

1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210615	22-06-2021	Mr E Jones	Proposed building plot for one dwelling along with a new access to the highway.	Plot Adj Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE	Refuse
2	A210722	22-07-2021	Oliver Davies	Proposed Retirement Bungalow.	Bayview Garage, Parclyn, Cardigan, Ceredigion, SA43 2BT	Refuse

1.1. A210615



Rhif y Cais A210615

Derbyniwyd 22-06-2021

Y Bwriad Plot adeiladu arfaethedig ar gyfer un annedd ynghyd â mynedfa newydd i'r briffordd.

Lleoliad Safle Plot ger Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE

Math o Gais Caniatâd Cynllunio Amlinellol – Yr holl faterion/rhai materion wedi'u cadw

Ymgeisydd Mr E Jones, Ty Nant Dole, Dole, Llandre, Bow Street, Ceredigion, SY24 5AE

Asiant Mr Byron Jenkins (Ymgynghoriaeth Pensaernïol Byron Jenkins), Capel Afan, Llanafan, Aberystwyth, Ceredigion, SY23 4AY

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais ar dir amaethyddol maes glas mewn cefn gwlad agored ac oddeutu 90m i'r dwyrain o'r eiddo mwyaf dwyreiniol yn y grŵp o dai a elwir Dole, i'r gogledd o Bow Street. Mae'r safle'n wynebu ffordd sirol y tu ôl i glawdd aeddfed gan oleddfu o'r dwyrain i'r gorllewin. Mae holl ochrau'r safle yn ffinio â chefn gwlad agored ac eithrio'r ochr ogleddol sy'n ffinio ag Afon Ceiro.

Hanes Cynllunio

Cyflwynwyd cais am gynnig union yr un fath â hwn i Gyngor Sir Ceredigion o dan rif cyfeirnod A200114 yn 2020 ac fe'i gwrthodwyd.

Adroddwyd y cais i'r Pwyllgor Rheoli Datblygu a gynhaliwyd ar 12 Awst 2020, gydag argymhelliad i'w wrthod ar y sail ei fod yn ddatblygiad anghynaliadwy mewn cefn gwlad agored a'i fod hefyd yn groes i Nodyn Cyngor Technegol (TAN) 15 – datblygiad agored iawn i niwed ym Mharth C2.

Penderfynodd y Pwyllgor ohirio ystyried y cais wrth aros am gadarnhad bod yr ymgeisydd yn cytuno i ddarparu annedd fforddiadwy ac i'r cais gael ei gyfeirio at Gyfoeth Naturiol Cymru, er mwyn iddynt hwy ystyried yr Asesiad Canlyniadau Llifogydd, ynghyd â phenderfyniad y Pwyllgor bod yr Awdurdod Lleol o'r farn bod yr egwyddor o ddatblygiad preswyl ar y safle yn dderbyniol.

Mae'r ymgeisydd wedi cadarnhau nad yw'n gallu bodloni'r meini prawf a ddynodwyd gan yr Awdurdod Lleol o ran tai fforddiadwy ac felly nid yw'n gallu cytuno â chynnig y Pwyllgor Rheoli Datblygu.

Yn dilyn hyn, gwrthodwyd y cais gan hysbysiad o benderfyniad dyddiedig 11 Tachwedd 2020.

MANYLION Y DATBLYGIAD

Mae'r cais hwn yn ailgyflwyno'r cais blaenorol ac mae'n ceisio caniatâd amlinellol i godi annedd marchnad agored gyda phob mater arall wedi'i gadw yn ôl i'w cymeradwyo yn y dyfodol.

Mae'r cynlluniau dangosol a gyflwynwyd gyda'r cais yn dangos ei leoliad arfaethedig ac uchafswm y maint arfaethedig fel a ganlyn:-

Uchder i'r grib - 8.5m

Lled - 12m

Hyd - 18m

Mae'r cynlluniau'n nodi garej ddwbl hefyd. Bwriedir darparu cyfleuster carthffosiaeth aflan drwy system breifat a bwriedir i'r clawdd aeddfed y tu blaen i'r safle gael ei adleoli y tu ôl i'r llain welededd angenrheidiol.

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiau a chanllawiau cynllunio cenedlaethol:

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

Nodyn Cyngor Technegol 15

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

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirwedd

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

S01 Twf Cynaliadwy

S04 Datblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'

S05 Tai Fforddiadwy

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

Mae Adran 17(1) Deddf Troseddau ac Anhrefn 1998 yn rhoi dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau gan ystyried effaith debygol gweithredu'r swyddogaethau hyn ar droseddau ac anhrefn yn 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 rhyw; beichiogrwydd a mamolaeth; hil; crefydd neu gredo; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw dyledus i hybu cydraddoldeb yn cynnwys:

- 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;
- 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 ynghylch y cais hwn. Ystyrir na fyddai'r datblygiad arfaethedig yn peri goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt sy'n fwy nag ar unrhyw berson arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol i 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 gosodir yn Neddf 2015. Wrth bennu'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAD

Cyngor Cymuned Tirymynach – Ni chafwyd sylwadau

Dŵr Cymru - Dim gwrthwynebiad, ond bydd rhai amodau

Priffyrdd Ceredigion – Dim gwrthwynebiad, ond bydd rhai amodau

Draenio Ceredigion - Sylwadau / Dim gwrthwynebiad, ond bydd rhai amodau

Cyfoeth Naturiol Cymru – Mae gan Gyfoeth Naturiol Cymru bryderon sylweddol am y datblygiad arfaethedig fel y'i cyflwynwyd. Mae Cyfoeth Naturiol Cymru yn argymhell mai'r unig gyfiawnhad dros ddyfarnu'r cais yw os yw'r Awdurdod

Cynllunio yn fodlon bod rhesymau hollbwysig dros ganiatáu'r cais sydd yn groes i bolisi cynllunio cenedlaethol ar ddatblygiad a pherygl llifogydd. Os mai dyna'r achos, bydd yn rhaid cyflwyno tystiolaeth foddhaol i ddangos y gellir rheoli peryglon a chanlyniadau llifogydd i lefel dderbyniol, yn unol â TAN15. Fel arall, mae Cyfoeth Naturiol Cymru yn gwrthwynebu'r cais.

