

2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210239	09-03-2021	Mr D Jones	Proposed formation of agricultural access track	Land at Cilgraig, Capel Dewi, Llandysul	Refuse
2	A201050	09-12-2020	Wil & Annie Davey	Erection of a dwelling to include installation of vehicular access and treatment plant	Land Adjacent To Awel Y Mynydd, Pisgah, Aberystwyth, SY23 4NE	Refuse
3	A201064	11-12-2020	(Cartref Dyfed Homes)	Phase 3 - Erection of 7 dwellings	Cae John, Cross Inn, Llanon. SY23 5NT	Refuse
4	A210023	08-01-2021	Mr Adam Osbourne	New self catering holiday accommodation cabin in the client's garden	Tynlon, Llanilar, Aberystwyth. SY23 4PL	Refuse

2.1. A210239



Rhif y Cais / Application Reference	A210239
Derbyniwyd / Received	09-03-2021
Y Bwriad / Proposal	Bwriad i greu trac mynediad amaethyddol
Lleoliad Safle / Site Location	Tir yn Cilgrraig, Capel Dewi, Llandysul
Math o Gais / Application Type	Cynllunio Llawn
Ymgeisydd / Applicant	Mr D Jones, Penwern, Capel Dewi, Llandysul, SA44 4PS
Asiant / Agent	Mr M Edwards (Castle Arch. Designs Ltd), Tŷ'r Banc, 9 Stryd y Bont, Castellnewydd Emlyn, SA38 9DX

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais gerllaw ffordd y B4450 rhwng Rhydowen a Capel Dewi, tua 0.5 milltir i'r gogledd o bentref Capel Dewi. Mae'r cae yn codi'n serth o'r ffordd ac mae gwrychoedd a choed o amgylch ei ffiniau.

Mae safle'r cais wedi'i amgylchynu â chaeau, gydag ardal goediog i'r de ohono. Mae un annedd preswyl i'r gogledd, a grŵp o anheddau i'r de.

Cafodd cais am ganiatâd cynllunio amlinellol i godi annedd TAN6 ar y cae hwn ei dynnu'n ôl ar 29-10-2018 (rhif y cais A180513). Dan y cais hwnnw roedd y mynediad arfaethedig i'r annedd yn yr un lleoliad â'r cais hwn.

Cyflwynwyd cais i greu mynediad o'r Ffordd Sirol i'r Awdurdod Cynllunio Lleol ar 02-07-2020 (rhif y cais A200528). Cyflwynwyd adroddiad ar y cais gerbron Pwyllgor Cynllunio'r Cyngor ar 10 Chwefror 2021, ynghyd ag argymhelliad gan y Swyddog i wrthod. Gohiriodd aelodau'r pwyllgor cynllunio y penderfyniad am y cais i ganiatáu cyflwyno cais cynllunio arall i ymestyn y trac mynediad amaethyddol i mewn i'r cae, sy'n angenrheidiol am fod y tir ar lethr.

MANYLION Y DATBLYGIAD

Mae'r cais ar gyfer caniatâd cynllunio llawn i greu trac mynediad amaethyddol. Mae'r trac mynediad yn estyniad i'r mynediad presennol sy'n cael ei ystyried gan aelodau'r pwyllgor cynllunio dan gais rhif A200528. Am fod y tir ar lethr, bydd y trac mynediad yn ymestyn i gyfeiriad y de i mewn i'r cae ac yna'n troi am i fyny. Bydd y trac yn cael ei greu o rwbwl hydraid/cerrig mâl, ac mi fydd yn 4.5 metr o led gyda graddiant o 1 i 8. Bydd y tir ar y naill ochr a'r llall o'r trac mynediad yn cael ei lefelu.

Mae angen y trac fel estyniad i'r mynediad sy'n cael ei ystyried dan gais A200528 am fod y tir ar lethr.

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisiâu Cynllunio Cenedlaethol Perthnasol

- Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 (Chwefror 2021)
- PCC Polisi Cynllunio Cymru (Rhifyn 11, Chwefror 2021)
- Nodyn Cyngor Technegol (TAN) 6: Cynllunio ar gyfer cymunedau gwledig cynaliadwy
- Nodyn Cyngor Technegol (TAN) 18: Trafndiaeth

Polisiâu Cynllunio Lleol Perthnasol:

Mae'r polisiâu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

- S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- DM06 Dylunio a Gwneud Lleoedd o Safon Uchel
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM18 Ardaloedd Tirwedd Arbennig (ATA)
- DM20 Gwarchod Coed/Gwrychoedd a Choetiroedd
- DM22 Gwarchod a Gwella'r Amgylchedd yn Gyffredinol.

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i ymarfer ei swyddogaethau amrywiol, gan roi sylw priodol i effaith debygol ymarfer y swyddogaethau hynny ar drosedd ac anhrefn yn ei ardal, a'r angen i wneud popeth sy'n rhesymol bosib i'w atal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol neu annerbyniol yn lefel y trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn nodi nifer o 'nodweddion gwarchoddedig', sef oed; anabled; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw 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 pan fydd y rhain yn wahanol i anghenion pobl eraill, ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus, neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mae'r ddyletswydd uchod wedi cael ystyriaeth briodol wrth wneud penderfyniad am y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol o ran pobl sydd â nodwedd warchoddedig, nac yn un a fydd yn cael effaith sylweddol arnynt, o'i gymharu ag unrhyw un 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 ymarfer ei swyddogaethau i fodloni'r saith nod llesiant a geir yn y Ddeddf. Mae'r adroddiad hwn wedi'i baratoi 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 gwrdd â'u hanghenion eu hunain

YMATEBION YMGYNGHORI

- **Cyngor Cymuned Llandysul:** Dim gwrthwynebiad
- **Priffyrdd:** Dim gwrthwynebiad, argymell amodau
- **Draenio Tir:** Nid oes digon o wybodaeth i'r cais gael ei werthuso'n llawn.
- **Ecoleg:** Dim ymateb

Derbyniwyd sylwadau o gefnogaeth gan ddau breswlydd (ni roddwyd cyfeiriad), am y rhesymau canlynol, yn gryno:

- Bydd y llwybr troellog yn caniatáu goleddf fwy naturiol
- Mae enghreifftiau o fynedfeydd tebyg y bodoli ers canrifoedd, sydd heb greu unrhyw broblemau o ran tirlithriad.
- Nid yw'r tri mynediad presennol yn addas ac maent yn beryglus ac yn achosi difrod i'r eiddo presennol.
- Mae angen y mynediad arfaethedig.

Derbyniwyd sylwadau o wrthwynebiad gan ddau breswlydd (ni roddwyd cyfeiriad) a chan ddeiliaid eiddo cyfagos, sef Penbryn, am y rhesymau canlynol, yn gryno:

- Dim cyfiawnhad/angen am y trac mynediad arfaethedig at ddibenion amaethyddol
- Colli tir amaethyddol
- Problemau gyda draenio dŵr wyneb
- Diogelwch priffyrdd
- Problemau daearegol a mwy o berygl o dirlithriad
- Colli gwrychoedd a choed
- Mynediad digonol eisoes ar gael
- Diffyg manylion / gwybodaeth ar gael
- Effaith weledol

CASGLIAD

Mae Adran 38 (6) o Ddeddf 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 wedi'i leoli tu allan i unrhyw anheddiad ac mae o fewn 'lleoliadau eraill' fel y'u diffinnir yn y CDLI. Mae Polisi

S04 y CDLI yn gofyn bod unrhyw ddatblygiad o fewn 'lleoliadau eraill' yn cydymffurfio â gofynion Nodyn Cyngor Technegol (TAN) 6 – Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy, ac ystyrir bod yr egwyddor datblygu mewn perthynas ag amaethyddiaeth yn dderbyniol dan TAN 6. Fodd bynnag, bernir ei bod hi'n angenrheidiol ystyried p'un ai yw'r datblygiad yn rhesymol angenrheidiol at ddibenion amaethyddiaeth o fewn yr uned honno.

Mae'r cais yn datgan bod y trac mynediad yn angenrheidiol am nad yw'r mynediadau presennol i'r cae yn ddigonol. Cyflwynwyd Datganiad Cynllunio gyda'r cais, sy'n datgan bod un o'r mynediadau presennol yn agos at anheddau sydd yno'n barod, a hefyd bod y fynedfa o'r ffordd ar ongl lletchwith iawn sy'n golygu mai dim ond cerbydau sy'n teithio o Gapel Dewi i gyfeiriad Rhydowen all ei defnyddio. Mae'r ail fynediad ar hyd y llwybr ceffyl, ond nid oes gan yr ymgeisydd ddefnydd cyfreithiol o'r mynediad hwn, a hefyd mae'n anaddas am ei fod yn gul, ac mae'r tir yn cwmpo'n serth iawn i un ochr i'r mynediad, sy'n golygu bod y mynediad yn beryglus. Nid yw'r Datganiad Cynllunio'n cyfeirio at unrhyw fynediadau presennol eraill ar wahân i'r ddau hyn; fodd bynnag, cynghorwyd yn flaenorol y gellir hefyd gyrraedd y cae drwy gaeau eraill sy'n berchen i'r fferm, ond bod hyn yn gallu bod yn anodd yn ystod misoedd gwlyb iawn.

Mae angen y trac mynediad fel estyniad i'r mynediad sy'n cael ei ystyried dan gais cynllunio A200528. Fel rhan o gais A200528, nid yw'r Awdurdod Cynllunio Lleol yn ystyried bod cyfiawnhad digonol i ddangos bod mynediad newydd yn rhesymol angenrheidiol at ddibenion amaethyddiaeth mewn perthynas â'r cae hwn. Nid yw'r wybodaeth a gyflwynwyd fel rhan o'r cais hwn yn darparu cyfiawnhad digonol pellach, ac felly mae'r Awdurdod Cynllunio Lleol yn parhau i fod o'r farn nad yw'r trac mynediad yn rhesymol angenrheidiol at ddiben amaethyddiaeth.

Effaith ar Gymeriad

Mae safle'r cais wedi'i leoli yng nghefn gwlad ac mae o fewn Ardal Tirwedd Arbennig (ATA) Afon Teifi. Mae Polisi DM06 y CDLI yn gofyn bod unrhyw ddatblygiad yn cyfrannu'n bositif ar ei gyd-destun. Mae Polisi DM17 y CDLI yn gofyn nad yw datblygiad yn cael effaith andwyol ar nodweddion a chymeriad y dirwedd, tra bod Polisi DM18 y CDLI yn gwarchod nodweddion gwerthfawr yr ATA.

Bydd y trac mynediad arfaethedig ar raddfa sylweddol o ystyried ei ddefnydd arfaethedig, a hynny'n bennaf am fod y tir yn serth. Fel rhan o gais A200528, mae'r Awdurdod Cynllunio Lleol yn ystyried y bydd y mynediad yn cael effaith andwyol sylweddol ar gymeriad gwledig a golwg yr ardal oherwydd ei raddfa a'i leoliad, ac ystyrir y bydd y trac mynediad hwn yn ychwanegu at y niwed gweledol hwnnw. Nid yw'r datblygiad arfaethedig felly'n bodloni Polisi DM06, DM17, a DM18 y CDLI, ac nid yw'n cyfrannu'n bositif at gyd-destun ei leoliad; bydd yn amhariad gweledol sylweddol; a bydd yn cael effaith andwyol sylweddol ar y dirwedd ac yn sgil hynny, ar yr Ardal Tirwedd Arbennig.

