

# Pecyn Cyhoeddus



Cyngor Sir  
**CEREDIGION**  
County Council

Neuadd Cyngor Ceredigion, Penmorfa,  
Aberaeron, Ceredigion SA46 0PA  
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## Annwyl Syr / Fadam

**Ysgrifennaf i'ch hysbysu y cynhelir Cyfarfod o Pwyllgor Rheoli Datblygu o bell trwy fideo-gynhedledda, Dydd Mercher, 9 Chwefror 2022 am 10.00 am\_i drafod y materion canlynol:**

1. **Ymddiheuriadau**
2. **Materion Personol**
3. **Datgelu buddiant personol a buddiant sy'n rhagfarnu**
4. **Cadarnhau Cofnodion y Cyfarfod a gynhaliwyd ar 12 Ionawr 2022 (Tudalennau 3 - 6)**
5. **Ystyried ceisiadau cynllunio a ohiriwyd mewn Cyfarfodydd blaenorol o'r Pwyllgor (Tudalennau 7 - 26)**
6. **Ceisiadau Statudol, Llywodraeth Leol, Hysbysebion a Datblygu (Tudalennau 27 - 46)**
7. **Ceisiadau Cynllunio y deliwyd â hwy o dan awdurdod dirprwyedig (Tudalennau 47 - 54)**
8. **Apeliadau (Tudalennau 55 - 72)**
9. **Unrhyw fater arall y penderfyna'r Cadeirydd fod arno angen sylw brysgan y Pwyllgor**

## Atgoffir yr Aelodau y dylent lofnodi'r Gofrestr Bresenoldeb

**Darperir Gwasanaeth Cyfieithu ar y Pryd yn y cyfarfod hwn ac mae croeso i'r sawl a fydd yn bresennol ddefnyddio'r Gymraeg neu'r Saesneg yn y cyfarfod.**

Yn gywir

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

**Miss Lowri Edwards**

**Swyddog Arweiniol Corfforaethol: Gwasanaethau Democrataidd**

**At: Gadeirydd ac Aelodau Pwyllgor Rheoli Datblygu  
Weddill Aelodau'r Cyngor er gwybodaeth yn unig.**

Cofnodion cyfarfod y **PWYLLGOR RHEOLI DATBLYGU** a gynhaliwyd o bell drwy fideogynhadledd

**ddydd Mercher, 12 Ionawr 2022**

**Yn bresennol:** Y Cynghorwyr Lynford Thomas (Cadeirydd), John Adams-Lewis, Bryan Davies, Ceredig Davies, Gethin Davies, Ifan Davies, Meirion Davies, Odwyn Davies, Peter Davies MBE, Rhodri Davies, Dafydd Edwards, Rhodri Evans, Catherine Hughes, Gwyn James, Maldwyn Lewis, Gareth Lloyd, Lyndon Lloyd MBE, Dai Mason, Rowland Rees-Evans a Wyn Thomas

Hefyd yn bresennol: Y Cynghorydd Endaf Edwards

**Swyddogion yn bresennol:** Mr Russell Hughes-Pickering, Swyddog Arweiniol Corfforaethol – yr Economi ac Adfywio, Mr Alan Davies, Rheolwr Corfforaethol – Gwasanaethau Cynllunio, Mrs Catrin Newbold, Rheolwr Gwasanaeth – Rheoli Datblygu, Mr Jonathan Eirug – Arweinydd Tîm Rheoli Datblygu'r Gogledd, Ms Nia Jones, Rheolwr Corfforaethol – Gwasanaethau Democraataidd, Mrs Sian Holder, Arweinydd Tîm Rheoli Datblygu'r De, Mrs Margaret James, Uwch-beiriannydd Datblygu Priffyrdd, Ms Elin Prysor, Swyddog Arweiniol Corfforaethol – Gwasanaethau Cyfreithiol a Llywodraethu, a Mrs Dana Jones, Gwasanaethau Democraataidd a Swyddog Safonau

(10:00am – 12:00pm)

#### 1 **Personol**

Croesawodd y Cadeirydd bawb i'r cyfarfod.

Estynnwyd dymuniadau gorau i Mrs Margaret James, Uwch-beiriannydd Datblygu Priffyrdd, ar ei hymddeoliad, a diolchwyd iddi am ei 44 mlynedd o wasanaeth i'r Cyngor.

#### 2 **Ymddiheuriadau**

Roedd y Cynghorydd Paul Hinge wedi ymddiheuro am nad oedd modd iddo ddod i'r cyfarfod.

#### 3 **Datgan buddiannau personol a/neu fuddiannau sy'n rhagfarnu**

Dim.

#### 4 **Cofnodion cyfarfod y Pwyllgor a gynhaliwyd ar 08 Rhagfyr 2021**

**PENDERFYNWYD** cadarnhau bod cofnodion y cyfarfod a gynhaliwyd ar 08 Rhagfyr 2021 yn gywir.

#### **Materion yn codi**

Dim.

#### 5 **Ceisiadau cynllunio a ohiriwyd yng nghyfarfodydd blaenorol y Pwyllgor**

Dim.

#### 6 **Ceisiadau datblygu, hysbysebu, statudol a'r awdurdod lleol**

Trafodwyd adroddiad Swyddog Arweiniol Corfforaethol – yr Economi ac Adfywio ynghylch ceisiadau datblygu, hysbysebu, statudol a'r awdurdod lleol:-

Bu i Mr Colin Jones (Ymgeisydd) annerch y Pwyllgor yn unol â'r atodiad dros dro i'r weithdrefn weithredol sy'n caniatáu i'r cyhoedd annerch y Pwyllgor Rheoli Datblygu yn sgil COVID-19.

A210129 Defnyddio carafán fel llety gwyliau, Pantyperan, Llandre

## Tudalen 4

**CYMERADWYO'R** cais yn ddibynnol ar i'r garafán gael ei gorchuddio er mwyn iddi edrych yn debyg i gaban pren.

Nid oedd yr Aelodau'n cytuno ag argymhelliad y swyddogion ac roeddent yn tybio bod modd cymeradwyo'r cais am y rhesymau a ganlyn:-

- Roedd y cais yn cydymffurfio â pharagraffau 3.7.1, 3.7.2 a 6.3.1 polisi mentrau gwledig TAN 6 gan fod yr ymgeisydd am arallgyfeirio'i fferm;
- Roedd y cais yn bodloni paragraffau 5.4.1, 5.5, 5.5.1, 5.5.2, 5.5.6, 5.61, 5.62 a 5.160 Polisi Cynllunio Cymru;
- Roedd y cais yn bodloni polisi LU14;
- Roedd y garafán wedi bod yn y lleoliad hwn am ugain mlynedd, a rhagwelir y byddai cais i gael tystysgrif cyfreithlondeb yn cael ei gymeradwyo pe bai'r ymgeisydd yn cyflwyno cais o'r fath;
- Mae'r cais yn cydymffurfio â Strategaeth Gorfforaethol y Cyngor Sir o ran hybu twristiaeth yn y sir;
- Mae'r garafán o fewn cwrtil y fferm ac nid mewn cae agored, felly nid yw'n cael effaith weledol ar y dirwedd.

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A210699 Addasu tŷ amlfeddiannaeth trillawr mawr â saith ystafell wely yn bedair uned breswyl hunangynhwysol, gan gynnwys gwaith dymchwel, gwella ac adnewyddu a gwaith cysylltiedig, 14 Rhos Rheidol, Aberystwyth

**CYMERADWYO'R** cais yn ddibynnol ar amodau.

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A210712 Newid defnydd cae amaethyddol i leoli tri phod gwersylla a gwaith cysylltiedig ar gyfer llety gwyliau, Llys Meurig, Penrhyn-coch, Aberystwyth

**GOHIRIO'R** penderfyniad ar y cais i sicrhau bod modd cael trafodaeth bellach â'r ymgeisydd o ran lleoliad y pod gwyliau a leolir ar ael y cae. Caniateir i Swyddog Arweiniol Corfforaethol – yr Economi ac Adfywio gymeradwyo'r cais os ceir cytundeb, a bydd y Pwyllgor yn ailystyried y cais os na cheir cytundeb.

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Bu i Mr Oliver Davies (Ymgeisydd) annerch y Pwyllgor yn unol â'r atodiad dros dro i'r weithdrefn weithredol sy'n caniatáu i'r cyhoedd annerch y Pwyllgor Rheoli Datblygu yn sgil COVID-19.

A210722 Byngalo ymddeol arfaethedig, Garej Bayview, Parc-llyn, Aberteifi

**GOHIRIO'R** penderfyniad ar y cais am fis i ganiatáu 'cyfnod callio' a mwy o amser i ystyried y pwyntiau a godwyd gan yr Aelodau.

## Tudalen 5

PENDERFYNWYD nodi'r rhestr o geisiadau cynllunio y bu i Swyddog Arweiniol Corfforaethol – yr Economi ac Adfywio ymdrin â nhw.

### 8 Apeliadau cynllunio

CYTUNWYD i nodi'r wybodaeth a oedd wedi dod i law am apeliadau.

**Cadarnhawyd y cofnodion yng nghyfarfod y Pwyllgor a gynhaliwyd ar 09 Chwefror 2022**

Cadeirydd:- \_\_\_\_\_

Dyddiad: \_\_\_\_\_

Mae'r dudalen yn wag yn fwriadol

**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, Parcllyn, Cardigan, Ceredigion, SA43 2BT	Refuse

1.1. A210615





# Tudalen 9

**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

# Tudalen 10

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

# Tudalen 11

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.

# Tudalen 12

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.

# Tudalen 13

<b>Rhif y Cais / Application Reference</b>	A210615
<b>Derbyniwyd / Received</b>	22-06-2021
<b>Y Bwriad / Proposal</b>	Proposed building plot for one dwelling along with a new access to the highway.
<b>Lleoliad Safle / Site Location</b>	Plot Adj Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE
<b>Math o Gais / Application Type</b>	Outline Planning Permission - All/Some Matters Reserved
<b>Ymgeisydd / Applicant</b>	Mr E Jones, Ty Nant Dole, Dole, Llandre, Bow Street, Ceredigion, SY24 5AE
<b>Asiant / Agent</b>	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 1<sup>st</sup> 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

# Tudalen 14

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

# Tudalen 15

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

# Tudalen 16

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 24<sup>th</sup> 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 17<sup>th</sup> 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



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<b>Rhif y Cais</b>	A210722
<b>Derbyniwyd</b>	22-07-2021
<b>Y Bwriad</b>	Byngalo Ymddeol Arfaethedig
<b>Lleoliad Safle</b>	Garej Trem y Bae, Parcllyn, Aberteifi, Ceredigion, SA43 2BT
<b>Math o Gais</b>	Caniatâd Cynllunio Amlinellol - gyda'r holl faterion/rhai materion wedi'u cadw yn ôl
<b>Ymgeisydd</b>	Oliver Davies, Garej Trem y Bae, Parcllyn, Aberteifi, Ceredigion, SA43 2BT
<b>Asiant</b>	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:

# Tudalen 19

- 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; 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'r anfanteision a wynebir 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

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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 Dirprwy

# Tudalen 21

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.

# Tudalen 22

<b>Rhif y Cais / Application Reference</b>	A210722
<b>Derbyniwyd / Received</b>	22-07-2021
<b>Y Bwriad / Proposal</b>	Proposed Retirement Bungalow.
<b>Lleoliad Safle / Site Location</b>	Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
<b>Math o Gais / Application Type</b>	Outline Planning Permission - All/Some Matters Reserved
<b>Ymgeisydd / Applicant</b>	Oliver Davies, Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
<b>Asiant / Agent</b>	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:

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- 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/Parcllyn 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



# Tudalen 25

- 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.

Mae'r dudalen yn wag yn fwriadol

## 2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210966	04-10-2021	Mr Emyr Davies	Conversion of two existing barns to holiday let accommodation (Change of Use) and retention of work undertaken to date and completion together with provision of external parking area in farmyard to serve units.	Pengarreg Farm, Llanilar, Aberystwyth, Ceredigion, SY23 4SB	Refuse
2	A210997	11-10-2021	Mr Emyr Davies	Retention of 2no. holiday let timber lodges and highway improvements to provide access lane to site including 2 passing bays, with junction improvements.	Pengarreg Farm, Llanilar, Aberystwyth, SY23 4SB	Refuse

**2.1. A210966**



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**Rhif y Cais** A210966

**Derbyniwyd** 04-10-2021

**Y Bwriad** Trosi dwy ysgubor bresennol yn llety gwyliau (Newid Defnydd) a chadw'r gwaith a wnaed hyd yma a'i gwblhau ynghyd â darparu man parcio allanol ar fuarth y fferm i wasanaethu'r unedau.

**Lleoliad Safle** Fferm Pengarreg, Llanilar, Aberystwyth, Ceredigion, SY23 4SB

**Math o Gais** Cais Cynllunio Llawn

**Ymgeisydd** Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX

**Asiant** Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## Y SAFLE A HANES PERTHNASOL

Mae Fferm Pengarreg wedi'i lleoli mewn lleoliad cefn gwlad agored tua 1km i'r de o anheddiad Llanilar. Er nad yw'r fferm bellach yn cael ei defnyddio at ddibenion amaethyddol ac mae ei hen dir bellach wedi'i waredu, mae'r prif annedd a'r adeiladau allanol cysylltiedig wedi'u lleoli hanner ffordd rhwng ffordd yr A485 i'r de-orllewin a ffordd sirol fach i'r gogledd-ddwyrain. Mae'r prif fynediad i'r annedd a safle'r cais drwy'r trac sy'n ymuno â'r A485 sy'n cysylltu Llanilar â Lledrod. Nodweddir y pwynt mynediad gyda'r A485 gan goed aeddfed i'r gogledd ac i'r de o'r gyffordd.

Mae safle'r cais yn ymwneud â dau adeilad allanol sydd wedi'u lleoli i'r gogledd o'r hen ffermdy. Mae pob adeilad allanol wedi'i wneud o gerrig gyda tho llechi naturiol. Mae Ysgubor 1 yn gysylltiedig â'r ffermdy drwy strwythur unllawr (sydd hefyd wedi'i drosi a'i ymestyn), tra bod Ysgubor 2 yn rhan o floc o adeiladau allanol siâp L ar wahân i'r gogledd a'r gorllewin o fuarth y fferm. Ysgubor 2 yw'r uned fwyaf dwyreiniol.

Nid oes hanes cynllunio mewn perthynas â Phengarreg er y nodir bod cais ôl-weithredol i gadw dau gaban gwyliau pren a gwneud gwelliannau i'r ffordd fynediad a'r gyffordd hefyd ar yr agenda (A210997). Mae'r Awdurdod Cynllunio Lleol hefyd yn ymwybodol o ddefnydd anawdurdodedig arall o adeilad allanol arall ar y safle sy'n destun ymchwiliad gan Adran Gorfodi'r Awdurdod.

