

1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A200449	09-06-2020	Mr and Mrs Ken & Terris Bird	Erection of 2 open market dwellings with vehicular access.	Land Adjacent To Maes Wyre Llanrhystud, Aberystwyth	Refuse

1.1. A200449



Rhif y Cais	A200449
Derbyniwyd	09-06-2020
Y Bwriad	Codi dwy annedd marchnad agored gyda mynediad i gerbydau.
Lleoliad Safle	Tir ger Maes Wyre Llanrhystud, Aberystwyth
Math o Gais	Cais Cynllunio Llawn
Ymgeisydd	Mr a Mrs Ken & Terris Bird, Ysgubor Wyre, Llanrhystud, Ceredigion, SY23 5DL
Asiant	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Llys Y Cwmwd, Llanrhystud, Ceredigion, SY23 5ED

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn rhan o barsel o dir rhwng cefnffordd yr A487 ac afon Wyre yn anheddiad Llanrhystud. I'r dwyrain o'r tir hwn mae ystâd Maes Wyre, a nodweddir gorllewin y safle gan unedau preswyl sy'n wynebu'r Llew Du. Mae safle'r cais ei hun yn siâp petryal ac yn ymestyn o'r eiddo cyfagos Dwyrdd i'r dwyrain a Candor Villa i'r gorllewin. Mae terfyn deheuol y safle yn ffinio'n uniongyrchol â'r afon.

Er bod datblygiad preswyl wrth ymyl safle'r cais, mae'r safle y tu allan i derfynau anheddiad Llanrhystud, ac o ran y Cynllun Datblygu Lleol ystyrir ei fod yn dir a nodir fel 'lleoliadau eraill'. Mae safle'r cais hefyd wedi'i leoli'n rhannol ym Mharth C2 o'r Map Cyngor Datblygu sydd wedi'i gynnwys yn TAN15.

Mae ceisiadau cynllunio sy'n ymwneud â'r safle penodol hwn wedi'u cyfyngu i geisiadau a gyflwynwyd yn y 1970au ond cawsant eu tynnu'n ôl neu eu gwrthod wedi hynny.

MANYLION Y DATBLYGIAD

Gwneir y cais yn llawn ac mae'n ceisio caniatâd cynllunio ar gyfer codi dwy annedd marchnad agored eithaf mawr wedi'u lleoli mewn trefniant llinellol ar arglawdd afon Wyre gyda'r eiddo cyfagos Dolwyre ar ochr arall yr afon oddeutu 24m i fwrdd o ôl troed arfaethedig yr uned fwyaf dwyreiniol.

Mae'r ddau eiddo union yr un fath heblaw eu bod yn cael eu datblygu mewn drych-ddelwedd ac maent yn bwriadu darparu tair ystafell wely a garej integrol. Bydd gan yr anheddau dalcendoeon a byddant yn cael eu gorffen yn rhannol gyda rendrad ac yn rhannol gyda chladin pren ar y llawr cyntaf. Nodweddir y tu cefn gan nifer fawr o ffenestri ar y ddwy lefel a lleolir y prif ddrws ar ochr yr eiddo.

Darperir digon o le parcio ac ardaloedd amwynder gyda mynediad i gerbydau i'r safleoedd o ffordd bresennol ystâd Maes Wyre.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 (Chwefror 2021)
- PCC Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