Ymgrych Diogelu Cymru Wledig – Yn gwrthwynebu

O ran sylwadau gan drydydd parti, derbyniwyd un llythyr yn gwrthwynebu'r datblygiad, gan ganolbwyntio ar y perygl o lifogydd.

Derbyniwyd 6 llythyr yn cefnogi'r cais sy'n gwrthbrofi'r perygl o lifogydd yn y Dole ac sy'n pwysleisio bod yr ymgeiswyr yn bobl lleol. Mae'r cefnogwyr hefyd yn croesawu'r bwriad i ddefnyddio mynedfa arfaethedig y safle fel man pasio ar hyd y lôn gul.

CASGLIAD

Mae Adran 38 (6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan:

“Os ystyrir y cynllun datblygu at bwrpas gwneud penderfyniad o dan Ddeddfau Cynllunio bydd yn rhaid gwneud y penderfyniad hwnnw yn unol â'r cynllun oni bai fod ystyriaethau materion yn cyfleu fel arall”.

Egwyddor y Datblygiad

Fel y nodwyd, cais yw hwn sy'n ailgyflwyno cynllun a wrthodwyd o'r blaen. Lleolir y safle mewn cefn gwlad agored oddeutu 90m oddi wrth grŵp o dai a elwir yn Dole. Felly y polisi allweddol i'w ystyried o ran y cais hwn yw S04 sy'n ymdrin ag argymhellion datblygu mewn 'aneddiadau cyswllt a lleoliadau eraill'. Mae'r polisi'n rhoi ystyriaeth i Bolisi Cynllunio Cymru sy'n nodi y dylai datblygiad gael ei leoli o fewn neu ar bwys aneddiadau cyfredol lle gellir rhoi'r derbyniad gorau i ddatblygiad o'r fath o ran seilwaith, mynediad a chadwraeth y dirwedd. Mae'n bosibl y bydd mewn lenwi neu fân estyniadau i aneddiadau cyfredol yn dderbyniol yn enwedig os bydd yr eiddo'n cyflawni'r angen yn lleol am dai fforddiadwy, fodd bynnag bydd yn rhaid parhau i reoli'n llym unrhyw waith adeiladu newydd mewn cefn gwlad agored, mewn lleoliad nad yw'n agos i aneddiadau cyfredol neu ardaloedd a ddyrannwyd ar gyfer datblygiad mewn cynlluniau datblygu.

Mae Polisi S04 y Cynllun Datblygu Lleol yn ceisio rheoli mwy a mwy o ddatblygiad preswyl mewn 'lleoliadau eraill' gan ganiatáu anheddau newydd yn unig lle bo cyfiawnhad dros hynny o ran angen am fenter gwledig neu ar sail angen am annedd fforddiadwy, sydd heb ei fodloni eto.

Nid yw'r ymgeisydd wedi derbyn gwahoddiad y cyngor i ymrwymo i gytundeb 106 i ddarparu'r annedd fel uned fforddiadwy, ac ni ddarparwyd cyfiawnhad i ddangos sut mae'r cynnig yn cydymffurfio â Nodyn Cyngor Technegol (TAN) 6.

I grynhoi, mae'r cynnig yn erbyn polisiâu S01, S04 ac S05 y Cynllun Datblygu Lleol sy'n ceisio cyfeirio datblygiad tuag at leoliadau cynaliadwy ac yn yr achos hwn, nid yw'r cynnig i ddarparu swm cymudol o 10% yn lle cyfraniad ty fforddiadwy ar y safle yn berthnasol nac yn dderbyniol.

Effaith ar y Dirwedd a Chymeriad yr Ardal

Er mai cais cynllunio amlinellol a gyflwynwyd, mae'r cynlluniau dangosol yn nodi tŷ mawr deulawr gyda garej ddwbl ar wahân. Er mwyn ceisio osgoi datblygu ar y brif barth llifogydd lleolwyd y tŷ o leiaf 90m o'r annedd agosaf ar dir sy'n goleddfu tua'r gogledd ddwyrain. Y farn felly yw y bydd darparu annedd sengl fawr mewn lleoliad gweddol amlwg heb fod yn agos i adeiladau cyfagos yn cael effaith andwyol ar gymeriad yr ardal, a thrwy hynny yn creu ychwanegiad anghydnaws â'r dirwedd.

Materion yn ymwneud â Llifogydd

Mae Map Risg Llifogydd Cyfoeth Naturiol Cymru yn cadarnhau bod y safle ym Mharth C2 y Map Cyngor Datblygu (DAM) a nodwyd yn Nodyn Cyngor Technegol (TAN) 15.

Mae'r canllawiau yn TAN15 yn cadarnhau na ddylai datblygiad (preswyl) sy'n agored iawn i niwedd gael ei ganiatáu ym Mharth C2. Mae Cyfoeth Naturiol Cymru yn argymhell y dylai'r Awdurdod Cynllunio Lleol wneud penderfyniad polisi cynllunio ynglŷn â'r cais yn y lle cyntaf a phe bai'n cyflwyno cadarnhad ysgrifenedig sy'n nodi bod yr Awdurdod Cynllunio Lleol o'r farn bod rhesymau hollbwysig dros ystyried rhoi caniatâd cynllunio, mae Cyfoeth Naturiol Cymru yn gofyn am ddigon o amser i adolygu Asesiad Canlyniadau Llifogydd yr ymgeisydd. Yna bydd Cyfoeth Naturiol Cymru yn darparu cyngor technegol o ran derbyn canlyniadau llifogydd neu os yw'r Asesiad Canlyniadau Llifogydd yn methu dangos y gellir rheoli llifogydd mewn modd derbyniol yn ystod hyd oes y datblygiad, yna byddai Cyfoeth Naturiol Cymru yn gwrthwynebu'r cais.

