

1. Gohiriwyd/Deferred

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbynwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A210722	22-07-2021	Oliver Davies	Proposed Retirement Bungalow.	Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT	Refuse

1.1. A210722



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

Y SAFLE A HANES PERTHNASOL

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

Hanes cynllunio perthnasol:

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

MANYLION Y DATBLYGIAD

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

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

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

Darperir y graddfa ganlynol:

Uchder - 6.5-7 metr
Hyd - 10-14 metr
Lled - 8-10 metr

POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

Canllawiau a Pholisi Cynllunio Cenedlaethol Perthnasol

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

Polisi Cynllunio Lleol Perthnasol:

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

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

Canllawiau Cynllunio Atodol Mabwysiedig Perthnasol:

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

YSTYRIAETHAU PERTHNASOL ERAILL

DEDDF TROSEDD AC ANHREFN 1998

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

DEDDF CYDRADDOLDEB 2010

Mae Deddf Cydraddoldeb 2010 yn dynodi nifer o 'nodweddion gwarchodedig' sef oedran; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw; cyfeiriadedd rhywiol; priodas a phartneriaeth sifil. Mae rhoi sylw priodol i hyrwyddo cydraddoldeb yn golygu:

- dileu neu leihau'r anfanteision a wynebir gan bobl oherwydd eu nodweddion gwarchodedig;
- cymryd camau i gwrrd ag anghenion pobl o grwpiau gwarchodedig lle bo'r rhain yn wahanol i anghenion pobl eraill; ac
- annog pobl o grwpiau gwarchodedig 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 yngylch y cais hwn. Ystyrir nad yw'r datblygiad arfaethedig yn un sydd â goblygiadau sylweddol i bobl â nodweddion gwarchodedig nac yn cael effaith arnynt yn fwy nag ar unrhyw un arall.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i gwrrd 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 Nedd 2015. Wrth bennu'r argymhelliaid, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORI

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

Ni dderbyniwyd sylwadau gan drydydd parti.

CASGLIAD

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

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

Egwyddor Datblygu

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

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

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

Tai Fforddiadwy:

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

Ecoleg:

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

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

Draenio Dŵr Brwnt:

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

Draenio Tir:

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

Materion Eraill:

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

Pwerau Dirprwyo

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

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

ARGYMHELLIAÐ:

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

RHESWM DROS OHIRIO

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

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

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

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

RHESWM DROS OHIRIO AM YR AIL WAITH

Cyfeiriwyd y cais i'r Grŵp Gorchwyl a Gorffen am yr ail waith gan y Pwyllgor Rheoli Datblygu yn ystod y cyfarfod ar y 9fed o Chwefror, gan fod yr ymgeisydd wedi cyflwyno llythyr i'r Pwyllgor rai diwrnodau ynghynt a gyfeiriai at iechyd partner yr ymgeisydd.

Ni chafodd y llythyr ei rannu oherwydd ei natur sensitif ond cynghorodd Swyddogion y Grŵp Gorchwyl a Gorffen ei fod yn cynnwys tri darn o ohebiaeth:

- Adroddiad claf o fis Mai 2012 yn cyfeirio at ddirywiad disgiau;
- Llythyr yn nodi manylion y cyflwr meddygol;
- Llythyr dyddiedig 2013 yn canolbwytio ar reoli lleddfu poen.

Nodai'r ohebiaeth y byddai llythyr gan y Meddyg Ymgynghorol yn dilyn i gefnogi hyn. Cadarnhaodd swyddogion mai dyma'r tro cyntaf i'r wybodaeth gael ei chyflwyno, ond roedd ceisiadau blaenorol yn cwympo o fewn y llinell ffiniau ac nid oedd gwybodaeth ychwanegol yn ofynnol i gefnogi'r ceisiadau.

Nodwyd hefyd bod y Pwyllgor Rheoli Datblygu wedi gofyn i'r ymgeisydd gyflwyno manylion terfynol yn egluro'r cais. Derbyniwyd neges e-bost gan yr asiant am 10pm, 14 Chwefror, a rannwyd gyda'r Grŵp i'w hystyried. Nodai'r neges e-bost bod angen y byngalo oherwydd anabledd partner yr ymgeisydd a chyfeiriai hefyd at amryw ddedfwriaethau a Pholisi Cynllunio Cymru mewn perthynas â chydreddoldeb ac anabledd.