Polisi Cynllunio Lleol Perthnasol

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

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirweddu

DM11 Dylunio ar gyfer y Newid yn yr Hinsawdd

DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

LU05 Sicrhau Cyflenwi Datblygiadau Tai

S01 Twf Cynaliadwy

S04 Datblygiadau mewn Aneddiadau Cyswllt a Lleoliadau Eraill

S05 Tai Fforddiadwy

YSTYRIAETHAU PERTHNASOL ERAILL

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

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

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

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

YMATEBION I'R YMGYNGHORIAD

Priffyrdd Ceredigion – Dim gwrthwynebiad yn ddibynnol ar amodau

Cyfoeth Naturiol Cymru - Mae Cyfoeth Naturiol Cymru yn cadarnhau bod y safle yn rhannol o fewn Parth C2 fel y nodir yn TAN15. Mae TAN15 yn cadarnhau na ddylid caniatáu datblygiad agored iawn i niwed ym Mharth C2. Mae gan Gyfoeth Naturiol Cymru bryderon sylweddol ynglŷn â'r datblygiad arfaethedig fel y'i cyflwynwyd. Mae Cyfoeth Naturiol Cymru yn argymhell na ddylid rhoi caniatâd cynllunio oni bai bod yr Awdurdod Cynllunio yn fodlon bod rhesymau hollbwysig dros ystyried caniatáu'r cais yn groes i bolisi cynllunio cenedlaethol ar ddatblygu a pherygl llifogydd. Yna, rhaid darparu tystiolaeth foddhaol i ddangos y gellir rheoli risgiau a chanlyniadau llifogydd i fod yn lefel dderbyniol, yn unol â TAN15. Fel arall, mae Cyfoeth Naturiol Cymru yn gwrthwynebu'r cais.

Draenio Ceredigion - Sylwadau / dim gwrthwynebiad yn ddibynnol ar amodau

Dŵr Cymru - dim gwrthwynebiad yn ddibynnol ar amodau

Derbyniwyd 3 gohebiaeth trydydd parti sy'n gwrthwynebu'r cynnig am y rhesymau canlynol:-

- mae'r anheddau arfaethedig yn rhy agos i'r afon a byddent yn dioddef llifogydd;
- byddai lleoliad yr anheddau ynghyd â'r defnydd arfaethedig o nifer fawr o ffenestri yn arwain at edrych drosodd;
- pryderon ynghylch diogelwch ar y priffyrdd;
- pryder ynghylch colli tir amaethyddol

CASGLIAD

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

Egwyddor Datblygu

Dynodir anheddiad Llanrhystud yn Ganolfan Gwasanaethau Gwledig yng Nghynllun Datblygu Lleol Ceredigion ac felly mae ganddo ffin anheddiad sy'n nodi ble y gall neu na all datblygiad ddigwydd. Er ei bod yn ymddangos bod safle'r cais o fewn anheddiad Llanrhystud, o safbwynt y CDLI mae'r safle wedi'i leoli mewn man sydd y tu allan i anheddiad dynodedig y pentref. Felly, ystyrir ei fod mewn 'lleoliad arall' ac felly byddai'n ddarostyngedig i bolisi S04 sy'n ymdrin â chynigion datblygu mewn 'aneddiadau cysylltiedig a lleoliadau eraill'. Mae'r polisi'n ystyried Polisi Cynllunio Cymru o ran y dylid lleoli datblygiadau o fewn a gerllaw'r aneddiadau lle gellir eu lleoli orau o ran seilwaith, mynediad a gwarchod cynefinoedd a gwarchod y dirwedd. Gall mewnlenwi neu estyniadau bach i aneddiadau cyfredol fod yn dderbyniol, yn enwedig os yw'n diwallu angen lleol am dai fforddiadwy, ond mae'n rhaid parhau i reoli gwaith adeiladu newydd yn gaeth mewn cefn gwlad agored nad yw ger aneddiadau cyfredol neu ardaloedd a ddyrannwyd ar gyfer datblygu mewn cynlluniau datblygu.

Mae Polisi S04 y CDLI yn ceisio rheoli amllder datblygiadau preswyl mewn 'lleoliadau eraill' gan ganiatáu anheddau newydd dim ond pan fo angen y gellir ei gyfiawnhau ar gyfer menter wledig neu os oes angen heb ei ddiwallu am dai fforddiadwy.

Nid yw'r ymgeisydd wedi honni bod angen yr anheddau fel annedd menter wledig. Fodd bynnag, mae polisi S04 a pholisi cenedlaethol yn cefnogi cynigion ar gyfer datblygu anheddau fforddiadwy ar yr amod bod y lleoliad yn dderbyniol a bod angen ar gyfer yr unedau hynny. Fel arall, mae'r gwrthwynebiad polisi i ddatblygiad preswyl safleoedd o'r fath yn cael blaenoriaeth.

O ran lleoliad, mae'r unedau arfaethedig yn ffinio â therfynau anheddiad Llanrhystud a'r ffurf adeiledig yn yr ardal gyfagos, ac felly dim ond ceisiadau am unedau fforddiadwy y gellir eu cefnogi o dan bolisiau S04 ac S05 o'r CDLI. Ni chafwyd unrhyw wybodaeth ynglŷn ag unrhyw angen am dai fforddiadwy, yn wir, mae'r cais wedi'i gyflwyno'n benodol fel unedau marchnad agored hapfasnachol gyda gwybodaeth yn honni bod y ddwy uned yn werth £240,000 yr un.