Yn unol â sylwadau Cyfoeth Naturiol Cymru, os bydd y Pwyllgor Rheoli Datblygu o'r farn bod digon o gyfiawnhad dros gael annedd yn y lleoliad penodol hwn, yna byddai'r mater yn cael ei gyfeirio eto at Gyfoeth Naturiol Cymru er mwyn iddynt ei ystyried mewn perthynas â datblygiad o ym Mharth C2. Fel y nodwyd uchod, ceidw Cyfoeth Naturiol Cymru yr hawl i gefnogi neu wrthwynebu'r cais.

O ystyried y cyngor, o safbwynt polisi ystyrir nad oes cyfiawnhad dros ddarparu annedd yn y lleoliad hwn, felly nid oes rheswm hollbwysig dros gyfiawnhau rhoi caniatâd cynllunio.

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

Ystyriaethau Materol Eraill

Nodir nad oes gwrthwynebiadau i'r cynnig o ran priffyrdd na draenio

Canlyniad

I gloi, mae'r cais ar ei ffurf presennol yn methu mynd i'r afael â'r rhesymau blaenorol dros ei wrthod. Mae darparu tŷ marchnad agored yn y lleoliad hwn yn erbyn egwyddorion datblygu cynaliadwy a bydd yn golygu datblygiad annerbyniol mewn cefn gwlad agored. Mae'r cynnig yn groes i bolisi cynllunio lleol a chenedlaethol.

Yn ychwanegol at hyn, mae'r safle mewn parth llifogydd ac nid oes unrhyw resymau hollbwysig fyddai'n cefnogi'r cynnig sydd yn groes i TAN15.

ARGYMHELLIAD:

GWRTHOD y cais gan ei fod yn erbyn polisiau cynllunio cenedlaethol a lleol am y rhesymau canlynol:

1. Mae safle'r cais mewn cefn gwlad agored, y tu allan i anheddiad sefydledig, lle ceir rhagdybiaeth gyffredinol yn erbyn datblygiad preswyl newydd, oni bai ei fod yn golygu eithriad penodol a ragnodwyd gan bolisi cynllunio. Nid yw'r cynnig yn eithriad o'r fath. Ystyrir bod y lleoliad yn anghynaliadwy ar gyfer datblygiad preswyl newydd ac felly ystyrir bod y cynnig yn groes i ddarpariaethau Polisi Cynllunio Cymru (rhifyn 10), Nodyn Cyngor Technegol 6 a Pholisiau S01 a S04 Cynllun Datblygu Lleol Ceredigion.
2. Byddai darparu annedd fawr, dau lawr mewn cefn gwlad agored yn cael effaith andwyol ar gymeriad gwledig yr ardal. Bernir, felly, bod y cais yn groes i bolisiau DM06, DM10 a DM17 Cynllun Datblygu Lleol Ceredigion.
3. Mae'r cais cynllunio yn cynnig datblygiad agored iawn i niwed i fod yn annedd breswyl, ym Mharth C2 y Map Cyngor Datblygu (DAM) sydd wedi'i gynnwys yn Nodyn Cyngor Technegol 15 – Datblygu a Pherygl Llifogydd (TAN15). Mae paragraff 6.2 TAN 15 yn dweud 'na ddylid caniatáu datblygiad sy'n agored iawn i niwed a Gwasanaethau Brys ym mharth C2'. Felly, byddai penderfyniad cynllunio i ganiatáu datblygu yn groes i gyngor polisi cynllunio.

Awdurdod Dirprwyedig

Mae'r Cynghorydd Paul Hinge wedi gofyn i'r cais gael ei gyfeirio at y Pwyllgor Rheoli Datblygu. Mae'r Cyngor Cymuned a llawer o bobl eraill yn yr ardal yn gwbl gefnogol i'r cais hwn.

RHESWM DROS OHIRIO:

Yn y pwyllgor rheoli datblygu a gynhaliwyd ar 24 Tachwedd, penderfynodd yr aelodau ohirio ystyried y cais er mwyn caniatáu mwy o amser am gyfnod ailfeddwl i ystyried yr holl ffeithiau ar y cais. Cyfarfu'r Grŵp Tasg a Gorffen i drafod y cais ar 17 Ionawr 2021.

Roedd y grŵp o'r farn na ellid cyfiawnhau cais am dŷ marchnad agored yn y lleoliad hwn.

Ers cyfarfod y Grŵp Tasg a Gorffen mae'r ymgeisydd wedi cadarnhau ei fod yn cymhwyso i feddiannu tŷ fforddiadwy ac felly yn fodlon cytuno i gytundeb S106 i sicrhau'r annedd fel tŷ fforddiadwy am byth.

Mae'r egwyddor o dŷ fforddiadwy yn y lleoliad hwn yn dderbyniol ac felly gellir ei gefnogi. Mae'r ymgeisydd yn ymwybodol byddai angen cyfyngu maint unrhyw dŷ er mwyn cyd-fynd â'r polisiau tai fforddiadwy a chanllawiau cynllunio atodol mabwysiedig i sicrhau na fyddai'r datblygiad yn arwain at dŷ rhy fawr neu sylweddol.

Gan fod derbynioldeb y datblygiad bellach wedi ei sefydlu yn nhermau polisi cynllunio, gofynnwyd i CNC gynnal asesiad technegol o'r Asesiad Canlyniad Llifogydd a gyflwynwyd i gefnogi'r cais er mwyn sefydlu a ellir rheoli'r perygl llifogydd i lefel dderbyniol.