Priffyrdd

Nid yw'r awdurdod priffyrdd lleol wedi mynegi unrhyw wrthwynebiad i'r datblygiad arfaethedig yn unol ag amodau. Fel rhan o gais A200528 argymhellodd yr Awdurdod Priffydd Lleol fod y cais yn cael ei wrthod am nad oedd yn darparu mynediad diogel ac addas. Roedd hyn oherwydd yn gwahaniaeth yn lefel y tir rhwng y mynediad â gweddill y cae. Mae'r trac mynediad a fwriedir dan y cais hwn yn datrys y broblem honno drwy ymestyn y trac mynediad ymhellach i mewn i'r cae.

Draenio Tir

Mae'r cais yn datgan y bydd y trac mynediad yn cael ei greu o ddeunydd hydraiddd a fydd yn delio â dŵr wyneb. Nid yw Swyddog Draenio Tir y Cyngor wedi gwrthwynebu'r datblygiad arfaethedig, ond mae wedi gofyn bod mwy o wybodaeth yn cael ei chyflwyno i ddangos sut y bydd y dŵr wyneb yn cael ei waredu. Fel rhan o gais A200528 mynegwyd pryderon ynghylch effaith y mynediad o ran dŵr ffo'n llifo i'r briffordd, a ph'un ai y gellid delio â hynny'n foddhaol drwy osod system ddraenio gynaliadwy. Ni ddarparwyd unrhyw wybodaeth bellach fel rhan o'r cais hwn, felly ni wyddys a fyddai defnydd o arwyneb hydraiddd ar gyfer y trac yn ddigonol i ddelio â'r cynnydd o ran dŵr wyneb. Felly, ystyrir na chyflwynwyd digon o wybodaeth i allu asesu'n iawn p'un ai yw'r datblygiad arfaethedig yn dderbyniol mewn perthynas â draenio tir.

Diogelu'r Amgylchedd

Mae Polisi DM22 y CDLI yn datgan y caniateir datblygiad cyn belled â bod tystiolaeth yn cael ei darparu ar gyfer unrhyw dir a effeithir gan ansefydlogrwydd, i ddangos nad fydd unrhyw waith sy'n angenrheidiol i sefydlogi'r safle'n cael effaith andwyol sylweddol ar yr amgylchedd. Mae'r trac mynediad wedi'i ddylunio i gydfynd â chyfuchliniau'r tir, a bydd y tir ar y naill ochr a'r llall yn cael ei lefelu. Bydd y mynediad dan A200528 yn cynnwys waliau cynnal, ond bydd y trac mynediad yn cyflwyno datblygiad ar raddfa fwy, gyda gwaith cloddio pellach. Ni chyflwynwyd unrhyw dystiolaeth gyda'r cais i ddangos na fydd y datblygiad yn effeithio ar sefydlogrwydd y tir. Felly, ar y cyfan, nid yw effaith y datblygiad ar sefydlogrwydd y tir yn glir, ac ystyrir y dylid darparu tystiolaeth bellach.

Yn nhermau'r effaith ar yr amgylchedd, fel rhan o gais A200528 ni fynegodd Ecolegydd Cynllunio'r Cyngor unrhyw wrthwynebiad i'r mynediad, am mai'r prif lwybr llygru o ran yr ATA yw'r ffordd, a gellid gosod amodau i sicrhau na fydd unrhyw ddeunydd cloddio'n mynd ar y ffordd. Hefyd, byddai modd gwneud iawn yn rhannol am golli gwrychoedd drwy blannu gwrych y tu ôl i'r waliau cynnal. Ni fynegodd Cyfoeth Naturiol Cymru unrhyw wrthwynebiad i'r datblygiad arfaethedig

chwaith, gan nodi nad oeddent am wneud unrhyw sylwadau. Felly bernir ei bod hi'n annhebygol y bydd y trac mynediad yn cael effaith andwyol ar yr amgylchedd.

Ardal Cadwraeth Arbennig (ACA) Afon Teifi

Yn Ionawr 2021, cyhoeddodd Cyfoeth Naturiol Cymru becyn tystiolaeth, yn amlinellu'r lefelau ffosfad ar gyfer ACA pob afon ar draws Cymru. Fel rhan o'r pecyn hwn, cyhoeddodd Cyfoeth Naturiol Cymru Ddatganiad Sefyllfa Cynllunio, sy'n cynghori y gallai unrhyw ddatblygiad arfaethedig sy'n debygol o gynyddu'r lefelau ffosfad yn nhalgylch ACA yr afon Teifi arwain at effeithiau niweidiol i'r ACA. Felly, rhaid i unrhyw gynigion o'r fath gael eu sgrinio drwy Asesiad Rheoliadau Cynefinoedd, i bennu a ydyn nhw'n debygol o gael effaith sylweddol ar yr ACA ai peidio.

Mae safle'r cais wedi'i leoli o fewn dalgylch ACA yr afon Teifi, ond oherwydd natur y datblygiad ni fydd yn arwain at gynydd yn y lefelau ffosfad o fewn yr ACA. Felly does dim angen sgrinio'r datblygiad drwy Asesiad Rheoliadau Cynefinoedd.

Pŵer Dirprwyo

Mae'r cais yn cael ei gyflwyno gerbron y Pwyllgor Cynllunio ar gyfer penderfyniad er mwyn gallu ei ystyried ochr yn ochr â chais cynllunio A200528 ar gyfer y mynediad.

ARGYMHELLIAD:

Argymhellir bod y cais yn cael ei wrthod, oherwydd ystyrir nad yw'r angen am y trac mynediad arfaethedig yn gorbwyso'r effaith andwyol sylweddol a gaiff y trac mynediad arfaethedig ar gymeriad gwledig a golwg yr ardal. Mae'r cais felly'n mynd yn groes i bolisiâu DM06, DM17 a DM18 y CDLI. Hefyd, ni chyflwynwyd digon o fanylion gyda'r cais i ddangos y gellir delio'n foddhaol â dŵr wyneb, yn unol â pholisi DM13 y CDLI, na chwaith na fydd y datblygiad yn effeithio ar sefydlogrwydd y tir, yn unol â pholisi DM22 y CDLI.

Rhif y Cais / Application Reference	A210239
Derbyniwyd / Received	09-03-2021
Y Bwriad / Proposal	Proposed formation of agricultural access track
Lleoliad Safle / Site Location	Land at Cilgraig, Capel Dewi, Llandysul
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr D Jones, Penwern, Capel Dewi, Llandysul, SA44 4PS
Asiant / Agent	Mr M Edwards (Castle Arch. Designs Ltd), Bank House, 9 Bridge Street, Newcastle Emlyn , Newcastle Emlyn , SA38 9DX

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to a field located along the B4450 Rhydowen to Capel Dewi road, approximately 0.5 mile to the north of the village of Capel Dewi. The field rises steeply from the road and is bounded by hedgerows and trees.

The application site is surrounded by fields with a woodland area to the south. There is one residential dwelling to the north and a group of dwellings to the south.

An application for outline planning permission for the erection of a TAN 6 dwelling within this field was withdrawn on 29-10-2018 (application reference number A180513). Under this application the proposed access to the dwelling was in the same location as this application.

An application for the creation of an access from the County Road was submitted to the LPA on 02-07-2020 (reference number A200528). The application was reported to the Council's Planning Committee on 10 February 2021 with an Officer's recommendation of refusal. Members of the planning committee deferred the determination of the application to allow for another planning application to be submitted for the continuation of the agricultural access track into the field which is required due to the slope of the land.

DETAILS OF DEVELOPMENT

The application seeks full planning permission for the creation of an agricultural access track. The access track is a continuation of the existing access that is being considered by members of the planning committee under application reference number A200528. Due to the slope of the land, the access track will extend southwards into the field and will curve upwards. The track will be formed from permeable hardcore/crushed stone, and will have a width of 4.5metres and a gradient of 1 in 8. The land either side of the access track will be graded down.

The access track is required as an extension to the access being considered under application A200528 due to the slope of the land.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

- Future Wales: The National Plan 2040 (February 2021)
- PPW Planning Policy Wales (Edition 11, February 2021)
- Technical Advice Note (TAN) 6: Planning for sustainable rural communities.
- Technical Advice Note (TAN) 18: Transport

Relevant Local Planning Policy:

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

- S04 Development in Linked Settlements and Other Locations
- DM06 High Quality Design and Placemaking
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM18 Special Landscape Areas (SLAs)
- DM20 Protection of Trees| Hedgerows and Woodlands

- DM22 General Environmental Protection and Enhancement.

OTHER MATERIAL CONSIDERATIONS

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

- **Cyngor Cymuned Llandysul Community Council:** No objection
- **Highways:** No objection, recommended conditions
- **Land Drainage:** There is insufficient information for the application to be fully appraised.
- **Ecology:** No response received

Representations of support have been received from two resident (no address given), for the following reasons, in summary:

- The winding route will allow the slope to be more natural
- There are examples of similar accesses which have been in place for centuries and that have not created any landsliding issues.
- The existing three access are not suitable and are dangerous and causing damage to the existing properties
- The proposed access is needed

Representations of objection have been received from two residents (no address given) and from the occupier of the nearby property of Penbryn, for the following reasons, in summary:

- No justification / need for the proposed access track for the purpose of agriculture
- Loss of agricultural land
- Surface water drainage issues
- Highway safety
- Geological issues and increase risk of landslip
- Loss of hedge and trees
- Adequate access already exists
- Lack of detail / information submitted
- Visual Impact

CONCLUSION

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

Principle of Development

The application site lies outside of any settlement and is within 'other locations' as identified within the LDP. LDP Policy S04 requires development within 'other locations' to accord with the requirements of Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities and the principle of development relating to agriculture is considered to be acceptable under TAN 6. However it is considered necessary to consider whether the development is reasonably necessary for the purposes of agriculture within than unit.

The application states that the access track is necessary because the existing accesses to the field are not adequate. The application is accompanied by a Planning Statement which states one of the existing accesses is close to existing dwellings and also the entrance with the road is at a very awkward angle meaning that it can only be entered by vehicles travelling from the Capel Dewi direction heading towards Rhydowen. The second access is along the bridleway but the applicant does not have lawful use of this access, and it is also unsuitable due to its narrowness and there is also a steep drop on one side of the access, which makes the access dangerous. The Planning Statement does not refer to any other existing accesses other than these two; however it has previously been advised that the field can also be accessed through other fields owned by the farm but that this can be difficult in very wet months.

The access track is required as an extension to the access being considered under planning application A200528. As part of application A200528, the LPA does not consider that there is sufficient justification to demonstrate that a new access is reasonably necessary for the purpose of agriculture in relation to this field. The information submitted as part of this application does not provide any further sufficient justification, and therefore the LPA remains of the view that the access track is not reasonable necessary for the purpose of agriculture.

Impact on Character

The application site lies within a rural location and is within the Teifi Valley Special Landscape Area (SLAs). LDP Policy DM06 requires development to contribute positively to its context. LDP Policy DM17 requires development to not have a significant adverse effect on the qualities and character of the landscape, whilst LDP Policy DM18 protects the valued characteristics of the SLA.