Yn ogystal, ni ddarparwyd unrhyw wybodaeth i gyfiawnhau'r angen o ran asesiad hyfywedd ar wahân i wybodaeth sy'n awgrymu y byddai datblygu'r tir hwn yn helpu i gysylltu ochr ddwyreiniol y pentref â'r brif garthffos sydd tua 50m i'r gorllewin o safle'r cais. Er bod hynny'n wir, nodir na fyddai cysylltu ystâd Maes Wyre â'r brif garthffos yn ddibynnol ar gael caniatâd cynllunio ar gyfer y ddwy uned arfaethedig. Felly, o ystyried y diffyg gwybodaeth, barn yr Awdurdod Cynllunio Lleol yw na fyddai unrhyw gefnogaeth ar gyfer anheddau marchnad agored yn y lleoliad hwn.

I gloi, nid oes cyfiawnhad dros gefnogi'r anheddau yn y lleoliad hwn y tu allan i anheddiad dynodedig Llanrhystud. Mae'r cynnig yn groes i bolisiau S01, S04 ac S05 o'r CDLI.

Yr Effaith ar Dirwedd a Chymeriad yr Ardal

Mae'r cynlluniau'n dangos tai deulawr mawr gyda garej integrol. Mae unedau presennol yn yr ardal gyfagos yn amrywio o ran dyluniad, felly ystyrir na fyddai unrhyw wrthwynebiad i ddyluniad yr unedau arfaethedig. Serch hynny, mae materion penodol y byddai angen mynd i'r afael â nhw cyn cymeradwyo'r cynnig pe bai cefnogaeth ar gael iddo, yn bennaf mewn perthynas â lleoliad y drws blaen a'r defnydd arfaethedig o nifer fawr o ffenestri.

Materion Llifogydd

Mae Map Perygl Llifogydd Cyfoeth Naturiol Cymru yn cadarnhau bod y safle o fewn Parth C2 y Map Cyngor Datblygu sydd wedi'i gynnwys yn TAN15. Mae canllawiau yn TAN15 yn cadarnhau na ddylid caniatáu datblygiad sy'n agored iawn i niwed (preswyl) ym Mharth C2. Mae Cyfoeth Naturiol Cymru yn argymhell y dylai'r Awdurdod Cynllunio Lleol benderfynu ar y cais ar sail polisi yn gyntaf, a phe ceir cadarnhad ysgrifenedig bod yr Awdurdod Cynllunio Lleol yn credu bod rhesymau hollbwysig dros ystyried rhoi caniatâd cynllunio, mae Cyfoeth Naturiol Cymru yn gofyn am ddigon o amser i adolygu Asesiad o Ganlyniadau Llifogydd (FCA) yr ymgeisydd. Yna, bydd Cyfoeth Naturiol Cymru yn darparu cyngor technegol ynghylch pa mor dderbyniol yw'r canlyniadau llifogydd, neu os fydd yr FCA yn methu â dangos y gellid rheoli canlyniadau llifogydd mewn modd derbyniol yn ystod oes y datblygiad, yna byddai Cyfoeth Naturiol Cymru yn gwrthwynebu'r cais. Maent hefyd yn nodi, o dan Gyfarwyddyd Cynllunio Gwlad a Thref (Hysbysu) (Cymru) 2012, mewn achosion lle mae'r Awdurdod Cynllunio am roi caniatâd, mae'n ofynnol cyfeirio ceisiadau am ddatblygiadau agored iawn i niwed ym Mharth C2 at Lywodraeth Cymru.

Yn unol â sylwadau Cyfoeth Naturiol Cymru, pe bai'r Pwyllgor Rheoli Datblygu o'r farn bod cyfiawnhad dros gael annedd yn y lleoliad penodol hwn, yna byddai'r mater yn cael ei gyfeirio eto at Gyfoeth Naturiol Cymru iddyn nhw ei ystyried mewn perthynas â datblygiad ym Mharth C2. Fel y nodwyd uchod, mae gan Gyfoeth Naturiol Cymru hawl i gefnogi neu wrthwynebu'r cais.