Rhif y Cais / Application Reference	A210615
Derbyniwyd / Received	22-06-2021
Y Bwriad / Proposal	Proposed building plot for one dwelling along with a new access to the highway.
Lleoliad Safle / Site Location	Plot Adj Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	Mr E Jones, Ty Nant Dole, Dole, Llandre, Bow Street, Ceredigion, SY24 5AE
Asiant / Agent	Mr Byron Jenkins (Byron Jenkins Architectural Consultancy), Capel Afan, Llanafan, Aberystwyth, Ceredigion, SY23 4AY

THE SITE AND RELEVANT PLANNING HISTORY

The application site is currently greenfield agricultural land in an open countryside location approx 90m to the east of the easternmost property located in the collective group of houses known as Dole, to the north of Bow Street. The site fronts onto a County road behind a mature hedge and slopes from east to west. The site is bordered on all sides by open countryside apart from on its northern boundary which meets with the Afon Ceiro.

Planning History

An application for an identical proposal was submitted to and refused by Ceredigion County Council under reference number A200114 in 2020.

The application was reported to the Development Control Committee held on 12 August, 2020 with a recommendation to refuse on grounds of being unsustainable development in an open countryside location and as also being contrary to TAN15 - highly vulnerable development in a C2 Zone.

The Committee resolved to defer consideration of the application pending confirmation of the applicant's agreement to the provision of an affordable dwelling and referral of the application to the NRW for consideration of the FCA with the Committee's resolution that the Local Authority were of the opinion that the principle of residential development at the site was acceptable.

The applicant has confirmed that they are unable to meet the Local Authority's designated affordable housing criteria and therefore cannot agree to the Development Control Committee's offer.

The application was subsequently refused by decision notice dated 1st of November 2020

DETAILS OF DEVELOPMENT

The application is a resubmission of the previous application and seeks outline consent with all matters reserved for future approval for the erection of an open market dwelling.

Indicative plans submitted with the application show its proposed location and proposed maximum dimensions as follows:-

Height to ridge - 8.5m

Width - 12m

Length - 18m

The plans also show the provision of a double garage. Foul drainage is to be catered via a private system whilst the existing mature hedge fronting the site would be translocated behind the required visibility splay.

RELEVANT PLANNING POLICIES AND GUIDANCE

National planning policies and guidance:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Note 15

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

DM17 General Landscape

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

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

Tirymynach Community Council – Did not comment

Dŵr Cymru / Welsh Water - No objection STC

Ceredigion Highways - No objection STC

Ceredigion Drainage - Comments / No objection STC

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.

Campaign to Protect Rural Wales – Object

In terms of third party representations one letter has been received objecting to the development on flood risk grounds.

6 letters of support have been received which refutes the flood risk in Dole and emphasise that the applicants are local to the village. Supports also welcome the use of the proposed site entrance as a passing point along the narrow lane.

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

As stated, the application is a resubmission of a previously refused scheme. The site is in an open countryside location some 90m to the group of houses collectively known as Dole. As such the key policy relating to the consideration of this application is 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 open countryside 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 an unmet affordable need basis.

The applicant has not accepted the council’s invitation to enter into a section 106 agreement to provide the dwelling as an affordable unit, and no justification is provided to demonstrate how the proposal conforms with TAN6.

In conclusion the proposal is contrary to policies S01, S04 and S05 of the LDP which seeks to direct development to sustainable locations and the offer to provide a 10% commuted sum in lieu of an on site affordable housing contribution is not appropriate or acceptable in this instance.

Impact on the Landscape and Character of the Area

Although submitted in outline, indicative plans show the provision of a large two storey house with a detached double garage. In order to seek to avoid developing in the main flood zone the dwelling has been sited at least 90m from the nearest dwelling on land which slopes towards the north east. It is the opinion therefore that the provision of a single, large dwelling in a fairly prominent location detached from any nearby buildings will detrimentally impact the character of the area, constituting an incongruous addition on the landscape.

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. 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.

In accordance with the comments of NRW, should the application be referred to the Development Control Committee and they should 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 a

dwelling 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.

Outcome

To conclude, the application in its current form fails to address the previous reasons for refusal. The provision of an open market dwelling at this location is contrary to the principles of sustainable development and will result in an unacceptable form of development in the open countryside. 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.

RECOMMENDATION:

REFUSE the application as being contrary to both national and local planning policies for the following reasons:

1. The application site lies in the open countryside, 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. The proposal does not fall within any such exception. The location is considered to be unsustainable for new residential development and the proposal is therefore considered to be contrary to the provisions of Planning Policy Wales Edition 10, Technical Advice Note 6 and Policies S01 and S04 of the Ceredigion Local Development Plan.
2. The provision of a large two storey dwelling in an open countryside location would detrimentally impact the rural character of the area. It is the opinion therefore that the application is contrary to policies DM06, DM10 and DM17 of the Ceredigion Local Development Plan.
3. The planning application proposes highly vulnerable development as a residential dwelling, which is in Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15 Development and Flood Risk (TAN15) paragraph 6.2 of TAN15 advises 'highly vulnerable development and emergency services should not be permitted' within Zone C2. A planning decision to permit development would therefore be contrary to planning policy advice.

Delegated Authority:

Cllr. Paul Hinge has requested that the application be referred to the Development Control Committee. The Community Council and many others in the area fully support this application.

REASONS FOR DEFERRAL:

At the development control committee held on the 24th of November, members resolved to defer consideration of the application to allow further time or a 'cooling off' period to consider all the facts on the application. The Task and Finish Group met to discuss the application on the 17th of January 2021.

The group were of the opinion that an application for open market dwelling could not be justified at this location.

Since the Task and Finish Group met the applicant has confirmed that they qualify to occupy an affordable dwelling and as such have agreed to enter into a S106 agreement to secure the property as an affordable dwelling in perpetuity.

The principle of an affordable dwelling in this location is acceptable and can therefore be supported. The applicant is aware however that the size of any dwelling would need to be restricted in order to accord with the adopted affordable housing policies and supplementary planning guidance to ensure the development did not result in an overly large or substantial house.

As the acceptability of the development has now been established in planning policy terms, it has been requested that NRW undertake the technical assessment of the Flood Consequence Assessment submitted in support of the application in order to establish if the flood risk can be managed to an acceptable degree.