The proposed access track will be of a significant scale for its intended use; and this is mainly due to the slope of the land. As part of application A200528, the LPA considers that the access will have a significant harmful impact on the rural character and appearance of the area due to its scale and location, and it is considered that the visual harm of the access will be further exacerbated by this access track. The proposed development therefore fails to meet with LDP Policy DM06, DM17, and DM18 as it does not contribute positively to the context of its location; it will cause a significant visual intrusion; and will have a significant harmful impact on the landscape and subsequently the Special Landscape Area.

Highways

The local highway authority has raised no objection to the proposed development subject to conditions. As part of application A200528 the LHA recommended that the application is refused because it did not provide a safe and suitable access. This was due to the difference in ground level between the access and the remainder of the field. The access track proposed under this application resolves this issue by extending the access track further into the field.

Land Drainage

The application states that the access track will be formed by permeable materials which will deal with surface water. The Council's Land Drainage Officer has not objected to the proposed development but has requested that more information is submitted to demonstrate how surface water will be disposed of. As part of application A200528 concerns were raised with the impact of the access on the surface water run-off onto the highway and whether it can be satisfactorily dealt with via a sustainable drainage system. No further information has been provided as part of this application, therefore it is not known whether the use of permeable surfaces for the access track would be adequate to deal with the increase in surface water. Therefore, it is considered that insufficient information has been submitted to be able to properly assess whether the proposed development is acceptable in relation land drainage.

Environmental Protection

LDP Policy DM22 states that development will be permitted provided that any land affected by instability is accompanied by evidence which illustrates that any works that are required to stabilise the site do not have a significant adverse impact on the environment. The access track has been designed so to work with the contours of the land by winding up the field, although it will still entail excavation works and the land either side will be graded down. The access under A200528 will be supported by retaining walls, however the access track will introduce a development of a larger scale with further excavation works. The application is not supported by any evidence to demonstrate that the development will not affect the stability of the land. Therefore the impact of the development on land stability, a whole, is not clear, and it is considered that further evidence should be provided.

In terms of impact on the environment, as part of application A200528 the Council's Planning Ecologist raised no objection to the access because the main pollution pathway to the SAC is via the road, and conditions can be imposed to ensure that none of the excavation material will be going onto the road. Furthermore, the loss of hedgerow will be partially compensated for with the planting of a hedge behind the retaining walls. NRW has also not raised any objection to the proposed development noting that they do not have any comments to make. Therefore it is considered unlikely that the access track will have an adverse impact on the environment.

Afon Teifi Special Area of Conservation (SAC)

In January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, NRW issued a Planning Position Statement, which advises that any proposed development that might increase the amount of phosphate within the river Teifi SAC catchment could lead to damaging effects to the SAC. Therefore such proposals must be screened through a Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC.

The application site lies within catchment area of the river Teifi SAC however due to the nature of the development it will not result in increase amount of phosphate to the SAC. There is no need therefore to screen the development through a Habitats Regulations Assessment.

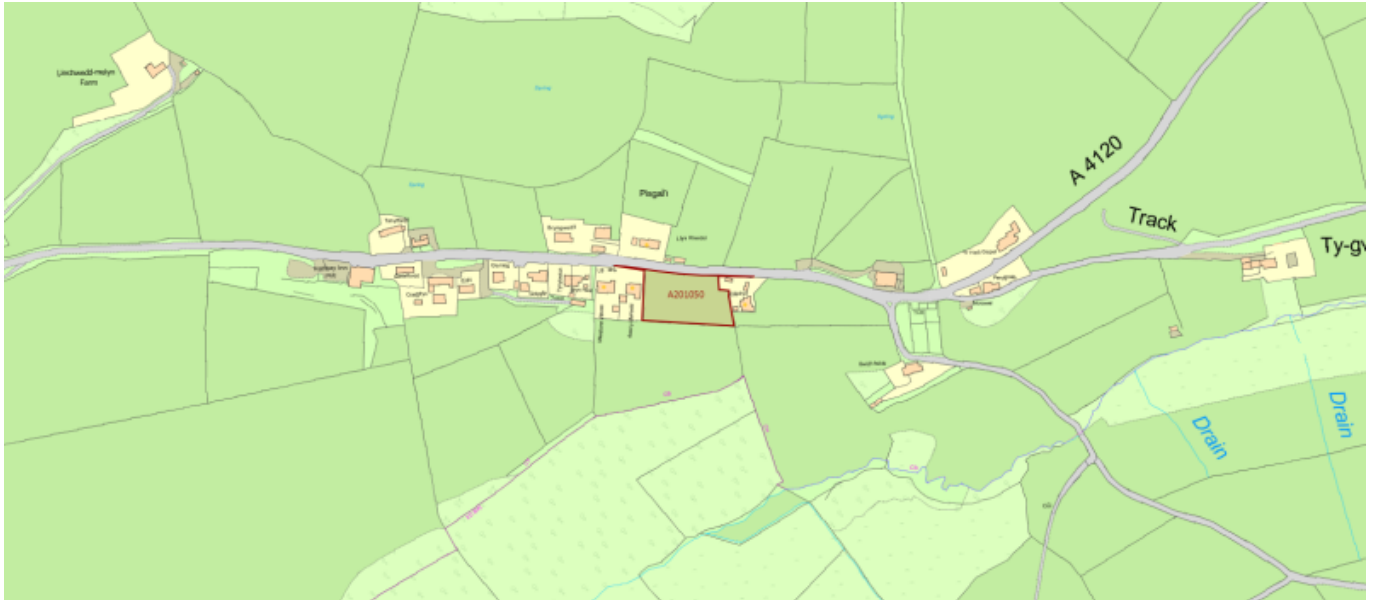
Power of Delegation

The application is being reported to Planning Committee for determination so that it can be considered alongside planning application A200528 for the access.

RECOMMENDATION:

The application is recommended for refusal, as it is considered that the need for the proposed access track does not outweigh the significant harmful impact that the proposed access track will have on the rural character and appearance of the area. The application is therefore contrary to LDP policies DM06, DM17 and DM18. The application is also not accompanied by sufficient details to demonstrate that surface water can be satisfactorily dealt with in line with LDP policy DM13, nor that the development will not affect the stability of the land, in line with LDP policy DM22.

2.2. A201050



Rhif y Cais: A201050
Daeth i law: 09-12-2020
Y Bwriad: Codi annedd gan gynnwys creu mynediad i gerbydau a gosod cyfleuster trin carthion
Lleoliad y Safle: Tir wrth ochr Awel y Mynydd, Pïsgah, Aberystwyth, SY23 4NE
Math o Gais: Cynllunio Llawn
Ymgeisydd: Wil ac Annie Davey, Nythfa, Pantycrug, Capel Seion, Aberystwyth, Ceredigion, SY23 4EF
Asiant: Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

Y SAFLE A'I HANES PERTHNASOL

Darn o dir rhwng dau eiddo preswyl yw safle'r cais, ym mhentref bach gwledig Pïsgah. Defnyddir y safle at ddefnydd amaethyddol. Mae ffordd sirol yr A4120 yn ffinio â'r safle tua'r gogledd. I'r de mae rhagor o gaeau amaethyddol.

Mae'r safle mewn lleoliad amlwg uwchben Dyffryn Rheidol.

Hanes Perthnasol o ran Cynllunio

A010478 – Caniatâd amlinellol i godi tri thŷ – Gwrthodwyd 15/07/2021

MANYLION Y DATBLYGIAD

Mae'r cais dan sylw yn gofyn am ganiatâd llawn i godi annedd ar y farchnad agored.

Bydd yr annedd arfaethedig yn dŷ ffrÿnt-dwbl gyda phortsh gwydr amlwg a bydd y tŷ yn sefyll ar ganol y llain o dir. Bydd mynediad yn uniongyrchol o ffordd sirol yr A4120 rhwng Aberystwyth a Phontarfynach a bydd hwn yn arwain at le parcio a man troi ar gyfer tri char.

Mae'r deunyddiau allanol yn cynnwys rendr llyfn wedi'i baentio, cerrig naturiol, plinth o frics glas Swydd Stafford ar gyfer y waliau, ac uwch ei ben to llechi naturiol Sbaenaidd Iberaidd. Rhoddir gorffeniad UPVC llwyd anthracite i'r gwaith coed.

Bydd yr eiddo'n mesur tua 18.1m (ar y mwyaf) o led a 10.2m (ar y mwyaf) o ddyfnder. Bydd crib y to tua 9m o uchder.

Y tu mewn, ar y llawr gwaelod bydd yr eiddo arfaethedig yn cynnwys cyntedd, ystafell fyw, ystafell chwarae, cegin cynllun agored, ystafell deuluol, ystafell iwtiliti a thoiled. Ar y llawr cyntaf bydd pedair ystafell wely, landin ar ffurf oriel ac ystafell ymolchi, gan gynnwys prif ystafell wely gyda wardrob y gellir cerdded i mewn iddo ac ystafell ymolchi en-suite.

Y tu allan, bydd yr ardd arfaethedig yn cynnwys lawnt yn bennaf a bydd perthi o rywogaethau cymysg yn cael eu plannu ar ffin ddeheuol y safle.

Y bwriad yw gosod cyfleuster trin carthion i waredu â dŵr brwnt cyn ei ryddhau i suddfan.

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisïau Cynllunio Cenedlaethol Perthnasol

Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (fersiwn 11)

TAN 2 Cynllunio a Thai Fforddiadwy

TAN 6 Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy

Cynllun Datblygu Lleol Ceredigion 2007-2022 (mabwysiadwyd 25 Ebrill, 2013)

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

S05 Tai Fforddiadwy

DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Iaith Gymraeg

DM06 Dylunio a Chreu Lle o Safon Uchel

DM10 Dylunio a Thirwedd

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

DM20 Gwarchod Coed, Gwrychoedd a Choetiroedd

Canllawiau Cynllunio Atodol

Tai Fforddiadwy

Safonau Parcio

Yr Amgylchedd Adeiledig a Dylunio

Cadwraeth Natur

YSTYRIAETHAU PERTHNASOL ERAILL

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

DEDDF CYDRADDOLDEB 2010

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

- gwaredu neu leihau'r anfanteision y mae pobl yn eu dioddef yn sgil eu nodweddion gwarchoddedig;
- cymryd camau i ddiwallu anghenion pobl sy'n perthyn i grwpiau gwarchoddedig pan fydd yr anghenion hyn yn wahanol i anghenion pobl eraill;
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle bo'u cyfranogiad yn anghyfartal o isel.

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

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

YMATEBION YN SGIL YMGYNGHORI

Adran Briffyrdd Ceredigion– Dim gwrthwynebiad, yn ddibynnol ar amodau

Draenio Tir Cyngor Sir Ceredigion– Dim gwrthwynebiad, yn ddibynnol ar amodau

Ecoleg Cyngor Sir Ceredigion – Ni chafwyd sylw

Cyfoeth Naturiol Cymru– Dim gwrthwynebiad

Dŵr Cymru – Dim gwrthwynebiad, yn ddibynnol ar amodau

Daeth dau sylw i law oddi wrth drydydd partiön parthed y cais. Ers hynny, tynnodd trigolion yr eiddo cyfagos wrthwynebiad

i'r cynnig yn ôl. Daeth sylw arall i law o blaid y cais.

CASGLIAD

Dywed Adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004:

“Os rhoddir ystyriaeth i'r cynllun datblygu er mwyn gwneud penderfyniad o dan y Deddfau Cynllunio, bydd yn rhaid i'r penderfyniad hwnnw fod yn unol â'r cynllun oni bai fod ystyriaethau perthnasol yn awgrymu fel arall.”