## MANYLION Y DATBLYGIAD

Ceisir caniatâd cynllunio llawn i drosi dwy ysgubor bresennol yn llety gwyliau (Newid Defnydd), cadw'r gwaith a wnaed hyd yma (i Ysgubor 1) ynghyd â darparu man parcio allanol ar fuarth y fferm i wasanaethu'r unedau.

Mae gwaith i Ysgubor 1 eisoes wedi'i gwblhau ac mae'r adeilad wedi'i orchuddio'n rhannol gyda chladin pren ac wedi cael ei ail-doi. Mae ffenestri hefyd wedi'u hychwanegu yn y to. Bydd y gwaith gorffenedig yn darparu uned wyliau tair ystafell wely.

Mae Ysgubor 2 hefyd yn cynnwys darparu llety gwyliau tair ystafell wely gyda ffenestri newydd yn cael eu gosod yn y to i ddarparu golau i'r llawr uchaf lle mae dwy o'r tair ystafell wely ynghyd â'r ystafell ymolchi. Bydd ffenestr dalcen yn cael ei hehangu fel rhan o'r cynnig. Bydd tri man parcio yn cael eu creu o flaen yr unedau.

## POLISIÂU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

### Polisiau a chanllawiau cynllunio cenedlaethol:

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

TAN18

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

DM03 Teithio Cynaliadwy

DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol

DM05 Datblygu Cynaliadwy a Lles Cynllunio

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirweddu

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DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

LU16 Llety Twristiaeth – Mathau o Lety nad yw Polisi LU14 yn eu cwmpasu

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

## YSTYRIAETHAU PERTHNASOL ERAILL

### DEDDF TROSEDD AC ANHREFN 1998

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

### DEDDF CYDRADDOLDEB 2010

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

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

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

### DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

### YMATEBION I'R YMGYNGHORIAD

Draenio Tir Ceredigion - Dim gwrthwynebiad i'r cynnig

Cyfoeth Naturiol Cymru – Dim gwrthwynebiad

Dŵr Cymru - Dim sylwadau gwrthwynebus

Prifffyrdd Ceredigion - yn argymhell gwrthod y cais am y rhesymau canlynol:-

1. Nid oes digon o drefniadau mynediad i wasanaethu'r datblygiad arfaethedig, ac nid yw'r tir sydd ym mherchnogaeth neu reolaeth yr ymgeisydd yn gallu darparu mynediad i'r safonau a nodir yn Nodyn Cyngor Technegol Polisi Cynllunio Cymru 18: Trafnidiaeth; y Llawlyfr Strydoedd (1 a 2); a'r 'All Wales Estate Development Highway Design Guidé.

2. Mae'r cynnig yn mynd yn groes i Bolisi Cenedlaethol a Pholisi DM03 Cynllun Datblygu Lleol Ceredigion: Teithio Cynaliadwy; Polisi DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol; Polisi DM05: Datblygu Cynaliadwy a Lles Cynllunio; a Pholisi DM06: Dylunio a Chreu Lle o Safon Uchel sy'n ei gwneud yn ofynnol i ddatblygiadau newydd ddarparu amgylchedd diogel drwy sicrhau bod dyluniad adeiladau a llwybrau mynediad cysylltiedig yn gweithredu egwyddorion diogelwch sylfaenol.

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Derbyniwyd 15 llythyr yn gwrthwynebu'r cynnig ar y seiliau canlynol:-

- Pryderon ynghylch diogelwch ar y priffyrdd;
- Niwsans o ran sŵn a golau a brofir ar hyn o bryd oherwydd y defnydd presennol ym Mhengarreg;
- Mae'r datblygiad yn ddiolwg ac nid yw'n gweddu â chymeriad y lle;
- Mae'r perchennog wedi diystyru deddfau a rheoliadau cynllunio;
- Effaith andwyol ar fywyd gwyllt;
- Pryder ynghylch llygredd posibl o'r carthbwl presennol sy'n gwasanaethu'r eiddo;
- Materion yn ymwneud â pherchnogaeth tir i hwyluso gwelliannau i'r priffyrdd.

Derbyniwyd gohebiaeth yn cynrychioli'r ymgeisydd yn ceisio dadlau yn erbyn y prif wrthwynebiadau y cyfeirir atynt uchod yn ogystal â adroddiad gan sefydliad profesiynol yn darparu asesiad sŵn a oedd yn datgan na fyddai unrhyw effaith ar aneddau cyfagos.

## 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".

Mae'r cais hwn yn ceisio caniatâd cynllunio llawn yn ei hanfod ar gyfer trosi dau adeilad allanol sydd wedi'u lleoli ar hen fferm Pengarreg, sydd wedi'i lleoli tua 1km i'r de o Lanilar, yn llety gwyliau. Nodir bod un o'r ysguboriau eisoes wedi'i throsi ac wedi bod yn cael ei defnyddio fel uned wyliau.

Mae Polisi LU16, sy'n ymdrin â Mathau o Lety Twristiaeth nad yw Polisi LU14 yn eu cwmpasu, yn cefnogi ac yn annog trosi adeiladau presennol yn llety twristiaeth ar yr amod bod yr adeiladau'n strwythurol gadarn ac nad oes angen newidiadau allanol mawr arnynt.

Mae paragraff 3.2.1 TAN23 yn datgan: "mae disgwyl i Awdurdodau Cynllunio Lleol fabwysiadu dull cadarnhaol o weithredu wrth drawsnewid adeiladau gwledig at aildefnydd busnes, yn enwedig yr adeiladau hynny sydd wedi'u lleoli ar gampysau adeiladau fferm neu wrth eu hymyl".

Er nad yw bellach yn cael ei defnyddio at ddibenion amaethyddol, mae Pengarreg yn hen fferm ac mae'r adeiladau dan sylw wedi'u lleoli o fewn hen fferm. Gan nad yw'r adeiladau'n cael eu defnyddio ar hyn o bryd, ystyrir y byddai unrhyw ddefnydd posibl arall, gan gynnwys newid eu defnydd i lety gwyliau, yn cael ei ystyried yn ffafriol. Gellir trosi'r adeiladau, ac felly ystyrir bod egwyddor y datblygiad yn dderbyniol, yn unol â TAN23 a pholisi LU16 o Gynllun Datblygu Lleol Ceredigion. Felly, bydd cyfiawnhad dros gefnogi ar yr amod nad oes unrhyw wrthwynebiadau perthnasol eraill.

Fodd bynnag, er y bernir bod egwyddor y datblygiad yn dderbyniol, rhaid rhoi ystyriaeth i ymateb yr Awdurdod Priffyrdd i'r cynnig. Mae'r Awdurdod Priffyrdd Lleol yn cadarnhau fod y mynediad presennol i gerbydau i'r eiddo oddi ar ffordd yr A485 yn llawer yn is na'r safon. Er mwyn cael cefnogaeth yr Awdurdod Priffyrdd Lleol byddai angen gwelliannau sylweddol a fyddai'n cynnwys yr angen am lain welededd 215m y naill ochr i'r gyffordd. Byddai hyn yn golygu yr angen i greu lleiniau ar dir nad yw ym mherchnogaeth na rheolaeth yr ymgeisydd, ac mae'n saff tybio ei bod yn annhebygol iawn y byddai'r ymgeisydd yn gallu cael perchnogaeth o'r tir cysylltiedig er mwyn gwneud y gwaith angenrheidiol ar y priffyrdd i gydymffurfio â'r safonau priffyrdd a argymhellir. O'r herwydd, ystyrir bod y cynnig yn groes i bolisi priffyrdd yn benodol TAN18 Trafnidiaeth; y Llawlyfr Strydoedd; a'r 'All Wales Estate Development Highway Design Guide.' Byddai'r cynnig hefyd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o Gynllun Datblygu Lleol Ceredigion.

Nodir y sylwadau a dderbyniwyd gan drydydd partiön mewn perthynas â'r cynnig. Yn ogystal, ni dderbyniwyd unrhyw wrthwynebiad gan adran ddraenio'r Awdurdod gan gynnwys o ran defnyddio carthbwl yr eiddo i ddarparu ar gyfer dŵr budr o'r unedau. Er nad yw CNC wedi gwrthwynebu'r cynnig, nodir bod gwaith anawdurdodedig wedi'i wneud heb fudd arolwg rhywogaethau a warchodir. Ymddengys ei bod yn debygol y bydd problem, ond deellir y bydd ymateb Ecolegydd y Sir yn cael ei adrodd i'r Pwyllgor.

I gloi, er y byddai'r egwyddor o drosi'r adeiladau allanol yn dderbyniol, oherwydd y gwrthwynebiad a dderbyniwyd gan yr adran briffyrdd, yr argymhelliad yw gwrthwynebu. Nid yw'r ymgeisydd yn gallu bodloni'r gofynion priffyrdd a argymhellir heb gael tir trydydd parti, ac felly yn ei statws presennol y farn yw y byddai'r datblygiad yn fater diogelwch priffyrdd sylweddol. Felly, mae'r cynnig yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

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## **Pwerau Dirprwyedig**

Mae'r Aelod Lleol, y Cynghorydd M Davies wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w ystyried o ganlyniad i ddi-ddordeb sylweddol y cyhoedd lleol mewn materion ym Mhengarreg a'r angen i bwysu a mesur y buddion economaidd yn erbyn y pryderon ynghylch diogelwch ar y priffyrdd.

## **ARGYMHELLIAD:**

**GWRTHOD** y cais gan ei fod yn mynd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r Cynllun Datblygu Lleol a TAN18; y Llawlyfr Strydoedd a'r *All Wales Estate Development Highways Design Guide*.



# Tudalen 33

<b>Application Reference</b>	A210966
<b>Received</b>	04-10-2021
<b>Proposal</b>	Conversion of two existing barns to holiday let accommodation (Change of Use) and retention of work undertaken to date and completion together with provision of external parking area in farmyard to serve units.
<b>Site Location</b>	Pencarreg Farm, Llanilar, Aberystwyth, Ceredigion, SY23 4SB
<b>Application Type</b>	Full Planning
<b>Applicant</b>	Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX
<b>Agent</b>	Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## THE SITE AND RELEVANT PLANNING HISTORY

Pencarreg Farm is located in an open countryside location some 1km to the south of the settlement of Llanilar. Although no longer in agricultural use with its former land now disposed of, the main dwelling and associated outbuildings is located halfway between the A485 road to the south west and a minor County road to the north-east. The main access to the dwelling and application site is via the track which joins with the A485 which links Llanilar with Lledrod. The access point with the A485 is characterised by mature trees north and south of the junction.

The application site relates to two outbuildings which are located to the north of the former farmhouse. All outbuildings are of stone construction and naturally slated. Barn 1 is linked to the farmhouse by single storey structure (which has also been converted and extended), whilst Barn 2 is part of a detached L shaped block of outbuildings to the north and west of the farmyard. Barn 2 is the easternmost unit.

There is no planning history in relation to Pencarreg although it is noted that a retrospective application for retention of two timber holiday lodges and improvements to the access road and junction is also on the agenda (A210997). The LPA is also aware of other unauthorised use of another outbuilding at the site which is under investigation by the Authority's Enforcement Section.

## DETAILS OF DEVELOPMENT

Full planning permission is sought for the conversion of two existing barns to holiday let accommodation (Change of Use), the retention of work undertaken to date (to Barn 1) together with provision of external parking area in farmyard to serve units.

Works to Barn 1 has already been completed and sees the building having been partially cladd with timber and re-roofed. Rooflights have also been added to the roof. The finished works sees the provision of a three bedroomed holiday unit.

Barn 2 also sees the provision of a three bedroomed holiday let with new rooflights in roof area being installed to provide lighting to the upper floor area which houses two of the three bedrooms together with the bathroom. A gable window is to be enlarged as part of the proposal.

Three parking spaces is to be created in front of the units.

## RELEVANT PLANNING POLICIES AND GUIDANCE

### National planning policies and guidance:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

TAN18

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

DM03 Sustainable Travel

DM04 Sustainable Travel Infrastructure as a Material Consideration

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DM05 Sustainable Development and Planning Gain

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

LU16 Tourism Accommodation Types of Accommodation not covered by Policy LU14

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

## **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**

Ceredigion Land Drainage - No objection to the proposal

Natural Resources Wales - No objection

Dŵr Cymru / Welsh Water - No adverse comments

Ceredigion Highways - Recommend refusal of the application for the following reasons:-

1. There are inadequate access arrangements to service the proposed development and the land in the applicant's ownership or control is incapable of providing an access to the standards set out in Planning Policy Wales Technical Advice Note 18: Transport; Manual for Streets (1 & 2); and, the 'All Wales Estate Development Highways Design Guide'.

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2. The proposal conflicts with National Policy and Ceredigion Local Development Plan Policy DM03: Sustainable Travel; Policy DM04: Sustainable Travel Infrastructure as a Material Consideration; Policy DM05: Sustainable Development and Planning Gain; and, Policy DM06: High Quality Design and Place-making that inter alia requires new development to provide a safe environment by ensuring that the design of buildings and associated access routes implement fundamental safety principles.

15 letters received objecting the proposal on the following grounds:-

- Concern over highway safety;
- Nuisance in terms of noise and light currently experienced due to existing use at Pengarreg;
- Development is an eyesore and out of character;
- Owner has disregarded planning laws and regulations;
- Detrimental impact on wildlife;
- Concern over potential pollution from existing cesspit serving property.
- Land ownership issues to facilitate highway improvements.

Correspondence received representing applicant seeking to counter argue main objections referred to above including also statement from professional company providing noise assessments concluding that there would be no noise nuisance impact on nearby properties.

### 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".

This application seeks full planning permission in essence for the conversion of two outbuildings located at the former farmstead of Pengarreg, which is located approximately 1km to the south of Llanilar, to holiday let. It is noted that one of the barns has already been converted and has been in operation as a holiday unit.

Policy LU16, which deals with Tourism Accommodation Types of Accommodation not covered by Policy LU14 and supports and encourages the conversion of existing buildings to tourist accommodation provided that the buildings are structurally sound and does not require major external alterations.

Paragraph 3.2.1 of TAN23 states that: "Local Planning Authorities are expected to adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm complexes".

Although no longer used for agricultural purposes, Pengarreg is a former farm and the buildings in question are located within a former farmstead. Whilst being redundant it is considered that any other potential use, including changing their use to holiday accommodation would be considered favourably. The buildings are capable of being converted and therefore the principle of development is considered to be acceptable, in compliance with TAN23 and policy LU16 of the Ceredigion Local Development Plan. Support is therefore warranted provided that there are no other material objections.

