rural enterprises for the purpose of TAN6 and as such the proposed shed fails to satisfy criterion 4 of S04.

All other Planning Considerations are considered in turn further within this report.

Welsh Language Impact

Policy DM01 managing the impacts of Development on Communities and the Welsh Language Requires a Community and Linguistic Impact Assessment (CLIA) to be provided in respect of housing developments within linked settlement and service centres where delivery would come forward at a rate faster than that referenced in the relevant Settlement Group Statement.

The proposed development site is within an 'other location' and as such no CLIA is required in respect of the proposed development.

Character and Visual Impact

DM06 is the place making policy of the LDP and states that Development should have full regard, and positively contribute to the context of its location and surroundings. The application is made in outline, with the design, appearance, layout, landscaping, and scale a matter reserved for future consideration. Notwithstanding this, it is considered that the provision of a dwelling and shed detached from any nearby buildings, along with associate paraphernalia would result in an urbanizing effect on the character of the and visual appearance of the locality and pleasantness of the rural landscape contrary to DM17.

Density

The red line boundary provided measures approximately 0.2 ha. Based on the delivery of a single units this equates to a density of circa 5 dwellings per hectare. This is considered below the guideline densities as set out within policy LU06 of the LDP where densities of 15-25 units per hectare are advocated for single rural dwellings owing to the need to ensure development proposals make and efficient use of land. However, LU06 also recognises that densities may be varied if justified. It is recognised in this instance, that the proposal also includes the provision of a shed, which is considered sufficient justification for a lower housing density in this instance.

Residential Amenity

Criterion 7 of Policy DM06 seeks to protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook. There are limited residential properties to the immediate vicinity of the site.

It is therefore considered that the development can be delivered without giving rise to any significant harm to residential amenity, with the final design and layout would be agreed at reserved matters stage.

Highway Impact

At a local level, Policy DM03 advises that development will be located so as to minimise the need to travel. Policy DM03 also sets out that parking provision should be provided as part of development proposals in accordance with the Ceredigion

Parking Standards SPG.

Vehicular access to the proposed development would be via unclassified road. The Local Highway Authority have been consulted on the application and following the submission of additional information in respect of vehicle movements offer no objection to the proposed access subject to conditions.

Policy DM04 draws the attention of applicants to the need to make the most of opportunities for walking, cycling and the use of public transport. This should be achieved by providing connections to existing routes from new development, re-instating infrastructure that has fallen into disuse where that will serve new development in a sustainable way and providing improved health and quality of life by incorporating features in development that take advantage of links to non-car travel modes for human and freight movement. The proposed development is not considered to be well located in relation to facilities and services, and future residents would be wholly reliant on private car.

Ecology

Policies DM14 and DM15 of the Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Development proposal effecting protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The application site is within the catchment of the Teifi SAC.

Applying the NRW advice in respect of phosphate inputs into the Teifi SAC, the project is considered to fall within the types of developments that can be screened out as not likely to have a significant effect owing to the specification of the drainage field and distance from other discharges to ground and water courses. NRW are in agreement with this approach.

The CCC Planning Ecologist has been consulted in respect of the proposed development and offers no objection to the proposed scheme.

Flood Risk and Surface Water Disposal

The site is adjacent to an area at high risk of river flooding from 'Nant Glowen'.

The site is considered to be in floodzone A as shown on NRWs Development Advice Map, and Flood zone 1 as shown on the Flood map for planning which is the most up to date and best available information in respect of flooding. It is noted however that the site is adjacent to an area at high risk of river flooding from 'Nant Glowen'.

The council's own technical services department have advised SUDs approval is required and provide details of how to minimize the risk of surface water flooding. Overall it is considered that surface water disposal could be appropriately managed by way of the SUDs approval process, as such the proposed development is not considered to increase the risk of flooding.

Mineral Safeguarding

Policy LU30 aims to ensure that aggregate mineral resources are not needlessly sterilised by other development. The application site sits within a mineral safeguarding buffer zone where aggregate is actively quarried. It is considered that the proposed development is incompatible with safeguarding the mineral resource in conflict with LU30.

RECOMMENDATION:

It is recommended that the application be refused for the following reasons:

1. The application site lies within an 'other location', outside of an established settlement where there is a general presumption against new residential development unless it constitutes a specific exception prescribed by planning policy. Having considered the development proposal it is considered that the development proposal fails to

demonstrate compliance with rural enterprise dwelling tests contained with Technical Advice Note 6. The proposal is therefore considered to be contrary to the provisions of Planning Policy Wales Edition 11, Future Wales 2040, Technical Advice Note 6 and Policies S01, S04 and DM04 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

2. The development of a dwelling house and associated shed in this location would result in an urbanizing effect on what is otherwise a pleasant country lane to the detriment of the character and visual appearance of the locality in conflict with DM06 and DM17 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

3. The application site is located within an identified mineral safeguarding buffer zone. The proposed use is considered incompatible with safeguarding the mineral resource in conflict with policy LU30 of the Ceredigion Local Development Plan 2007 -2022 (adopted 2013).

Reason for Referral

The Local Member for the ward has requested the application be referred to the development management committee for consideration owing to the following reasons:

- Lack of this type of dwelling across the county and specifically in this location.
- A discussion is needed about the functional test as I believe that aspects of the application can come under TAN6.
- The sustainability of this site for the applicant's needs.
- Building on the site already.

2.2. A230893



Rhif y Cais / Application Reference	A230893
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Diwygio'n ansylweddol Amod 2 o'r cynlluniau wedi'u cymeradwyo
Lleoliad y Safle / Site Location	Harbwr Aberaeron a Thraeth y De, Aberaeron
Math o Gais / Application Type	Diwygiad Ansylweddol
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Cyngor Sir Ceredigion (Priffyrdd)), Neuadd y Sir, Stryd y Farchnad, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Cyngor Sir Ceredigion (Priffyrdd)), Penmorfa, Aberaeron, SA46 0PA

Hanes y Safle a'r Cynnig

Ar 31-03-2023 rhoddwyd caniatâd adeilad rhestredig drwy gyfeirnod A211020, yn destun amodau, ar gyfer:

Cynllun Amddiffyn Arfordir Aberaeron gan gynnwys adeiladu morglawdd carreg a fydd yn ymestyn allan o Bier y Gogledd, adnewyddu ac ailadeiladu pen Pier y De, adeiladu waliau llifogydd, adeiladu llifddor wrth harbwr mewnol Pwll Cam, a gwella'r amddiffynfeydd presennol wrth Harbwr Aberaeron a Thraeth y De.

Roedd Amod 2 o'r caniatâd yna yn nodi'r cynlluniau cymeradwy oedd i'w dilyn fel rhan o'r gwaith o ddatblygu'r Cynllun i Amddiffyn yr Arfordir.

Mae'r cais presennol yn ceisio diwygio'n ansylweddol Amod 2 o A211019 er mwyn hepgor y barierau gogwyddo hydrologig a gymeradwywyd mewn pedwar lle ar hyd Pen Cei ac ym Mhwll Cam, a rhoi gatiau deublyg sy'n cau â llaw yn eu lle.

Mae'r rhesymeg lawn y tu ôl i'r newid wedi'i nodi'n llawn yn y cais adran 19 sydd ynghlwm, i amrywio'r Caniatâd Adeilad Rhestredig (A211020) a ystyrir o dan gyfeirnod A230898. I grynhoi, mynegwyd pryderon ynghylch gweithredu ac effeithiolrwydd y barierau gogwyddo hydrologig a gymeradwywyd, a diogelwch y cyhoedd parthed y barierau.

Yn y cais nodir manteision gatiau siglo deublyg a weithredir â llaw:

- Mae modd i un person eu gweithredu ac nid oes angen pŵer arnynt, ac felly llai o darfu ar drigolion - i osod cyflenwadau pŵer - yn ystod y gwaith adeiladu.
- Mae'r gwaith cynnal a chadw tymor hir yn llawer symlach ac felly bydd llai o alw ar arian cyhoeddus. Nid ydynt yn debyg o dorri i lawr a pheryglu Pen Cei ar adeg llifogydd.
- Nid ydynt yn peri fawr o risg i'r cyhoedd pan fyddant ar agor neu ar gau, gan eu bod yn cael eu dal ar agor neu ar gau yn fecanyddol, a phan fyddant ar agor byddant yn eistedd yn dwt yn erbyn y waliau cerrig.
- Byddai'r cladid metel lliw tywyll yn golygu eu bod yn gweddu â'r waliau cerrig bob ochr, yn hytrach na'u bod yn amlwg.
- Mae'r peiriannau â llaw, a'u golwg, yn fwy cydnaws â'r lleoliad mewn harbwr hanesyddol na gatiau hydrologig modern.

Mae'r gatiau i gyd yr un peth o ran eu deunydd, eu hyd a'u taldra, a gwelir bod lliw'r gatiau heb newid o'r hyn a gymeradwywyd – gorffeniad llwyd tywyll.

Cafwyd eglurhad ynghylch mân anghysondeb rhwng y cynllun a gymeradwywyd a'r cynllun a gynigir, sy'n dangos llai o led i'r gât llifogydd ger yr Harbourmaster. Cadarnhawyd bod hyn yn gamgymeriad yn y cynllun gwreiddiol sy'n dangos bod y gât yn 8m o led. Mae'r gât hon wastad wedi bod - ac yn parhau i fod - yn 6m o led, a dyna sut y'i dangosir yn y cynllun diwygiedig. Gwnaed mân addasiad i'r wal gerrig fan hyn oherwydd y newid o farier gogwyddo i farier deublyg, gan gadw golwg gymesur ar hyd glan yr harbwr.

Fel y nodir uchod, bydd y newid arfaethedig i gatiau deublyg yn hytrach na rhai sy'n gogwyddo yn golygu bod y gatiau yn sefyll ar eu fyny ar ochr yr harbwr i'r wal lifogydd gymeradwy pan fyddant ar agor – dyna'r unig newid gweledol.