Ar ôl ystyried y cyngor, o safbwynt polisi ystyrir nad oes cyfiawnhad dros ddarparu anheddau marchnad agored yn y lleoliad hwn ac felly nid oes rheswm hollbwysig dros roi caniatâd cynllunio.

Awgrymir bod y cynnig yn groes i bolisi DM11 a TAN15.

Ystyriaethau Perthnasol Eraill

Nodir nad oes unrhyw wrthwynebiad i'r cynnig o safbwynt priffyrdd a draenio. Fodd bynnag, nid yw hyn yn gorbwysu'r gwrthwynebiad polisi i'r cynnig.

Canlyniad

I gloi, mae darparu anheddau marchnad agored yn y lleoliad hwn y tu allan i anheddiad Llanrhystud yn mynd yn groes i egwyddorion datblygu cynaliadwy a bydd yn arwain at fath annerbyniol o ddatblygu. Mae'r cynnig yn groes i'r polisi cynllunio cenedlaethol a lleol.

At hynny, mae'r safle o fewn parth llifogydd ac nid oes rhesymau hollbwysig dros gefnogi'r cynnig yn groes i TAN15.

AWDURDOD DIRPRWYEDIG:

Gofynnodd yr aelod lleol, y Cynghorydd R Rees-Evans, i'r cais hwn gael ei gyflwyno er ystyriaeth y Pwyllgor Rheoli Datblygu am y rhesymau canlynol:-

- efallai y bydd modd goresgyn y materion llifogydd ar y safle;
- mantais gynllunio bosibl i Faes Wyre wrth ymuno â'r system garthffosiaeth bresennol

RHESWM AM OHIRIO:

Adroddwyd y cais i'r Pwyllgor Rheoli Datblygu yn ei gyfarfod ar 13/1/2021. Er gwaethaf yr argymhelliad i wrthod, roedd yr Aelodau o'r farn bod y cais wedi'i leoli y tu fewn i ffin Canolfan Wasanaeth Llanrhystud ac yn cefnogi'r egwyddor o ddatblygu. Penderfynodd y Pwyllgor ohirio penderfyniad y cais er mwyn i CNC asesu'r Asesiad Llifogydd a gyflwynwyd, ac awdurdodi'r Prif Swyddog Corfforaethol Economi ac Adfywio i gymeradwyo'r cais os na chodwyd unrhyw faterion o'r asesiad, ond ail gyflwyno'r cais i Bwyllgor pe bai gan CNC bryderon, ynghyd â chytundeb cyfreithiol Adran 106 a fyddai'n sicrhau cyfraniad ariannol o 10% o werth marchnad agored y datblygiad sydd i'w ddefnyddio tuag at ddarparu cartrefi fforddiadwy yn y Sir, yn unol â pholisi S05 o y CDLI mabwysiedig.

Mae'r ymgeisydd wedi cyflwyno gwybodaeth ychwanegol i gefnogi'r Asesiad Llifogydd sy'n ymddangos ei fod bellach yn dangos bod yr anheddau arfaethedig eu hunain y tu allan i Barth Llifogydd C2 ond yn rhannol o fewn Parth Llifogydd B. Mae CNC wedi cadarnhau bod y safle yn rhannol o fewn Parth C2 ac yn ailadrodd bod TAN15 yn cadarnhau na ddylid caniatáu datblygiad bregus iawn ym Mharth C2. Mae CNC wedi adolygu'r FCA ac maent o'r farn ei fod yn methu â dangos y gellir rheoli risgiau a chanlyniadau llifogydd i lefel dderbyniol yn unol â TAN15.

Yn hynny o beth ac o ystyried bod CNC yn glinio at eu gwrthwynebiad, argymhellir gwrthod y cais fel un sy'n groes i TAN15 a DM11 o Gynllun Datblygu Lleol Ceredigion.