However, whilst the principle of the development is deemed to be acceptable regard must be given to the response of the Highways Authority to the proposal. The Local Highways Authority confirms that the existing vehicular access to the property off the A485 road is very substandard. In order to gain support from the Local Highway Authority major improvements would be required which would involve at a minimum the need for a 215m visibility splay either side of the junction. This would involve the need of creating splays on land which is outside of the applicant's ownership and control and it is safe to assume that it is extremely unlikely that the applicant would be able to gain ownership of the related land in order to undertake the required highway works to comply with the recommended highway standards. As such it is considered that the proposal is in conflict with highway policy specifically TAN18 Transport; Manual for Streets; and the All Wales Estate Development Highway Design Guide. The proposal would also be contrary to policies DM03; DM04; DM05 and DM06 of the Ceredigion Local Development Plan.

Third party comments received in relation to the proposal are noted. Additionally, no objection was received from the Authority's Drainage section including the use of the property's cesspit to cater for foul water from the respective units. Although NRW have not objected the proposal it is noted that unauthorised works were undertaken without the benefit of a protected species survey. It appears that there likely is to be an issue, however, it is understood that the County Ecologist response will be reported to Committee.

In conclusion, whilst the principle of the conversion of the outbuildings would be acceptable due to the highway objection received the recommendation is one of objection. The applicant is unable to meet recommended highway requirements without obtaining third party land and therefore in its current status it is the opinion that the development would represent a

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significant highway safety issue. The proposal is therefore contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

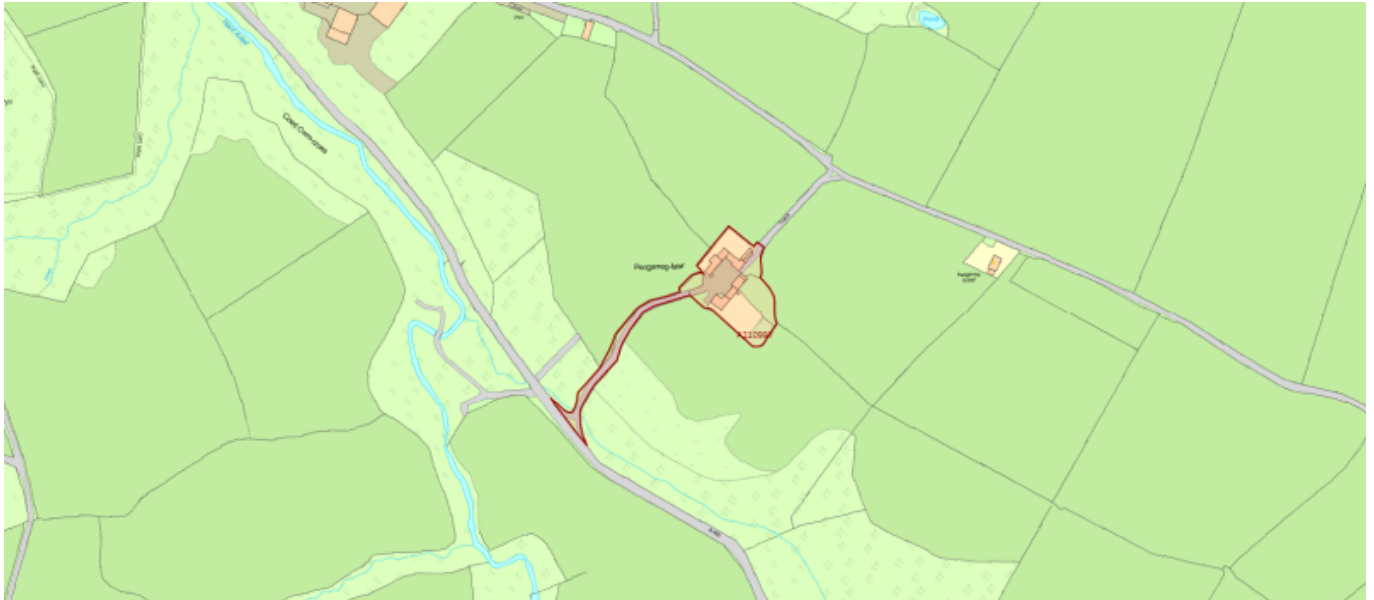
### **Delegated Powers**

The Local Member, Cllr M Davies has requested the application be presented to the Development Control Committee for consideration in view of the significant local public interest in matters at Pengarreg and the need to weigh up the economic benefits with the highway safety concerns.

### **RECOMMENDATION:**

**REFUSE** the application as being contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

2.2. A210997



# Tudalen 38

**Rhif y Cais** A210997

**Derbyniwyd** 11-10-2021

**Y Bwriad** Cadw 2 gaban gwyliau pren a gwneud gwelliannau i'r briffordd i ddarparu lôn fynediad i'r safle gan gynnwys 2 man pasio, gyda gwelliannau i'r gyffordd.

**Lleoliad Safle** Fferm Pengarreg, Llanilar, Aberystwyth, SY23 4SB

**Math o Gais** Cais Cynllunio Llawn

**Ymgeisydd** Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX

**Asiant** Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## Y SAFLE A HANES PERTHNASOL

Mae Fferm Pengarreg wedi'i lleoli mewn lleoliad cefn gwlad agored tua 1km i'r de o anheddiad Llanilar. Er nad yw'r fferm bellach yn cael ei defnyddio at ddiibenion amaethyddol ac mae ei hen dir bellach wedi'i waredu, mae'r prif annedd a'r adeiladau allanol cysylltiedig wedi'u lleoli hanner ffordd rhwng ffordd yr A485 i'r de-orllewin a ffordd sirol fach i'r gogledd-ddwyrain. Y prif fynediad i'r annedd a safle'r cais yw drwy'r trac sy'n ymuno â'r A485 sy'n cysylltu Llanilar â Lledrod. Nodweddir y pwynt mynediad gyda'r A485 gan goed aeddfed i'r gogledd ac i'r de o'r gyffordd.

Mae safle'r cais yn cynnwys y mynediad a'r trac i'r adeiladau ynghyd â thir sy'n ffinio â chwrtill yr eiddo tua 40m i ffwrdd i'r gogledd a'r dwyrain o'r prif adeiladau. Wedi'u lleoli ar gyrion safle'r cais mae dau gaban pren a godwyd tua 2018 heb ganiatâd cynllunio.

Nid oes hanes cynllunio mewn perthynas â Phengarreg er y nodir bod cais ôl-weithredol i drosi dau adeilad allanol i'w defnyddio fel llety gwyliau hefyd ar yr agenda (A210966). Mae'r Awdurdod Cynllunio Lleol hefyd yn ymwybodol o ddefnydd anawdurdodedig arall o adeilad allanol arall ar y safle sy'n destun ymchwil gan Adain Gorfodi'r Awdurdod.

## MANYLION Y DATBLYGIAD

Gwneir y cais yn llawn ac mae'n ceisio caniatâd i gadw'r ddau gaban gwyliau pren ynghyd â gwneud addasiadau i'r trac mynediad a'i gyffordd â'r A485. Cyflwynwyd asesiad trafndiaeth ar y cyd â'r cais.

Gan droi at y cabanau pren, mae caban gwyliau rhif 1 wedi'i leoli i'r gogledd o'r ffurf adeiledig. Mae'r caban hwn yn un hirfain sy'n mesur 7.3m o hyd a 2.3m o led. Mae'r strwythur yn darparu prif ardal fyw sy'n cynnwys man eistedd a'r ystafell wely ac ychwanegwyd ystafell i'r cefn sy'n darparu ystafell ymolchi i'r uned. Mae'r drws ffrynt yn agor allan i ardal ddecin amgaeedig ac mae twba twym wedi'i leoli i'r gogledd o'r strwythur. Mae'r strwythur wedi'i wneud o bren ac mae ganddo do gwastad.

Mae caban gwyliau rhif 2 wedi'i leoli i'r dwyrain o'r ffurf adeiledig, yn siâp hecsagon yn bennaf gyda chyntedd blaen ac adain siâp L ar yr ochr. Mae'r strwythur yn darparu ar gyfer prif ystafell wely fawr yn yr ardal hecsagon ac ystafell wely lai ac ystafell ymolchi yn yr adain. Darperir ardal ddecin ym mlaen y strwythur sydd hefyd yn cynnwys twba twym. Mae'r adeilad wedi'i wneud o bren gyda tho ar oledf wedi'i wneud o ffelt llwyd.

Darperir ar gyfer trefniadau carthffosiaeth fudr ar gyfer y ddau gaban gwyliau trwy'r carthbwl presennol sy'n gwasanaethu Pengarreg.

O ran y gwelliannau i'r briffordd, mae'r asesiad trafndiaeth a gyflwynwyd gyda'r cais yn dangos y bydd y mynediad presennol gyda ffordd yr A485 yn cael ei wella gyda lleiniau gwelededd newydd yn cael eu creu gan ddarparu 50m o welededd i'r ddau gyfeiriad; bydd y ffordd yn cael ei hail-broffilio dros 30m i gael gwared ar bant sy'n bodoli eisoes a bydd dau le pasio newydd yn cael eu creu ar hyd y ffordd fynediad i'r brif ffurf adeiledig.

## POLISIŌAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

### Polisiau a chanllawiau cynllunio cenedlaethol:

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)

TAN18

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

DM03 Teithio Cynaliadwy

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DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol

DM05 Datblygu Cynaliadwy a Lles Cynllunio

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirwedd

DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

LU14 Safleoedd Llety Twristiaeth Ledled y Sir: Carafanau Sefydlog a Theithiol, Lleiniau Gwersylla, Cabanau a Chalets

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

## YSTYRIAETHAU PERTHNASOL ERAILL

### DEDDF TROSEDD AC ANHREFN 1998

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

### DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oedran; 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.

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

### DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

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

### YMATEBION I'R YMGYNGHORIAD

Cyngor Cymuned Llanilar - Hoffai'r Cyngor fynegi pryderon ar ran y gymuned leol ynghylch llygredd swm yn ystod oriau gwrthgymdeithasol gan y cwsmeriaid presennol yn yr eiddo penodol hwn. Felly, nid yw'r Cyngor Cymuned yn teimlo y gallant gefnogi'r achos hwn oherwydd pryder lleol sylweddol.

Draenio Tir Ceredigion - Dim gwrthwynebiad yn ddibynnol ar amodau

Dŵr Cymru - Dim sylwadau gwrthwynebus

Priffyrdd Ceredigion – yn argymhell gwrthod y cais am y rhesymau canlynol:-

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1. Nid oes digon o drefniadau mynediad i wasanaethu'r datblygiad arfaethedig, ac nid yw'r tir sydd ym mherchnogaeth neu reolaeth yr ymgeisydd yn gallu darparu mynediad i'r safonau a nodir yn Nodyn Cyngor Technegol Polisi Cynllunio Cymru 18: Trafnidiaeth; y Llawlyfr Strydoedd (1 a 2); a'r 'All Wales Estate Development Highway Design Guidé.

2. Mae'r cynnig yn mynd yn groes i Bolisi Cenedlaethol a Pholisi DM03 Cynllun Datblygu Lleol Ceredigion: Teithio Cynaliadwy; Polisi DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol; Polisi DM05: Datblygu Cynaliadwy a Lles Cynllunio; a Pholisi DM06: Dylunio a Chreu Lle o Safon Uchel sy'n ei gwneud yn ofynnol i ddatblygiadau newydd ddarparu amgylchedd diogel drwy sicrhau bod dyluniad adeiladau a llwybrau mynediad cysylltiedig yn gweithredu egwyddorion diogelwch sylfaenol.

Derbyniwyd 19 llythyr yn gwrthwynebu'r cynnig ar y seiliau canlynol:-

- Pryder ynghylch diogelwch ar y priffyrdd;
- Niwsans o ran sŵn a golau a brofir ar hyn o bryd oherwydd y defnydd presennol ym Mhengarreg;
- Mae'r datblygiad yn ddiolwg ac nid yw'n gweddu â chymeriad y lle;
- Mae'r perchennog wedi diystyru deddfau a rheoliadau cynllunio;
- Effaith andwyol ar fywyd gwylt;
- Pryder ynghylch llygredd posibl o'r carthbwl presennol sy'n gwasanaethu'r eiddo.
- Materion yn ymwneud â pherchnogaeth tir i hwyluso gwelliannau i'r priffyrdd.

Derbyniwyd 2 llythyr yn cefnogi'r cynnig. Roedd un llythyr yn cynrychioli'r ymgeisydd yn ceisio dadlau yn erbyn y prif wrthwynebiadau y cyfeirir atynt uchod.

### 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".

Fel y nodwyd, ceisir caniatâd ôl-weithredol ar gyfer darparu dau gaban pren wedi'u lleoli y tu allan i gwrtil yr eiddo o'r enw Pengarreg, sydd oddeutu 1km i'r de o Lanilar. At ddibenion y CDLI, diffinnir safle'r cais fel un sydd o fewn 'lleoliad arall'. Mae Polisi S04 o'r Cynllun Datblygu Lleol yn nodi'r canlynol:

3. *Yn achos datblygu economaidd:*

- fe'i cynigir ar safle sydd wedi ei neilltuo fel y nodir yn Natganiadau'r grwpiau Aneddiadau ac ar y Map Cynigion; neu*
- mae'n safle sydd heb ei neilltuo ac mae naill ai:*
  - ar 'raddfa fach' ac yn diwallu angen lleol penodol; neu*
  - yn unol â gofynion Nodyn Cyngor Technegol (TAN) 6 sy'n ymwneud â mentrau gwledig.*

AC

*Ym mhob achos*

4. *O ran ei leoliad ffisegol, pa bynnag fath o ddatblygiad ydyw:*

- Yn yr 'Aneddiadau Cyswllt' mae wedi ei leoli o fewn y ffurf adeiledig neu'n union wrth ymyl; neu*
- Yn y 'Lleoliadau Eraill' naill ai mae'n unol â gofynion Nodyn Cyngor Technegol (TAN) 6 neu o ran tai fforddiadwy mae wedi ei leoli'n union wrth ymyl yr anheddau presennol yn unol â bwriadau Paragraffau 9.2.22 Polisi Cynllunio Cymru a Nodyn Cyngor Technegol (TAN) 2, Paragraff 10.13.*

Gan ei fod mewn lleoliad cefn gwlad agored a chryn bellter i ffwrdd o Lanilar, yr unig ffactor cymwys fyddai pe bai'r cynnig yn cynrychioli elfen o arallgyfeirio ar ffermydd o dan TAN6.