Nododd y swyddogion nad dyletswydd y Polisi Cynllunio yw darparu ar gyfer unigolion ar unrhyw safle yn benodol. Egluodd swyddogion bod anghenion gwahanol y gymuned, gan gynnwys y rhai ag anabledd, yn cael eu hystyried yn rhan o'r broses cynllunio gyfan drwy'r asesiad anghenion tai er mwyn gwneud yn siŵr bod y Cynllun yn cynnwys polisiau perthnasol i ddiwallu anghenion gwahanol. Egluodd Swyddogion bod yr ohebiaeth a dderbyniwyd gan yr asiant yn dethol gwahanol rannau o Bolisi Cynllunio Cymru ac yn eu cymhwys i geisiadau unigol, allan o gyd-destun.

Nododd swyddogion hefyd eu bod wedi ymweld â safle'r cais ar y dydd Gwener cyn cyfarfod y Grŵp Gorchwyl a Gorffen. Mae'r llun o'r Garej a'r eiddo cyffiniol yn dangos nad anebs na fflat uwchben y garej yw preswylfa'r ymgeisydd, fel a awgrymwyd cyn hyn yn y Pwyllgor Rheoli Datblygu. Tŷ cyffiniol yw'r eiddo ag iddo fflat hunangynhwysol ar y llawr gwaelod, a fflat hunangynhwysol ar wahân i fyny'r grisiau gyda mynediad ar yr ochr a'r cefn. Mae'r ymgeisydd yn byw i fyny'r grisiau ac mae'n rhentu'r fflat ar y llawr gwaelod. Nodwyd hefyd nad oedd y grisiau allanol i'r fflat i fyny'r grisiau yn addas, ond byddai'n

bosibl eu newid a'u gwneud yn fwy diogel os oedd angen a bod grisiau y tu mewn, hefyd, i'r fflat uwchben.

Cadarnhaodd gwiriad perchenogaeth tir ar Garej Trem y Bae mai'r ymgeisydd yw perchenennog y garej, y ddwy fflat a'r tir amgylchynol. Mae'r dreth gyngor ar y fflat llawr gwaelod wedi'i thalu ar wahân er 2009, a'r preswyliwr yn byw'n annibynnol o'r ymgeisydd. Cafodd y fflat ar y llawr gwaelod ei dwyn ymlaen heb ganiatâd.

Gwiriwyd perchenogaeth tir hefyd ar y tri byngalo ym Mharclyn. Mae dau fyngalo wedi cael eu codi ac mae'r trydydd ar waith. Mae'r perchenogaeth tir ar gyfer plot 1 dan deitl ar wahân a nodir partner yr ymgeisydd yn berchenennog. Ymddengys bod y tir wedi'i drosglwyddo yn 2017 a bod gan y partner hawl absoliwt ar yr eiddo hwn. Mae'r plot 2 a phlot 3 sy'n weddill, a'r safle cyfagos o 21 o dai y rhoddwyd caniatâd cynllunio iddynt cyn hyn, i gyd yn parhau ym mherchenogaeth yr ymgeisydd. Mewn trafodaeth gyda'r ymgeisydd adeg cyflwyno'r cais am y 3 byngalo, awgrymwyd bod un o'r rhain ar ei gyfer ef ar ei ymddeoliad.

Gofynnodd Aelodau ynghylch cyfreithlondeb ystyried y caniatadau eraill ym Mharclyn - a godwyd hefyd yn y Pwyllgor. Cynghorodd swyddogion mai'r Cynllun Dablygu Strategol yw'r man cychwyn ar gyfer ystyried unrhyw gais ac os nad yw cynnig yn bodloni polisiau'r Cynllun, yna gellir rhoi sylw i ystyriaethau perthnasol eraill i gyflawnhau mynd yn groes i'r Cynllun. Yn yr achos hwn, gan fod y cais yn disgyn y tu allan i ffin ddatblygu Aberporth/Parclyn lle na chaniateir anheddu marchnad agored, mae'n gymwys rhoi sylw i ystyriaethau perthnasol eraill sy'n cynnwys edrych ar y posibilrwydd o ddiwallu anghenion yr ymgeisydd drwy ddarpariaethau eraill; mae'r Awdurdod Cynllunio Lleol yn meddwl y gellir gwneud hyn yn yr achos hwn.