Egwyddor y Datblygiad

Dynodir yng Nghynllun Datblygu Lleol Ceredigion fod safle'r cais mewn 'lleoliad arall' neu gefn gwlad agored. Felly y prif bolisi sy'n berthnasol wrth ystyried y cais yw polisi S04 o Gynllun Datblygu Lleol Ceredigion sy'n ymdrin â chynigion i ddatblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'.

Er bod polisi S04 yn cydnabod yr angen am rywfaint o ddatblygu mewn lleoliadau eraill, i ddiwallu anghenion y cymunedau presennol, mae'r polisi'n ceisio sicrhau rheolaeth rhag i ddatblygu ddigwydd yn helaeth mewn lleoliadau anghynladwy. Mae'r polisi felly'n caniatáu datblygiad newydd dim ond pan fo modd cyfiawnhau'r angen am fenter wledig yn unol â TAN 6 neu os yw'n angenrheidiol i ddiwallu angen am dai fforddiadwy yn unol ag S05. O ran tai fforddiadwy, caniateir datblygu mewn lleoliadau eraill dim ond pan fyddant o fewn aneddiadau presennol neu'n union gyfagos iddynt, yn unol â'r polisi cynllunio cenedlaethol.

Ni hawlr bod angen y cais hwn at ddibenion TAN 6.

Mae'r cais hwn yn cynnig codi annedd marchnad agored, ond yn ystod y broses benderfynu nododd yr ymgeiswyr y byddent yn fodlon ystyried dynodi'r annedd yn 'annedd fforddiadwy' a sicrhau am byth drwy gytundeb cyfreithiol o dan adran 106. Fel y trafodwyd, mae polisi S04 yn caniatáu ar gyfer tai fforddiadwy mewn 'lleoliadau eraill' lle gellir dangos bod angen am dai fforddiadwy yn yr ardal ac nad yw'r angen yn cael ei ddiwallu.

Wrth ystyried cynigion ar gyfer tai fforddiadwy, dywed Atodiad 4 y Cynllun Datblygu Lleol y dylid sicrhau nad yw tai fforddiadwy yn cael eu hadeiladu yn ôl safonau annerbyniol o isel ac na ddylid chwaith greu datblygiadau tai sy'n 'rhy fawr neu sylweddol'. Mae Canllawiau Atodol Tai Fforddiadwy Ceredigion yn rhoi'r Cynllun Datblygu Lleol ar waith drwy weithredu manylion gofynnol o ran arwynebedd y llawr o fewn tai fforddiadwy. Daw'r rhain o Ofynion Ansawdd Datblygu Llywodraeth Cymru. Caniateir hyd at 20% yn uwch na'r mesuriadau lleiaf posib ar gyfer llawr mewnol cyfan. Yr arwynebedd llawr lleiaf posib yn y Gofynion ar gyfer tŷ fforddiadwy pedair ystafell wely yw 114m². Yr uchafswm a ganiateir felly yng Ngheredigion yw 136m², sef 20% yn uwch na ffigwr y Gofynion Ansawdd Datblygu.

Ar sail cynlluniau'r lloiau a ddarparwyd, byddai gan yr annedd arfaethedig arwynebedd llawr o 275m² - llawer yn uwch na'r ffigwr a ganiateir yng Ngheredigion. Mae'r ymgeisydd wedi dweud y byddai'n amharod i leihau'r maint i gydymffurfio â'r polisi. Felly, yn sgil maint yr eiddo, ystyrir y byddai'r eiddo y tu hwnt i gyrraedd cyfran fawr o'r gymdeithas, hyd yn oed gyda chytundeb adran 106 ynghlwm.

Mae'r ymgeisydd wedi cadarnhau felly ei fod yn dymuno i'r cais gael ei ystyried ar sail deiliadaeth marchnad agored. Ni roddwyd cyfiawnhad felly o ran sut y byddai'r cais hwn yn diwallu'r angen am dai fforddiadwy yn lleol.

Tirwedd

Ni ddynodir bod safle'r cais o fewn Ardal Tirwedd Arbennig at ddibenion y Cynllun Datblygu Lleol. Serch hynny, yn rhinwedd lleoliad yr eiddo arfaethedig ar esgair Dyffryn Rheidol, a'i faint, a'i liw gwyn, byddai'n nodwedd amlwg ar y tirwedd wrth edrych o Ardal Tirwedd Arbennig Dyffryn Rheidol.

Priffyrdd

Roedd Awdurdod Priffyrdd Lleol Ceredigion wedi mynegi anfodlonrwydd â'r cais fel y'i cyflwynwyd am nad oedd modd cyflawni'r llain welededd ofynnol ar dir oedd yn eiddo i'r ymgeisydd. Mae'r ymgeisydd wedi darparu copïau o gytundeb ysgrifenedig gyda'r tai cyfagos i gynnal a chadw'r tir er mwyn sicrhau y gellir cyflawni'r llain welededd ofynnol. Mae'r Awdurdod Priffyrdd Lleol yn fodlon â'r trefniant hwn ac nid oes ganddynt wrthwynebiad, yn ddibynnol ar amodau.

Ecoleg a Draenio Tir

Mae Cyfoeth Naturiol Cymru yn fodlon ar ganfyddiadau'r arfarniad ecolegol a gyflwynwyd i gefnogi'r cais. Canfu'r arfarniad nad yw'r safle o fawr o werth ecolegol. Mae'r adran Draenio Tir yn fodlon ar y dull a gynigir o ddraenio dŵr wyneb, yn ddibynnol ar amod.

Materion Eraill

Mae Dŵr Cymru yn tynnu sylw'r ymgeisydd at y ffaith bod prif bibell ddŵr o fewn ffiniau'r safle. Mae Dŵr Cymru yn cynnig bod amodau i sicrhau fod y bibell yn cael ei diogelu a bod modd cael mynediad ati.

DIRPRWYO PWERAU

Mae'r Cynghorydd Rhodri Davies wedi gofyn am i'r cais gael ei gyfeirio at y Pwyllgor Cynllunio a hynny am y rhesymau canlynol:

Darparu cartref ar gyfer bobl leol.

Byddai annedd fach yn ymddangos yn anghydnaws â'r tai mwy o faint sydd gerllaw safle'r cais.

ARGYMHELLIAD

GWRTHOD y cais am ei fod yn groes i bolisïau S01, S04 ac SO5 Cynllun Datblygu Lleol Ceredigion 2007-2022 (a fabwysiadwyd yn 2013).

Rhif y Cais: A201050
Daeth i law: 09-12-2020
Y Bwriad: Codi annedd gan gynnwys creu mynediad i gerbydau a gosod cyfleuster trin carthion
Lleoliad y Safle: Tir wrth ochr Awel y Mynydd, Pisgah, Aberystwyth, SY23 4NE
Math o Gais: Cynllunio Llawn
Ymgeisydd: Wil ac Annie Davey, Nythfa, Pantycrug, Capel Seion, Aberystwyth, Ceredigion, SY23 4EF
Asiant: Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan y Dderwen, Llanrhystud, Ceredigion, SY23 5ED

THE SITE AND RELEVANT PLANNING HISTORY

The application site is an area of land between two residential properties in the rural settlement of Pisgah. The site is in agricultural use. The A4120 county road bounds the site to the north. To the south are further agricultural fields.

The site occupies a prominent location on the upper reaches of the Rheidol Valley.

Relevant Planning History

A010478 – Outline Permission for the erection of three houses – Refused 15/07/2021

DETAILS OF DEVELOPMENT

The application under consideration seeks full planning permission for the erection of an open market dwelling.

The proposed dwelling is to be a double fronted residence with a prominent glazed porch feature which will be sat centrally within the plot. Access is to be taken directly from the A4120 county road between Aberystwyth and Devils Bridge which will lead to a parking and turning area for 3 cars.

External materials include smooth painted render, natural stonework and Staffordshire blue brick plinth for the walls under a Spanish Iberian natural slate roof. Joinery is to be finished in anthracite grey UPVC.

The property will measure approximately 18.1m (maximum) wide by 10.2m (maximum) deep. The property will be approximately 9m in height to the ridge.

Internally the proposed property is to include entrance hall, living room, play room, open plan kitchen, living family room, utility room and W.C on the ground floor, and 4 bedrooms, galleried landing and bathroom on the first floor, including a master bedroom with walk in wardrobe, and en-suite bathroom.

Externally the proposed garden area will be mainly laid to lawn, with mixed species hedgerow to be planted to the sites southern boundary.

A package treatment plant is proposed to dispose of foul drainage water before discharging into a soakaway.

RELEVANT PLANNING POLICIES AND GUIDANCE

National Planning Policy and Guidance

Future Wales: The National Plan 2040

Planning Policy Wales (Version 11).

TAN 2 Planning and Affordable Housing

TAN 6 Planning for Sustainable Rural Communities

Ceredigion Local Development Plan 2007-2022 (Adopted 25th April, 2013)

S01 Sustainable Growth

S04 Development in Linked Settlements and Other Locations

S05 Affordable Housing

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

DM06 High Quality Design and Placemaking

DM10 Design and Landscaping

DM15 Local Biodiversity Conservation

DM17 General Landscape

DM20 Protection of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance

SPG Affordable Housing

SPG Parking Standards

SPG Built Environment and Design

SPG Nature Conservation

OTHER MATERIAL CONSIDERATIONS

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Ceredigion Highways No objection Subject to condition

Ceredigion Land Drainage –No objection Subject to condition

Ceredigion Ecology –Did not comment

Natural Resources Wales – No Objection

Welsh Water – No objection Subject to condition

2 Third party representations have been received in respect of the application. One representation objecting to the proposal has since been withdrawn by the residents of the neighbouring property. A representation in support of the application has

also been made.

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”.

The Principle of Development

The application site is identified in the Ceredigion Local Development Plan as being an ‘other location’ or open countryside. As such the main policy of relevance in considering the application is policy S04 of the Ceredigion Local Development Plan which deals with development proposals in ‘Linked Settlements and Other Locations’.

While policy S04 recognises the need for a degree of development within other locations to meet the needs of existing communities, the policy seeks to ensure the control of the proliferation of development in unsustainable locations. The policy therefore allows new development only where there is a justifiable rural enterprise need in accordance with TAN6 or is required to meet an unmet affordable housing need in line with S05. In terms of affordable housing, development in other locations will only be permitted when located within or immediately adjacent to existing settlements in line with national planning policy.

No claim is made that the proposal is required for TAN6 purposes.

The proposal is for the erection of an open market dwelling, however during the determination process the applicants indicated that they were willing to give consideration to the dwelling being designated an ‘affordable dwelling’ secured in perpetuity via a S106 legal agreement. As discussed policy S04 does allow for affordable housing in ‘other locations’ where it can be demonstrated that there is an unmet affordable housing need in the locality.

In considering proposals for affordable housing the LDP draws attention to the need to ensure that affordable homes are not built to unacceptably low standards or to create ‘overly large or substantial housing’ at Appendix 4. The Ceredigion Affordable Housing Supplementary Guidance gives effect to the LDP by applying minimum internal floor space specifications for affordable homes taken from the Welsh Government’s Development Quality Requirements (DQR) standard: and a maximum of a 20% increase on the minimum specifications in overall internal floor space. The minimum floor area within the DQR standard for an affordable 4 bedroom house is 114m². The maximum therefore allowed within Ceredigion is 136m² which is 20% above the DQR figure.