1.2. A210722



Rhif y Cais	A210722
Derbyniwyd	22-07-2021
Y Bwriad	Byngalo Ymddeol Arfaethedig
Lleoliad Safle	Garej Trem y Bae, Parcllyn, Aberteifi, Ceredigion, SA43 2BT
Math o Gais	Caniatâd Cynllunio Amlinellol - gyda'r holl faterion/rhai materion wedi'u cadw yn ôl
Ymgeisydd	Oliver Davies, Garej Trem y Bae, Parcllyn, Aberteifi, Ceredigion, SA43 2BT
Asiant	Mr Stewart Corbett (Archi-Tech), Uned 3 Canolfan Teifi Pendre, Aberteifi, Ceredigion, SA43 1JL

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn cyfeirio at dir sy'n rhan o Garej Trem y Bae, wedi'i leoli ger cyffordd Hilltop Way a'r B4333 ar gyrion Parcllyn ac Aberporth. Lleolir y safle i'r gogledd o adeilad y garej ac mae'n rhan o'r maes parcio/ardal storio. Mae'r safle'n gymharol wastad ac mae coed a chloddiau ar hyd y ffiniau i'r gogledd, dwyrain a'r gorllewin. Ceir mynediad iddo drwy fynedfa'r garej yn uniongyrchol o'r ffordd i'r gorllewin.

Hanes cynllunio perthnasol:

- A070053 - Ailwampio garej fasnachol a chodi annedd ar gyfer y gweithredwr/perchennog. Cymeradwywyd gydag amodau a Chytundeb Adran 106 12-12-2008. Argymhellwyd gan yr Awdurdod Cynllunio Lleol bod y cais yn cael ei wrthod gan na ellid cyfiawnhau'r angen am annedd; fodd bynnag, cafodd y cais ei gymeradwyo gan aelodau o'r Pwyllgor Cynllunio.

MANYLION Y DATBLYGIAD

Mae'r cais yn gofyn am ganiatâd cynllunio amlinellol, gyda phob mater wedi'i gadw'n ôl, i godi byngalo. Mae materion yn ymwneud â mynediad, cynllun, golwg, graddfa a thirweddu wedi'u cadw'n ôl i'w hystyried o dan gais materion wedi'u cadw'n ôl dilynol.

Mae cynllun bloc dangosol yn cyd-fynd â'r cais sy'n nodi y bydd y byngalo wedi'i leoli yng nghanol y plot adeiladu, gydag ardal ardd i'r gogledd, y dwyrain a'r gorllewin a lle i barcio i'r de. Bydd y mynediad o'r ffordd gyffiniol i'r gorllewin a gerllaw y fynedfa bresennol i'r garej. Bydd y clawdd presennol yn cael ei gadw a phlennir clawdd newydd ar hyd ffiniau'r gogledd a'r dwyrain, a gosodir ffens bren ar hyd y ffin i'r de.

Mae datganiad cefnogi gan yr ymgeisydd, Mr Davies, yn cyd-fynd â'r cais sy'n bwriadu byw yn yr annedd ac ef yw perchennog presennol a gweithredwr Garej Trem y Bae. Mae'n nodi bod Mr Davies yn byw yn y fflat uwchben y garej ar hyn o bryd ond ei fod am gamu'n ôl o redeg y garej oherwydd ei oedran. Felly, byddai'r byngalo yn rhoi cartref ymddeol iddo a byddai'n caniatáu iddo barhau i fyw ar y safle i roi cymorth, cyngor a phrofiad i bwy bynnag a fydd yn cymryd yr awenau i redeg y garej, ac yn caniatáu iddo yntau barhau i fyw yn yr ardal leol.

Darperir y graddfa ganlynol:

Uchder - 6.5-7 metr

Hyd - 10-14 metr

Lled - 8-10 metr

POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Canllawiau a Pholisi Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: y cynllun cenedlaethol 2040
- Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)
- TAN12 - Dylunio (2016)
- TAN18 - Trafnidiaeth (2007)
- TAN2 Cynllunio a Thai Fforddiadwy (2006)
- TAN5 Cynllunio a Chadwraeth Natur (2009)
- TAN6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- Cylchlythyr Llywodraeth Cymru 008/2018 - (Cysylltiadau Draenio Dŵr Budr)

Polisi Cynllunio Lleol Perthnasol:

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

- S01 Twf Cynaliadwy
- SO4 Datblygu Mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- S05 Tai Fforddiadwy
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Iaith Gymraeg
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM06: Dylunio a Chreu Lle o Safon Uchel
- DM10 Dylunio a Thirweddu
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadw Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol

Canllawiau Cynllunio Atodol Mabwysiedig Perthnasol:

- Canllawiau Cynllunio Atodol Safonau Parcio Cyngor Sir Ceredigion 2015
- Canllawiau Cynllunio Atodol Asesiad Trafnidiaeth 2015
- Canllawiau Cynllunio Atodol Dylunio a'r Amgylchedd Adeiledig 2015
- Canllawiau Cynllunio Atodol Gwarchod Natur 2015
- Canllawiau Cynllunio Atodol Tai Fforddiadwy 2014

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

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

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn dynodi nifer o 'nodweddion gwarchoddedig' sef oedran; anabledd; 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'r anfanteision a wynebwr gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i gwrdd ag anghenion pobl o grwpiau gwarchoddedig lle bo'r rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghymesur o isel.

Rhoddwyd ystyriaeth briodol i'r uchod wrth wneud penderfyniad ynghylch y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol i bobl â nodweddion gwarchoddedig nac yn cael effaith arnynt yn fwy nag ar unrhyw un arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i gwrdd â'r saith nod llesiant sy'n rhan o'r Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y'i gosodir 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 YMGYNGHORI

- **Cyngor Cymuned Aberporth** - Ni dderbyniwyd ymateb
- **Priffyrdd** - Dim gwrthwynebiad yn ddibynnol ar amodau.
- **Draenio Tir** - Cyngor Safonol. Cymeradwyaeth Systemau Draenio Cynaliadwy yn angenrheidiol gan y Corff Cymeradwyo Draenio Cynaliadwy
- **Ecoleg** - Ni dderbyniwyd ymateb
- **Cyfoeth Naturiol Cymru** - Dim Gwrthwynebiad
- **Dŵr Cymru Welsh Water** - Lleoliad a statws y garthffos yn anhysbys

Ni dderbyniwyd sylwadau gan drydydd parti.