Mae Polisi LU14 o'r CDLI, sy'n ymdrin â Safleoedd Llety Twristiaeth Ledled y Sir: Carafanau Sefydlog a

Theithiol, Lleiniau Gwersylla, Cabanau a Chalets, yn datgan y canlynol:



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## 2. Y tu allan i Ardal yr Arfordir:

a. *Caniateir safleoedd newydd i garafanau teithiol, cabannau a gwersylla gyda'r amodau canlynol:*

i. *bydd hynny, lle bo hynny'n bosibl, yn cefnogi*

*canolbwyntiau twristiaeth strategol;*

ii. *bydd yn cefnogi rôl a swyddogaeth yr anheddiad y bwriedir lleoli'r safle ynddo (neu, fel arall, yr anheddiad agosaf), lle mae'n bosibl, drwy ddarparu cyfleusterau ychwanegol sydd ar gael at ddefnydd y gymuned;*

iii. *nid yw'r cyfleusterau a gynigir drwy'r safle yn effeithio ar ddichonoldeb gwasanaethau sydd eisoes yn bodoli yn yr anheddiad agosaf; a*

iv. *cyflwynir asesiad o'r Anghenion Twristiaidd ac Effeithiau Datblygu fel rhan o'r broses ymgeisio.*

Mae testun ategol paragraff 7.90 yn mynd ymlaen i ddweud 'Gellir lleoli safleoedd llai, nad ydynt efallai ond yn darparu 5 llain ac yn cynnig cyfleusterau sylfaenol, mewn Aneddiadau Cyswllt neu gerllaw ffermydd, lle maent yn cael eu sgrinio'n briodol.' Felly, mae'n bosibl y gellir cefnogi atyniadau twristiaeth megis cabanau gwyliau ar yr amod bod cyfiawnhad o dan arallgyfeirio ar ffermydd.'

Er ei fod ar un adeg yn ddaliad fferm gyda thir cysylltiedig, nodir bod yr holl dir o'i amgylch a ffurfiodd y daliad amaethyddol ym Mhengarreg wedi'i werthu ers diwedd y 1990au. Nid yw'r ymgeisydd ond yn berchen ar yr hen ffermydd (sy'n cael ei osod fel llety gwyliau) a'r adeiladau allanol sydd wedi'u lleoli ar yr hen fferm wrth ymyl yr annedd. Gan mai dyna'r sefyllfa, nid yw felly'n cynrychioli arallgyfeirio ar ffermydd. Er mwyn i'r cynnig gael ei gefnogi o dan arallgyfeirio ar ffermydd, byddai angen fferm weithiol. Fodd bynnag, nid dyna'r sefyllfa.

O ganlyniad, o ystyried y ffactorau uchod, ac er bod y ffermydd yn cael ei ddefnyddio fel llety gwyliau, ystyrir bod egwyddor y datblygiad yn mynd yn groes i Bolisiâu S04 ac LU14 o'r Cynllun Datblygu Lleol ynghyd â TAN6.

At hynny, mae'r mynediad i gerbydau at yr eiddo a'r cabannau sy'n bodoli eisoes oddi ar ffordd yr A485 yn llawer yn is na'r safon. Er mwyn cael cefnogaeth yr Awdurdod Priffyrdd Lleol, byddai angen gwelliannau sylweddol a fyddai'n cynnwys yr angen am lain weledd 215m y naill ochr i'r gyffordd. Byddai hyn yn golygu'r angen i greu lleiniau ar dir nad yw mherchnogaeth yr ymgeisydd, ac mae'n saff tybio ei bod yn annhebygol iawn y byddai'r ymgeisydd yn gallu cael perchnogaeth neu rheolaeth o'r tir cysylltiedig er mwyn ymgymryd â'r gwaith angenrheidiol ar y briffordd i gydymffurfio â'r safonau a argymhellir. O'r herwydd, ystyrir bod y cynnig yn mynd yn groes i bolisi priffyrdd yn benodol TAN18 Trafnidiaeth; y Llawlyfr Strydoedd, a'r 'All Wales Estate Development Highway Design Guide'. Byddai'r cynnig hefyd yn mynd yn groes i bolisiâu DM03; DM04; DM05; A DM06 o Gynllun Datblygu Lleol Ceredigion.

Derbyniwyd sylwadau gan drydydd partiön mewn perthynas â niwsans, o safbwynt swm a golau, y mae eiddo cyfagos yn ei brofi ar hyn o bryd o ganlyniad i ddefnydd anawdurdodedig y cabanau. Cafwyd sylwadau penodol hefyd mewn perthynas â'r effaith bosibl ar fywyd gwyllt yn yr ardal. Er y nodir y pryderon hyn, ystyrir y byddai rhoi'r gorau i ddefnyddio'r cabanau pren o bosib yn arwain at yr effaith yn cael ei dileu. Ni dderbyniwyd unrhyw wrthwynebiad gan adran ddraenio'r Awdurdod i ddefnyddio carthbwll yr eiddo i ddarparu ar gyfer dŵr budr o'r unedau.

Er hynny, gan fod y safle mewn lleoliad cefn gwlad agored nad yw'n ffinio ag unrhyw aneddiadau ac oherwydd y ffaith nad ystyrir bod Pengarreg yn gymwys o ran arallgyfeirio ar ffermydd, y farn yw bod y cynnig yn groes i bolisiâu S04 ac LU14. Yn ogystal, nid yw'r ymgeisydd yn gallu bodloni'r gofynion priffyrdd a argymhellir heb gael tir trydydd parti, ac felly yn ei statws presennol y farn yw y byddai'r datblygiad yn fater diogelwch priffyrdd sylweddol. Felly, mae'r cynnig hefyd yn groes i bolisiâu DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

### **Pwerau Dirprwyedig**

Mae'r Aelod Lleol, y Cynghorydd M Davies, wedi gofyn i'r cais gael ei gyflwyno i'r Pwyllgor Rheoli Datblygu i'w ystyried o ganlyniad i ddiddordeb sylweddol y cyhoedd lleol mewn materion ym Mhengarreg a'r angen i bwysu a mesur y manteision economaidd yn erbyn y pryderon o ran diogelwch ar y priffyrdd.

### **ARGYMHELLIAD:**

**GWARTHOD** y cais gan ei fod yn mynd yn groes i bolisiâu S04, LU14, DM03; DM04; DM05 a DM06 o'r CDLI a TAN18; y Llawlyfr Strydoedd a'r 'All Wales Estate Development Highway Design Guide'.

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<b>Application Reference</b>	A210997
<b>Received</b>	11-10-2021
<b>Proposal</b>	Retention of 2no. holiday let timber lodges and highway improvements to provide access lane to site including 2 passing bays, with junction improvements.
<b>Site Location</b>	Pengarreg Farm, Llanilar, Aberystwyth, SY23 4SB
<b>Application Type</b>	Full Planning
<b>Applicant</b>	Mr Emyr Davies, Four Seasons Hotel 54 Portland Street, Aberystwyth, SY23 2DX
<b>Agent</b>	Mr G George (ateb Consult), 42 Gurnos Road Ystalyfera, Swansea, SA9 2HR

## THE SITE AND RELEVANT PLANNING HISTORY

Pencarreg Farm is located in an open countryside location some 1km to the south of the settlement of Llanilar. Although no longer in agricultural use with its former land now disposed of, the main dwelling and associated outbuildings is located halfway between the A485 road to the south west and a minor County road to the north-east. The main access to the dwelling and application site is via the track which joins with the A485 which links Llanilar with Lledrod. The access point with the A485 is characterised by mature trees north and south of the junction.

The application site covers the access and track to the buildings together with land adjoining the curtilage of the property some 40m away to the north and east of the main buildings. Located on the periphery of the application site are two timber lodges which have been erected circa 2018 without the benefit of planning permission.

There is no planning history in relation to Pencarreg although it is noted that a retrospective application for conversion of two outbuildings for use as holiday lets is also on the agenda (A210966). The LPA is also aware of other unauthorised use of another outbuilding at the site which is under investigation by the Authority's Enforcement Section.

## DETAILS OF DEVELOPMENT

The application is made in full and seeks permission for the retention of the two holiday let timber lodges together with alterations to be undertaken to the access track and its junction with the A485. A transport assessment was submitted in association with the application.

Turning to the timber lodges, holiday lodge No.1 is located to the north of the built form. This lodge is in linear form. measuring 7.3m in length and being 2.3m wide. The structure provides a main living area which comprises the seating and bedroom area and a room is added to the rear which provides a bathroom to the unit. The front door opens out into an enclosed decking area and a hot tub is located to the north of the structure. The structure is of timber construction and has a flat roof.

Holiday lodge No.2 is situated to the east of the built form, is mainly hexagon in shape with a front porch and a side L shaped wing. The structure provides for a large main bedroom with in the hexagon area and a smaller bedroom and bathroom in the wing. A decking area is provided to the front of the structure which also houses a hot tub. The building is of timber construction with a grey felt pitch roof.

Foul sewer arrangements for both holiday lodges will be catered for via the existing cesspit serving Pengarreg.

With regards to the highway improvements the transport assessment submitted in association with the application indicates that the existing access with the A485 road will be improved with new visibility splays created providing 50m visibility in both directions; the road re-profiled over 30m to take out an existing dip and two new passing places will be created along the access road to the main built form.

## RELEVANT PLANNING POLICIES AND GUIDANCE

### National planning policies and guidance:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11, February 2021)

TAN18

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

DM03 Sustainable Travel

DM04 Sustainable Travel Infrastructure as a Material Consideration

DM05 Sustainable Development and Planning Gain

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

LU14 Countywide Tourism Accommodation Sites: Static and Touring Caravans| Camping pitches| Cabins and Chalets.

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

## **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**

Llanilar Community Council - The Council would like to express concerns on behalf of the local community regarding noise pollution at anti-social hours from the existing clientele at this particular premises. The Community Council, therefore, does not feel that they can support this case due to considerable local unease.

Ceredigion Land Drainage - No objection STC

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Dŵr Cymru / Welsh Water - No adverse comments.

Ceredigion Highways - Recommend refusal of the application for the following reasons:-

1. There are inadequate access arrangements to service the proposed development and the land in the applicant's ownership or control is incapable of providing an access to the standards set out in Planning Policy Wales Technical Advice Note 18: Transport; Manual for Streets (1 & 2); and, the 'All Wales Estate Development Highways Design Guide'.
2. The proposal conflicts with National Policy and Ceredigion Local Development Plan Policy DM03: Sustainable Travel; Policy DM04: Sustainable Travel Infrastructure as a Material Consideration; Policy DM05: Sustainable Development and Planning Gain; and, Policy DM06: High Quality Design and Place-making that inter alia requires new development to provide a safe environment by ensuring that the design of buildings and associated access routes implement fundamental safety principles.

19 letters received objecting the proposal on the following grounds:-

- Concern over highway safety;
- Nuisance in terms of noise and light currently experienced due to existing use at Pengarreg;
- Development is an eyesore and out of character;
- Owner has disregarded planning laws and regulations;
- Detrimental impact on wildlife;
- Concern over potential pollution from existing cesspit serving property.
- Land ownership issues to facilitate highway improvements.

2 letters received in support of proposal. One letter representing applicant seeking to counter argue main objections referred to above.

## 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".

As stated, retrospective consent is sought for the provision of two timber lodges located outside the curtilage of the property known as Pengarreg, which is approximately 1km to the south of Llanilar. For the purposes of the LDP the application site is defined as being within an 'other location'. Policy S04 of the LDP notes the following:

*3. 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.*

**AND**

*In all Cases*

*4. In terms of its physical location, regardless of development type:*

- a. In a 'Linked Settlement' it is located within or immediately adjacent to the substantive built form; or*
- b. In 'Other Locations' it either accords with the requirements of TAN 6 or in terms of affordable housing it is located immediately adjacent to existing groups of dwellings in line with the intentions of Para 9.2.22 of PPW and TAN 2, Para 10.13.*

As it is in an open countryside location and some fair distance away from Llanilar the only qualifying factor would be if the proposal represents an element of farm diversification under TAN6.

Policy LU14 of LDP which deals with Countywide Tourism Accommodation Sites: Static and Touring Caravans| Camping pitches| Cabins and Chalets states:

*2. Outside of the Coastal Area:*

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

Supporting text of paragraph 7.90 goes on to say that 'Smaller sites, which perhaps only cater for 5 pitches and offer basic

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facilities, can be accommodated in Linked Settlements or adjacent to farmsteads where suitably screened.' Therefore, it is possible that tourist attractions such as holiday lodges can be supported subject to there being justification under farm diversification.

Although once a farm holding with land attached it is noted that all the surrounding land which formed the agricultural holding at Pengarreg has been sold since the late 1990's. The applicant only enjoys ownership of the former farmhouse (which is let out as a holiday unit) and the outbuildings located on the former farmstead adjoining the dwelling. As that is the position it therefore does not represent farm diversification. For the proposal to be supported under farm diversification, there would need to be a working farm. However, this is not the case.

Consequently, taking in the above factor and despite the farmhouse being used for holiday let it is considered that the principle of development is contrary to LDP Policies S04 and LU14 along with TAN 6.

Furthermore, the vehicular access to the property and existing lodges off the A485 road is very substandard. In order to gain support from the Local Highway Authority major improvements would be required which would involve at a minimum the need for a 215m visibility splay either side of the junction. This would involve the need of creating splays on land which is outside of the applicant's ownership and it is safe to assume that it is extremely unlikely that the applicant would be able to gain ownership or control of the related land in order to undertake the required highway works to comply with the recommended highway standards. As such it is considered that the proposal is in conflict with highway policy specifically TAN18 Transport; Manual for Streets; and the All Wales Estate Development Highway Design Guide. The proposal would also be contrary to policies DM03; DM04; DM05 and DM06 of the Ceredigion Local Development Plan.

Third party comments have been received in relation to nuisance, both from a noise and light perspective which neighbouring properties experience currently in view of the unauthorised use of the lodges. Specific comments have also been received in relation to the potential impact on wildlife in the area. Whilst these concerns are noted it is considered that the cessation of the use of the timber lodges would potentially see the impact being removed. No objection was received from the Authority's Drainage section including the use of the property's cesspit to cater for foul water from the units.

Notwithstanding, as the site is in an open countryside location not adjoining any settlements and the fact that Pengarreg is not considered to qualify in terms of farm diversification it is the opinion that the proposal is contrary to policies S04 and LU14. In addition, the applicant is unable to meet recommended highway requirements without obtaining third party land and therefore in its current status it is the opinion that the development would represent a significant highway safety issue. The proposal is therefore also contrary to policies DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

### **Delegated Powers**

The Local Member, Cllr M Davies has requested the application be presented to the Development Control Committee for consideration in view of the significant local public interest in matters at Pengarreg and the need to weigh up the economic benefits with the highway safety concerns.

### **RECOMMENDATION:**

**REFUSE** the application as being contrary to policies S04, LU14, DM03; DM04; DM05 and DM06 of the LDP and TAN18 ; Manual for Streets and the All Wales Estate Development Highway Design Guide.