From the floor plans provided, the proposed dwelling would have a floor area of approximately 275m², significantly above the figure allowed within Ceredigion. The applicant has indicated that they would be unamenable to the required reduction in size to conform with policy. It is therefore considered that by virtue of its size the property would be unaffordable for a large section of society even with a S106 agreement attached.

The applicant has therefore confirmed that they wish for the application to be considered on the basis of an open market tenure. No justification has therefore been provided as to how the proposal will meet an unmet affordable housing need in the locality.

Landscape

The application site is not identified as being within a designated Special Landscape Area for the purposes of the LDP. Nevertheless the proposed property by virtue of its siting on the upper edges of the Rheidol Valley, its large size and white colouring would make it a prominent feature on the landscape when viewed from within the Rheidol Valley Special Landscape Area.

Highways

Ceredigion Local Highways Authority took issue with the application as submitted as the required visibility splays could not be achieved within the applicants land ownership. The applicant has provided copies of written agreement with neighbouring properties to maintain land in order to ensure the required visibility splays can be met. The LHA are content with this arrangement, and have no objection subject to conditions.

Ecology and Land Drainage

NRW are content with the findings of the ecological appraisal submitted in support of the application, which found the site to be of low ecological value. Land drainage are content with the proposed means of surface water drainage subject to condition.

Other Matters

Welsh Water draw the applicant's attention to the presence of a water main within the site boundary. Welsh water propose conditions to ensure the pipe is protected and access can be maintained.

DELEGATED POWERS

Rhodri Davies has confirmed his desire for the application to be referred to the development control committee for the following reasons.

Providing a home for local people

A smaller dwelling would appear at odds with the larger dwellings neighbouring the proposal.

RECOMMENDATION

To **REFUSE** the application as being contrary to policies S01, S04, S05 of the Ceredigion Local Development Plan 2007 - 2022 (adopted 2013)

2.3. A201064



Rhif y Cais / Application Reference	A201064
Derbyniwyd / Received	11-12-2020
Y Bwriad / Proposal	Cam 3 – Codi 7 annedd
Lleoliad Safle / Site Location	Cae John, Cross Inn, Llanon. SY23 5NT
Math o Gais / Application Type	Cynllunio Llawn
Ymgeisydd / Applicant	(Cartref Dyfed Homes), Morawel, Nebo, Llanon, SY23 5LE
Asiant / Agent	Mr Rhys ap Dylan (Morgan & Davies), Morgan & Davies 4 Stryd y Farchnad, Aberaeron, SA46 0AS

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais yn dir sydd wedi'i leoli i'r dwyrain o stâd Cae John yn anheddiad Cross Inn (Llanon). Ceir mynediad i'r safle ar hyd y ffordd stâd bresennol, sy'n ymuno â'r ffordd B4337 sy'n mynd drwy'r pentref. Ar hyn o bryd mae'r safle'n wag, yn lefel, ac mae'n ffinio ag ardal adeiledig i gyfeiriad y gorllewin a'r de. Dyma'r hanes cynllunio perthnasol ar gyfer y safle:

- 790177 Caniatâd Cynllunio Amlinellol. Codi 4 byngalo. Cymeradwywyd yn Unol ag Amodau 26/04/1979.
- 801412 Caniatâd Cynllunio Amlinellol. 10 byngalo. Gwrthodwyd 22/01/1981.
- 870078 Caniatâd Cynllunio Amlinellol. Datblygiad Preswyl. Gwrthodwyd 25/08/1987.
- 880170 Caniatâd Cynllunio Amlinellol. 16 annedd mewn dau gam. Gwrthodwyd 08/03/1989.
- A071038 Cynllunio Llawn. Datblygiad Preswyl – 5 annedd (2 fforddiadwy).Cymeradwywyd yn Unol ag Amodau 18/06/2012.
- A160213 Addasu Ymrwymadau Cynllunio. Amrywio'r ymrwymiad cynllunio i leihau'r ddarpariaeth o dai fforddiadwy ar y safle o 2 i 1, a chaniatáu meddiannaeth o un annedd marchnad agored cyn bod yr annedd fforddiadwy dan feddiannaeth. Addaswyd 29/03/2017.
- A160354 Diwygiad Ansylweddol. Diwygio cynlluniau plotiau 3 a 4 o ganiatâd cynllunio A071038. Cymeradwywyd 22/06/2016.

MANYLION Y DATBLYGIAD

Mae'r cais ar gyfer caniatâd cynllunio i godi saith annedd, gyda dwy o'r rheiny'n unedau fforddiadwy. Mae'r cynlluniau'n dangos dwy lain o anheddau unto gyda thair ystafell wely i'r gogledd o'r safle, a rhes o dri eiddo teras i'r de o'r safle. Mae'r tai teras hefyd yn rhai gyda thair ystafell wely.

Y deunyddiau a fwriedir yw waliau wedi'u rendro, toau llechi, a ffenestri a drysau uPVC – a fyddai'n cydweddu â gweddill y safle. Hefyd, bwriedir codi ffens 1.8m ynghyd â mynediadau a manau parcio tarmac a graean.

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol Perthnasol

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

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

- S01 Twf Cynaliadwy
- S04 Datblygu Mewn Aneddiadau Cyswllt a Lleoliadau Eraill
- S05 Tai Fforddiadwy
- LU02 Gofynion sy'n Ymwneud â Phob Datblygiad Preswyl
- LU30 Diogelu
- DM01 Rheoli Effeithiau Datblygu ar Gymunedau a'r Iaith Gymraeg
- DM03 Teithio Cynaliadwy
- DM04: Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM05: Datblygu Cynaliadwy a Lles Cynllunio
- DM06 Dylunio a Gwneud Lleoedd o Safon Uchel
- DM10: Dylunio a Thirlunio
- DM17: Y Dirwedd yn Gyffredinol

- CCA Tai Fforddiadwy CSC
- CCA Safonau Parcio CSC
- CCA Amgylchedd Adeiledig CSC

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i ymarfer ei swyddogaethau amrywiol, gan roi sylw priodol i effaith debygol ymarfer y swyddogaethau hynny ar drosedd ac anhrefn yn ei ardal, a'r angen i wneud popeth sy'n rhesymol bosib i'w atal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai unrhyw gynnydd sylweddol neu annerbyniol yn lefel y trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

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

- dileu neu leihau'r anfanteision a wynebier gan bobl oherwydd eu nodweddion gwarchoddedig;
- cymryd camau i gwrdd ag anghenion pobl o grwpiau gwarchoddedig pan fydd y rhain yn wahanol i anghenion pobl eraill, ac
- annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus, neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mae'r ddyletswydd uchod wedi cael ystyriaeth briodol wrth wneud penderfyniad am y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol o ran pobl sydd â nodwedd warchoddedig, nac yn un a fydd yn cael effaith sylweddol arnynt, o'i gymharu ag unrhyw un arall.

DEDDF LLESANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol i ymarfer ei swyddogaethau i fodloni'r saith nod llesiant a geir yn y Ddeddf. Mae'r adroddiad hwn wedi'i baratoi 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 gwrdd â'u hanghenion eu hunain

YMATEBION YMGYNGHORI

Priffyrdd – Dim Gwrthwynebiad yn Unol ag Amodau

Draenio Tir – Dim Gwrthwynebiad yn Unol ag Amodau

Dŵr Cymru Welsh Water – Dim Gwrthwynebiad yn Unol ag Amodau

Cyfoeth Naturiol Cymru - Dim Gwrthwynebiad

Cyngor Cymuned Dyffryn Arth - Ni Chafwyd Ymateb

Ecoleg – Ni Chafwyd Ymateb

CASGLIAD

Mae Adran 38 (6) o Ddeddf 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 o fewn ffiniau anheddiad Cross Inn, a ddiffinnir fel anheddiad cyswllt o fewn y Cynllun Datblygu Lleol (CDLI). Felly, rhaid i'r cynnig gydymffurfio â gofynion Polisi S04 y CDLI - Datblygu Mewn Aneddiadau Cyswllt a Lleoliadau Eraill. Mae Cross Inn yn anheddiad cyswllt ar gyfer Grŵp Gwasanaethau Llanon. Cafodd ei ddynodi i'r diben hwnnw yng ngholeuni'r ffaith bod yr anheddiad wedi'i leoli i ffwrdd o drafnidiaeth gyhoeddus, ei fod yn brin o wasanaethau, a byddai angen defnydd o gar i fyw yno a mynychu gwaith/ysgol. O ganlyniad, mae'n llai cynaliadwy ei natur na Llanon (na Llanrhystud), sydd â budd trafnidiaeth gyhoeddus, a gwasanaethau cymunedol sylfaenol o fewn pellter cerdded.

Mae Strategaeth y CDLI yn datgan nad yw twf y tu allan i Ganolfannau Gwasanaeth yn gynaliadwy oni bai ei fod yn fodd o ganiatáu i'r gymuned bresennol gwrdd â rhai o'i hanghenion ei hun, ac mi ddylai ddigwydd yn raddol trwy gydol cyfnod y cynllun. Mae gan yr 'Aneidiadau Cyswllt a Lleoliadau Eraill' ar gyfer Grŵp Llanon Iwfans o hyd at 39 o unedau ar gyfer cyfnod y cynllun (2007-2022) ac ar ddiwedd Ionawr 2021, roedd 64 o ymrwymadau (40 wedi'u cwblhau a 24 yn aros caniatâd), gan olygu bod 24 yn ormod o unedau arfaethedig. Hefyd, mae angen i'r cydbwysedd rhwng y Ganolfan Wasanaethau â'r 'Aneidiadau Cyswllt a Lleoliadau Eraill' erbyn 2022 ar gyfer y Grŵp Aneidiadau hwn fod yn 26.5%. Ar hyn o bryd, mae'r ymrwymadau yn yr 'Aneidiadau Cyswllt a Lleoliadau Eraill' yn gorbwyso'r rhai yn y Ganolfan Wasanaethau, gyda 34% o ddatblygu'n cael ei ganiatáu yn y lleoliadau hynny. Mae hyn serch bod dau safle mawr wedi cael caniatâd yn y 12 mis diwethaf yn Llanon (37 uned ar Stâd Craig Ddu a 34 uned ar dir gerllaw Cylch Peris). Mae hyn yn dangos bod Canolfan Wasanaethau Llanon yn cyflenwi, ond nad yw'r cydbwysedd yn iawn o hyd yn sgil nifer fawr o ymrwymadau yn yr Aneidiadau Cyswllt a Lleoliadau Eraill.

Does dim cyfiawnhad felly dros ganiatáu unedau pellach dan gategori Aneidiadau Cyswllt a Lleoliadau Eraill y Grŵp Aneidiadau hwn ar hyn o bryd, yn enwedig o ystyried y gall y 24 uned sy'n aros caniatâd gwrdd ag anghenion uniongyrchol, tymor byr a thymor canolig y Grŵp.