CASGLIAD

Mae Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004 yn datgan:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material consideration indicate otherwise”.

Egwyddor Datblygu

Mae safle'r cais yn gorwedd y tu allan i ffiniau anheddiad Aberporth/Parcllyn ac felly o fewn 'lleoliadau eraill' fel y'u dynodir yn y Cynllun Datblygu Lleol. Mae Polisi S04 y Cynllun Datblygu Lleol yn nodi bod datblygiadau tai mewn 'lleoliadau eraill' yn anaddas oni bai y cyfiawnheir eu bod yn seiliedig ar fodloni angen am i) dai fforddiadwy nas diwallwyd yn yr ardal, a'i fod yn cydymffurfio â Pholisi S05; neu ii) bod angen am annedd menter wledig yn unol â TAN6. At hynny, mae'r polisi yn mynnu bod pob datblygiad o fewn 'lleoliadau eraill' yn cyd-fynd â TAN6. Mae'r ymgeisydd wedi cynghori na fyddai annedd fforddiadwy yn cwrdd â'i anghenion.

Mae'r cynnig ar gyfer darparu byngalo ymddeol i'r ymgeisydd sydd ar hyn o bryd yn berchen ar Garej gyffiniol Trem y Bae, ac ef sydd yn ei rhedeg. Nid yw'r cynnig ar gyfer tŷ fforddiadwy neu am annedd menter wledig ac felly mae'n methu bodloni polisi S04 y Cynllun Datblygu Lleol gan ei fod yn cynrychioli annedd marchnad agored o fewn 'lleoliadau eraill'.

Mae'r caniatâd cynllunio a roddwyd ar gyfer garej gyda fflat breswyl uwchben yn ddibynol ar rwymedigaeth gynllunio wedi'i sicrhau drwy gytundeb adran 106, sy'n nodi na chaiff y fflat ei gwerthu ar wahân i'r busnes a adwaenir fel Garej Trem y Bae, neu fel arall, ac na chaiff ei meddiannu hyd nes bydd y busnes yn weithredol. Mae'r fflat, felly, yn darparu cyfleoedd ar gyfer llety i reolwr/gweithiwr mewn perthynas â'r garej os yw rhywun yn dymuno byw ar y safle - er, ni ystyrir bod angen gweithredol i reolwr/gweithiwr fyw ar y safle er mwyn rheoli'r garej yn briodol.

Tai Fforddiadwy:

Mae'r safle'n gorwedd o fewn 'lleoliadau eraill' felly dim ond annedd fforddiadwy sy'n bodloni diffiniadau Canllawiau Cynllunio Atodol y Cyngor y gellid ei hystyried yn dderbyniol yn y lleoliad hwn. Fodd bynnag, nid cynnig ar gyfer annedd fforddiadwy yw hwn ac er y byddai'n rhoi cyfraniad ariannol tuag at dŷ fforddiadwy (swm gohiriedig ar 'werth sy'n cyfateb' i 10% o werth Marchnad Agored y datblygiad) nid yw'n cyflawni gofynion y polisi.

Ecoleg:

Nid yw Cyfoeth Naturiol Cymru wedi codi unrhyw wrthwynebiad i'r datblygiad arfaethedig yn amodol ar y gwaith yn cael ei gyflawni yn unol â'u canllawiau atal llygredd fel na fydd draeniau dŵr wyneb a chysiau dŵr lleol yn cael eu llygru. Gellir ychwanegu hwn fel gwybodaeth i'r caniatâd.

Mae'r safle arfaethedig yn cael ei ddefnyddio ar hyn o bryd fel maes parcio ychwanegol ar gyfer y garej gerllaw, ac ni fydd coed na chloddiau yn cael eu tynnu yn rhan o'r cynnig. Felly, ni ystyrir ei fod yn cael unrhyw effaith andwyol ar rywogaethau a warchodir.

Draenio Dŵr Brwnt:

Mae Cyfoeth Naturiol Cymru yn nodi bod safle'r cais wedi'i leoli yn nalgylch prif garthffos gyhoeddus felly byddai angen i unrhyw ddraenio dŵr brwnt fynd i'r brif system garthffosiaeth fel a nodir yng nghylchlythyr Llywodraeth Cymru 008/2018. Mae Dŵr Cymru Welsh Water wedi cynghori bod yr ymgeisydd yn cysylltu â nhw i ddarganfod lleoliad a statws y garthffos.

Draenio Tir:

Mae'r cais yn nodi y bydd dŵr wyneb yn cael ei waredu drwy ffosydd cerrig. Mae Swyddog Draenio Tir y Cyngor wedi cynghori y dylid cyflwyno mwy o wybodaeth i ddangos bod cyflwr y tir yn addas. Fodd bynnag, bydd angen cymeradwyaeth Systemau Draenio Cynaliadwy (SuDS) gan awdurdod Corff Cymeradwyo SuDS (SAB) cyn cychwyn ar y gwaith ar y safle felly ymdrinnir yn ddigonol â dŵr wyneb drwy'r broses hon.

Materion Eraill:

Mae manylion materion yn ymwneud â mynediad, golwg, graddfa, cynllun a thirwedd wedi'u cadw yn ôl i'w hystyried yn rhan o gais materion wedi'u cadw yn ôl dilynol. Ni dderbyniwyd gwrthwynebiadau gan ymgynghoreion statudol ac ystyrir bod modd cael annedd a gynlluniwyd mewn modd addas, sy'n cydymffurfio â gwybodaeth ddangosol a gyflwynwyd yn rhan o'r cais, ar y safle hwn heb iddi gael effaith andwyol ar y tirlun, amwynderau trigolion cyfagos, diogelwch ar y briffordd.