Bydd pyst cynnal y gatiâu yn cael eu hadeiladu i mewn i garreg y wal lifogydd. Bydd y pyst yn cydgyffwrdd â'r gatiâu ac â gorffeniad o'r un lliw llwyd tywyll a gymeradwywyd. Pan fyddant ar agor, bydd y gatiâu yn cuddio pyst y gatiâu yn rhannol.

ASESIAD

Daeth adran 96A o Ddeddf Cynllunio Gwlad a Thref 1990 i rym yng Nghymru ar 1 Medi 2014. Mae'r ddarpariaeth yn yr adran hon o'r Ddeddf yn darparu'r dull o gymeradwyo diwygiadau ansylweddol i ganiatâd cynllunio sy'n bodoli eisoes ac yn rhagnodi rhai o'r materion gweithredol sy'n gysylltiedig ag ef. Nid oes diffiniad statudol o "newid ansylweddol" am ei bod yn dibynnu ar nifer o ffactorau megis cyd-destun y cynllun cyffredinol, y diwygiadau a geisir i'r caniatâd cynllunio gwreiddiol, amgylchiadau penodol y safle a'r ardaloedd cyfagos, a fydd yn amrywio o'r naill ymgeisydd i'r llall. Gall yr hyn sy'n ansylweddol mewn un cyd-destun fod yn sylweddol mewn cyd-destun arall.

Wrth benderfynu p'un a yw newid arfaethedig yn un ansylweddol ai peidio, dylid ystyried effaith y newid, ynghyd ag unrhyw newidiadau blaenorol a wnaed i'r caniatâd cynllunio gwreiddiol. Wrth asesu a phenderfynu p'un a fyddai newid arfaethedig yn gymwys fel diwygiad ansylweddol ai peidio, efallai y bydd awdurdodau cynllunio am ystyried y profion canlynol:

- (a)(i) a yw'r newid arfaethedig mor fawr fel ei fod yn cael effaith sy'n wahanol i'r effaith y mae'r cynllun datblygu gwreiddiol a gymeradwywyd yn ei chael;
- (a)(ii) a fyddai'r newid arfaethedig yn cael effaith andwyol naill ai'n weledol neu o ran amwynder lleol?
- (b) a fyddai buddiannau unrhyw drydydd parti neu gorff yn cael eu rhoi o dan anfantais o ran cynllunio; neu,
- (c) a fyddai'r newid arfaethedig yn gwrthdaro â pholisïau cynlluniau cenedlaethol neu gynlluniau datblygu?

Gan ystyried pob un yn ei dro –

Bychan yw maint y newid wrth ei ystyried yng nghyd-destun y prosiect cymeradwy, ac fe'i ceisir dim ond i sicrhau fod y Cynllun i Amddiffyn yr Arfordir yn cael ei gweithredu'n effeithiol.

Nid yw'r newid yn cynyddu uchder na lled unrhyw gât, yn hytrach mae ond yn newid eu golwg pan fyddant ar agor. Ni fernir bod y newid yn arwain at effaith niweidiol yn weledol nac o ran amwynder lleol, yn hytrach mae'n gwella datblygiad tir y cyhoedd drwy hepgor y pwll a'r peiriannau hydrologig a oedd yn ofynnol yn flaenorol i gynnal y gatiâu llifogydd pan fyddant ar agor.

Dylid nodi bod elfen weledol a threftadaethol y newid wedi'i hystyried yn llawn o dan y cais cysylltiedig i amrywio'r Caniatâd Adeilad Rhestredig - gweler A230898. Ar ôl ymgynghori â Cadw, cafodd y gwelliannau eu cymeradwyo ar 31 Ionawr.

Canfyddir na fyddai buddiannau unrhyw drydydd parti yn cael eu rhoi o dan anfantais, a hynny o achos natur fach y diwygiad. At hynny, ymgynghorwyd â'r cyhoedd ar gyfer cais cysylltiedig A230898, a rhoddwyd sylw dyladwy yn Adroddiad y Swyddog i'r sylwadau a ddaeth i law.

Yn olaf, nid yw'r newid arfaethedig yn gwrthdaro â pholisïau cynlluniau cenedlaethol neu gynlluniau datblygu.

ARGYMHELLIAD

Gan hynny, argymhellir rhoi caniatâd ar gyfer diwygiad ansylweddol i Amod 2 o A211019 fel a ganlyn:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

MAE'R CAIS WEDI'I GYFEIRIO I'R PWYLLGOR RHEOLI DATBLYGU, YN UNOL Â'R CYNLLUN DIRPRWYO, AC YNTAU'N GAIS SYDD WEDI EI GYFLWYNO GAN, NEU AR RAN, NEU YNGHYLCH, TIR SY'N BERCHEN I GYNGOR SIR CEREDIGION Y MAE GAN Y CYNGOR FUDD UNIONGYRCHOL YNDDO.

Rhif y Cais / Application Reference	A230893
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Non Material Amendment of Condition 2 - Approved Plans
Lleoliad Safle / Site Location	Aberaeron Harbour & South Beach Aberaeron
Math o Gais / Application Type	Non-Material Amendment
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Ceredigion County Council (Highways)), Cyngor Sir Ceredigion County Council, County Hall Market Street, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Ceredigion County Council (Highways)), Penmorfa Penmorfa, Aberaeron, Aberaeron, SA46 0PA

Site History and Proposal

On 13-03-2023, full planning permission was granted by reference A211019 subject to conditions for:

Aberaeron Coastal Defence Scheme including the construction of a rock breakwater extending out from North Pier, refurbishment and re-building of pier head of South Pier, construction of flood walls, construction of flood gate at Pwll Cam inner harbour and improvements to the existing defences on South Beach.

Condition 2 of that permission stipulated the approved plans to be adhered to as part of the development of the Coastal Defence Scheme.

The current application seeks a non-material amendment to Condition 2 of A211019 in order to omit the approved hydraulic tilt barriers at four locations along Quay Parade and at Pwll Cam in lieu of manual bi-fold swing gates.

The justification for the change is set out in full on the accompanying S.19 application to vary the associated Listed Building Consent (A211020) -- under consideration by reference A230898. In summary, concerns were raised with regard to the operation, effectiveness, and public safety aspect of the approved hydraulic tilt barriers.

The advantages of a change to manual bi-fold gates is set out by the submission, quoting:

- *They can be operated by one person, and don't require power, hence less disruption to residents during the construction works to install the power supplies.*
- *The long term maintenance is far simpler meaning less demand on public funds and there is little chance they will malfunction and compromise Quay Parade at times of flooding.*
- *They pose little risk to the public when both open and closed, as they are held open or closed mechanically and when open they sit neatly up against the stone walls.*
- *The dark colour metal cladding would allow them to blend into the flanking stone walls, rather than stand out.*
- *The manual operations and appearance is more in keeping with a historical harbour setting, rather than modern day hydraulic gates.*

All gates are unchanged with regard to their material, length and height, and the colour of the gates is shown to be unchanged from that approved, finished in a dark grey colour.

Clarification has been received regarding a minor discrepancy between the approved and proposed plan, showing the width of the flood gate affording the Harbourmaster to be reduced. This has been confirmed to be an error on the original plan which shows the gate standing 8m wide -- this gate has always been and remains to be 6m wide, and is now illustrated as such on the revised plan. A minor adjustment has been made to the stone walling at this location due to the change from tilt barrier to bi-fold, ensuring the retention of symmetry along the harbourside.

As noted above, the change from tilt barrier to bi-fold will naturally result in the gates standing upright against the harbour-side of the approved flood wall when open -- that being the sole visual change.

The end supports of the gates will be built into the masonry flood walling, the gate posts will be contiguous with the gates, and be finished in the same dark grey colour as approved. When in an open position, the gates will partially hide the gate

posts.

ASSESSMENT

Section 96A of the TCPA 1990 came into force in Wales on 1st September 2014. The provision in this section of the Act provides the mechanism to approve non-material amendments to an existing planning permission and prescribes some of the operational matters associated with it. There is no statutory definition of a "non-material amendment". This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be non-material in one context may be material in another.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests:

- (a)(i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- (a)(ii) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- (b) Would the interests of any third party or body be disadvantaged in planning terms; or,
- (c) Would the proposed change conflict with national or development plan policies?

Considering each in turn --

The scale of the change is negligible when viewed as part of the approved project, and is sought only to ensure the effective implementation of the Coastal Defence Scheme.

The change does not increase the height nor width of any gate -- only changing the aspect of its opening. The change is not deemed to result in any detrimental impact visually nor to local amenity, rather improving the resulting development of the public realm by omission of the recessed pit and hydraulic machinery previously required to house the flood gates when open.

It should be noted that the visual and heritage impact of the change has been considered in full under the associated application to vary the Listed Building Consent -- refer to A230898. Following consultation to Cadw, the amendments were approved on 31st January.

It is found that the interests of third parties are not disadvantaged by the change due to the minor scale of the revision. Furthermore, public consultation has been undertaken for the associated application under A230898, with comments received duly addressed within the Officer's Report.

Finally, the proposed change does not conflict with national nor development plan policies.

RECOMMENDATION

Accordingly, it is recommended that consent be granted for a non-material amendment to Condition 2 of A211019 as follows:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

THE APPLICATION IS REFERRED TO DEVELOPMENT MANAGEMENT COMMITTEE AS AN APPLICATION SUBMITTED BY, OR ON BEHALF OF, OR ON LAND IN THE OWNERSHIP OF CEREDIGION COUNTY COUNCIL FOR WHICH THE COUNCIL HAS A DIRECT INTEREST, IN LINE WITH THE SCHEME OF DELEGATION.