Yn bwysicach fyth, mae Cross Inn wedi gweld twf sylweddol ers dechrau cyfnod y cynllun yn 2007, gydag ymrwymadau o dros 67% o'i raddfa wreiddiol. Mi fyddai'r cais hwn yn cynyddu'r twf i oddeutu 88%, pan mae'r twf ar draws y sir wedi'i gapio ar 12%. Mae hyn er mwyn sicrhau na fydd unrhyw anheddiad yn gorfod cymryd mwy o dwf nag y gall ei reoli'n gynaliadwy, heb effeithio'n negyddol ar gapasiti a diwylliant y pentref. Os bydd yr holl ymrwymadau'n cael eu gwireddu, mi fydd gan y pentref ddwywaith yn fwy o anheddau na chynt, a'r un prinder gwasanaethau. Ar hyn o bryd, nodir bod yna eisoes 23 o ymrwymadau (gan gynnwys 6 sy'n aros caniatâd), gan olygu bod yna or-ddarpariaeth o 19 o unedau. O gyfanswm o 90 o aneddiadau cyswllt yng Ngheredigion, Cross Inn sydd â'r bedwaredd or-ddarpariaeth fwyaf, gyda gofyniad dros ben o -19 o unedau.

Mae'r cynnig yn cynnwys dwy uned fforddiadwy, sy'n cyfateb i 28% o'r cynnig hwn (cam 3) a chyfanswm o 23.5% ar gyfer safle Cae John. Fodd bynnag, mae'r Awdurdod Cynllunio Lleol o'r farn bod anghenion yr anheddiad eisoes wedi'u bodloni gan y datblygiad presennol, a byddai'r datblygiad hwn yn debygol o annog gormod o bobl i fewnfudo i anheddiad cyswllt lle roedd y datblygu i'w weld yn ysgafnach o lawer nag yn y Ganolfan Wasanaethau.

Mae'r cynnig yn cynrychioli ffurf anghynaliadwy o ddatblygiad ac mae'n mynd yn gores i strategaeth dai y CDLI.

Mae'r cynnig yn mynd yn groes i bolisiâu S01 ac S04 ac felly nid yw'r egwyddor yn dderbyniol.

Effaith ar Amwynder Preswyl

Byddai'r cynnig yn creu cam ychwanegol ar gyfer y safle presennol a adwaenir fel Cae John. Oherwydd graddfa, lleoliad a dyluniad yr anheddau arfaethedig, ni ystyrir y byddent yn cael effaith negyddol ar amwynderau preswyl unrhyw eiddo neu dirfeddianwyr cyfagos. Mae'r cynnig felly yn cydymffurfio â Pholisi DM06 y CDLI.

Materion Eraill

Nid oes gan yr Awdurdod Priffyrdd Lleol na'r Adran Draenio Tir unrhyw wrthwynebiad i'r cynnig, yn unol ag amodau.

Mae safle'r cais wedi'i leoli tu allan i Dalgylch ACA yr Afon Teifi.

Awdurdod Dirprwyedig

Mae'r Cyng. D Edwards, yr Aelod Lleol, wedi gofyn bod y cais yn cael ei gyflwyno gerbron y Pwyllgor Rheoli Datblygu am y rhesymau canlynol:

Rwyf am i'r cais yma fynd i bwyllgor gan fod y datblygiad presenol yn un poblogaidd gyda theuluoedd ifanc wedi ymgartrefi yna. Mae hyn yn dangos fod yna alw am dai safonol am bris teg ac rwyf ar ddeall fod yna sawl teulu ifanc wedi gwneud ymholiadau yn barod am y tai yma.

ARGYMHELLIAD:

Gwrthod y cais am y rheswm canlynol:

Mae'r cais yn mynd yn groes i Bolisiâu S01 ac S04 y CDLI am ei fod yn cynrychioli ffurf anghynaliadwy o ddatblygiad sy'n mynd yn groes i'r strategaeth dai.

Rhif y Cais / Application Reference	A201064
Derbyniwyd / Received	11-12-2020
Y Bwriad / Proposal	Phase 3 - Erection of 7 dwellings
Lleoliad Safle / Site Location	Cae John, Cross Inn, Llanon. SY23 5NT
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	(Cartref Dyfed Homes), Morawel, Nebo, Llanon, SY23 5LE
Asiant / Agent	Mr Rhys ap Dylan (Morgan & Davies), Morgan & Davies 4 Market Street, Aberaeron, SA46 0AS

THE SITE AND RELEVANT PLANNING HISTORY

The application site relates to land located to the east of the Cae John estate in the settlement of Cross Inn (Llanon). Access to the site is derived via the existing estate road which joins up with the B4337 road which runs through the village. At present the site is vacant, is level and bordered by built form directly to the west and south. The application site has the following relevant planning history:

- 790177 Outline Planning Permission. Erection of 4 bungalows. Approved Subject to Conditions 26/04/1979.
- 801412 Outline Planning Permission. 10 bungalows. Refused 22/01/1981.
- 870078 Outline Planning Permission. Residential Development. Refused 25/08/1987.
- 880170 Outline Planning Permission. 16 dwellings in two phases. Refused 08/03/1989.
- A071038 Full Planning. Residential development - 5 dwellings (2 affordable). Approved Subject to Conditions 18/06/2012.
- A160213 Modification of Planning Obligations. Variation of the planning obligation to reduce the provision of on site affordable houses from 2 to 1 and to allow the occupation of 1 open market dwelling before the affordable dwelling is occupied. Modified 29/03/2017.
- A160354 Non-Material Amendment. Amended plans for plots 3 & 4 on planning permission A071038. Approved 22/06/2016.

DETAILS OF DEVELOPMENT

Full planning permission is sought for the erection of seven dwellings, two of which are to be affordable units. The plans show two lots of semi-detached three-bedroomed dwellings to the northern of the site and the provision of a row of three terraced properties to the south of the site. The terraced properties are also three-bedroomed dwellings.

The materials proposed are rendered walls, slate tiled roof and uPVC windows and doors - which would match the remainder of the site. A 1.8m fence is also proposed along with tarmac and gravel accesses and parking.

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy

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

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

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- LU02 Requirements regarding All Residential Development
- LU30 Safeguarding
- DM01 Managing the Impacts of Development on Communities and the Welsh Language
- DM03 Sustainable Travel
- DM04: Sustainable Travel Infrastructure as a Material Consideration
- DM05: Sustainable Development and Planning Gain
- DM06 High Quality Design and Placemaking
- DM10: Design and Landscaping
- DM17: General Landscape

Ceredigion Supplementary Planning Guidance (SPG)

- CCC Affordable Housing SPG

- CCC Parking Standards SPG
- CCC Built Environment SPG

OTHER MATERIAL CONSIDERATIONS

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Highways - No Objection Subject to Conditions

Land Drainage - No Objection Subject to Conditions

Dwr Cymru Welsh Water - No Objection Subject to Conditions

Natural Resources Wales - No Objection

Cyngor Cymuned Dyffryn Arth Community Council - No Response Received

Ecology - No Response Received

CONCLUSION

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

Principle of Development

The application site lies within the settlement boundary of Cross Inn which is identified as a linked settlement within the Local Development Plan (LDP). Therefore, the proposal must comply with the requirements of Policy S04 Development in Linked Settlements and Other Locations, of the LDP. Cross Inn is a linked settlement for the Llanon Service Group. It has been designated for that purpose in view of the fact that the settlement is located away from public transport, has limited services and would require a car user to live there and attend work / schools. It is therefore inherently less sustainable than Llanon (or Llanrhystud) which have the benefit of public transport and the ability to walk to access basic community services.

The LDP Strategy states that growth outside the Service Centres is only sustainable where it serves to allow the existing community to meet some of its own needs and should come forward gradually throughout the plan period. The 'Linked

Settlements and Other Locations' for the Llanon Group have an allowance of up to 39 units for the plan period (2007-2022) and at the end of January 2021, there were 64 commitments (40 completions and 24 outstanding consents) meaning that the number of proposed units had been exceeded by 24 units. Furthermore, the balance between the Service Centre and 'Linked Settlements and Other Locations' by 2022 for this Settlement Group needs to be 26.5%. Currently, the commitments in the Linked Settlements and Other Locations outweigh those in the Service Centre with 34% of development being permitted in those locations. This is despite two large sites being granted permission in the last 12 months in Llanon (37 units in Stad Craig Ddu and 34 units in land adj Cylch Peris). This shows that the Service Centre of Llanon is delivering however, the balance remains out due to a high number of commitments in the Linked Settlements and Other Locations.

No justification therefore exists for permitting further units in the Linked Settlements and Other Locations category for this Settlement Group at this point in time, particularly given that 24 outstanding consents can already meet the immediate, short and medium term needs of the Group.

More importantly, Cross Inn has seen significant growth since the start of the plan period in 2007 – it has had commitments of more than 67% of its original scale. This application would take it to approximately 88% growth when the county wide growth cap is 12%. This was to ensure that no settlement would have to take more growth than it could sustainably manage and not negatively affect the capacity and culture of the village. If all the commitments come forward the village will have over double its previous number of dwellings and only the same limited services. At present it is noted that there already are 23 commitments (including 6 outstanding consent) leaving an overprovision of 19 units. From a total of 90 linked settlements within Ceredigion, Cross Inn has the fourth largest overprovision with a remaining requirement of -19 units.

The proposal includes 2 affordable units, which equates to 28% of this proposal (phase 3) and a total of 23.5% for the Cae John site. However, it is the opinion of the Local Planning Authority that the needs of the settlement has already been met by the existing development and that this development would likely encourage too large an influx of people to a linked settlement where development was seen to occur much lighter than in the Service Centre.

This proposal represents an unsustainable form of development and is contrary to the housing strategy of the LDP.

The proposal is contrary to policies S01 and S04 and therefore, the principle is not acceptable.

Impact on Residential Amenity

The proposal would create an additional phase to the existing site known as Cae John. Due to the scale, siting and design of the proposed dwellings, it is not considered to cause a negative impact on the residential amenities of any neighbouring properties or land owners. The proposal is therefore compliant with Policy DM06 of the LDP.

Other Matters

The LHA and land drainage department have no objection to the proposal subject to conditions.

The application site lies outside of the Teifi SAC Catchment Area.