ARGYMHELLIAD:

GWRTHOD

Rhif y Cais	A200449
Derbyniwyd	09-06-2020
Y Bwriad	Codi dwy annedd marchnad agored gyda mynediad i gerbydau.
Lleoliad Safle	Tir ger Maes Wyre Llanrhystud, Aberystwyth
Math o Gais	Cais Cynllunio Llawn
Ymgeisydd	Mr a Mrs Ken & Terris Bird, Ysgubor Wyre, Llanrhystud, Ceredigion, SY23 5DL
Asiant	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Llys Y Cwmwd, Llanrhystud, Ceredigion, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site is part of a parcel of land sandwiched between the A487 trunk road and the river Wyre in the settlement of Llanrhystud. To the east of this land is the Maes Wyre estate and the west of the site is characterised by residential units which ultimately face on to the Black Lion. The application site itself is rectangular in shape and extends from the neighbouring properties of Dwyrdd to the east and Candor Villa to the west. The site's southern boundary directly borders the river.

Despite being neighboured by residential development the application site is outside of the settlement boundary of Llanrhystud and in terms of the Local Development Plan is considered to be land identified as 'other locations'. The application site is also partially located within Zone C2 of the Development Advice Map contained in TAN15.

Planning applications relating to this particular site are limited to applications submitted in the 1970's but were subsequently withdrawn or refused.

DETAILS OF DEVELOPMENT

The application is made in full and seeks planning permission for the erection of two fairly large open market dwellings situated in a linear arrangement on embankment of the river Wyre with the neighbouring property of Dolwyre approximately 24m away the other side of the river from the proposed footprint of the easternmost unit.

Both properties are identical apart that they are developed in mirror imaged and look to provide three bedrooms and integral garages. The proposed dwellings are to be hipped roofed and finished in part render / part timber cladding on the first floor. The rear elevation is characterised by a large expanse of fenestration at both levels and the main door is situated on the side of the property.

Adequate parking and amenity areas are provided with vehicular access to the sites being served via the existing Maes Wyre estate road.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales: The National Plan 2040 (February 2021)
- PPW Planning Policy Wales (edition 11, February 2021)

Relevant Local Planning Policy

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

DM06 High Quality Design and Placemaking

DM10 Design and Landscaping

DM11 Designing for Climate Change

DM13 Sustainable Drainage Systems

DM14 Nature Conservation and Ecological Connectivity

DM15 Local Biodiversity Conservation

LU05 Securing the Delivery of Housing Development

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

OTHER MATERIAL CONSIDERATIONS

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

Ceredigion Highways - No objection STC

NRW - NRW confirms that the site is partially within Zone C2 as identified in TAN15. TAN15 affirms that highly vulnerable development should not be permitted in Zone C2. NRW Have significant concerns with the proposed development as submitted. NRW recommend planning permission should only be granted if the Planning Authority are satisfied that there are overriding reasons for considering for granting the application contrary to national planning policy on development and flood risk. Satisfactory evidence must then be provided to demonstrate that the risks and consequences of flooding can be managed to be acceptable level, in accordance with TAN15. Otherwise, NRW objects the application.

Ceredigion Drainage - Comments / No objection STC

Dŵr Cymru / Welsh Water - No objection STC

3 third party correspondence were received objecting the proposal on the following grounds:-

- proposed dwellings are too close to the river and would be subject to flooding;
- positioning of dwellings together with proposed use of large expanse of fenestration would result in overlooking;
- highway safety concerns;
- concern over loss of agricultural land.

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”.

The Principle of Development

The settlement of Llanrhystud is designated as a Rural Service Centre in the Ceredigion Local Development Plan and as such enjoys a settlement boundary which identifies as to where development can or cannot take place. Despite appearing to be within the settlement of Llanrhystud, the application site as far as the LDP is concerned is located in an area which is outside of the designated settlement of the village. As such it is considered to be in an 'other location' and therefore would be subject to policy S04 which deals with development proposals in 'linked settlements and other locations'. The policy takes account of Planning Policy Wales in that development in the should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.

Policy S04 of the LDP seeks to control the proliferation of residential development in 'other locations' permitting new dwellings only where there is a justifiable rural enterprise need or is required on unmet affordable need basis.

No claim has been made by the applicant that the dwellings are required as a rural enterprise dwelling. However, policy S04 and national policy do support proposals for development for affordable dwellings provided that the location is acceptable and there is a need for those units. Otherwise the policy objection to the residential development of such sites takes precedence.