Mae'r dudalen yn wag yn fwriadol

### 3. Diprwydedig/Delegated

06-01-2022 - 02-02-2022

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
1	A201003	(Home Office)	Installation of a 20m high lattice mast (21.3m to the top of the antennas) on a concrete base accommodating 3No antennas and 2No 600mm transmission dishes. The proposal also involves the installation of a foul weather enclosure (2700x2450x2500mm) accommodating the Home Office equipment cabinets; 1No electrical meter cabinet; 1No generator and 1No 1200mm satellite dish on a 2.6m high support pole within a 10m x 10m compound surrounded by a 1.8m high stock proof fence with barbed wire top and timber gravel boards together with a 5m x 10m turning area and 8m x 3m stone access track infill.	Nantllwyd, Soar y Mynydd, Tregaron, SY25 6NP	Caniatawyd gydag Amodau / Approved Subject to Conditions	14-01-2022
2	A201069	Mr Henry Symons Jones (Monachty Estates Ltd)	Change of use of farm buildings from agricultural/storage/works hops to wedding venue with associated parking, drainage and guest accommodation to double up as holiday units.	Monachty Farm, Pennant, SY23 5JP	Caniatawyd gydag Amodau / Approved Subject to Conditions	14-01-2022

## Tudalen 48

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
3	A201116	Mr Henry Symons Jones (Monachty Estates Ltd)	The change of use of farm buildings from agricultural/storage/works hops to wedding venue with associated parking, drainage and guest accommodation to double up as holiday units. There will be no demolition. Careful removal of the solar panels and relocation on new shed roof. Carefully removing the roofs on 4 buildings repairing the structure and reroofing using salvaged slates. Repair and replacement of existing doors and windows, and formation of new doors as noted on plans.	Monachty Home Farm, Pennant, Llanon, SY23 5JP	Caniatawyd gydag Amodau / Approved Subject to Conditions	14-01-2022
4	A210190	Mrs L Jones-Edwards	Erection of an open market dwelling to include installation of vehicular access.	Land adj to Lledal, Bethania, Llanon, SY23 5NJ	Caniatawyd gydag Amodau a Cytundeb S106 / Approved Subject to Conditions and S106 Agreement	20-01-2022
5	A210315	Miss S Spiteri	Proposed erection of a 60' x 40' steel/portal frame stable building for use in connection with applicants existing equine business and TAN6 dwelling applied for separately on adjacent site.	Land At Calderbrook Lodge, Rhydlewis, Llandysul, SA44 5QJ	Tynnwyd yn ôl / Withdrawn	31-01-2022
6	A210316	Miss S Spiteri	Erection of a Tan 6 dwelling in connection with an existing Rural Enterprise	Plot on land at Calderbrook Lodge, Rhydlewis, Llandysul. SA44 5QJ	Tynnwyd yn ôl / Withdrawn	31-01-2022
7	A210411	Mr and Mrs A Calvert	Proposed residential dwelling and associated works including the demolition of the existing MOD building.	Land To The East Of Renfrew Drive, Ynyslas, Borth, SY24 5JY	Caniatawyd gydag Amodau a Cytundeb S106 / Approved Subject to Conditions and S106 Agreement	31-01-2022
8	A210484	Mr Gary Pemberthy	Proposals include the demolition of existing outbuildings, proposed conversion of the old school to provide one single dwelling, including change of use and a new detached garage and carport.	The Old School Llandre, Aberystwyth, SY24 5AD	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022



## Tudalen 49

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
9	A210556	Mr Emyr Davies	Demolition/removal of first and second floor front wall of Ty Belgrave and re-build to match original elevation pre-fire damage.	Ty Belgrave 24 Marine Terrace, Aberystwyth, SY23 2AZ	Caniatawyd gydag Amodau / Approved Subject to Conditions	21-01-2022
10	A210683	Mrs Catherine Williamson	Demolition of existing stable block and erection of new Agricultural barn with American style stable arrangement.	Minffordd, Ponterwyd, Aberystwyth, Ceredigion, SY23 3AD	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
11	A210753	Mr N Houghton	Proposed change of use of first and attic floors into self contained flats and the refurbishment of the second floor residential flat. Formation of a new dormer window to the rear elevation along with minor internal alterations.	Clarks, 20 Great Darkgate Street, Aberystwyth, SY23 1DE	Caniatawyd gydag Amodau / Approved Subject to Conditions	21-01-2022
12	A210761	Messrs J & W Spry & Shaw	Loft conversion including rear dormer extension	Trem y Werydd, Maenygroes, New Quay. SA45 9RL	Caniatâd ddim ei angen / Permission not required	20-01-2022
13	A210788	Will & Henrietta Delve & Painting-Robinson	The application site is currently C1 use. This application proposes a mixed use to include A3 use also, to allow the applicants to serve food and drink to non-residents/general public also, which will include the 156m2 external decked area to the front.	Bryn Berwyn Guest House, Tresaith, Cardigan, Ceredigion, SA43 2JG	Caniatawyd gydag Amodau / Approved Subject to Conditions	17-01-2022
14	A210798	Mr AJM Maskell	Residential development including affordable housing and access	Land At Maes Moelfryn, Ffos Y Ffin, Aberaeron, SA46 0EY	Gwrthodwyd / Refused	11-01-2022
15	A210826	Mr A Norton	Erection of a single storey rear extension.	Llwynffynnon, Penffordd, Llanybydder, SA40 9XD	Caniatawyd gydag Amodau / Approved Subject to Conditions	21-01-2022
16	A210850	Ms E Dafydd	Gosod cwt pren (gellir ei symud) sy'n cartrefi dau beiriant gwerthu, un yn gwerthu llaeth a'r llall yn gwerthu poteli llaeth/Installation of a removable wooden hut that houses two vending machines, one selling milk and the other selling milk bottles	Dryslwyn Filling Station, Llwynycelyn, Aberaeron, SA46 0HF	Caniatawyd gydag Amodau / Approved Subject to Conditions	07-01-2022

## Tudalen 50

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
17	A210891	A Oakley (Aberporth Village Hall and Recreational Grounds Committee)	Variation of condition 9 of planning permission A200778 - Change the wording to Prior to commencement of building works.	Village Hall, Ffordd Newydd, Aberporth. SA43 2EN	Caniatawyd gydag Amodau / Approved Subject to Conditions	24-01-2022
18	A210894	Mr and Mrs James	Proposed rear extension to first floor and all associated works.	Geri Villa, 3 Pontceri, Cwm Cou, Newcastle Emlyn. SA38 9NY	Caniatawyd gydag Amodau / Approved Subject to Conditions	31-01-2022
19	A210896	Mr and Mrs Mayhew	Erection of a dwelling and garage with new site access.	Land adjoining Frongoch, Tre'rddol, SY20 8PN	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
20	A210904	Mrs A Joy	Change two storey Mill building to dwelling house	Maesllyn Mill, Maesllyn, Llandysul. SA44 5LD	Tynnwyd yn ôl / Withdrawn	14-01-2022
21	A210905	Mr and Mrs Milner	Proposed stables replacing previous stable block (removed following storm damage) - no change of use	Blaenwaun, Penuwch, Tregaron, Ceredigion, SY25 6RE	Caniatawyd gydag Amodau / Approved Subject to Conditions	07-01-2022
22	A210911	Mr and Mrs Milner	Erection of stable block replacing previous stable block (since removed following storm damage)	Blaenwaun, Penuwch, Tregaron. SY25 6RE	Dychwelwyd yn annilys / Returned Invalid	06-01-2022
23	A210913	J Thomas	Proposed agricultural building to cover existing cattle feed area	Land at Crugywhil, Rhuddlan, Llanybydder. SA40 9XB	Caniatawyd gydag Amodau / Approved Subject to Conditions	31-01-2022
24	A210918	Mr Mathew Farmer	Conversion of barn to holiday accommodation.	Troedyrhiw, Aberporth, Cardigan, Ceredigion, SA43 2DT	Tynnwyd yn ôl / Withdrawn	25-01-2022
25	A210924	Mrs Nerys Davies	Proposed extension and alterations to dwelling to include demolition of shed.	59 Maesheli, Penparcau, Aberystwyth, Ceredigion, SY23 1TB	Caniatawyd gydag Amodau / Approved Subject to Conditions	06-01-2022
26	A210933	Mrs V Thomas	Proposed storage building and roof terrace above and installation of air source heat pump to include removal of part of existing wall.	Fronwig, High Terrace, New Quay. SA45 9NJ	Caniatawyd gydag Amodau / Approved Subject to Conditions	01-02-2022
27	A210934	Mrs V Thomas	Proposed storage building and roof terrace above and installation of Air Source Heat pump to include removal of part of existing wall	Fronwig, High Terrace, New Quay. SA45 9NJ	Tynnwyd yn ôl / Withdrawn	10-01-2022
28	A210946	Mr and Mrs L Bishop	Proposed improvements and alterations.	Dolcarne, Ponterwyd, Aberystwyth, SY23 3JY	Caniatawyd gydag Amodau / Approved Subject to Conditions	28-01-2022
29	A210947	Mr and Mrs L Bishop	Proposed improvements and alterations.	Dolcarne, Ponterwyd, Aberystwyth, SY23 3JY	Caniatawyd gydag Amodau / Approved Subject to Conditions	28-01-2022

# Tudalen 51

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
30	A210952	Mr A Thomas (Aberystwyth University)	Change of Use of Unit 2 restaurant (A3) into B1 Business use to include external alterations	The Old Station Building, Alexandra Road, Aberystwyth. SY23 1LN	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
31	A210959	Mr M Milner	Proposed multi-purpose shed including machinery & vehicle storage	Bryngwyn, Penuwch, Tregaron, Ceredigion, SY25 6RD	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
32	A210964	Mr and Mrs Foligno	Erection of a dwelling (1 no.) with associated car parking/ driveway for vehicular turning, and associated private amenity space.	Plot 2, Maes Wyre, Llanrhystud, SY23 5AH	Caniatawyd gydag Amodau / Approved Subject to Conditions	31-01-2022
33	A210965	Mr A O'Neill	Proposed log cabin and associated works.	Penuel Chapel. Cross Inn, New Quay, SA44 6NG	Tynnwyd yn ôl / Withdrawn	14-01-2022
34	A210981	Mr Phillip Powell	Change of Use from shop to licenced restaurant	The Gas Showroom Park Avenue, Aberystwyth, SY23 1PB	Caniatawyd gydag Amodau / Approved Subject to Conditions	07-01-2022
35	A210991	Mr Daniel Thomas	Discharge condition 16 from planning permission A180217 plots 1 - 8 and plot 12 - sustainable drainage system	Plots 1 - 8 and plot 12 Adj. Pentir, Llyn-y-Fran Road, Llandysul. SA44 4JW	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	01-02-2022
36	A211000	Mr and Mrs N Baker	Erection of an extension and alteration to garage roof.	Ty Newydd, Penparc, Cardigan, SA43 1RQ	Caniatawyd gydag Amodau / Approved Subject to Conditions	13-01-2022
37	A211005	Mr David Davies	To dros pit slyri sy'n bodoli yn barod/Roof cover over existing slurry pit.	Gwarffynnon, Silian, Lampeter, SA48 8AP	Caniatawyd gydag Amodau / Approved Subject to Conditions	18-01-2022
38	A211009	Mr S Mitchell	Erection of a single storey rear extension (linked family annex).	Synod Mill Coach House, Lon y Felin, Cross Inn, Llandysul, SA44 6LY	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
39	A211017	Mr and Mrs K Roberts	Erection of a dwelling.	Land at OS 25407 26470, Nebo, Llanon. SY23 5LE	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
40	A211018	Miss C fLYNN	Change of Use of garage into holiday let	Pennar Cottage, Parclyn, Cardigan. SA43 2DN	Caniatawyd gydag Amodau / Approved Subject to Conditions	10-01-2022
41	A211021	Mr Gareth O'Shea	The proposal is to replace the covering to the existing rear flat roof whilst maintaining the existing structure including the small gable to the rear North elevation. The covering is to be changed from the felt roof to standing seam zinc.	Waunllan, Llandyfriog, Newcastle Emlyn, SA38 9HB	Caniatawyd gydag Amodau / Approved Subject to Conditions	19-01-2022

## Tudalen 52

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
42	A211026	Mr and Mrs R & M Attrill	Single storey sun room	Nant y Gido, Maenogyroes, New Quay. SA45 9TR	Caniatawyd gydag Amodau / Approved Subject to Conditions	07-01-2022
43	A211027	Mr and Mrs C Hunt	Timber orangery to replace existing conservatory	Cliff View Tan-y-fron Lane, Southgate, Aberystwyth, Ceredigion, SY23	Caniatawyd gydag Amodau / Approved Subject to Conditions	13-01-2022
44	A211028	O Webster (Western Power Distribution)	Electricity lines	Brownhills Caravan Park, Pentrer Bryn, Llandysul. SA44 6JZ	Dim gwrthwynebiad / No Objection	07-01-2022
45	A211041	Mr T Hugh & Ms K Nazarova	Proposed domestic garage and boat shed.	The Holt, Cardigan, SA43 2LD	Caniatawyd gydag Amodau / Approved Subject to Conditions	02-02-2022
46	A211053	Mr Tetlow	The siting of a temporary static caravan during the construction of a new dwelling (permission granted A070830).	Land near Walking Sticks Factory, Llanddewi Brefi, Tregaron, SY25 6RS	Caniatawyd gydag Amodau / Approved Subject to Conditions	21-01-2022
47	A211054	Mr J Rix	Erection of an internal stud wall in the upstairs of the house to create 2 bedrooms from one existing bedroom. Addition of an internal door to new bedroom. Movement of a light switch and lights. All works carried out on internal stud walls that were installed as part of the conversion to a residential dwelling in 1998.	Banc y Felin Chapel, Llangrannog, Llanydsul. SA44 6SD	Dychwelwyd yn annilys / Returned Invalid	17-01-2022
48	A211065	Mr C Evans	Discharge condition 13 of planning permission A210081 - provision of passing bay	Land East of Glenmore, Penparc, Cardigan. SA43 1RD	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	07-01-2022
49	A211080	Mr I Pugh	Erection of a rear extension.	Cwmaur, Cae Crug, Rhydyfelin, Aberystwyth, SY23 4QB	Caniatawyd gydag Amodau / Approved Subject to Conditions	12-01-2022
50	A211082	Mr E Rodriguez	Erection of a domestic garage.	Glanwern, Penuwch, Tregaron, SY25 6RA	Caniatawyd gydag Amodau / Approved Subject to Conditions	27-01-2022
51	A211086	Mr Stuart Stephens	Amendment to planning permission A180491 existing extraction equipment	Bar46, 46 Bridge Street, Aberystwyth, Ceredigion, SY23 1QB	Caniatawyd / Approved	11-01-2022
52	A211100	The Home Office (The Home Office)	Discharge condition 4 of planning permission A190732 - details of temporary management measures	Land at Pant Mawr, Cwmrheidol, Aberystwyth, SY23 3NF	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	11-01-2022