Delegated Authority

Cllr D Edwards, the Local Member has requested that the application be reported to the Development Control Committee for the following reasons:

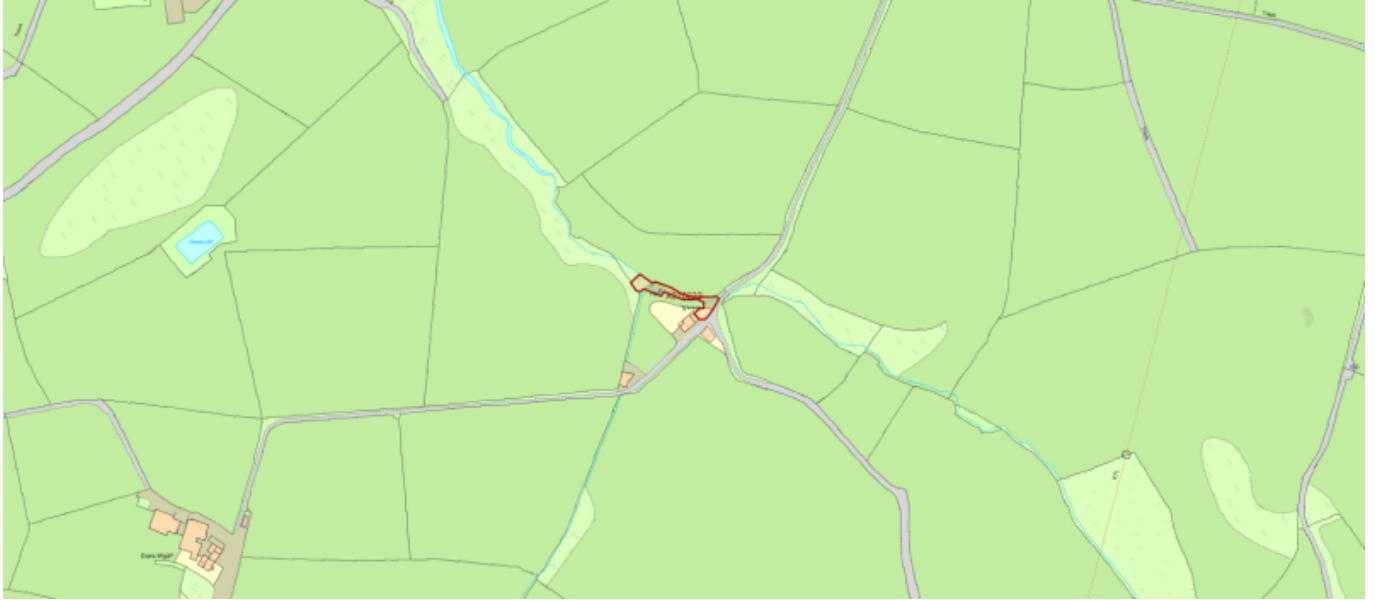
I want this application to be presented to the Committee as the existing development is popular with young families. This shows that there is demand for good quality houses at a fair price. Also, it is of my understanding that young families have already made enquiries regarding the proposed properties.

RECOMMENDATION:

Refuse the application for the following reason:

The application is contrary to Policies S01 and S04 of the LDP as it represents an unsustainable form of development and is contrary of the housing strategy.

2.4. A210023



Rhif y Cais / Application Reference	A210023
Derbyniwyd / Received	08-01-2021
Y Bwriad / Proposal	New self catering holiday accommodation cabin in the client's garden
Lleoliad Safle / Site Location	Tynlon, Llanilar, Aberystwyth. SY23 4PL
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Adam Osbourne, Tynlon, Llanilar, Aberystwyth, SY23 4PL
Asiant / Agent	Andrew Docherty (Black Cat Architects), 1 Dolfor Ciliau Aeron, SA48 8DE

Y SAFLE A HANES PERTHNASOL

Mae safle'r cais wedi'i leoli o fewn Cefn Gwlad Agored. Mae safle'r cais yn cyfeirio at dir tu cefn ac i'r ochr o Dŷ'n Lôn, ac mae'r safle ehangach yn cynnwys annedd Tŷ'n Lôn, Garej, Adeilad allanol, gardd a gweirglodd fach. Mae'r safle wedi'i leoli 2.5km o'r anheddiad diffiniedig agosaf, sef Llanilar, a cheir mynediad ato ar hyd ffordd ddi-ddosbarth un trac, oddi ar y B4576 tua 0.8km i'r gogledd o safle'r cais.

Mae safle'r cais hefyd yn cynnwys nant fechan ac mae rhannau o safle'r cais wedi'u lleoli o fewn Parth Llifogydd C2, fel y'i diffinnir ar y Mapiau Cyngor Datblygu sy'n ategu Nodyn Cyngor Technegol (TAN) 15: Datblygu a Pherygl Llifogydd.

Hanes Cynllunio:

A020282 – Cynllunio Llawn – Tŷ'n Lôn, Llanilar – Codi estyniad ac ailwampio – Cymeradwywyd yn Unol ag Amodau (24/04/2002)

A020283 – Adran 63 (Cadw) – Tŷ'n Lôn, Llanilar – Cadw carafan dros dro tra bod yr annedd presennol yn cael ei adfer – Caniatâd Dros Dro (19/04/2002)

A040348 – Cynllunio Llawn – Tŷ'n Lôn, Llanilar – Estyniad i'r Cwrtill a chodi garej/sied i storio offer garddio – Cymeradwywyd yn Unol ag Amodau (29/04/2004)

A040774 – Cynllunio Llawn – Tŷ'n Lôn, Llanilar – Codi garej/stordy – Cymeradwywyd yn Unol ag Amodau (05/08/2004)

MANYLION Y DATBLYGIAD

Mae'r cais ar gyfer caniatâd cynllunio llawn i ddatblygu caban gwyliau hunan-arlwyio ffrâm goed tu cefn i dŷ annedd Tŷ'n Lôn.

Bydd y caban wedi'i leoli tua 40m i ffwrdd o gefn yr eiddo, ar lannau'r nant, gyda mynediad ar droed i'r caban ar hyd llwybr a thros pont fechan. Darperir man parcio ar gyfer y datblygiad ar iard presennol gerllaw prif annedd Tŷ'n Lôn a cheir mynediad ato oddi ar ffordd ddi-ddosbarth.

Mae'r caban yn mesur tua 7.3m o hyd x 4.2m o led, ynghyd ag ardal decin. Bydd y caban â tho un goleddf ac mi fydd oddeutu 3.8m ar ei bwynt uchaf uwchlaw'r ddaear. Bydd y waliau allanol wedi'u gwneud o estyll coed a'r to o fetel rhydog. Bydd y drysau a'r ffenestri'n rhai ffrâm goed a bydd y pibelli a'r cafnau'n rhai aliminiwm.

Y tu mewn, bydd y caban yn cynnwys ardal gyda gwely, ystafell gawod, cegin ac ystafell fyw. Y tu allan, mi fydd yna ddecin ac ardal barbeciw.

I gefnogi'r cais, cyflwynwyd datganiad dylunio a mynediad ac Asesiad o'r Effaith ar Dwristiaeth, sy'n datgan mai dau o bobl fyddai'r ddeiliadaeth safonol, gyda lle i ddau westai ychwanegol i ddarparu ar gyfer teuluoedd. Darperir parcio ar gyfer dau gar.

Yn ogystal, cyflwynwyd asesiad/arolwg cynefin i gefnogi'r cais.

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Polisi Cynllunio Cenedlaethol

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

- Nodyn Cyngor Technegol (TAN) 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- Nodyn Cyngor Technegol (TAN) 15: Datblygu a Risg Llifogydd (2004)

Mae'r polisiâu canlynol o'r Cynllun Datblygu Lleol yn berthnasol wrth benderfynu'r cais hwn: / These Local Development Plan policies are applicable in the determination of this application:

- S01 Twf Cynaliadwy
- S04 Datblygu mewn Aneddiadau Cyswllt a 'Lleoliadau Eraill'
- LU14 Safleoedd Llety Twristiaeth Ledled y Sir: Carafannau Sefydlog a Theithiol/Lleiniau Gwersylla, Cabanau a Chalets
- DM03 Teithio Cynaliadwy
- DM06 Dylunio a Gwneud Lleoedd o Safon Uchel
- DM11 Dylunio ar gyfer y Newid yn yr Hinsawdd
- DM14 Cadwraeth Natur
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol

YSTYRIAETHAU PERTHNASOL ERAILL

Mae Adran 17(1) Deddf Trosedd ac Anhrefn 1998 yn gosod dyletswydd ar yr Awdurdod Lleol i arfer ei swyddogaethau amrywiol gan roi sylw 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 nac 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 LLESANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i 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 YMGYNGHORI

Cyngor Cymuned Llanilar – Yn cefnogi'r cynnig

Priffyrdd – Dim Gwrthwynebiadau yn Unol ag Amodau

Draenio Tir – Dim Gwrthwynebiadau yn Unol ag Amodau

Ecoleg – Dim Ymateb

Cyfoeth Naturiol Cymru – Yn gwrthwynebu'r cynnig

Hawliau Tramwy Cyhoeddus - Sylwadau

Ni dderbyniwyd sylwadau gan unrhyw drydydd parti.

CASGLIAD

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".

Egwyddor Datblygu

Mae Polisi S04 y CDLI yn cyfeirio at ddatblygu o fewn 'lleoliadau eraill' ac mae'n datgan bod angen rhywfaint o ddatblygu ynddynt i gwrdd ag anghenion y cymunedau sydd yno'n barod, ond fe'u hystyrir yn lleoliadau llai cynaliadwy ar gyfer datblygu. O ganlyniad, mae maen prawf 4 yn gofyn bod pob datblygiad, yn nhermau ei leoliad ffisegol, o fewn 'Lleoliadau Eraill' yn unol â TAN6.

Does dim busnes presennol ar y safle ac felly nid yw'r datblygiad yn cynnig ail-ddefnyddio unrhyw adeiladau gwledig sydd ar y safle'n barod. Hefyd, ni fyddai'r datblygiad yn cwrdd â gofynion unrhyw fath o gynllun arallgyfeirio ar fferm. Ystyrir nad yw'r datblygiad yn cwrdd â'r gofynion amlinellir yn TAN6 ac nid yw'n unol â pholisi S04.

Mae Polisi LU14 yn anelu at leoli datblygiadau twristiaeth gerllaw anheddiad neu ganolbwynt twristiaeth, i helpu i gefnogi cyfleusterau lleol o fewn yr aneddiadau hynny a chefnogi egwyddorion datblygu cynaliadwy. Yn ogystal, dylai datblygiadau twristiaeth gael eu lleoli'n ofalus i osgoi cael effaith niweidiol ar gymeriad cefn gwlad.

Bernir na fyddai'r cynnig a gyflwynwyd yn cwrdd â Maen Prawf 1 mewn perthynas â chanolbwyntiau twristiaeth strategol, am ei fod wedi'i osod mewn lleoliad anghysbell, i ffwrdd o unrhyw fusnes twristiaeth presennol. O ran maen prawf 2, bernir na fyddai'r cynnig yn cefnogi rôl a swyddogaeth yr anheddiad agosaf am ei fod wedi'i leoli i ffwrdd o unrhyw anheddiad, ac heb fod yn agos nac o fewn pellter cerdded diogel i unrhyw anheddiad. Mae'r datblygiad yn mynd yn groes i ddarpariaethau Polisi LU14 y CDLI.

Llifogydd

Mae safle'r cais wedi'i leoli ar lannau nant ac o fewn Parth Llifogydd C2, fel y'i nodir o fewn y Mapiau Cyngor Datblygu (DAM) sy'n ategu TAN15. Mae Parthau Llifogydd C2 yn ardaloedd o'r gorlifdir heb seilwaith amddiffyn rhag llifogydd sylweddol. Ystyrir Llety Gwyliau fel 'datblygiad sy'n hynod agored i niwed' at ddibenion TAN15, sy'n datgan na ddylid ystyried datblygiad sy'n hynod agored i niwed o fewn Parth Llifogydd C2 (paragraff 6.2 o TAN15). Mae Prif Swyddog Cynllunio Cymru, mewn llythyr dyddiedig 9 Ionawr 2014, hefyd yn cadarnhau na ddylid caniatáu datblygiad sy'n hynod agored i niwed o fewn Parth C2. Mae'r datblygiad felly'n mynd yn groes i TAN15. Mae Cyfoeth Naturiol Cymru wedi mynegi ei wrthwynebiad i'r cais ar sail hyn, ac mae'n cyngori y dylid gwrthod y cais.

Ni chafwyd unrhyw Asesiad o Ganlyniadau Llifogydd i ategu'r cais.