2.3. A230898



Rhif y Cais / Application Reference	A230898
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Amrywio amod 2 o gynllun wedi'i gymeradwyo A211020
Lleoliad y Safle / Site Location	Harbwr Aberaeron a Thraeth y De, Aberaeron
Math o Gais / Application Type	Dileu/Amrywio amod
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Cyngor Sir Ceredigion (Priffyrdd)), Neuadd y Sir, Stryd y Farchnad, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Cyngor Sir Ceredigion (Priffyrdd)), Penmorfa, Aberaeron, SA46 0PA

Y SAFLE A'I HANES PERTHNASOL

Ar 31-03-2023 rhoddwyd caniatâd adeilad rhestredig drwy gyfeirnod A211020, yn destun amodau, ar gyfer:

Cynllun Amddiffyn Arfordir Aberaeron gan gynnwys adeiladu morglawdd carreg a fydd yn ymestyn allan o Bier y Gogledd, adnewyddu ac ailadeiladu pen Pier y De, adeiladu waliau llifogydd, adeiladu llifddor wrth harbwr mewnol Pwll Cam, a gwella'r amddiffynfeydd presennol wrth Harbwr Aberaeron a Thraeth y De.

Roedd Amod 2 o'r caniatâd yna yn nodi'r cynlluniau cymeradwy oedd i'w dilyn fel rhan o'r gwaith o ddatblygu'r Cynllun i Amddiffyn yr Arfordir.

Ceisiadau Dilynol

- A230784: Cyflawni Amod 4 o A211020 (Ymchwiliad Ysgrifenedig) - Cyflawnwyd yn rhannol ar 13-12-2023

MANYLION Y DATBLYGIAD

Mae'r cais presennol yn ceisio amrywio Amod 2 o A211020 er mwyn hepgor y barierau gogwyddo hydrologig a gymeradwywyd mewn pedwar lle ar hyd Pen Ceï ac ym Mhwll Cam, a rhoi gatiau deublyg sy'n cau â llaw yn eu lle.

Mae'r rhesymeg lawn y tu ôl i'r newid wedi'i nodi isod yn unol â'r ffurflen gais a gyflwynwyd:

Y bwriad yw hepgor y Barierau Hydrologig fyddai'n gogwyddo, a rhoi gât siglo ddeublyg, a weithredir â llaw, mewn 4 lleoliad ar hyd Pen Ceï ac wrth fynedfa'r bont droed wrth Bwll Cam.

Roedd y gatiau siglo deublyg wedi tynnu sylw at bryderon posib gyda'r Barierau Gogwyddo.

Dyma'r pryderon:

- *Byddai'r offer hydrologig ar ochr yr harbwr i'r barier ac felly byddent o dan ddŵr ar lanw uchel.*
- *Byddai'r pwll sy'n dal yr offer yn casglu malurion a mân bethau a gallai hyn amharu ar yr offer a rhwystro'r barier rhag agor a chau.*
- *Tra bod y barierau i fyny, ni fydd mynediad i'r cyhoedd i'r harbwr ond ni fyddai hyn yn atal rhywun rhag neidio dros y wal a chael ei anafu yn y pwll agored neu ar yr offer hydrologig. Byddai hyn yn broblem pe bai un gât dal ar agor ar ôl caniatâu mynediad i'r cyhoedd drwy'r gatiau eraill yn dilyn llifogydd.*
- *Pan fydd ar agor fe allai sodlau sgidiau, olwynion pramiau neu olwynion beics/sgwteri gael eu dal yn y bwll rhwng pant y pwll a'r barier ei hun.*
- *Gan ei bod yn gât fetel 8 metr o hyd, fe allai droelli neu blygu dros amser ac felly peri i rywun faglu.*
- *Pe bai'r barier yn methu ag agor pan fydd ei angen ar gyfer llifogydd, fe allai hyn beryglu trigolion Pen Ceï a gallai gymryd amser i gael peiriannydd i'w trwsio mewn ffenest amser o 6-12 awr.*

• Os oes angen eu stopio mewn argyfwng wrth eu codi neu eu gostwng, rhaid cofio nad yw offer hydrolog yn stopio ar unwaith a gallai hyn beri risg gan ei fod yn lle cyhoeddus.

• Cafodd llawer o'r pryderon hyn eu mynegi gan drigolion a busnesau Aberaeron yn ystod y digwyddiad "Cwrdd â'r Contractwr" a gynhaliwyd ar 14 a 15 Tachwedd 2023.

Y mesurau amgen a gynigir yw gatiâu siglo deublyg a weithredir â llaw, a ddangosir yn y dogfennau ategol a ddarperir gyda'r cais hwn.

Fe sylwch, pan fyddant ar eu hagor, byddant yn eistedd yn dwt yn erbyn y waliau cerrig arfaethedig bob ochr o'r agoriadau. Mae'r peiriannau cloi ynghudd y tu ôl i'r gatiâu a chynigiwn fod y gatiâu yn cael eu cladio â metel gyda gorffeniad lliw llwyd yn debyg i'r delweddau sydd ynghlwm.

Dyma fanteision y gatiâu hyn:

- Mae modd i un person eu gweithredu ac nid oes angen pŵer amynt, ac felly llai o darfu ar drigolion - i osod cyflenwadau pŵer - yn ystod y gwaith adeiladu.
- Mae'r gwaith cynnal a chadw tymor hir yn llawer symlach ac felly bydd llai o alw ar arian cyhoeddus. Nid ydynt yn debyg o dorri i lawr a pheryglu Pen Cei ar adeg llifogydd.
- Nid ydynt yn peri fawr o risg i'r cyhoedd pan fyddant ar agor neu ar gau, gan eu bod yn cael eu dal ar agor neu ar gau yn fecanyddol, a phan fyddant ar agor byddant yn eistedd yn dwt yn erbyn y waliau cerrig.
- Byddai'r cladid metel lliw tywyll yn golygu eu bod yn gweddu â'r waliau cerrig bob ochr, yn hytrach na'u bod yn amlwg.
- Mae'r peiriannau â llaw, a'u golwg, yn fwy cydnaws â'r lleoliad mewn harbwr hanesyddol na gatiâu hydrolog modern.

Mae'r gatiâu i gyd yr un peth o ran eu deunydd, eu hyd a'u taldra, a gwelir bod lliw'r gatiâu heb newid o'r hyn a gymeradwywyd – gorffeniad llwyd tywyll.

Cafwyd eglurhad ynghylch mân anghysondeb rhwng y cynllun a gymeradwywyd a'r cynllun a gynigir, sy'n dangos llai o led i'r gât llifogydd ger yr Harbourmaster. Cadarnhawyd bod hyn yn gamgymeriad yn y cynllun gwreiddiol sy'n dangos bod y gât yn 8m o led. Mae'r gât hon wastad wedi bod - ac yn parhau i fod - yn 6m o led, a dyna sut y'i dangosir yn y cynllun diwygiedig. Gwnaed mân addasiad i'r wal gerrig fan hyn oherwydd y newid o farier gogwyddo i farier deublyg, gan gadw golwg gymesur ar hyd glan yr harbwr.

Fel y nodir uchod, bydd y newid arfaethedig i gatiâu deublyg yn hytrach na rhai sy'n gogwyddo yn golygu bod y gatiâu yn sefyll ar eu fyny ar ochr yr harbwr i'r wal lifogydd gymeradwy pan fyddant ar agor – dyna'r unig newid gweledol.

Bydd pyst cynnal y gatiâu yn cael eu hadeiladu i mewn i garreg y wal lifogydd. Bydd y pyst yn cydgyffwrdd â'r gatiâu ac â gorffeniad o'r un lliw llwyd tywyll a gymeradwywyd. Pan fyddant ar agor, bydd y gatiâu yn cuddio pyst y gatiâu yn rhannol.

Gan gyfeirio at y cynlluniau, gofynnir am hawl i:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiau a Chanllawiau Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (rhifyn 11)
- TAN24 Yr Amgylchedd Hanesyddol
- Canllaw Cadw: Asesiad o'r Effaith ar Dreftadaeth
- Canllaw Cadw: Rheoli Newid i Adeiladau Rhestredig

YMATEBION I'R YMGYNGHORI

Cadw: Cymeradwywyd --

"Mae'r wybodaeth a ddarparwyd yn eich llythyr wedi cael ei hystyried ac nid oes angen cyfeirio'r cynigion, fel y maent, at Lywodraeth Cymru. Felly, rwy'n cadarnhau mai mater i'ch Awdurdod chi yw penderfynu ar y cais."

Cyngor Tref Aberaeron:

"Cefnogi gosod gatiâu siglo ond gofynnwn am newid y gât arfaethedig o flaen rhifau 4 a 5 Pen Cei drwy leihau ei lled i 2m a gosod y golofn sydd ar yr ochr orllewinol/ ochr y môr mewn rhes gyda thalcen rhif 4. Awgrymir hyn oherwydd:

- a) credir bod 2m o led yn ddigon ar gyfer y gât hon;*
- b) i gynyddu faint o lefydd parcio sydd ar gael; ac*
- c) i wella golwg y wal lifogydd ar hyd Pen Cei."*

Ecoleg: Dim sylwadau

Cyfoeth Naturiol Cymru: Dim gwrthwynebiad. Rhoddwyd cyngor.

Grŵp Amwynder Cenedlaethol: Dim ymateb

Cafwyd ymateb trydydd parti oddi wrth un o drigolion Pen Cei parthed:

- Bydd gatiâu deublyg yn mynnu fwy o sylw na barierau gogwyddo o rifau 5 a 4 a hanner, Pen Cei;
- Gofynnwyd am i'r gât o flaen rhifau 5 a 4 a hanner, Pen Cei, gael ei chwtogi o ran ei hyd.

ASESIAD

Prif ystyriaeth unrhyw gais sydd â'r potensial o effeithio ar Ardal Gadwraeth neu leoliad Adeilad Rhestredig yw'r ystyriaeth a roddir i warchod a gwella diddordeb arbennig yr asedau treftadaeth hynny. Yn yr achos hwn, rhaid ystyried effaith y newid arfaethedig, sef gosod gatiâu deublyg a weithredir â llaw yn lle'r barierau gogwyddo hydrologig a gymeradwywyd. Mae'r prosiect cyfan wedi derbyn Caniatâd Adeilad Rhestredig ac felly barnwyd ei fod yn dderbyniol ar sail treftadaeth – felly'r unig ystyriaeth a geir yn yr achos hwn yw'r effaith a ddaw yn sgil y newidiadau arfaethedig.