## Tudalen 53

#	Cyfeirnod y Cais / Application Reference	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Penderfyniad / Decision	Dyddiad Penderfyniad / Decision Issued Date
53	A211110	Helen Griffiths	Discharge condition 8 of planning permission A210758 - Hedgerow translocation scheme	Llain, Llwyndafydd, Llandysul. SA44 6BY	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	26-01-2022
54	A211120	(Home Office)	Discharge condition 3 of planning permission A200470 - Traffic Management Plan	Land at Esgair Llethr, Llanddewi Gwyn, Tregaron. SY25 6PG	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	27-01-2022
55	A211121	(Home Office)	Discharge condition 7 of planning permission A200470 - pre-construction survey to determine the presence of badgers	Land at Esgair Llethr Llanddewi Gwyn, Tregaron, SY25 6PG	Amod(au) wedi'u rhyddhau yn llawn / Condition(s) Fully Discharged	24-01-2022

Mae'r dudalen yn wag yn fwriadol

## 4. Penderfyniadau Apeliadau/Appeal Decisions

06-01-2022 - 02-02-2022

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
1	APP/D6820/A/21/3282488	A200828	Mr Morris	Appeal against refusal of planning permission	Felin Farm, Felin Road, Aberporth, Cardigan. SA43 2ER	Dismissed	19-01-2022
2	APP/D6820/D/21/3275666	A200404	S Gregory	Against refusal of planning permission	1 Cae Llwyni, Sarnau, Llandysul, SA44 6QQ	Dismissed	18-01-2022

## 5. Apeliadau a Dderbyniwyd/Appeals Received

06-01-2022 - 02-02-2022

#	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





## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/09/21

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/01/2022

## Appeal Decision

Site visit made on 09/09/21

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/01/2022

Cyf yr apêl: APP/D6820/Q/21/3275666

Cyfeiriad y safle: 1 Cae Llwyni, Sarnau, Llandysul, SA44 6QQ

**Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.**

- Gwneir yr apêl o dan Adran 106B Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhyddhau rhwymedigaeth gynllunio.
- Gwneir yr apêl gan Samantha Gregory yn erbyn y penderfyniad gan Gyngor Sir Ceredigion.
- Y datblygiad y mae'r rhwymedigaeth gynllunio yn ymwneud ag ef yw codi 2 annedd (1 fforddiadwy), cais cyfeirnod A100402. Gwnaed cais dilynol i amrywio amod 2 caniatâd cynllunio A100402 o dan gais cyfeirnod A160323 a oedd â gweithred amrywio ddyddiedig 14 Chwefror 2017.
- Gwnaed y rhwymedigaeth gynllunio, dyddiedig 15 Rhagfyr 2014, rhwng Cyngor Sir Ceredigion a Graham Leonard Tompkins, a gwnaed gweithred amrywio'r rhwymedigaeth gynllunio dyddiedig 15 Rhagfyr 2014, sy'n ddyddiedig 14 Chwefror 2017, rhwng Cyngor Sir Ceredigion a Teifi Developments Limited a Matthew David Alexander Fordham.
- Gwrthodwyd y cais, Cyf A200404, dyddiedig 20 Mai 2020, drwy hysbysiad dyddiedig 10 Rhagfyr 2020.
- Roedd y cais yn gofyn am ryddhau'r rhwymedigaeth gynllunio.

## Penderfyniad

1. Gwrthodir yr apêl.

## Materion rhagarweiniol a rhwymedigaethau cynllunio

2. Lleolir Rhif 1 Cae Llwyni ar ochr ddeheuol ffordd yr A487 o fewn pentref Sarnau. Mae eiddo'r apêl wedi'i leoli y tu ôl i annedd ffryntiad sy'n wynebu ffordd yr A487 ac mae'n gyfagos i is-ffordd. Saif eiddo'r apêl o fewn datblygiad o 5 annedd ac mae wedi'i gyfyngu fel tŷ annedd fforddiadwy gyda gostyngiad wrth werthu.
3. Mae'r atodlenni i'r rhwymedigaeth, dyddiedig 15 Rhagfyr 2014, yn diffinio na ddylai annedd gyda gostyngiad wrth werthu gael ei gwaredu am bris sy'n fwy na 70% o'i gwerth ar y farchnad agored i unrhyw un nad yw'n berson cymwys. Diffinnir person cymwys fel person sy'n bodloni'r amod moddion ariannol, yr amod cysylltiad lleol, neu'r amod gweithiwr allweddol, neu'r amod gofal, ac yn yr amgylchiadau, yr amod unig breswylfa. Fel rhan o'r meini prawf, mae'n ofynnol i'r prynwr gael tystysgrif cymhwyster gan y Cyngor yn cadarnhau bod y person sy'n meddiannu'r eiddo yn berson cymwys. Mae'r apelydd wedi cael tystysgrif cymhwyster ar gyfer eiddo'r apêl hon. Ceir cyfeiriadau yn y rhwymedigaeth at sefyllfaoedd lle mae'r eiddo'n cael ei osod ar rent neu ei werthu i landlord cymdeithasol

cofrestredig gan gyfyngu ar delerau deiliadaeth a rheoli taliadau rhent drwy amod moddion ariannol.

4. Roedd y weithred amrywio ar gyfer rhwymedigaeth gynllunio 2014 yn ddyddiedig 14 Chwefror 2017. Newidiodd hyn y math o annedd i fyngalo ar y llain ynghyd â chais cynllunio perthnasol i amrywio amod 2 yng nghaniatâd cynllunio A100402. Roedd Amod 2 yn ymwneud â'r cynlluniau cymeradwy ar gyfer y caniatâd cynllunio. Mae rhwymedigaeth 2014 yn nodi y gweithredir y datblygiad yn unol â'r manylebau a'r cynlluniau a nodir yn yr atodiad. Mae gweithred amrywio 2017 yn nodi bod y perchennog a'r morgeisai yn cyfamodi i gadw a chyflawni'r cyfamodau, y cyfyngiadau a'r rhwymedigaethau sydd yn y cytundeb gwreiddiol. Mae gweithred amrywio 2017 yn nodi'r caniatâd cynllunio sy'n ymwneud â'r rhwymedigaeth ac sy'n berthnasol i olynwyr y parti a enwir yn rhwymedigaeth y weithred amrywio.
5. Mae'r rhwymedigaeth yng ngweithred amrywio 2017 yn cyfeirio'n ôl at rwymedigaeth 2014 ac mae'n rhwymo olynwyr yn y teitl i'w telerau. Mae'r cais yn gofyn am ryddhau rhwymedigaeth wreiddiol 2014. Gan fod gweithred amrywio 2017 yn rhwym i delerau rhwymedigaeth 2014, ni fyddai'n cael unrhyw effaith pe bai rhwymedigaeth 2014 yn cael ei rhyddhau.
6. Rhoddwyd caniatâd cynllunio A100402 yn ddarostyngedig i amodau, ac mae amod 2 yn cyfeirio at y gofyniad i weithredu'r caniatâd cynllunio yn unol â'r cynlluniau cymeradwy. Mae nodiadau'r caniatâd yn cyfeirio at osod tanc carthion ac y byddai hwn yn ddull derbyniol o waredu cyn belled â bod asesiad draenio boddhaol yn cael ei gynnal gan gyfeirio at Gylchlythyr 10/99 y Swyddfa Gymreig<sup>1</sup>.
7. Roedd caniatâd cynllunio A160323 yn destun amod tebyg a oedd yn ei gwneud yn ofynnol i'r datblygiad gael ei weithredu yn unol â'r cynlluniau cymeradwy. Roedd nodyn tebyg yn cyfeirio at y tanc carthion a'r angen i sicrhau bod dull gwaredu priodol yn cael ei asesu yn unol â Chylchlythyr 10/99.

### Cefndir a phrif fater

8. Mae'r ddau barti yn cyfeirio at osod carthbwl a wnaed fel modd o waredu carthion budr o eiddo'r apêl pan gafodd ei adeiladu. Gwnaed y gosodiad hwn oherwydd bod yr asesiad trylifiad ar gyfer ffos gerrig tanc carthion yn anfodddhaol. Fodd bynnag, mae'n amlwg nad oedd y Cyngor yn ymwybodol o'r newid hwn a gosodwyd y carthbwl heb awdurdod ac yn groes i'r caniatâd cynllunio perthnasol.
9. Sail achos yr apelydd dros ryddhau'r rhwymedigaeth yw bod y costau cynnal a chadw o ran gwagio'r carthbwl y tu hwnt i'r hyn y gellir ei ystyried yn rhesymol a fforddiadwy, ac felly nad yw'r eiddo bellach yn gymwys i fod yn dŷ fforddiadwy.
10. Y prif fater yw p'un ai yw'r rhwymedigaeth gynllunio yn parhau i gyflawni diben defnyddiol.

### Rhesymau

11. Mae'r apelydd yn dadlau nad yw'r annedd fforddiadwy sydd â gostyngiad ar y gwerth marchnadol ar gyfer pobl gymwys sy'n cwrdd â'r meini prawf fforddiadwyedd yn bodloni'r amodau hyn bellach oherwydd y costau rhedeg chwyddedig sy'n gysylltiedig â'r annedd oherwydd costau gwagio'r carthbwl a osodwyd. Honnir y byddai person ar incwm

<sup>1</sup> Gofynion Cynllunio mewn perthynas â defnyddio Systemau Carthffosiaeth heb Brif Gyflenwad sy'n cynnwys Tanciau Carthion mewn Datblygiadau Newydd 1 Ebrill 1999 (y canllawiau a oedd mewn grym ar yr adeg y gwnaed y cais)

cyfyngedig yn cael trafferth rheoli baich ariannol y costau rhedeg parhaus hyn, ac felly ni fodlonir y prawf fforddiadwyedd.

12. Yn sgil cost gwagio'r carthbwill, mae'r meddianwyr yn cyfyngu ar y defnydd o ddŵr yn y cartref. Ar hyn o bryd, caiff y carthbwill ei wagio bob 2 fis ar gost o £200 am 13,000 litr. Adroddir bod gan y carthbwill ofod storio o 36,000 litr, a byddai defnydd arferol o ddŵr yn golygu y gallai costau gwagio'r carthbwill, yn ôl yr hyn a adroddir, ddyblu i £2,400 y flwyddyn.
13. Roedd yr apelydd yn ymwybodol y byddai'r eiddo yn cael ei wasanaethu gan danc carthion, a dywedwyd wrthi'n ddiweddarach gan Teifi Developments fod hyn wedi'i newid i system carthbwill. Fodd bynnag, nid oedd yr apelydd yn ymwybodol nad oedd hyn wedi'i reoleiddio drwy gael caniatâd cynllunio. Honnir y dylai'r Cyngor fod wedi sylwi ar y newid hwn yn ystod ei arolygiad o'r adeilad ar ôl ei gwblhau. Mae'r apelydd yn dadlau pe bai'r mater wedi dod i'r amlwg, byddai caniatâd ar gyfer yr eiddo fforddiadwy wedi'i wrthod, ar sail costau rhedeg chwyddedig yr eiddo mewn marchnad prynwyr gyfyngedig.
14. Cyfarfu'r apelydd â chynrychiolydd y Cyngor a'r datblygwr ond ni ddaethpwyd o hyd i ateb dichonadwy i'r broblem draenio. Mae'r apelydd o'r farn mai'r unig gasgliad a ddaeth o'r trafodaethau oedd dilyn cais i ryddhau'r rhwymedigaeth gynllunio. Dadleuir mai personau cymwys yw'r rhai sy'n bodloni'r amod moddion ariannol, ac mae ganddynt lai o incwm gwario i'w wario ar gostau rhedeg/cynnal a chadw'r cartref. Ystyrir y byddai cartrefi incwm isel yn cael eu heffeithio'n sylweddol gan gostau rhedeg yr eiddo fforddiadwy hwn â'i system ddraenio carthbwill, gan ei wneud yn gartref anfforddiadwy.
15. Cyfeiria'r apelydd at y wybodaeth a gafwyd gan y Cyngor bod nifer rhagweledig y tai fforddiadwy a ganiateir sydd â system carthbwill yn debygol o fod yn isel iawn. Mae'r apelydd yn dadlau na fyddai hyn yn unol â pholisi'r Cyngor ei hun o ran caniatáu tai fforddiadwy sy'n amhriodol o ran cymesuredd a dyluniad neu sydd wedi'u hadeiladu i safonau annerbyniol o isel<sup>2</sup>. Mae'r apelydd wedi cael gwybod gan werthwr tai y byddai'n anodd gwerthu'r eiddo o ganlyniad i osod y carthbwill hwn. Pe bai eiddo'r apêl yn cael ei ddileu fel tŷ fforddiadwy, ni fyddai hyn yn cael unrhyw effaith andwyol ar darged tai fforddiadwy'r Cyngor o gyfraniad o 20% mewn perthynas â phob datblygiad tai newydd. Mae 3 chartref fforddiadwy arall yn Sarnau eisoes ac mae 2 uned ychwanegol yn cael eu hadeiladu. Mae'r apelydd yn honni bod hyn yn gymhareb o ddarpariaeth 62% o gartrefi fforddiadwy mewn cyfnod o 5 mlynedd yn Sarnau (ac eithrio eiddo'r apêl), sydd deirgwaith targed y Cyngor o 20%.
16. Mae'r apelydd wedi cynnal cyfres o brofion trylifiad i archwilio datrysiadau draenio amgen, ond ni ddangoswyd bod yr un ohonynt yn gweithio yn unol â safonau'r diwydiant. Mae'r mater wedi cael ei archwilio gyda chynrychiolwyr y Cyngor o'r Adran Rheoli Adeiladu a'r Adran Gynllunio, ac mae'r apelydd wedi cysylltu â gwahanol ddarparwyr a chyflenwyr gwaith daear a draenio. Archwiliwyd amrywiaeth o ddatrysiadau draenio, gan gynnwys dyfrhau draenio llinellol, gweithfeydd trin carthion domestig, a thwmpathau draenio wedi'u cysylltu â system bwmpio, ond mae'r rhain i gyd wedi'u gwrthod.
17. Mae'n amlwg mai'r sail ar gyfer caniatáu datblygiad ar safle'r apêl ym mhentref Sarnau oedd darparu annedd fforddiadwy fel cyfran o safle datblygu mwy o faint, yn unol â Pholisi S05 (Tai Fforddiadwy) Cynllun Datblygu Lleol Ceredigion (CDLI). Byddai Polisi S05 yn berthnasol pan wnaed cais ar gyfer y datblygiad yn 2014, ac mae'n parhau i fod yn

<sup>2</sup> Paragraff 6.180 Polisi S05 ac Atodiad 4 Cynllun Datblygu Lleol Ceredigion 2007-2022 – Mabwysiadwy yn mis Ebrill 2013

berthnasol wrth ystyried a ddylai'r rhwymedigaeth gynllunio gael ei rhyddhau. Mae tystiolaeth y Cyngor mewn perthynas â fforddiadwyedd a'r angen cymunedol am dai fforddiadwy yn parhau i fod yn gyson ag amcanion CDLI mabwysiedig y Cyngor, a Pholisi S05 yn arbennig. Nod Polisi S05 oedd darparu 1,100 o dai fforddiadwy dros gyfnod y Cynllun, ac mae hyn yn llawer llai na'r angen sy'n deillio o'r CDLI sydd yn yr Asesiad Anghenion Tai Lleol. Mae tystiolaeth y Cyngor yn dangos tangyflawniad o ran cartrefi marchnad agored a chartrefi fforddiadwy o gymharu â thargedau'r CDLI. Mae'n amlwg o gyflwyniad y Cyngor nad oes digon o gartrefi i fodloni'r angen cynyddol am dai fforddiadwy.