Pwerau Dirprwyo

Mae'r Aelod Lleol, y Cynghorydd Gethin Davies, wedi gofyn i'r Pwyllgor Cynllunio ar Reoli Datblygu benderfynu ar y cais am y rhesymau a ganlyn:

- Cefnogi'r angen am gartrefi newydd yn y ward
- Dim yn cytuno ei fod yn gefn gwlad agored
- Mae yna dai yn agos iawn ac wrth ymyl i Garej Bayview.

ARGYMHELLIAD:

Argymhellir bod y cais yn cael ei wrthod gan ei fod yn groes i strategaeth dai y Cynllun Datblygu Lleol a bennir ym mholisiâu S01 ac S04 y Cynllun Datblygu Lleol.

RHESWM DROS OHIRIO:

Adroddwyd y cais i'r Pwyllgor Rheoli Datblygu ar 12 Ionawr 2022 gydag argymhelliad i'w wrthod gan ei fod yn groes i bolisiâu S01 ac S04 o'r Cynllun Datblygu Lleol. Penderfynodd y Pwyllgor ohirio gwneud penderfyniad ar y cais am fis er mwyn caniatáu cyfnod 'ailfeddwl' ac i'r pwyntiau a godwyd yn y Pwyllgor gael eu hystyried ymhellach.

Cytunodd y Grŵp fod tŷ marchnad agored yn y lleoliad hwn yn groes i bolisi cynllunio. Ystyriodd y Grŵp opsiynau eraill a fyddai'n cyd-fynd yn well â pholisi cynllunio fel tŷ 'TAN 6' gyda chysylltiadau â'r busnes presennol ar y safle neu dŷ fforddiadwy; fodd bynnag cydnabuwyd hefyd y dylid ystyried y cais ar sail yr hyn a gyflwynwyd sef tŷ marchnad agored. Nododd y Grŵp hefyd fod yr ymgeisydd yn ymddeol o'r busnes a'r bwriad oedd i rywun arall gymryd drosodd y busnes. Rhoddwyd ystyriaeth hefyd i'r ffaith fod gan yr ymgeisydd ganiatâd cynllunio ar gyfer byngalo ym Mharcllyn, yn ogystal a chaniataid eraill ym Mharcllyn gan gynnwys dau fyngalo sydd wedi'u codi'n ddiweddar a datblygiad tir ar gyfer 21 o dai (llai na 1km i ffwrdd) a fyddai'n cwrdd ag anghenion yr ymgeisydd o ran darparu cartref ymddeol yn agos i'r busnes. Ystyriodd y Grŵp hefyd y ffigurau tai ar gyfer Aberporth/Parcllyn (Rhagfyr 2021) gan nodi mai cyfanswm y gofyniad ar gyfer grŵp aneddiadau oedd 332 o dai. Cwblhawyd 37, 42 heb eu hadeiladu a 143 o ofynion yn weddill o fewn ffin ganolfan wasanaeth Aberporth/Parcllyn. Y tu allan i'r ffin, mae 88 wedi'u cwblhau, 68 heb eu hadeiladu a -44 o ofynion yn weddill.

Nododd yr Awdurdod Lleol fod asiant yr ymgeisydd wedi dweud nad yw'r ymgeisydd eisiau clymu'r tŷ i'r busnes ac na fyddai ychwaith yn cwrdd â meini prawf ar gyfer tŷ fforddiadwy.

Daeth y Grŵp i'r casgliad y dylai'r Pwyllgor ddilyn argymhelliad y Swyddog i wrthod y cais gan ei fod yn cynrychioli tŷ marchnad agored mewn 'lleoliadau eraill' a bod gan yr ymgeisydd ganiatâd cynllunio ar gyfer byngalo ym Mharcllyn, sydd yn agos iawn i safle'r cais, sy'n cwrdd â'i anghenion.

Rhif y Cais / Application Reference	A210722
Derbyniwyd / Received	22-07-2021
Y Bwriad / Proposal	Proposed Retirement Bungalow.
Lleoliad Safle / Site Location	Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	Oliver Davies, Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
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 refers to land forming part of Bayview Garage, located near to the junction of Hilltop Way and the B4333 on the outskirts of Parcllyn and Aberporth. The site is located to the north of the garage building and forms part of the car parking / storage area. The site is relatively flat and is bounded by trees and hedges along its north, east and west boundaries, and is accessed via the entrance to the garage directly from the road to the west.

Relevant planning history:

- A070053 - Refurbishment of commercial garage & erection of dwelling for operator/owner. Approved subject to conditions and a section 106 agreement 12-12-2008. The application was recommended for refusal by the LPA as the need for a dwelling was not justified, however the application was approved by members of the Planning Committee.

DETAILS OF DEVELOPMENT

The application seeks outline planning permission, with all matters reserved, for the erection of a bungalow. Matters relating to access, layout, appearance, scale and landscaping are reserved for consideration under a subsequent reserved matters application.

The application is accompanied by an indicative block plan which shows that the bungalow will be located centrally within the plot, with garden area to its north, east and west, with parking to its south. Access will be from the adjoining road to the west and adjacent to the existing access to the garage. The existing hedgerow will be retained and a new hedge will be planted along the north and east boundaries, with a timber fence along the south boundary.

The application is accompanied by a supporting statement from the applicant, Mr Davies, who intends on occupying the dwelling and is the current owner and operator of Bayview Garage. It states that Mr Davies currently lives within the flat above the garage but is looking to take a step back from the running of the garage due to his age, and therefore the bungalow would provide him with a retirement home and would allow him to remain living on site to provide support, advice and experience to who ever will take over the running of the garage whilst also allowing him to continue to live in the local area.