Effaith Weledol a Gweithredol

Daw'r prif newid gweledol o ganlyniad i safle'r gatiâu pan fyddant ar agor. Byddai'r barierau cymeradwy a oedd yn gogwyddo wedi agor yn fertigol o'r ddaear ac felly ni fyddent wedi bod yn weladwy ar unwaith wrth edrych ar Ben Cei o'r ochr draw i'r harbwr. Bydd y newid arfaethedig - gatiâu deublyg - yn arwain at newid arciau'r agor i fod yn llorweddol, gyda'r gatiâu yn gorwedd hanner ar ochr yr harbwr i'r wal lifogydd gymeradwy - gan fod yn weladwy wrth edrych ar Ben Cei.

Er bod y newid hwn yn arwain at weld mwy o'r elfennau metalaidd ym mhen blaen Pen Cei a Phwll Cam, mae sawl budd i'w cael o hepgor yr hydrologig, fel yr amlinellwyd yn y cyfiawnhad a gyflwynwyd dros y newid. Ar wahân i'r gwelliant a nodwyd o ran gweithredu ac ymarferoldeb y gatiâu (sy'n ystyriaeth bwysig), bydd dyluniad a gweithrediad symlach y gatiâu yn gwella cymeriad Pen Cei ei hun, heb fod angen gosod peiriannau trymach, gan arwain eto at lai o effaith ar dir y cyhoedd. Mae'r Cynllun Datblygu Lleol hefyd o blaid gweithredu'r gatiâu â llaw am fod hynny'n fwy cydnaws â'r cyffiniau na'r hydrologig a gymeradwywyd.

Felly, er y bydd y newid arfaethedig yn arwain at weld mwy o'r gatiâu metel pan fyddant ar agor, bernir bod y newid yn arwain at wella'n gyffredinol effaith y datblygiad ar dreftadaeth Pen Cei, Pwll Cam, a'r Ardal Gadwraeth ehangach.

I gloi, nid yw'r amrywiad arfaethedig yn Amod 2 o A211020 yn peri pryder o ran cael effaith niweidiol ar yr asedau treftadaeth a'u cymharu â'r cynllun presennol a gymeradwywyd. Ystyri'r bod y newid arfaethedig yn gwella'n gyffredinol effaith y prosiect ar Ben Cei a Phwll Cam, ac mae'n sicrhau ymhellach y bydd y mesurau i amddiffyn rhag llifogydd yn gweithio'n gywir am byth.

Ystyried y Sylwadau

- Byddai'n well - yn achos materion sy'n ymwneud â hyd y gatiâu llifogydd - eu dirprwyo i'r peirianwyr sy'n dylunio'r cynllun. Nid oes cyfiawnhad cynllunio perthnasol dros fynnu gostyngiad i hyd unrhyw gât llifogydd, ar ôl iddynt dderbyn cymeradwyaeth yn flaenorol.
- Nid yw uchder a hyd y gât sy'n wynebu rhifau 5 a 4 a hanner, Pen Cei, yn cael eu newid yn y cynllun diwygiedig. Felly, nid yw'r effaith ar olygon a pharcio yn newid o gymharu â'r cynllun a gymeradwywyd.

Ymateb Cadw

Rhoddwyd drafft o'r llythyr hwn a'r argymhelliad i Cadw ar 23 Ionawr a dirprwywyd pŵer ar 31 Ionawr i'r Awdurdod Cynllunio Lleol gymeradwyo.

ARGYMHELLIAD:

Argymhellir bod Amod 2 o A211020 yn cael ei ddiwygio fel a ganlyn:

- Amnewid darlun **5182114-ATK-MAR-GEN-DR-L-5003-C03** gan **5182114-ATK-MAR-GEN-DR-L-5003-C05**; ac
- Ychwanegu darluniau **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Pen Cei) a **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) i'r cynlluniau cymeradwy.

MAE'R CAIS WEDI'I GYFEIRIO I'R PWYLLGOR RHEOLI DATBLYGU, YN UNOL Â'R CYNLLUN DIRPRWYO, AC YNTAU'N GAIS SYDD WEDI EI GYFLWYNO GAN, NEU AR RAN, NEU YNGHYLCH, TIR SY'N BERCHEN I GYNGOR SIR CEREDIGION Y MAE GAN Y CYNGOR FUDD UNIONGYRCHOL YNDDO.

Rhif y Cais / Application Reference	A230898
Derbyniwyd / Received	14-12-2023
Y Bwriad / Proposal	Variation of condition 2 of A211020 - Approved Plans
Lleoliad Safle / Site Location	Aberaeron Harbour & South Beach, Aberaeron
Math o Gais / Application Type	Removal/Variation of Condition(s)
Ymgeisydd / Applicant	Mr Rhodri Llwyd (Ceredigion County Council (Highways)), Cyngor Sir Ceredigion County Council, County Hall Market Street, Aberaeron, Ceredigion, SA46 0AT
Asiant / Agent	Mr Alan Haird (Ceredigion County Council (Highways)), Penmorfa Penmorfa, Aberaeron, Aberaeron, SA46 0PA

THE SITE AND RELEVANT PLANNING HISTORY

On 31-03-2023, Listed Building Consent was granted by reference A211020 subject to conditions for:

Aberaeron Coastal Defence Scheme including the construction of a rock breakwater extending out from North Pier, refurbishment and re-building of pier head of South Pier, construction of flood walls, construction of flood gate at Pwll Cam inner harbour and improvements to the existing defences on South Beach.

Condition 2 of that permission stipulated the approved plans to be adhered to as part of the development of the Coastal Defence Scheme.

Subsequent Applications

- A230784: Discharge of Condition 4 of A211020 (Written Scheme of Investigation) -- Partially Discharged on 13-12-2023

DETAILS OF DEVELOPMENT

The current application seeks to vary Condition 2 of A211020 in order to omit the approved hydraulic tilt barriers at four locations along Quay Parade and at Pwll Cam in lieu of manual bi-fold swing gates.

The full reasoning behind the change is set out below as per the submitted application form:

It is proposed to omit the Hydraulic Tilt Barriers in Lieu of manual Bi-Fold Swing gates in 4 no. locations along quay parade and at the access to the pedestrian footbridge at Pwll Cam.

The alternative bi-fold swing gates highlighted some potential concerns with the Tilt Barriers.

The concerns are as follows:

- *The hydraulic equipment is located on the harbourside of the barrier and hence in high tides they will be submerged.*
- *The pit they are accommodated in will collect a lot of debris and could impeded their operation and hinder the barrier opening and closing.*
- *Whilst the barriers are up, technically there will be no public access to the harbourside, however that won't prevent anyone jumping over the wall and being injured in the open pit or on the hydraulic equipment. This would be an issue if one gate remained up after public access was allowed through the other gates following the flood event*
- *When open there is a potential for shoe heels, pram wheels or bike/scooter wheels being trapped in the gap between the recessed pit and the actual barrier.*
- *Being an 8 metre long metal gate, the gate could twist or warp over time thereby cause a trip hazard.*
- *If the barrier fails to lift when needed for flooding, this could compromise the residents along Quay Parade, and*

it could take time to get an engineer out to repair them in a window which could be as short as 6-12 hours

• Being Hydraulic. If, while being raised or lowered, they need to stop in an emergency, hydraulics don't stop immediately and being in a public place this could be a risk.

• Many of these concerns were expressed by Aberaeron residents and businesses at the "Meet the Contractor" event held on 14th & 15th November 2023

The alternatives proposed are manually operated bi-fold swing gates, which are shown in the supporting documentation provided with this application.

You will note, when in the open position they sit neatly against the proposed stone walls either side of the openings. The locking gear is hidden behind the gates and we would propose the gates be metal clad with a slate grey colour finish similar to the attached images.

The advantages to these gates are:

- They can be operated by one person, and don't require power, hence less disruption to residents during the construction works to install the power supplies.*
- The long term maintenance is far simpler meaning less demand on public funds and there is little chance they will malfunction and compromise Quay Parade at times of flooding.*
- They pose little risk to the public when both open and closed, as they are held open or closed mechanically and when open they sit neatly up against the stone walls.*
- The dark colour metal cladding would allow them to blend into the flanking stone walls, rather than stand out.*
- The manual operations and appearance is more in keeping with a historical harbour setting, rather than modern day hydraulic gates.*

All gates are unchanged with regard to their material, length and height, and the colour of the gates is shown to be unchanged from that approved, finished in a dark grey colour.

Clarification has been received regarding a minor discrepancy between the approved and proposed plan, showing the width of the flood gate affronting the Harbourmaster to be reduced. This has been confirmed to be an error on the original plan which shows the gate standing 8m wide -- this gate has always been and remains to be 6m wide, and is now illustrated as such on the revised plan. A minor adjustment has been made to the stone walling at this location due to the change from tilt barrier to bi-fold, ensuring the retention of symmetry along the harbourside.

As noted above, the change from tilt barrier to bi-fold will naturally result in the gates standing upright against the harbour-side of the approved flood wall when open -- that being the sole visual change.

The end supports of the gates will be built into the masonry flood walling, the gate posts will be contiguous with the gates, and be finished in the same dark grey colour as approved. When in an open position, the gates will partially hide the gate posts.

With reference to the plans therefore, it is sought that:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policies and Guidance

- Future Wales: The National Plan 2040
- Planning Policy Wales (11th Edition)
- TAN24 The Historic Environment
- Cadw Guidance: Heritage Impact Assessment
- Cadw Guidance: Managing Change to Listed Buildings

CONSULTATION RESPONSES

Cadw: Approved --

"The information supplied under cover of your letter has been considered and the proposals as shown need not be referred to the Welsh Government. I therefore confirm that it is now for your Authority to determine the application."

Cyngor Tref Aberaeron Council:

"To support the installation of swing gates but would request that the proposed gate fronting nos. 4 and 5 Quay Parade be amended by reducing its width to 2m and lining up the pillar on the western/seaward side with the pine-end of no. 4. This is suggested as it is believed that:-

- a) a 2m width is sufficient for this gate*
- b) in order to increase the availability of parking spaces and*
- c) to improve the visual appearance of the flood wall along Quay Parade."*

Ecology: No comments

Natural Resources Wales: No objection. Advice provided.