In terms of location, the proposed units adjoining the settlement boundary of Llanrhystud and built form in this immediate area and therefore as that is the case only applications for affordable units can be supported under policies S04 and S05 of the LDP. No information has been forthcoming in relation to any affordable need, in fact the application has been specifically submitted as speculative open market units with information claiming that both units be valued at £240,000 each. Additionally no information has been provided to justify the need in terms of a viability assessment apart from information suggesting that developing this land would assist in connecting the eastern side of the village with the mains sewer which is approximately 50m to the west of the application site. Whilst that may be the case, it is noted that connecting the Maes Wyre estate with the main sewer would not be dependent on obtaining planning permission for the proposed two units. As such it is the opinion of the LPA that given the lack of information any support for open market dwellings at this locations would not be forthcoming.

In conclusion, there is no justification for supporting the dwellings at this location outside of the designated settlement of Llanrhystud. The proposal is contrary to policies S01, S04 and S05 of the LDP.

Impact on the Landscape and Character of the Area

The plans show the provision of large two storey houses with integral garages. There are a variance in design in relation to existing units in the immediate area therefore it is considered that there would be no objection to the principle design of the proposed units. Nevertheless there are certain matters mainly in relation to the location of the front door and the proposed use of large expanse of fenestration which would require addressing prior to approval should support be forthcoming for the proposal.

Flooding Matters

NRW Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Guidance in TAN15 affirms that highly vulnerable development (residential) should not be permitted in Zone C2. NRW recommend that in the first instance the LPA should make a planning policy decision on the application and should written confirmation be issued that the LPA believe there are overriding reasons to consider granting planning permission, the NRW requests sufficient time to review the applicant's FCA. The NRW will then provide technical advice on the acceptability of flooding consequences or if the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then NRW would object to the application. They also state that under the Town & Country Planning (Notification) (Wales) Direction 2012 where the Planning Authority is minded to grant permission, there is a requirement to refer applications for highly vulnerable development within Zone C2 to the Welsh Government.

In accordance with the comments of NRW, should the Development Control Committee be of the opinion that there is justification for a dwelling at this particular location, then the matter would be referred again to NRW for their consideration in relation to development in Zone C2. As stated above, NRW reserves the right to support or object the application.

Having regard of the advice, from a policy perspective it is considered that there is no justification for the provision of open

market dwellings at this location and therefore there is no overriding reason to grant planning permission.

It is suggested that the proposal is contrary to policy DM11 and TAN15.

Other Material Considerations

It is noted that there are no objections to the proposal from a highway and drainage perspective. However, it does not outweigh the policy objection to the proposal.

Outcome

To conclude, the provision of open market dwellings at this location outside of the settlement of Llanrhystud is contrary to the principles of sustainable development and will result in an unacceptable form of development. The proposal is contrary to both national and local planning policy.

Furthermore, the site lies within a flood zone and there are no overriding reasons to support the proposal contrary to TAN15.

DELEGATED AUTHORITY:

The local Member, Cllr R Rees-Evans has requested the application be presented to the Development Control Committee for their consideration for the following reasons:-

- it may be possible to overcome flooding issues at the site;
- potential planning gain to Maes Wyre in joining the existing mains sewerage system.

REASON FOR DEFERRAL:

The application was reported to the Development Control Committee at its meeting on 13/1/2021. Despite the recommendation to refuse Members took the view that the application was included within the settlement of the Service Centre of Llanrhystud and supported the principle of development. The Committee resolved to defer determination of the application in order that NRW assess the Flood Consequence Assessment submitted, the Corporate Lead Officer Economy and Regeneration being authorised to approve the application if no issues were raised from the assessment, and the application be represented to the committee if NRW had concerns, together with a Section 106 legal agreement which would secure a financial contribution of 10% of the open market value of the development which is to be used towards the provision of affordable homes in the County, in accordance with policy S05 of the adopted LDP.

The applicant has submitted additional information in support of the FCA which now appear to indicate that the proposed dwellings themselves are located outside the Flood Zone C2 but partially within Flood Zone B. NRW have confirmed that the site is partially within Zone C2 and reiterates that the TAN15 affirms that highly vulnerable development should not be permitted in Zone C2. NRW have reviewed the FCA and are of the opinion that it fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.

As such and in view of NRW maintaining their objection it is recommended that the application be refused as being contrary to TAN15 and DM11 of the Ceredigion Local Development Plan.

RECOMMENDATION:

REFUSE