18. Nid wyf o'r farn y dylai'r cais i ryddhau'r rhwymedigaeth lwyddo ar sail costau gwagio'r carthbwll, lle gwnaed y gwaith anawdurdodedig hwn yn groes i'r caniatâd cynllunio a'r rhwymedigaethau cynllunio perthnasol.
19. Ni ellir cyhuddo'r Cyngor o ran y feirniadaeth nad yw eiddo'r apêl wedi cydymffurfio â safonau ansawdd adeiladu a gofynion Polisi S05 y CDLI, gan mai cyfrifoldeb y datblygwr yw hyn yn y pen draw, sydd yn ei dro yn trosglwyddo i berchennog/meddiannydd y safle i sicrhau cydymffurfedd â'r caniatâd/rhwymedigaethau perthnasol. Mae'r caniatâd cynllunio a'r rhwymedigaethau cynllunio yn trosglwyddo i olynwyr y tir. Byddai wedi bod yn fater i brynwr yr eiddo wirio'r trawsgludiad cyn prynu, lle gallai mater y carthbwll anawdurdodedig fod wedi'i ddatgelu.
20. Ar sail y dystiolaeth sydd ar gael, mae'n ymddangos nad oes llawer o obaith dod o hyd i ddatrysiad draenio amgen i'r broblem. Fodd bynnag, mater i'r Cyngor fyddai penderfynu a ddylai gymryd camau gorfodi. Ni ellir rhagdybio'n derfynol p'un ai a all y Cyngor orfodi'r datblygiad ai peidio mewn perthynas â'r apêl hon, ac ar hyn o bryd, nid yw'r mater hwn o bwys digonol i fod yn drech na'r ystyriaethau ar gyfer rhyddhau'r rhwymedigaeth gynllunio.
21. O ran fforddiadwyedd a chost gwagio'r carthbwll, pe bai safle'r apêl wedi'i leoli mewn ardal lle mae carthffosydd gerllaw, byddai'r apelydd wedi gorfod talu tâl cyfatebol i'r cwmni cyfleustodau am waredu dŵr budr fel rhan o gostau rhedeg yr eiddo. Byddai'r gyfran hon o'r costau yn gost rhedeg barhaus ar gyfer yr eiddo, boed yn annedd fforddiadwy neu'n annedd marchnad agored, er y gellid tybio y byddai'n llai na chostau presennol gwagio'r carthbwll. Yng ngoleuni hyn, nid wyf o'r farn bod cost gwagio'r carthbwll y tu hwnt i'r hyn y gellir ei ystyried yn rhesymol a fforddiadwy, o wrthbwyso'r costau yn erbyn yr hyn y gallai eraill orfod ei dalu os ydynt wedi'u cysylltu â'r system garthffosiaeth bibellau.
22. Cylchlythyr 10/99 fyddai'r canllaw perthnasol ar yr adeg y gwnaed y cais. Mae hwn yn datgan mai'r datblygwr sy'n bennaf gyfrifol am ddangos bod datblygiad newydd yn cael ei wasanaethu'n effeithiol gan system garthffosiaeth. Er ei fod hefyd yn nodi, cyn penderfynu ar gais cynllunio, mae angen i'r awdurdod cynllunio lleol fod yn fodlon bod y trefniadau carthffosiaeth yn addas. Caiff y cyngor hwn ei ailadroddiad yn iteriad diweddaraf y canllawiau<sup>3</sup>. Ymddengys na sicrhawyd bod y tanc carthion yn addas cyn cael cymeradwyaeth yn yr achos hwn.
23. Gwerthfawrogaf na fyddai gwrthod neu ganiatáu yr apêl hon yn newid problem sylfaenol mater y carthbwll yn yr eiddo hwn. Yn hyn o beth, mae'r broblem yn parhau p'un a yw'n dal i fod yn annedd fforddiadwy neu y daw'n annedd marchnad agored. Fodd bynnag, mae'r angen cymunedol am dai fforddiadwy yn parhau i fod yn ddiben cyfreithlon sy'n amlwg yn

<sup>3</sup> Cylchlythyr Llywodraeth Cymru 008/2018 Gofynion cynllunio mewn perthynas â defnyddio systemau carthffosiaeth preifat mewn datblygiadau newydd, gan gynnwys tanciau carthion a gweithfeydd bach trin carthion, mis Gorffennaf 2018

angenrheidiol ac yn berthnasol, ac mae hyn yn dal i wneud y datblygiad yn dderbyniol o ran cynllunio.

24. Nodaf fod nifer o unedau tai fforddiadwy eraill yn yr ardal, ond caiff pob safle ei ystyried yn ôl ei rinweddau unigol yn erbyn polisiau'r cynllun datblygu. Nodaf hefyd y pwynt y gallai eiddo'r apêl fod yn anodd ei werthu, ond ni ddarparwyd unrhyw dystiolaeth ar y mater hwn o ran marchnata neu p'un a yw'r apelydd wedi ceisio gwerthu i berson cymwys arall neu i landlord cymdeithasol cofrestredig.
25. Mae'r rhwymedigaeth gynllunio yn amlwg yn berthnasol ac yn angenrheidiol o ystyried polisi cynllunio a materion y cyflenwad o dai fforddiadwy a'r galw amdanynt yn yr ardal leol. Mae'r rhwymedigaeth gynllunio yn ymwneud yn uniongyrchol â'r datblygiad ac mae'n perthyn yn deg ac yn rhesymol o ran graddfa a math i'r datblygiad oherwydd mae'n cadw tŷ fforddiadwy ar gyfer pobl sy'n gymwys ac sydd ag angen profedig am dai.
26. Deuaf i'r casgliad bod y rhwymedigaeth yn parhau i gyflawni diben defnyddiol a'i bod yn cydymffurfio â'r profion a nodir yn Rheoliadau Ardoll Seilwaith Cymunedol 2010 a'r profion yng Nghylchlythyr 13/97 ar Rwymedigaethau Cynllunio.
27. Felly, deuaf i'r casgliad bod y rhwymedigaeth yn parhau i gyflawni diben defnyddiol.
28. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at un neu fwy o amcanion llesiant Gweinidogion Cymru.
29. Am y rhesymau a roddir uchod, deuaf i'r casgliad y dylid gwrthod yr apêl.

*Iwan Lloyd*

AROLYGYDD



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/09/21

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/01/2022

## Appeal Decision

Site visit made on 09/09/21

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/01/2022

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**Appeal Ref: APP/D6820/Q/21/3275666**

**Site address: 1 Cae Llwyni, Sarnau, Llandysul, SA44 6QQ**

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

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
  - The appeal is made by Samantha Gregory against the decision of Ceredigion County Council.
  - The development to which the planning obligation relates is erection of 2 dwellings (1 affordable) application reference A100402. A subsequent application for the variation of condition 2 of planning permission A100402 was made under application reference A160323 to which a deed of variation was dated 14 February 2017.
  - The planning obligations, dated 15 December 2014, was made between Cyngor Sir Ceredigion County Council and Graham Leonard Tompkins, and a deed of variation to the planning obligation dated 15 December 2014, was dated 14 February 2017 was made between Cyngor Sir Ceredigion County Council and Teifi Developments Limited and Matthew David Alexander Fordham.
  - The application Ref A200404, dated 20 May 2020, was refused by notice dated 10 December 2020.
  - The application sought to have the planning obligation discharged.
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### Decision

1. The appeal is dismissed.

### Preliminary matters and the planning obligations

2. No. 1 Cae Llwyni is located on the southern side of the A487 within the village of Sarnau. The appeal property is situated behind a frontage dwelling which faces onto the A487 and lies adjacent to a minor road. The appeal property is within a development of 5 dwellings and is restricted as an affordable discount for sale dwellinghouse.
3. The schedules to the obligation dated 15 December 2014 define that a discount for sale dwelling (DFS) must not be disposed at a price exceeding 70% of its open market value to anyone who is not a qualifying person. A qualifying person is defined as a person who meets the financial means condition, the local connection condition or key worker condition or care condition and in the circumstances the sole residence condition. As part of the criteria the purchaser is required to obtain a certificate of eligibility from the Council confirming that the person occupying the property is a qualifying person. The appellant has

obtained a certificate of eligibility for this appeal property. There are references in the obligation to situations where the property is rented or sold to a registered social landlord restricting the terms of occupancy and controlling rental payments by a financial means condition.

4. The deed of variation (DOV) to the 2014 planning obligation was dated 14 February 2017. This changed the dwelling type to a bungalow on the plot accompanied by a relevant planning application to vary condition 2 on planning permission A100402. Condition 2 related to the approved plans for the planning permission. The 2014 obligation states that the development is carried out in accordance with the specifications and plans specified in the annex. The 2017 DOV specifies that the owner and the mortgagee covenants to observe and perform the covenants, restrictions and obligations contained in the original agreement. The 2017 DOV identifies the planning permission to which relates to the obligation and applies to the successors of the named party of the DOV obligation.
5. The 2017 DOV obligation refers back to the 2014 obligation and binds successors in title to their terms. The application seeks to discharge the original 2014 obligation. Since the 2017 DOV is bound to the terms of the 2014 obligation it would have no effect should the 2014 obligation be discharged.
6. Planning permission A100402 was granted subject to conditions, and condition 2 refers to the requirement that the planning permission is carried out in accordance with the approved plans. The notes to the permission refers to the installation of a septic tank and that this would be an acceptable method of disposal provided that a satisfactory drainage assessment is carried out with reference to Welsh Office Circular 10/99<sup>1</sup>.
7. Planning permission A160323 was subject to a similar condition which required the development to be carried out in accordance with the approved plans. There was a similar note referring to the septic tank and the need to ensure an appropriate method of disposal is assessed in accordance with Circular 10/99.

### **Background and main issue**

8. Both parties refer to the installation of a cesspit which was undertaken as the means of disposal of foul sewage from the appeal property when it was constructed. This installation was undertaken because the percolation assessment for a septic tank soakaway was unsatisfactory. However, it is apparent that the Council was unaware of this change and that the cesspit installation was unauthorised and was contrary to the relevant planning permission.
9. The basis of the appellant's case to discharge the obligation is that the maintenance costs of emptying the cesspit is beyond what can be considered reasonable and affordable, and that the property therefore no longer qualifies as an affordable dwelling.
10. The main issue is whether the planning obligation continues to serve a useful purpose.

### **Reasons**

11. The appellant contends that the affordable dwelling which is discounted from market values for qualifying persons that meet the affordability criteria no longer satisfies these conditions due to the inflated running costs associated with the dwelling because of the costs of emptying the installed cesspit. It is claimed that someone on restricted income

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<sup>1</sup> Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development 1 April 1999 (the guidance then in force at the time of the application)

would struggle to manage the financial burden of these ongoing running costs and would therefore not meet the test of affordability.

12. Due to the cost of emptying the cesspit the occupants limit the use of water being used in the household. Currently, the cesspit is emptied every 2 months at a cost of £200 for 13,000 litres. The cesspit capacity is reported to be 36,000 litres, and if normal consumption of water were to be used then the costs of emptying the cesspit, it is reported, could double to £2400 annually.
13. The appellant was aware that the property would be served by a septic tank and was later told from Teifi Developments that this was changed to a cesspit system. However, the appellant was not aware that this had not been regularised by the grant of a planning permission. It is asserted that the Council should have picked-up on this change during its inspection of the build, upon completion. The appellant contends that had the issue come to light approval for the affordable property would have been refused, based on the inflated running costs of the property in a restricted buyers' market.
14. The appellant met with the Council representative and the developer but no viable solution was found to the drainage problem. The appellant considers that the only conclusion which came from the discussions was to pursue an application to discharge the planning obligation. It is argued that qualifying persons are those who meet the financial means condition have less disposable income to spend on household running/maintenance costs. It is considered that a lower income household would be significantly affected by the running costs of this affordable property serviced by a cesspit drainage system rendering it an unaffordable home.
15. The appellant refers to the information obtained from the Council that the anticipated number of affordable homes that have been granted with a cesspit system are likely to be very low. The appellant contends that this would not be within the Council's own policy of granting affordable housing which is inappropriate in terms of proportion and design or is built to unacceptably low standards<sup>2</sup>. The appellant has been advised by an estate agent that it would be difficult to sell the property as result of this cesspit installation. Should the appeal property be removed as an affordable house this would have no adverse impact on the Council's affordable housing target of 20% contribution in relation to all new housing development. Sarnau already benefits from 3 other affordable homes with a further 2 additional units being built. This the appellant claims amounts to a ratio of 62% affordable homes being provided in 5 years in Sarnau (excluding the appeal property) which is three times above the Council's 20% target.
16. The appellant has undertaken a series of percolation tests to explore alternative drainage solutions but none have been shown to work in accordance with industry standards. The issue has been explored with Council representatives from the Building Control and Planning Departments and the appellant has contacted various groundwork and drainage providers and suppliers. Various drainage solutions have been explored including linear drainage irrigation, domestic package treatment plants, drainage mounds connected to a pump system, but all of these have been discounted.
17. It is apparent that the basis of allowing development on the appeal site in the village of Sarnau was to provide an affordable dwelling as a proportion of a larger development site in accordance with Policy S05 (Affordable Housing) of the Ceredigion Local Development

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<sup>2</sup> Paragraph 6.180 of Policy S05 and Appendix 4 of the Ceredigion Local Development Plan 2007-2022 – Adopted April 2013



Plan (LDP). Policy S05 would have been applied when the development was sought in 2014 and continues to be relevant in considering whether the planning obligation should be discharged. The Council's evidence in relation to affordability and the community need for affordable housing remains consistent with the Council's adopted LDP objectives and in particular Policy S05. The aim of Policy S05 was to provide 1100 affordable homes over the Plan period, this is much less than the need as derived from the LDP contained in the Local Housing Needs Assessment. The Council's evidence indicates an under delivery of market and affordable homes set against LDP targets. It is apparent from the Council's submission there is an under delivery of homes to meet the growing need for affordable housing.