Gofynnodd yr Aelodau a oedd y tir yn debygol o gwympo o fewn llinell ffin y Cynllun Datblygu Lleol nesaf a chadarnhawyd bod hyn yn annhebygol iawn.

Nododd yr Aelodau bod aelodau pwyllgor unigol wedi cyflwyno dwy fersiwn cyn hyn i'w hystyried yn y Pwyllgor Rheoli Datblygu; un yn awgrymu bod yr ymgeisydd am ymddeol yn rhannol a bod angen iddo felly fod yn agos i'r garej, ac un awgrym bod yr ymgeisydd yn ystyried gwerthu'r busnes ac nad oedd felly am glymu'r eiddo i'r busnes. Nodwyd nad oedd gohebiaeth yr asiant yn rhoi sylw i'r bwriad mewn perthynas â hyn nac yn ei egluro.

Gofynnodd yr aelodau a ellid ystyried cyfnewid y fflat ar y llawr gwaelod a'r un ar y llawr uchaf rhwng y tenant a'r ymgeisydd. Nododd yr Aelodau hefyd y gallai ymweliad safle fod wedi lleddfu rhai o'r cwestiynau hyn, gan y byddai wedi egluro'r ffaith bod dwy fflat ynghlwm wrth y garej, ac nid anecs uwchben y garej fel a nodwyd yn y Pwyllgor.

Yn ystod y cyfarfod, cyrhaeddodd e-bost arall gan yr asiant yn cynnwys llythyr gan y Meddyg Teulu ac nid y Meddyg Ymgynghorol fel a nodwyd yn flaenorol. Nodwyd bod y llythyr yn cadarnhau llawdriniaeth flaenorol ar y cefn a bod poen yn lleihau symudedd gan gynnwys y gallu i ddringo'r grisiau. Nodwyd y byddai byw mewn byngalo yn fuddiol oherwydd y lleihad mewn symudedd.

Cytunodd yr Aelodau gyfeirio'r cais yn ôl i'r Pwyllgor Rheoli Datblygu nesaf i benderfynu arno. Nododd yr Aelodau hefyd na ddylai'r Grŵp Gorchwyl a Gorffen gael eu rhoi mewn sefyllfa lle bo'n rhaid iddo ystyried cais yr ail waith am fod gwybodaeth yn cyrraedd yn hwyr, a bod hyn yn gosod cysail peryglus.

Rhif y Cais / Application Reference	A210722
Derbyniwyd / Received	22-07-2021
Y Bwriad / Proposal	Proposed Retirement Bungalow.
Lleoliad Safle / Site Location	Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
Math o Gais / Application Type	Outline Planning Permission - All/Some Matters Reserved
Ymgeisydd / Applicant	Oliver Davies, Bayview Garage, Parcllyn, Cardigan, Ceredigion, SA43 2BT
Asiant / Agent	Mr Stewart Corbett (Archi-Tech), Unit 3 Canolfan Teifi Pendre, Cardigan, Ceredigion, SA43 1JL

THE SITE AND RELEVANT PLANNING HISTORY

The application site refers to land forming part of Bayview Garage, located near to the junction of Hilltop Way and the B4333 on the outskirts of Parcllyn and Aberporth. The site is located to the north of the garage building and forms part of the car parking / storage area. The site is relatively flat and is bounded by trees and hedges along its north, east and west boundaries, and is accessed via the entrance to the garage directly from the road to the west.

Relevant planning history:

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

DETAILS OF DEVELOPMENT

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

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

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

The following scale parametres are provided:

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

RELEVANT PLANNING POLICIES AND GUIDANCE

Relevant National Planning Policy and guidance

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

Relevant Local Planning Policy

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

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

Relevant adopted Supplementary Planning Guidances:

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

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

YMATEBION YMGYNGHORI / CONSULTATION RESPONSES

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

No responses received from third parties.