The following scale parameters are provided:

- Height - 6.5-7 metres
- Length - 10-14 metres
- Width - 8-10 metres

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy and guidance

- FW21 Future Wales: The National Plan 2040
- PPW21 Planning Policy Wales (edition 11, February 2021)
- TAN12 Design (2016)
- TAN18 Transport (2007)
- TAN2 Planning and Affordable Housing (2006)
- TAN5 Nature Conservation and Planning (2009)
- TAN6 Planning for Sustainable Rural Communities (2010)
- Welsh Government Circular 008/2018 - (Foul Drainage Connections)

Relevant Local Planning Policy

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

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- LU05 Securing the Delivery of Housing Development
- DM01 Managing the Impacts of Development on Communities and the Welsh Language
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM06 High Quality Design and Placemaking
- DM10 Design and Landscaping
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape

Relevant adopted Supplementary Planning Guidances:

- CCC Parking Standards SPG 2015
- Transport Assessment SPG 2015
- Built Environment and Design SPG 2015
- Nature Conservation SPG 2015
- Affordable Housing SPG 2014

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.

YMATEBION YMGYNGHORI / CONSULTATION RESPONSES

- **Aberporth Community Council** - No response received
- **Highways** - No objection subject to conditions
- **Land Drainage** - Standard Advice. SuDS approval required from SAB
- **Ecology** - No response received
- **Natural Resources Wales** - No objection
- **Dwr Cymru Welsh Water** - Location and status of the sewer unknown

No responses received from third parties.

CASGLIAD / CONCLUSION

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise”.

Principle of Development

The application site lies outside of the settlement boundary for Aberporth/Parclyn and therefore lies within 'other locations' as identified within the LDP. LDP policy S04 states that housing development within 'other locations' are inappropriate 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. Furthermore, the policy requires all developments within 'other locations' to accord with TAN 6. The applicant has advised that an affordable dwelling would not meet with his needs.

The proposal is to provide a retirement bungalow for the applicant who currently owns and runs the adjoining Bayview Garage. The proposal is not for an affordable housing nor for a rural enterprise dwelling, and therefore fails to meet with LDP policy S04 as it represents an open market dwelling within 'other locations'.

The planning permission that was granted for the garage with a residential flat above, is subject to a planning obligation, secured via a section 106 agreement, which states that the flat shall not be sold separately from the business known as Bay View Garage, or vice versa, and shall not be occupied until the business is up and running. The flat therefore provides opportunities for accommodation for a manager / worker in association with the garage, if one wishes to live on site - although it is not considered that there is a functional need for the proper management of the garage for a manager / worker to be living on site.

Affordable Housing:

The proposed development will require a commuted sum at the 'equivalent value' of 10% of the Open Market Value of the development to be provided towards affordable housing, in line with LDP Policy S05.

Ecology:

NRW has raised no objection to the proposed development subject to the works being carried out in accordance with their pollution prevention guidelines so to prevent contamination of surface water drains and local watercourse. This can be added as an informative to the permission.

The proposed site is currently used as overflow car parking for the adjacent garage, and no trees or hedges will be removed as part of the proposal. As a result it is not considered to have any adverse impact on protected species.

Foul Drainage:

NRW state that the application site is located within a public mains sewer catchment area, therefore any foul water drainage would need to be discharged to the main sewerage system as stated within WG circular 008/2018. Dwr Cymru Welsh Water has advised that the applicant contacts them to establish the location and status of the sewer.

Land Drainage:

The application states that surface water will be disposed of via soakaways. The Council's Land Drainage Officer has advised that further information should be submitted to demonstrate that the ground conditions are suitable. However, SuDS approval will be required from the Council's SAB authority prior to the commencement of work on site therefore surface water will be adequately dealt with through this process.

Other matters:

Detailed matters relating to access, appearance, scale, layout and landscaping are reserved for consideration as part of a subsequent reserved matters application. No objections have been received from statutory consultees and it is considered that a suitably designed dwelling, which accords with the indicative information submitted as part of the application, can be achieved on this site without having an adverse impact on the landscape, the amenity of nearby occupiers, highway safety.

Power of delegation:

The local member, Cllr Gethin Davies, has requested for the application to be determined by Development Control Planning Committee for the following reasons:

- To support the need for new homes in the ward

- Do not agree that it is open countryside
- There are houses very close by and besides the Bayview Garage.

RECOMMENDATION:

The application is recommended for refusal, as it is contrary to the LDP housing strategy set out within LDP policies S01 and S04.

REASONS FOR DEFERRAL:

The application was reported to the Development Control Committee on 12 January 2022 with an Officer's recommendation to refuse as it was contrary to LDP policies S01 and S04 of the Local Development Plan. The Committee resolved to defer the determination of the application for one month to allow for a "cooling off" period and for the points raised at the Committee to be considered further.

The Group agreed that an open market dwelling in this location is contrary to planning policy. The Group considered other options that would be more in line with planning policy such as a TAN 6 dwelling with ties to the existing business on site or an affordable dwelling; however it was also acknowledged that the application should be considered on the basis of what has been submitted which is for an open market dwelling. The Group also noted that the applicant was retiring from the business and the intention was for somebody else to take over the running of the business. Consideration was also given to the fact that the applicant has an extant planning permission for a bungalow in Parcllyn, in addition to other permissions at Parcllyn, including two bungalows which have recently been erected and the development of land for 21 dwellings (less than 1km away) which would meet the needs of the applicant in terms of providing a retirement home close to the business. The Group also considered the housing figures for Aberporth/Parcllyn (December 2021) noting that the total requirement for settlement group was 332 dwellings. There are 37 completions, 42 outstanding and 143 remaining requirements with the Service Centre. Outside the Service Centre, there are 88 completions, 68 outstanding and -44 remaining requirements.

The LPA noted that the applicant's agent has advised that the applicant does not want to tie the dwelling to the business and that he would also not meet with the criteria of an affordable dwelling.

The Group concluded that Committee should follow the Officer's recommendation to refuse the application as it represents an open market dwelling in 'other locations' and the applicant has an extant planning permission for a bungalow at Parcllyn, a very short distance away from the application site, that would meet his needs.