18. I do not consider that the submission to discharge the obligation should succeed based on the running costs of emptying a cesspit where this unauthorised work was undertaken contrary to the relevant planning permissions and planning obligations.
19. The criticism that the appeal property has not complied with building quality standards and the requirements of LDP Policy S05 cannot be levelled at the Council since it is ultimately the responsibility of the developer which in turn passes to the owner/occupier of the site to ensure compliance with the relevant permissions/obligations. Planning permission and the planning obligations passes to the successors of the land. It would have been a matter for the purchaser of the property to check the conveyancing prior to buying, whereby the issue of the unauthorised cesspit might have been revealed.
20. On the available evidence there appears to be limited scope to find an alternative drainage solution to the problem. However, it would be a matter for the Council to decide whether it should pursue enforcement action. The issue of whether the Council can enforce the development cannot be conclusively presumed in relation to this appeal and this matter at present is not of sufficient weight to outweigh the considerations for discharging the planning obligation.
21. In terms of affordability and the cost of emptying the cesspit had the appeal site been located in an area where sewers are close-by the appellant would have had to pay the utility company an equivalent charge for disposal of foul water as part of the running costs of the property. This proportion of the costs whilst presumably less than the current costs of emptying the cesspit would have been an ongoing running cost for the property regardless of whether it is an affordable dwelling or an open market dwelling. In the light of this I do not consider that the cost of emptying the cesspit is beyond what can be considered reasonable and affordable when these costs are offset by what others might have to pay if connected to the piped sewerage system.
22. Circular 10/99 would have been the relevant guidance at the time of the application. This states the responsibility for demonstrating that a new development is effectively served by a sewerage system rests primarily with the developer. Although it does also note that before deciding a planning application the local planning authority needs to be satisfied that the sewerage arrangements are suitable. This advice is carried forward in the latest iteration of the guidance<sup>3</sup>. It appears that ensuring that the septic tank was suitable prior to approval was not undertaken in this case.

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<sup>3</sup> Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants July 2018

23. I appreciate that dismissing this appeal or allowing the appeal would not change the fundamental problem of the cesspit issue at this property. In these terms the problem persists whether it remains an affordable dwelling or an open market dwelling. However, the community need for affordable housing remains a legitimate purpose which is clearly necessary and relevant and continues to make the development acceptable in planning terms.
24. I note that there are a number of other affordable housing units in the area, but each site is considered on its individual merits set against the policies of the development plan. I also note the point that the appeal property might be difficult to sell, but no evidence has been provided on this matter in terms of marketing or whether the appellant has sought to sell to another qualifying person or registered social landlord.
25. The planning obligation is clearly relevant and necessary having regard to planning policy and issues of supply and demand of affordable housing in the locality. The planning obligation is directly related to the development and fairly and reasonably relates in scale and kind to the development because it retains an affordable dwelling to those who qualify and are in proven housing need.
26. I conclude that the obligation continues to serve a useful purpose and complies with the tests set out in The Community Infrastructure Levy Regulations 2010 and the tests in Circular 13/97 on Planning Obligations.
27. I therefore conclude that the obligation continues to serve a useful purpose.
28. 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.
29. For the reasons given above, I conclude that the appeal should be dismissed.

*Iwan Lloyd*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan I Stevens BA (Anrh) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/01/2022

## Appeal Decision

Site visit made on 16 November 2021

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/01/2022

Cyf yr apêl: APP/D6820/A/21/3282488

Cyfeiriad y safle: Felin Farm, Ffordd y Felin, Aber-porth, Aberteifi, SA43 2ER

**Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.**

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
- Gwneir yr apêl gan Mr Jamie Morris yn erbyn y penderfyniad gan Gyngor Sir Ceredigion.
- Y datblygiad a gynigir yw codi un annedd.

### Penderfyniad

1. Gwrthodir yr apêl.

### Materion Gweithdrefnol

2. Mae dau gynllun gosodiad safle ychwanegol wedi'u cynnwys yn natganiad yr apelydd, fel opsiynau pellach ar gyfer datblygu safle'r apêl. Fodd bynnag, mae'r apelydd yn cydnabod y cafodd y cynlluniau hyn eu paratoi ar ôl y penderfyniad ar y cais cynllunio. Fel y cyfryw, ni phenderfynodd y Cyngor ar sail y naill na'r llall o'r cynlluniau diwygiedig, ac felly mae fy asesiad yn ymwneud â'r cynlluniau a oedd yn sail i benderfyniad y Cyngor.

### Prif Faterion

3. Y prif faterion yw effaith y cynnig ar gymeriad a golwg yr ardal, a ph'un a yw'r cynnig yn gwneud darpariaeth ddigonol ar gyfer tai fforddiadwy.

### Rhesymau

4. Mae safle'r apêl yn cynnwys llain o dir sydd heb ei datblygu o fewn pentref Aber-porth. Fe'i lleolir ar Ffordd y Felin, sef ardal breswyl a nodweddir gan anheddau ar wahân o arddulliau gwahanol. Mae'r anheddau ar hyd Heol y Felin wedi'u lleoli o fewn lleiniau o faint cymedrol ac wedi'u gosod yn ôl o'r briffordd ar bellteroedd amrywiol. Mae'r ffactorau hyn yn cyfrannu at gymeriad dymunol, eang ar hyd Ffordd y Felin.

5. Mae'r cynnig hwn ar gyfer annedd ar wahân wedi'i lleoli tuag at gornel ogledd-ddwyreiniol safle'r apêl, ger y terfyn â Ffordd y Felin. Nid yw'r awdurdod cynllunio lleol yn gwrthwynebu'r egwyddor o ddatblygiad preswyl ar safle'r apêl, a chytunaf â hynny.
6. Byddai'r annedd a gynigir yn wynebu Ffordd y Felin gyda gardd ar ei hochr a'r tu cefn iddi, lle mae'r tir yn gostwng yn raddol tuag at y ffin gefn â Felin Farm. Rwy'n cydnabod y byddai'r annedd a gynigir yn cael ei gosod ymlaen o fewn safle'r apêl, gan osgoi'r brif bibell garthffosiaeth sy'n rhedeg o dan y tir. Fodd bynnag, sylwais ar fy ymweliad â'r safle fod nifer o anheddau wedi'u lleoli'n agosach at Ffordd y Felin na'u terfynau cefn, tra bod anheddau eraill wedi'u lleoli'n ddwfn i mewn i'w lleiniau. I'r de yn uniongyrchol o safle'r apêl mae Nant y Felin wedi'i lleoli ymhellach ymlaen yn ei llain nag anheddau cyfagos eraill ar ochr hon y briffordd. Mewn cyferbyniad, mae Lindholme, sy'n uniongyrchol i'r gogledd o safle'r apêl, wedi'i lleoli ymhellach yn ôl yn ei llain nag anheddau cyfagos eraill. Mae cyfodiad y ddwy annedd yn dangos nad oes llinell adeiladu gyson ar hyd ochr hon Ffordd y Felin, a bod pellteroedd yn amrywio.
7. Byddai'r annedd a gynigir yn cael ei lleoli ymhellach ymlaen yn ei llain na Lindholme a Nant y Felin. Fodd bynnag, mae gosodiad y ffordd yn ffactor cyd-destunol hefyd. Mae Ffordd y Felin yn gul a cheir nifer o droeon graddol mewn ymateb i'r topograffi tonnog. Mae trefn igam-ogam i'r llinell adeiladu ar ddwy ochr Ffordd y Felin gan fod aliniad y ffordd yn amrywio. Mae Ffordd y Felin yn ffinio â therfyn dwyreiniol safle'r apêl ac yn ymestyn i gyfeiriad gogledd-ddwyreiniol o Nant y Felin. Ar ochr arall Ffordd y Felin o safle'r apêl, mae nifer o anheddau wedi'u lleoli i ddilyn cyfeiriad y briffordd yn eu llinell adeiladu. Er y byddai'r annedd a gynigir yn cael ei gosod ychydig ymhellach ymlaen yn ei llain na Nant y Felin, o ystyried aliniad y ffordd, ni fyddai wedi'i lleoli'n sylweddol ymlaen yng nghyd-destun patrwm presennol y gosodiad ar hyd y briffordd.
8. O ystyried natur eang y stryd ac amrywiadau yn y llinell adeiladu, ni fyddai lleoliad yr annedd a gynigir yn achosi unrhyw niwed i gymeriad a golwg yr ardal. Deuaf i'r casgliad bod y cynnig yn cydymffurfio â Pholisi DM06 Cynllun Datblygu Lleol Ceredigion (CDLI) sydd, ymhlith materion eraill, yn ei gwneud yn ofynnol i ddatblygiad roi ystyriaeth lawn i'w leoliad a'r ardal o'i amgylch a chyfrannu'n gadarnhaol at hyn.

#### *Tai fforddiadwy*

9. Mae Polisi S05 CDLI Ceredigion yn ei gwneud yn ofynnol i gynigion ar gyfer datblygiadau tai gyfrannu at ddarparu tai fforddiadwy yn ardal yr awdurdod cynllunio lleol. Yn yr achos hwn, o ystyried bod y datblygiad a gynigir yn ymwneud ag un annedd, byddai angen cyfraniad ariannol sy'n cyfateb i 10% o werth marchnad agored y datblygiad fel y'i prisiwyd ar adeg gwneud y cais. Gwneir y cyfraniad ariannol trwy gytundeb cyfreithiol, sy'n enwi'r swm i'w dalu, fel y nodir yng Nghanllawiau Cynllunio Atodol (CCA) Tai Fforddiadwy'r Cyngor (mis Medi 2014).
10. Er fy mod yn sylweddoli na restrwyd y diffyg cyfraniad tai fforddiadwy fel rheswm dros wrthod gan yr awdurdod cynllunio lleol, mae darpariaeth tai fforddiadwy yn ystyriaeth gynllunio berthnasol ac mae'r gofyniad polisi yn sefyll. Mae Cylchlythyr Llywodraeth Cymru 016/2014 'Defnyddio Amodau Cynllunio i Reoli Datblygu' yn cynghori ei bod yn fwy priodol i ymdrin drwy rwymedigaeth gynllunio â materion fel taliadau i'r awdurdod cynllunio lleol, ac yn yr achos hwn, rwyf o'r farn bod rhwymedigaeth gynllunio yn angenrheidiol. Er bod yr apelydd wedi datgan ei fwriad i gyflwyno rhwymedigaeth gynllunio gyda'r apêl, ni roddwyd rhwymedigaeth o'r fath i mi. Felly, yn absenoldeb cytundeb rhwymol, ni fyddai'r cynnig yn gwneud darpariaeth ddigonol ar gyfer tai fforddiadwy, yn groes i Bolisi S05 y CDLI.

## **Materion Eraill**

11. Byddai'r cynnig yn dderbyniol o safbwynt ffyrdd ac o ran effeithiau ar amodau byw meddianwyr eiddo cyfagos. Fodd bynnag, nid yw'r materion hyn yn gorbwyso'r niwed a nodwyd a'r gwrthdaro â pholisi cynllunio lleol.

## **Casgliad**

12. Am y rhesymau a roddaf, ac ar ôl ystyried yr holl faterion a godwyd, gwrthodir yr apêl.

13. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at amcan llesiant Gweinidogion Cymru o wneud ein dinasoedd, ein trefi a'n pentrefi yn lleoedd gwell fyth i fyw a gweithio ynddynt.

*I Stevens*

Arolygydd



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/01/2022

## Appeal Decision

Site visit made on 16 November 2021

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/01/2022

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Appeal Ref: APP/D6820/A/21/3282488

Site address: Felin Farm, Felin Road, Aberporth, Cardigan, SA43 2ER

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jamie Morris against the decision of Ceredigion County Council.
  - The development proposed is erection of a single dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Two additional site layout plans have been included in the appellant's statement, as further options for developing the appeal site. However, the appellant acknowledges these plans were prepared following the determination of the planning application. As such, the Council did not make its decision based on either of the amended plans and my assessment therefore relates to the plans determined by the Council.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal makes adequate provision for affordable housing.

### Reasons

4. The appeal site comprises an undeveloped parcel of land within the village of Aberporth. It is located along Felin Road, a residential area characterised by detached dwellings of varying styles. Dwellings along Felin Road are set within modestly sized plots and are set back from the highway to varying distances. These factors contribute to a pleasant, spacious character along Felin Road.

5. The proposal is for a detached dwelling situated towards the north-east corner of the appeal site, near to the boundary with Felin Road. The local planning authority does not object to the principle of residential development on the appeal site and I agree.
6. The proposed dwelling would face Felin Road with garden space to its side and rear, where land gradually lowers towards the rear boundary with Felin Farm. I recognise that the proposed dwelling would be set forward within the appeal site, avoiding the mains sewer pipe that runs underground. However, I observed from my site visit that several dwellings are located closer to Felin Road than their rear boundaries, whereas other dwellings are set deep into their plots. To the immediate south of the appeal site, Nant y Felin is located further forward in its plot than other nearby dwellings on this side of the highway. By contrast, Lindholme to the immediate north of the appeal site is located further back in its plot than other nearby dwellings. The juxtaposition of both dwellings demonstrates there is no consistent building line along this side of Felin Road and that distances vary.
7. The proposed dwelling would be sited further forward in its plot than both Lindholme and Nant y Felin. However, the road layout is also a contextual factor. Felin Road is narrow and has several gradual turns in response to the undulating topography. There is a stagger in the building line on both sides of Felin Road as the road alignment varies. Felin Road adjoins the eastern boundary of the appeal site and extends in a north-easterly direction from Nant y Felin. On the opposite side of Felin Road from the appeal site, several dwellings are positioned to follow the direction of the highway in their building line. While the proposed dwelling would be set slightly further forward in its plot than Nant y Felin, given the road alignment it would not be situated significantly far forward in the context of the existing layout pattern along the highway.
8. Given the spacious nature of the street and variations in the building line, the siting of the proposed dwelling would not cause harm to the character and appearance of the area. I conclude that the proposal complies with Policy DM06 of the Ceredigion Local Development Plan (LDP), which among other matters, requires development to have full regard and positively contribute to its location and surroundings.

#### *Affordable housing*

9. Policy S05 of the Ceredigion LDP requires proposals for housing development to contribute towards the provision of affordable housing in the local planning authority area. In this instance, given the proposed development is for a single dwelling, a financial contribution would be required equivalent to the value of 10% of the open market value of the development as valued at the time of the application. The financial contribution is to be made via a legal agreement, which specifies the amount to be paid, as stated in the Council's Affordable Homes Supplementary Planning Guidance (SPG) (September 2014).
10. While I appreciate the lack of affordable housing contribution was not listed as a reason for refusal by the local planning authority, the provision of affordable housing is a material planning consideration and the policy requirement remains. Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' advises that matters such as payments to be made to the local planning authority are more appropriately required through a planning obligation, and in this instance I consider that a planning obligation is necessary. While the appellant stated their intention to submit a planning obligation with the appeal, I have not been provided with such an obligation. In the absence of a binding agreement therefore, the proposal would not make adequate provision for affordable housing, contrary to LDP Policy S05.

## **Other Matters**

11. The proposal would be acceptable on highways grounds and in terms of impacts on living conditions for the occupiers of neighbouring properties. However, these matters do not outweigh the harm identified and conflict with local planning policy.

## **Conclusion**

12. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.

13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work

*I Stevens*

Inspector