National Amenities Group: No response

One third party comment was received from a resident of Quay Parade with regard to:

- Bi-fold gates will be more obtrusive than tilt barriers to views from Nos 5 and 4 and a Half, Quay Parade
- Request made that gate affronting Nos 5 and 4 and a Half, Quay Parade, be reduced in length

ASSESSMENT

The primary consideration of any application with potential to impact upon a Conservation Area or the setting of a Listed Building is the regard given to the preservation and enhancement of the special interest of those heritage assets. In this case, consideration must be given to the effect of the proposed change from the approved hydraulic tilt barriers to manually operated bi-fold gates. The project as a whole has received Listed Building Consent and has therefore been deemed acceptable on heritage grounds -- thus the sole consideration in this case must be the impact brought by the proposed changes.

Visual and Operational Impact

The primary visual change will be brought by the positioning of the gates when in an open position. The approved tilt barriers were to open vertically from the ground and therefore not be immediately visible when viewing Quay Parade from across the harbour. The proposed change to bi-fold gates will result in the opening arcs changing to a horizontal aspect, with the gates in each case being stood in half to the harbour-side of the approved flood walling -- being visible upon the Quay Parade elevation.

While this change results in the increased visibility of the metalled elements to the frontage of Quay Parade and at Pwll Cam, there is benefit in the omission of the hydraulics on several fronts, as outlined by the submitted justification for the change. Aside from the stated betterment to the operation and functionality of the gates (which must be given significant weight), the simpler design and operation of the gates will prove a betterment to the character of Quay Parade itself with heavier engineering not now required to be grounded, further resulting in a reduced impact on the public realm. The LPA also finds in favour of the manual operation of the gates being more in-keeping with the surroundings as opposed to the approved hydraulics.

As such, while the proposed change will result in the increased visibility of the metalled gates when in an open position, the change is adjudged to result in overall betterment to the impact of the overall development upon the heritage interests at Quay Parade, Pwll Cam, and wider Conservation Area.

In conclusion, the proposed variation to Condition 2 of A211020 does not give rise to concerns of a detrimental impact to heritage assets when considered against the existing approved scheme. The proposed change is deemed to be an overall betterment to the project's impact on Quay Parade and Pwll Cam, and further ensures the correct function and operation of the flood defence measures in perpetuity.

Consideration of Representations

- Matters relating to the sufficiency of the length of the flood gates are best deferred to engineers designing the scheme. There is no material planning justification to require a reduction to the length any flood gate, having received approval previously
- The height and length of the gate affronting Nos 5 and 4 and a Half, Quay Parade, are unchanged by the revision. Therefore, there is no change to the impact on views and parking from the approved scheme

Cadw Response

Draft of this letter and recommendation was made to Cadw on 23rd January with delegation provided to the LPA on 31st January to approve.

RECOMMENDATION

Accordingly, it is recommended that Condition 2 of A211020 be revised as follows:

- Approved drawing **5182114-ATK-MAR-GEN-DR-L-5003-C03** be replaced by **5182114-ATK-MAR-GEN-DR-L-5003-C05**; and
- Drawings **5182114-ATK-MAR-GEN-SK-C-0060-C03** (Quay Parade) and **5182114-ATK-MAR-GEN-SK-C-0061-C02** (Pwll Cam) be added to the approved plans

THE APPLICATION IS REFERRED TO DEVELOPMENT MANAGEMENT COMMITTEE AS AN APPLICATION SUBMITTED BY, OR ON BEHALF OF, OR ON LAND IN THE OWNERSHIP OF CEREDIGION COUNTY COUNCIL FOR WHICH THE COUNCIL HAS A DIRECT INTEREST, IN LINE WITH THE SCHEME OF DELEGATION.