Materion Eraill

Ni chafwyd unrhyw wrthwynebiadau o du'r Awdurdod Priffyrdd Lleol na'r Awdurdod Draenio yn unol ag amodau. Mae'r swyddog hawliau tramwy cyhoeddus wedi cyngori bod hawl tramwy cyhoeddus yn mynd heibio'r cynlluniau arfaethedig. Dylai'r ymgeisydd sicrhau bod y Llwybr Troed yn aros ar agor trwy'r adeg.

Cyflwynwyd Asesiad o'r Effaith ar Dwristiaeth gyda'r cais, sy'n datgan bod y datblygiad arfaethedig yn cynnig llety mwy moethus na gwersylla neu garafanio, a mwy o hyblygrwydd na thŷ llety neu westy. Mae'r asesiad yn datgan bod yna llety Gwely a Brechwast a bythynnod cyfan i'w rhentu gerllaw, ond nad oes yna, fodd bynnag, gabanau unigol i'w rhentu yn yr ardal leol mewn lleoliadau coediog diarffordd. Mae'r ddogfen yn honni bod yna gynnydd mawr yn y galw am leoliadau gwyliau yng nghefn gwlad yn sgil pandemig Covid, ac mae'n cefnogi'r bwriad i godi caban yn y lleoliad hwn.

Cyflwynwyd arolwg cynefin Cam 1 sy'n dod i'r casgliad bod y safle'n un ecolegol dlawd yn gyffredinol gydag ond ychydig o gyfleoedd ecolegol. Yn ôl yr adroddiad, os bydd dyluniad a manyleb y goleuadau'n dilyn canllawiau arfer da, yna ni ddylai'r datblygiad arfaethedig achosi unrhyw niwed ecolegol. Os dilynir y gwelliannau ecolegol a geir yn yr adroddiad, yna bydd y datblygiad yn arwain at fudd net o ran bioamrywiaeth ac mi fyddai'n cydfynd â pholisïau DM14 a DM15 y CDLI.

Casgliad

Bernir bod datblygu llety gwyliau yn y lleoliad hwn yn annerbyniol ac yn mynd yn groes i bolisi cynllunio lleol a chenedlaethol, am ei fod wedi'i leoli'n anghynaliadwy, i ffwrdd o unrhyw anheddiad, nid yw'n gwella nac yn cefnogi busnes presennol ar y safle, ac nid yw'n ffurfio rhan o gynllun arallgyfeirio ar fferm yn unol â TAN6.

Mae'r safle wedi'i leoli o fewn Parth Llifogydd C2. Mae creu unrhyw ddatblygiad sy'n hynod agored i niwed o fewn Parth Llifogydd 2 yn mynd yn groes i bolisi cynllunio cenedlaethol, fel y'i amlinellir yn TAN15.

Dirprwyo

Mae'r Aelod Lleol, y Cyng. M Davies, wedi gofyn bod y cais yn cael ei gyflwyno gerbron y Pwyllgor Rheoli Datblygu am y

rhesymau canlynol:

"1. O ran y parth llifogydd C2, mae'r nant yn rhedeg am i lawr, rwyf wedi adnabod yr ardal ar hyd fy oes ac nid yw erioed wedi gorlifo, ac mae'r Ymgeisydd wedi cyflwyno mesurau lliniaru i atal hyn rhag digwydd.

2. Mae wedi bod yn adeiladwr ar hyd ei oes, mae hynna'n fusnes, fel ffermio.

3. Dylid cefnogi twristiaeth, ac ni fydd y caban gwyliau hwn yn rhwystr i unrhyw un, mae'n fath gwahanol o wyliau sy'n denu pobl."

ARGYMHELLIAD:

Gwrthod am ei fod yn mynd yn groes i Bolisiâu S04 ac LU14 y CDLI, TAN6 a TAN15.

Rhif y Cais / Application Reference	A210023
Derbyniwyd / Received	08-01-2021
Y Bwriad / Proposal	New self catering holiday accommodation cabin in the client's garden
Lleoliad Safle / Site Location	Tynlon, Llanilar, Aberystwyth. SY23 4PL
Math o Gais / Application Type	Full Planning
Ymgeisydd / Applicant	Mr Adam Osbourne, Tynlon, Llanilar, Aberystwyth, SY23 4PL
Asiant / Agent	Andrew Docherty (Black Cat Architects), 1 Dolfor Ciliau Aeron, SA48 8DE

THE SITE AND RELEVANT PLANNING HISTORY

The application site is positioned within the Open Countryside. The application site refers to land to the rear and side of Ty'n Lon with the wider site consisting of the dwelling of Ty'n Lon, a Garage, Outbuilding and a garden and meadow area. The site is located 2.5km from the nearest identified settlement of Llanilar with access gained via a single track unclassified road that joins the B4576 approx. 0.8km to the north of the application site.

The application site also consists of a small stream and parts of the application site is located within the C2 Flood Zone as identified within the Development Advice Maps that informs Technical Advice Note 15: Development and Flood Risk.

Planning History:

A020282 – Full Planning – Ty'n Lon, Llanilar – Erection of an extension and refurbishment – Approved Subject to Conditions (24/04/2002)

A020283 – Sction 63 (Retention) – Ty'n Lon, Llanilar – Retention of temporary caravan whilst existing dwelling under renovation – Temporary Permission (19/04/2002)

A040348 – Full Planning – Tyn Lon, Llanilar – Extension to Curtilage & erection of garage/ garden store shed – Approved Subject to Conditions (29/04/2004)

A040774 – Full Planning – Ty'n Lon, Llanilar – Erection of a garage/store – Approved subject to Conditions (05/08/2004)

DETAILS OF DEVELOPMENT

The application seeks full planning consent for the development of a timber frame self-catering holiday cabin to the rear of the dwellinghouse of Ty'n Lon.

The cabin will be located approx. 40m away from the rear of the property on the banks of the stream with access gained on foot to the cabin via a path and over a small bridge. Parking will be provided for the development at an existing yard adjoining the main dwelling of Ty'n Lon with access gained from an unclassified road.

The cabin measures approx. 7.3m long by 4.2m wide along with a decking area. The roof will be single pitch and will be approx. 3.8m at its highest point from ground level. The materials used for the external walls will be vertical timber cladding and the roof will be corrugated metal. All windows and doors will be timber framed and the pipes and guttering will be aluminium.

Internally, the cabin will provide a bed area, shower room, kitchen and living room. Externally there will be a decking and provision of a BBQ area.

The application is supported by a design and access statement and Tourism Impact Assessment that states the standard occupancy would be 2 people with capacity for an additional 2 guests so that families can be accommodated. Parking will be provided for 2 cars.

The application is also supported by a habitat survey assessment.

RELEVANT PLANNING POLICIES AND GUIDANCE

National Planning Policy

- Future Wales: The National Plan 2040 (February 2021)
- Planning Policy Wales (Edition 11, February 2021)
- Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

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

- S01 Sustainable Growth
- S04 Development in Linked Settlement and 'Other Locations'
- LU14 Countywide Tourism Accommodation Sites: Static and Touring Caravans/ Camping Pitches/ Cabins and Chalets
- DM03 Sustainable Travel
- DM06 High Quality Design and Placemaking
- DM11 Designing for Climate Change
- DM14 Nature Conservation
- DM15 Local Biodiversity Conservation
- DM17 General Landscape

OTHER MATERIAL CONSIDERATIONS

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-Being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

CONSULTATION RESPONSES

Cyngor Cymuned Llanilar Community Council – Support the proposal

Highways - No Objections Subject to Conditions

Land Drainage – No Objections Subject to Conditions

Ecology – No Response

Natural Resources Wales – Object to the proposal

Public Rights of Way - Comments

No third party representations received.

CONCLUSION

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

Principle of Development

LDP Policy S04 refers to development within 'other locations' and states that they require a degree of development to meet the needs of existing communities, but that they are considered to be less sustainable locations for development. As a result, criterion 4 requires all development, in terms of its physical location, within 'Other Locations' to accord with TAN 6.

There is no existing business at the site and the development does not propose the reuse of existing rural buildings on site. The development would also fail to meet any form of farm diversification scheme. It is considered that the development fails to meet the requirements outlined in TAN6 and fails to accord with policy S04.

Policy LU14 seeks to position tourism development adjacent to settlement or tourism nodes to help support local facilities within these settlements and support sustainable development principles. Furthermore, tourism development should be carefully positioned as not to adversely affect the character of the open countryside.

It is deemed that the proposal submitted would not meet strategic tourism nodes (Criterion 1) by means of being positioned in a remote location away from any existing tourism business. Concerning criteria ii, it is deemed that the proposal will not support the role and function of the nearest settlement by means of being positioned away from any settlement and not in close or safe walking distance to any settlement. The development is contrary to the provisions of Policy LU14 of the LDP.

Flooding

The application site is located on the banks of a stream and within Flood Zone C2 as identified within the Development Advice Maps (DAM) that informs TAN15. C2 Flood Zones are areas of the floodplain without significant flood defences. Holiday Accommodation is considered 'highly vulnerable development' for the purposes of TAN15, which states that highly vulnerable development should not be considered within the C2 Flood Zone (paragraph 6.2 of TAN15). The Chief Planning Officer for Wales, in a letter dated 9 January 2014, also affirms that highly vulnerable development should not be permitted in Zone C2. The development is therefore contrary to TAN15. Natural Resources Wales have issued their objection to the proposal on these grounds and advise that the application should be refused.

No Flood Consequences Assessment has been received to inform the application.

Other Matters

No objections were raised from either the Local Highway authority or the Drainage authority subject to conditions. The public rights of way officer has advised that a public right of way runs in close proximity to the proposed plans. The applicant should ensure that the Footpath remains open and available at all times.

The application is supported by a Tourism Impact Assessment, which states that the proposed development offers a more luxurious accommodation than camping or caravanning and more flexibility than a guest-house or hotel. The assessment states that there are B&B and whole cottage rentals nearby, however there are no self-contained, detached cabins for rent in the local area in secluded wooded settings. The document claims that there has been a large increase in demand for rural holiday locations during the Covid pandemic, which supports the development of a cabin at this location.

A phase 1 habitat survey was submitted which concludes that the site is generally ecologically impoverished with limited ecological opportunities. The report states that if lighting design and specification follows good practice guidelines then the proposed development should cause no ecological harm. If the ecological enhancements contained within the report are followed the development would result in a net gain to biodiversity and be in line with policies DM14 and DM15 of the LDP.

Conclusion

The development of a chalet for holiday accommodation in this location is deemed unacceptable and against both local and national planning policy by means of being unsustainably located away from any settlement, does not enhance or support an existing business at the site and does not form part of a farm diversification scheme in line with TAN 6.

The site is located within the C2 Flood Zone. The development of highly vulnerable development within the C2 Flood Zone is contrary to national planning policy as outlined in TAN15.

Delegation

The Local Member, Cllr M Davies, has requested the application be presented to the Development Control Committee for the following reasons:

- "1. Regarding the C2 flood zone, the stream is running down hill, I've known the area all my life it's never flooded, and they Applicant has made mitigation measures in preventing this happening.
2. He's been a builder all his life, that's a business like farming.

3. Should be supporting tourism and this holiday pod is not going to obstruct anyone, ,it's a different type of holiday that attracts people."

RECOMMENDATION:

Refuse as contrary to Policies S04 and LU14 of the LDP, TAN6 and TAN15.