3. Diprwydedig/Delegated

11-01-2024 - 07-02-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
1	A210684	I Cooper	The proposal is to demolish the existing building, which is structurally unsound and beyond reasonable repair, and replace it with a new, two bedroom/three person house.	Ty Talcen, Llanllwnnen Lampeter, SA48 7LQ	Gwrthodwyd / Refused	29-01-2024
2	A220294	Mr Emyr Davies	Conversion of the existing dwelling into three flats.	Abergwaun, North Road, Aberystwyth, SY23 2EE	Caniatawyd gydag Amodau a Cytundeb S106 / Approved Subject to Conditions and S106 Agreement	11-01-2024
3	A220722	Mr and Mrs Evans	Retention of residential dwelling as built	The Kennels, Llanwnnen, Lampeter. SA48 7LG	Tynnwyd yn ôl / Withdrawn	07-02-2024
4	A230014	Mr and Mrs Purnell	Proposed Barn conversion into holiday let	Treprior, Tremain, Cardigan. SA43 1SJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	18-01-2024
5	A230015	Mr and Mrs Purnell	Barn conversion into holiday let	Treprior, Tremain, Cardigan. SA43 1SJ	Caniatâd wedi ei roi / Consent Granted	18-01-2024
6	A230059	Mr M Stevens (National Library of Wales)	It is proposed to install a Photovoltaic Panel Array in a part of the field located to the south of the National Library of Wales site.	National Library of Wales, Penglais, Aberystwyth. SY23 3BU	Caniatawyd gydag Amodau / Approved Subject to Conditions	31-01-2024
7	A230078	Miss Julie Jones	Change of use of property from a HMO into two self contained flats.	4 Alexandra Road, Aberystwyth, SY23 1LE	Caniatawyd gydag Amodau / Approved Subject to Conditions	19-01-2024
8	A230362	Mr S Glenn	Internal alterations to existing second floor flat, installation of 2 no. dormer windows, together with 1 no. replacement window to side elevation, removal of 3 no. velux windows and replacement of re-designed first floor large window to north east elevation.	Flat 4, 2 Church Street, New Quay, SA45 9NZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	25-01-2024
9	A230393	Mrs Morgan	An extension to an existing farmhouse	Lan Farm, Lady Road, Blaenporth, SA43 2BG	Caniatawyd gydag Amodau / Approved Subject to Conditions	25-01-2024
10	A230464	Mr Soar (National Trust)	External and internal repairs and alterations	Hawthorn Cottage, Pontrhydygroes, SY25 6DX	Caniatâd wedi ei roi / Consent Granted	31-01-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
11	A230473	Mr Owen Stephens	Demolition of existing single story former cow shed and stable outbuilding. Construction of two story side and front extension.	Maesyderi, Oakford, Llanarth, SA47 0RN	Caniatawyd gydag Amodau / Approved Subject to Conditions	19-01-2024
12	A230538	Mr S Rudd (S.J. Rudd Builders)	Retention of works carried out to existing previously consented building to include, additional lean-to to the rear of building, addition of first floor to be used as ancillary/overflow accommodation to main dwelling, pergola/covered hot tub area and 2no. log stores attached and all other associated works.	Hirwaun Mill House, Ponthirwaun, Cardigan, SA43 2RJ	Gwrthodwyd / Refused	17-01-2024
13	A230597	Mr and Mrs Chapman	Erection of 4no. dwellings and associated works	Site Opposite Terrace Row, Taliesin, Machynlleth, SY20 8JL	Caniatawyd gydag Amodau / Approved Subject to Conditions	06-02-2024
14	A230666	Mr Stephen Magee	Erection of a B1/B8 - Workshop and Storage Unit (as a replacement to the previous building)	Trewyddil Forge, Synod Inn, Llandysul. SA44 6JJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	24-01-2024
15	A230770	Ms Eileen Gough	Addition of first floor extension over the rear kitchen (no increase in footprint). The extension is to create a further bedroom to replace a bedroom at ground floor level which is needed for living accommodation.	Brynawel, Penrhiwllan, Llandysul, Ceredigion, SA44 5NG	Tynnwyd yn ôl / Withdrawn	19-01-2024
16	A230782	Mr and Mrs Howell & Yvonne Davies	Erection of a Stable Block	Penwernfach, From The Junction Of The B4570 To A Property Known As Penwernfach (private) Ponthirwaun, Cardigan, Ceredigion, SA43 2RL	Caniatawyd gydag Amodau / Approved Subject to Conditions	11-01-2024
17	A230807	Mr R Mann	Replacement of Visual Control Tower and existing buildings with new VCT and modern hangar facility (Hangar 3), including extended taxiway and ancillary works	West Wales Airport, Blaenannerch, Cardigan, Ceredigion, SA43 2DZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	12-01-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
18	A230809	Mr Mark Stevens (National Library of Wales)	Extension of time on planning permission A180389 - Erection of a new 4-storey storage facility to house the archive of BBC Wales and other archive materials. Demolition of existing staircase at the east end of the adjacent Outstore building and construction of new staircase. Demolition of existing brick boundary wall surrounding external chiller plant compound. Construction of single storey link bridge to connect the new archive store to the existing Third Library Building. Installation of new cladding to external face of the existing machine house at the north end of the Third Library Building.	National Library Of Wales, National Library Access, Penglais, Aberystwyth, Ceredigion, SY23 3BU	Caniatawyd gydag Amodau / Approved Subject to Conditions	15-01-2024
19	A230813	Mr Andrew Tetlow	Variation of condition 2 of planning permission - A211053 - site and the land restored to its former condition before the expiration of two years	Mossley, C1113 From Bear House To Bethesda Chapel, Llanddewi Brefi, Tregaron, Ceredigion, SY25 6RS	Caniatawyd gydag Amodau / Approved Subject to Conditions	19-01-2024
20	A230814	Mr and Mrs Byron & Rachel Jenkins	To discharge condition 8 of Planning Permission A211090 -Proposed alterations and extension to the existing farmhouse inclusive of a change of use of part of the adjoining outbuilding into residential use	Tynfron, C1064 From The Junction Of The B4340 To New Row, Llanafan, Aberystwyth, Ceredigion, SY23 4BA	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	18-01-2024
21	A230820	Mr T Davies (T I Davies Holdings Ltd)	Discharge condition 13 of planning permission A230462 - (Variation of condition 2 (amended plans) from planning permission A200976)	Maes yr Efail, Penparc, Cardigan, SA43 1RG	Amod(au) wedi'u rhyddhau yn rhannol / Condition(s) Partially Discharged	19-01-2024
22	A230825	Kate Fenhalls	Replacement of planning permission App No A190774 for the conversion of an agricultural barn to long term rental accommodation.	Melindwr Farm, Eglwys Fach, Machynlleth SY20 8TF	Gwrthodwyd / Refused	23-01-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
23	A230827	The Home Office (The Home Office)	Installation of a 5m tower extension. Relocation of 2 no. antennas and 2 no. dishes to the top of the extension (approved under previous application). Installation of 6 no. new antennas, 4 no. new ground-based cabinets, remote radio units, GPS nodes, mast head amplifier and associated apparatus and ancillary works	Esgair Wen, Cwmystwyth, Aberystwyth, SY23 4AG	Caniatawyd gydag Amodau / Approved Subject to Conditions	25-01-2024
24	A230829	Mr Paul Beech	Change of use from mixed commercial & residential to solely residential use	Ty Bliss, New Road, SA44 4QJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	24-01-2024
25	A230831	Mr J O'Rourke (Prifysgol Aberystwyth University)	Approval of details reserved by condition 13 (Plaster Repairs) of planning permission A230720	Old College And 1 And 2 New Promenade, Aberystwyth, SY23 2AF	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	15-01-2024
26	A230835	Mr John Lloyd	Residential Development for 5 dwellings	Street Record, Maes Yr Halen, Cross Inn, Ceredigion, SA44 6NU	Caniatawyd gydag Amodau / Approved Subject to Conditions	16-01-2024
27	A230839	Ms Sarah Thomas	Erection of new changing facilities unit on level concrete base at Cae Baker playing field.	Penrhyncoch Football Club, C1016 From The Property Known As Cefn Meurig To Penrhyncoch, Penrhyncoch, Ceredigion, SY23 3EH	Caniatawyd gydag Amodau / Approved Subject to Conditions	30-01-2024
28	A230840	Mr Sean Anderton	Proposed 2 storey extension	19 Stad Craig Ddu, Llanon, Ceredigion, SY23 5AQ	Caniatawyd gydag Amodau / Approved Subject to Conditions	06-02-2024
29	A230846	(Wm Morrisons Supermarkets PLC)	Display of signage	Morrisons Supermarket Parc Y Llyn Retail Park, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3TL	Caniatawyd gydag Amodau / Approved Subject to Conditions	30-01-2024
30	A230847	(Wm Morrisons Supermarkets PLC)	Erection of Timpsons pod within car park	Morrisons Supermarket Parc Y Llyn Retail Park, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3TL	Caniatawyd gydag Amodau / Approved Subject to Conditions	30-01-2024
31	A230852	Mr James Lynch	Variation of condition 1 planning application A180613 - timeframe for implementation	Manorafon, Sarnau, Llandysul. SA44 6QH	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-01-2024
32	A230853	Mr N Goss (Nathan Goss Conservation)	Discharge of Condition 3 of Planning Permission A230466 - details and samples of new slates	Glanrhos, C1064 From The Junction Of The B4340 To New Row, Llanafan, Aberystwyth, Ceredigion, SY23 4BG	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	11-01-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
33	A230854	Mr N Goss (Nathan Goss Conservation)	Discharge of Condition 4 of Planning Permission A230466 - fully detailing the new windows and doors	Glanrhos, C1064 From The Junction Of The B4340 To New Row, Llanafan, Aberystwyth, Ceredigion, SY23 4BG	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	11-01-2024
34	A230857	Mr Tomasz Wojciechowski	Retention of the property as an HMO	3, Bilston Terrace Heol-y-bont, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3RL	Caniatawyd gydag Amodau / Approved Subject to Conditions	22-01-2024
35	A230858	Mr Timothy Day (P. P. Leisure Activities Ltd)	Change of Use from Amusement Arcade to Retail A1	Funland Arcade High Street, Borth, Ceredigion, SY24 5HY	Caniatawyd gydag Amodau / Approved Subject to Conditions	11-01-2024
36	A230862	Mr Terry Dewhurst	Installation of an Air Source Heat Pump to the side elevation of the house	Ellen House Heol Yr Esgob, Llanon, Ceredigion, SY23 5HS	Caniatawyd gydag Amodau / Approved Subject to Conditions	11-01-2024
37	A230868	Mr and Mrs Gwyndaf Evans	Demolition & replacement dwelling	Hillcrest, Gwbert, Cardigan, Ceredigion, SA43 1PR	Caniatawyd gydag Amodau / Approved Subject to Conditions	31-01-2024
38	A230870	Mr Ieuan Williams (Natural Resource Wales)	Construction of a new forest road to enable the felling and extraction of the trees.	Allt Lwyd Forest Block Adjacent To C1022, Abermagwr.	Caniatawyd gydag Amodau / Approved Subject to Conditions	22-01-2024
39	A230871	Mr Ieuan Williams (Natural Resources Wales)	Construction of a new forest entrance and lorry turning area to enable the felling of the Pwll Peirian forest.	Pwll Peirian Forest, Nr. Cwm Ystwyth	Caniatawyd gydag Amodau / Approved Subject to Conditions	22-01-2024
40	A230876	Mr Osian Elias	Renovation and extension of existing dwelling, including the reconstruction of an existing outbuilding and the provision of photovoltaic panels	1, North Lodge, Cwm Cou, Cardigan, Ceredigion, SA43 2RL	Caniatawyd gydag Amodau / Approved Subject to Conditions	01-02-2024
41	A230877	Mr and Ms Dylan and Jenny Jones and Nicholls	Re-instatement of abandoned servants quarters of the former Plas y Gwernant Mansion to a dwelling and all associated works.	Land At Gwernant Home Farm Formerly Plas Y Gwernant Mansion, Rhydlewis, Llandysul, SA44 5QJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	29-01-2024
42	A230879	Mr and Mrs P G & R M Manning	Variation of condition 1 of planning permission A180943 - extension of time	Y Werydd Pen-yr-angor, Trefechan, Aberystwyth, Ceredigion, SY23 1BJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	23-01-2024
43	A230884	Mr L & L Wyatt	Variation of condition 2 of planning permission A230123 - Approved plans	Pantmochbach, Maesymeillion, Llandysul, Ceredigion, SA44 4NH	Caniatawyd gydag Amodau / Approved Subject to Conditions	01-02-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
44	A230885	Mr L & L Wyatt	Variation of condition 2 of planning permission A230123 - approved plans and documents - add an enclosed brick porch to the front elevation	Pantmochbach, Maesymeillion, Llandysul, Ceredigion, SA44 4NH	Caniatawyd gydag Amodau / Approved Subject to Conditions	01-02-2024
45	A230902	Mr Hans	Discharge of Condition 6 of A230637 - External Materials	Health Centre Feidrfair, Cardigan, Ceredigion, SA43 1EB	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	31-01-2024
46	A230904	Mr Aled Morris	Non-Material Amendment of A180029 for increased widths of windows to allow for adequate fire escape, window and door on utility room swapped (rear elevation, P01B), increased height of eaves by 236mm.	Llwynpiod, C1001b From The Junction Of The B4548 To The Junction Of The C1078, Cardigan, Ceredigion, SA43 1PJ	Caniatawyd / Approved	16-01-2024
47	A230905	Mr Arwyn & Mrs Rhian Jones	Non-Material Amendment of A210468 - Design Amendment to Front Porch	16 Pen-y-graig, Aberystwyth, Ceredigion, SY23 2JA	Caniatawyd / Approved	17-01-2024
48	A230909	(Bow Street Football Club)	Re-position existing seating stand - of 50 seats. Erect new 50 seater stand and a 100 seater stand. Purpose of added seats to the ground is to satisfy requirements of tier 2 regulations set out by the Football Association of Wales.	Cae Piod Playing Field, Bow Street, Ceredigion,	Caniatawyd gydag Amodau / Approved Subject to Conditions	07-02-2024
49	A230913	Ieuan Davies (TI Davies & Son)	Non-Material Amendment of A230462 - minor amendments to design and adjustment to siting	Plot 10 Maes Yr Efail, Penparc, Cardigan, Ceredigion, SA43 1RG	Caniatawyd / Approved	19-01-2024
50	A240005	Mr Endaf Jenkins	Erection of an agricultural egg packing building extension and all associated works	Pwllpridd, Lledrod, Aberystwyth, Ceredigion, SY23 4HZ	Caniatâd ymlaen llaw ddim ei angen / Prior Approval Not Required	29-01-2024
51	A240008	(Cornerstone)	Non-Material Amendment of Condition 4 of A230132 - Amending wording	Woodland West Of Llethr Brith Rhosmaengwelw, Upper Cwnnws, SY25 6BT	Caniatawyd / Approved	24-01-2024
52	A240013	Mr Elgan Hughes	Lawful Development Certificate of Existing Use - Proposed retention of an existing residential extension to rear of the dwelling	24 Tregerddan, Bow Street, Ceredigion, SY24 5AU	Caniatawyd y Tystysgrif / Certificate Granted	24-01-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
53	A240016	Mr and Mrs Gwyn and Eirian Griffiths (G and E Griffiths)	Construction of a replacement slurry lagoon	Tredafydd, Sarnau, Llandysul, SA44 6PZ	Caniatâd ei angen / Permission required	02-02-2024
54	A240018	Mr and Mrs Cutler	NMA Application for the removal of Condition 3 of Planning Consent A200705	The Grange, Ceredigion, SA43 2JH	Caniatawyd / Approved	31-01-2024
55	A240019	Mr Ieuan Williams (Natural Resources Wales)	The maintenance of the forest road and turnaround to extract the timber from Allt Brynarth in accordance with Forest Resource Plan	Allt Brynarth, Welsh Government Woodland Estate	Caniatâd ymlaen llaw ddim ei angen / Prior Approval Not Required	22-01-2024
56	A240022	Mr Jane O'Brien (Ynniteg Community Energy.)		Land West Of Penrhiw Fach, Henfynyw, Aberaeron, SA47 0HP	Dychwelwyd yn annilys / Returned Invalid	16-01-2024
57	A240023	Mr M Rowlands	Discharge of Condition no.8 of A230730 - detailed landscaping planting schedule	Brynllys Farm, Dol-y-bont, Borth, Ceredigion, SY24 5LZ	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	24-01-2024
58	A240026	Mr Tim Pink	Proposed lawful development certificate for extension to Mingwynion, and connection to existing sewerage system.	Meinigwynion, Llangeitho, Tregaron, Ceredigion, SY25 6QH	Caniatawyd y Tystysgrif / Certificate Granted	30-01-2024
59	A240032	Mr Ieuan Williams (Natural Resource Wales)	Alteration of existing road	Woodland, Dolfor Cwm Llechwedd, Aberystwyth, SY23 4ST	Caniatâd ymlaen llaw ddim ei angen / Prior Approval Not Required	24-01-2024
60	A240033	Mrs Lynette Homer	Discharge of conditions 15 planning permission A220818 - Precautionary Working Method Statement (PWMS) (Reptiles)	Glyndwr, Trer Ddol, Machynlleth, SY20 8QD	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	24-01-2024
61	A240036	Mrs Lynette Homer	Discharge condition 17 of planning permission A220818 - detailed Biodiversity Enhancement Scheme	Glyndwr, Trer Ddol, Machynlleth, SY20 8QD	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	24-01-2024
62	A240037	Mrs Lynette Homer	Discharge condition 18 of planning permission A220818 - detailed landscaping scheme	Glyndwr, Trer Ddol, Machynlleth, SY20 8QD	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	24-01-2024
63	A240060	Mr and Mrs Chapman	Discharge condition 11 of planning permission A200727 - Biosecurity Risk Assessment	Site Opposite Terrace Row, Taliesin, Machynlleth, SY20 8JL	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	05-02-2024

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
64	A240061	Mr and Mrs Chapman	Discharge condition 13 of planning permission A200727 - Ecological Mitigation and Enhancement Plans	Site Opposite Terrace Row, Taliesin, Machynlleth, SY20 8JL	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	05-02-2024

4. Penderfyniadau Apeliadau/Appeal Decisions

11-01-2024 - 07-02-2024

#	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	CAS-02678-N1G3P1	A211174	Mr Simon Palmer	Against refusal of planning permission	10-11 High Street, Lampeter. SA48 7BG	Allowed with Conditions	16-01-2024
2	CAS-02717-R6Q4H3	A220308	Mr Wynford Williams (Wynford Williams Car Sales)	Refusal of planning permission	Land adjacent to Brynteg, Primrose Hill, Llanbadarn Fawr, Aberystwyth. SY23 3AT	Dismissed	31-01-2024

5. Apeliadau a Dderbyniwyd/Appeals Received

11-01-2024 - 07-02-2024

#	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	CAS-03013-C5H3D0	A220668	Ms Ann Broben	Refusal of planning permission	Ffynnon Oer, Rhyd Lewis, Llandysul. SA44 5PS		



Costs Decision

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/01/2024

Costs application in relation to Appeal Ref: CAS-02678-N1G3P1

Site address: 10-11 High Street, Lampeter, SA48 7BG

Decision

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

Preliminary Matters

2. The application by Mr Simon Palmer and the response by the Council were made in writing.
3. The applicant has not stated whether he is seeking a full or partial award of costs. As the grounds relate to both procedural and substantive matters, I have determined the application on the basis it seeks a full award.

Reasons

4. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The Council concedes that it failed to take the submitted viability assessment into account. It proceeded to refuse the application on the grounds that no affordable housing contribution was being made. Whilst I acknowledge the resources issues that the Council refers to, and its contention that it wrote to the appellant to seek information regarding viability, this does not account for the misplacing of the viability assessment. Whether or not the assessment was provided on the Council's calculation spreadsheet is not relevant to the submitted version not being taken into account.
6. Despite the applicant seeking further advice on the assessment following the decision, there appears to be a dispute as to whether the alleged correspondence took place. In any event, it appears that any response was limited to the Council seeking the assessment on the Council's viability calculator spreadsheet. Whilst this may be the preferred method of presenting the information, I find no reason why the Council could not comment on the information provided.
7. As a result, the applicant lodged an appeal. I have found in my appeal decision that the viability assessment provided sufficient information to reach a view on the acceptability of the proposal. I have no reason to believe the Council could not have provided such a view.

8. Whilst the outcome of the application may not have been any different had the Council taken the assessment into account, it has not substantiated its position on the acceptability of the proposal during the appeal process despite having this information before it. It has raised some concern regarding the lack of the use of the calculator and the reliance on the value of the property in its current use but provides no conclusive view on the evidence provided. Reference is also made in its statement of case to the need for weight to be given to the positive impacts arising from the development on the High Street and within the Conservation Area. No such weight or balancing exercise of the respective considerations appears to have been applied or carried out in reaching its decision to refuse the application or in making its case at appeal.
9. The Council clearly failed to take into account the viability assessment in determining the application. Once aware of its existence, it failed to provide any constructive feedback on its content to inform the applicant's next steps. It has not substantiated its reason for refusal at appeal. I find this behaviour to be unreasonable. It has resulted in the applicant incurring unnecessary and wasted expense in pursuing an appeal.

Conclusion

10. I have taken into account all other matters raised. I conclude that it has been demonstrated the Council's behaviour has been unreasonable and resulted in the applicant incurring unnecessary and wasted expense as described in the Annex.

Costs Order

11. In exercise of the powers under Schedule 6 of the Town and Country Planning Act 1990, as amended, and all other enabling powers in that behalf, it is hereby ordered that Ceredigion County Council shall pay to Mr Simon Palmer the costs of the appeal proceedings referenced in the heading of this decision.
12. The applicant is now invited to submit to Ceredigion County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, an application for a detailed assessment by the Senior Courts Costs Office should be considered.

VK Hirst

INSPECTOR



Appeal Decision

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/01/2024

Appeal reference: CAS-02678-N1G3P1

Site address: 10-11 High Street, Lampeter, SA48 7BG

- 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 Simon Palmer against the decision of Ceredigion County Council.
 - The application Ref A211174, dated 16 December 2021, was refused by notice dated 8 November 2022.
 - The development proposed is change of use of an existing 10 bedroom HMO into 4 No. self-contained flats.
 - A site visit was made on 21 November 2023.
-

Decision

1. The appeal is allowed, and planning permission is granted for the change of use of an existing 10 bedroom HMO into 4 No. self-contained flats in accordance with the terms of the application, Ref A211174, dated 16 December 2021, subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs has been made by the appellant against Ceredigion County Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether the development should be the subject of an affordable housing contribution and its effect on the River Teifi Special Area of Conservation (SAC).

Reasons

4. The appeal site is located within Lampeter town centre and within its Conservation Area. The appeal building comprises a three-storey mid terraced property with the ground floor occupied by retail units and the second and third floors currently in use as a house in multiple occupation (HMO). The proposal would change the use to four flats.

Affordable Housing Contribution

5. The Council refused the application on the basis that no contribution was being made towards affordable housing as required by policy S05 of the Ceredigion Local Development Plan (the LDP). The policy states that where a reduction in affordable housing provision is sought, details showing a lack of viability will need to be submitted.

6. An affordable housing statement was provided with the application which states that it uses the Council's housing mix/commuted sum and viability calculator. It relies on residual and post development valuations provided by a local estate agent with comparable evidence, and costs for conversion based on RICS development costs and budget estimating. It concludes that the proposal would not be viable if the affordable housing contribution was applied.
7. I note the Council's contention that the statement does not use its calculator and the value of the building in its current use was used in the calculation rather than the purchase price. However, it concedes that it failed to take the statement into account in reaching its decision and offers no substantive evidence that challenges its findings.
8. I am satisfied the statement provides a robust and appropriate assessment of the viability of the proposed development using comparable market data and industry recognised costings. It provides the information that is required for such assessments under the Council's Affordable Housing SPG. I have no reason to disagree with its findings that the requirement for an affordable housing commuted sum would render the proposal unviable.
9. As such I find the development would comply with policy S05 in that it has been sufficiently shown that the provision of an affordable housing contribution is not required in this instance.

Effect on the River Teifi SAC

10. The site lies within the catchment area of the River Teifi SAC. The Council contends the proposed development has the potential to increase phosphates being discharged into the SAC as a result of increased occupancy and additional kitchens and bathrooms. No reason for refusal was provided in the Council's decision notice in this regard but it has raised the issue in its statement of case.
11. In any event, as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) I must determine whether the proposal is likely to have a significant effect on the SAC.
12. The current HMO comprises ten separate double bedrooms. The proposal would result in six double bedrooms and two single bedrooms which the appellant states would reduce the maximum potential capacity of the accommodation from twenty to fourteen people. Whilst I acknowledge the Council's view that an HMO is more likely to have single occupancy in rooms, I have no evidence that this is the case, and it is evident the rooms have the capacity to be occupied by couples.
13. An increase in kitchens and bathrooms would not in themselves increase the amount of phosphates entering the SAC. This would be dependent on the number of occupants and the associated volume and phosphorous concentration of the wastewater produced. From the evidence, I am satisfied that the proposal would result in a decrease in the number of occupants within the SAC river catchment area as a result of the change of use to four flats. There would be an associated reduction in the volume and phosphorous concentration of the wastewater produced when compared with the current occupation levels.
14. On this basis I am satisfied that the proposal would not result in an increase in the amount of phosphorous entering the SAC catchment. As such the development would not have any likely significant effect on the SAC and an Appropriate Assessment is not required under the Habitats Regulations.
15. I conclude the proposal would not have an adverse effect on the River Teifi SAC.

Other Matters

16. Apart from the above issues, the Council has raised no objection to the principle of converting the appeal site into four flats. I concur with its view that the proposal would enhance the character and appearance of the Conservation Area through the proposed repair and redecoration works to the building. The improvements to the building would also be beneficial to the setting of nearby listed buildings and would secure the future use of the building in an important location within the town centre. The change from an HMO to four flats would also be a less intensive residential use of the property with associated benefits to neighbouring residents.
17. I conclude the proposal would be an acceptable development that would be in conformity with the adopted development plan.

Conditions

18. I have considered the Council's suggested conditions in light of the advice in Circular 016/2014 "The Use of Planning Conditions for Development Management" (the Circular). I have imposed the conditions set out in the attached schedule for the reasons given. I have amended the wording to require a scheme for the storage of refuse to be submitted to and approved by the Council as the suggested condition lacked precision.
19. I note in the Council's questionnaire that it did not consider conditions in relation to biodiversity enhancement and the installation of gigabit capable broadband infrastructure to be necessary. No reasons are provided for their omission. Policies 9 and 13 of Future Wales require development to provide a net benefit for biodiversity and to provide gigabit capable broadband infrastructure. Whilst I appreciate there is little land available with the appeal site, some biodiversity enhancement measures proportionate to the scale of the development could be provided within the courtyard and parking area to the rear. I have therefore applied a condition in this regard.
20. I have no reason to believe that broadband infrastructure is not already available in this town centre location. Furthermore, the property is already in residential use and as such I am satisfied in this instance that no requirement for broadband infrastructure is reasonable or necessary.
21. I also note the Council's officer's report contained recommendations from its highways and land drainage advisors. Neither of the suggested conditions were included in its list. I find the requirement for cycle parking provision to be reasonable and necessary in the interests of sustainable travel. A requirement for permeable surfaces and a scheme for the disposal of surface water to be agreed would be controlled under other consenting regimes and are therefore not required under condition.

Conclusion

22. I have taken into account all other matters raised but find none that alter my conclusions that subject to the imposition of conditions the development is acceptable. For the reasons given above I allow the appeal.
23. 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 development is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WCFG Act.

SCHEDULE OF CONDITIONS

Ref: CAS-02678-N1G3P1 - 10-11 HIGH STREET, LAMPETER, SA48 7BG

- 1) The development shall begin not later than 5 years from the date of this decision.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans: 044-01 – Existing site plan, dated 10/2021; 044-05A – Proposed Drawings (Floor Plans), dated 10/2021; 044-06A – Proposed Drawings (Elevations), dated 10/2021; 044 – 07A, Proposed Site Plan, dated 10/2021.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

- 3) No development shall take place until a scheme for the storage of refuse has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity.

Reason: In the interests of protecting residential amenity and public health (LDP policy DM06 & LU07).

- 4) The proposed parking facilities shall be completed before the development is brought into use. The parking and turning area shall be kept free from obstruction and shall be available for parking and turning at all times.

Reason: In the interests of road safety (LDP Policy DM06)

- 5) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity (Future Wales Policy 9)

- 6) The bicycle parking facilities shown on plan number 044-07A, Proposed Site Plan, shall be provided prior to the first occupation of the development and shall be retained in perpetuity.

Reason: In the interests of providing facilities for a means of sustainable travel (LDP Policy DM03)



Costs Decision

by Vicki Hirst BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31.01.2024

Costs application in relation to Appeal Ref: CAS-02717-R6Q4H3

Site address: Land Adj. to Brynteg, Primrose Hill, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3AT

Decision

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

Preliminary Matter

2. The application by Mr Lloyd-Williams and the response by the Council were made in writing.

Reasons

3. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The Council took some 10 months to determine the application from its submission in April 2022. However, I note that it was not until August 2022 that the appellant provided an Access statement to the Council. The Council did not consult its Highways department on this statement and took a further 7 months to reach a decision. This decision was made under its officer's delegated powers and did not require a committee decision.
5. The Council cites resource issues with the delay in processing the application. Whilst this is acknowledged, I find this delay to represent unreasonable behaviour in line with the Annex. I note, however, that the appellant chose not to appeal against non-determination which was open to him, and I have no evidence that the delay, in itself, caused any wasted or unnecessary expense.
6. Whilst the Council did not consult its Highways' department on the Access Statement, no objection had been raised by this department and I have no reason to believe it would have made a different recommendation having had sight of this statement. Similarly, although the officer does not reference the appellant's Access Statement in its officer report, the report clearly sets out the Highway's officer's lack of objection, the changes made to the access since the previous appeal, the reasons why, in the officer's view, the proposal does not address the concerns raised by the previous Inspector and the reason for recommending refusal. The reduced speed limit did not come into force until after the

Council's decision, but in any event, the concern relates to obstruction of the visibility splay irrespective of the reduction in the speed limit.

7. I am satisfied that, whilst the Council's decision was contrary to its own Highways officer's advice, it has shown reasonable grounds for refusing the application. As such, I have no reason to believe that the outcome would have been any different had the Highways department been consulted on the statement or it had been referred to in the officer's delegated report.
8. I therefore conclude that whilst the Council has behaved unreasonably in terms of the time taken to determine the application without substantive reason, the appellant has not incurred any wasted or unnecessary expense in pursuing an appeal as the outcome of the application was highly unlikely to have been any different.

Conclusion

9. I have taken into account all other matters raised but find none that alter my conclusion that the Council's behaviour has been unreasonable in part. However, I find that this did not result in unnecessary or wasted expense, as described in the Annex.

VK Hirst

INSPECTOR



Appeal Decision

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31.01.2024

Appeal reference: CAS-02717-R6Q4H3

Site address: Land Adj. to Brynteg, Primrose Hill, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3AT

- 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 Wynford Lloyd-Williams against the decision of Ceredigion County Council.
 - The application Ref A220308 dated 22 April 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the erection of a dwelling, entrance and associated works.
 - A site visit was made on 21 November 2023.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description has been taken from the Council's decision notice. It differs slightly from the description in the application and appeal form but as it more concisely and accurately describes the proposal I have used it in making my decision.
3. The proposal was revised following a previous appeal being dismissed for a similar development. I am required to consider the proposed development afresh on the basis of current planning policy and the merits of the particular case. However, the previous appeal decision is a material consideration and I have taken it into account in reaching my decision.

Application for costs

4. An application for costs has been made by Mr Lloyd-Williams against Ceredigion County Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposed development on pedestrian and highway safety having particular regard to the access arrangements.

Reasons

6. The appeal site is located within the settlement area of Llanbadarn Fawr and is situated between other detached residential properties fronting Primrose Hill. Its frontage is divided from Primrose Hill by a layby used in association with a bus stop. The entrance to Coleg Ceredigion is located a short distance to the south-east on the opposite side of the road. A path is situated along the appeal site's north-east boundary.
7. The proposal is for one detached dwelling. No objections have been raised to the principle of the development within this location and I have no reason to disagree. The appellant has provided evidence in relation to the viability of developing the plot with the requirement to provide a contribution towards affordable housing. On the evidence before me, I concur with the previous Inspector's findings that the proposal would not be required to make such a contribution as this would render the proposal unviable. As the Council's adopted Local Development Plan (LDP) allows for a reduction in contributions in such circumstances there would not be a conflict with policy S05 of the LDP in this regard.
8. In response to the previous appeal decision, the proposed access has been repositioned to the south-east corner of the plot. The access would require vehicles to cross the layby to access the site and whilst the Highway Authority does not object to the development, the Council relies on the findings of the Inspector at the previous appeal (APP/D6820/A/20/3255496) in refusing the application.
9. The speed limit on Primrose Hill has recently been reduced from 30mph to 20mph. As a result, visibility splays of 2.4 by 25 metres are required by the Manual for Streets and Technical Advice Note 18 – Transport (TAN 18). I am satisfied from the evidence before me and from my observations on site that these can be achieved.
10. I note the appellant's highways statement states that the separation distance between the proposed access and a parked bus has increased three-fold from the previous proposal (from 1.8m to 5.8m). Nevertheless, this assumes a bus would stop at the south-west end of the layby. Whilst I acknowledge the bus stop is located towards this end of the layby, I note there are two other access points serving residential properties in close proximity to the bus stop. There is a high likelihood that this would result in a bus stopping further into the layby to provide clearance. In my assessment and taking account of the tapered ends of the layby, a bus could stop at any point within it and would not necessarily stop at the furthest point from the proposed new access. In any event it would stop within the required visibility splay. Given the large size of a bus, I find it would differ to cars parked on a roadside within a visibility splay as it would fully obstruct the view for the driver of an emerging car.
11. A bus in the layby would also obscure pedestrians emerging from a bus to drivers of cars turning into the access off Primrose Hill. The 20mph speed limit does not alter this fact or the possibility of a bus being parked in any part of the layby. Vehicles turning into the access would be slowing down irrespective of the speed limit but even at the appellant's anticipated 10mph speed when turning in, I am not satisfied the recommended stopping distances set out in Manual for Streets and TAN 18 would be met when a bus is parked further into the layby. As such, there would be an associated risk to pedestrian safety.
12. I have had regard to the frequency of use/timetable for the bus service. Whilst I acknowledge the appellant's contention that the timings would coincide with times when use of the access would be light, I have no evidence to demonstrate that this would be the case. From the evidence before me buses use the stop on a regular basis.

13. Furthermore, I noted on my site visit that Primrose Hill is a busy road and serves a number of residential properties and Coleg Ceredigion. Taking all matters together, I find the risk to highway and pedestrian safety to be unacceptable. I do not find the concerns raised by the Inspector at the previous appeal are altered by the revised scheme. As such I find the proposal would contravene policy DM06 of the LDP and the advice in TAN 18 in that the use of the layby would obstruct the visibility splay and required stopping distances and result in an unacceptable risk to highway and pedestrian safety.

Conclusions

14. I have taken into account all other matters including the correspondence between the appellant and the Council and the lack of accidents at the existing access into the appeal site and its use by slow moving agricultural vehicles. I do not find such matters to outweigh the harm that I have identified would arise from the new access to serve a residential development with the likelihood of more regular vehicular movements than are likely to arise from the use of the agricultural access. For the above reasons I dismiss the appeal.

15. 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 one or more of the Welsh Ministers' well-being objectives.

VK Hirst

INSPECTOR

This page is intentionally left blank