CASGLIAD / CONCLUSION

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

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

Principle of Development

The application site lies outside of the settlement boundary for Aberporth/Parclyn and therefore lies within 'other locations' as identified within the LDP. LDP policy S04 states that housing development within 'other locations' are inappropriate unless justified on the basis that it meets a demonstrated i) unmet affordable housing need in the locality and accords with Policy S05; or ii) need for a rural enterprise dwelling in line with TAN 6. Furthermore, the policy requires all developments within 'other locations' to accord with TAN 6. The applicant has advised that an affordable dwelling would not meet with his needs.

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

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

Affordable Housing:

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

Ecology:

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

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

Foul Drainage:

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

Land Drainage:

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

Other matters:

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

Power of delegation:

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

- To support the need for new homes in the ward

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

RECOMMENDATION:

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

REASONS FOR DEFERRAL:

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

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

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

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

REASONS FOR DEFERRAL FOR THE SECOND TIME

The application was referred to the Task and Finish Group for a second time by the Development Control Committee during its meeting on 9 February, due to the submission of a letter presented by the applicant a few days prior to the Committee which referred to the health of the applicant's partner.

The letter has not been circulated due to its sensitive nature however Officers advised the T&F Group that it contained 3 pieces of correspondence:

- A patient report from May 2012 referencing disc degeneration;
- A letter containing details of the medical condition;
- A letter dated 2013 with the focus on managing pain relief.

The correspondence stated that it would be followed up by a letter from the Consultant in support of this. Officers confirmed that this is the first time that the information has been submitted, however previous applications fell within the boundary lines, and no additional information was required in support of the applications.

It was also noted that the Development Control Committee had requested that the applicant submit final details clarifying the application. An e-mail was received from the agent at 10pm on 14 February which was circulated to the Group for consideration. The email noted the need for the bungalow due to the disability of the applicant's partner, and also made reference to various legislation and Planning Policy Wales relating to equality and disability.

Officers noted that it is not the duty of Planning Policy to make provisions for individuals at any particular site. Officer's explained that the differing needs of the community, including those with disabilities, are considered as part of the overall Plan making process through the housing needs assessment to make sure that the Plan contains relevant policies to meet differing needs. Officer's explained that the correspondence received from the agent selects extracts from different parts of PPW and applies it out of context to individual applications.

Officer also noted that they visited the site of the application on Friday prior to the T&F Group meeting. The photograph of the Garage and adjoining property shows that the applicant's residence is not an annex, or a flat above the garage as previously suggested at Development Control Committee. The property is an adjoining house with a self-contained flat on the ground floor, and a separate self-contained flat upstairs with access to the side and rear. The applicant lives upstairs, and rents out the flat on the ground floor. It was also noted that the external steps to the upstairs flat were not suitable however it would be possible for them to be changed and made safer if need be, and that there are also internal stairs to the upstairs flat.

A land ownership check of Bayview Garage confirmed that the applicant is the owner of the garage, the two flats and surrounding land. Separate council tax has been paid on the downstairs flat since 2009, with the occupier living independently of the applicant. The ground floor flat was brought forward without permission.

Land ownership was also checked for the 3 bungalows at Parcllyn. Two have been built and the third is under construction. The land ownership for plot 1 is under a separate title with the owner listed as the partner of the applicant. It appears that the land was transferred in 2017 and that the partner has absolute title of this property. The remaining plots 2 and 3 and the nearby site of 21 houses which were previously given planning consent all remain within the ownership of the applicant. A discussion with the applicant at the time of the application for the 3 bungalows suggested that one of them was for himself upon retirement.

Members asked about the legality of considering the other permissions at Parcllyn – which was also raised in Committee. Officers advised that the starting point for consideration of any application is the Statutory Development Plan, and if a proposal does not meet with the policies within the Plan then consideration can be given to other material considerations to justify going against the Plan. In this instance, as the application falls outside of the development boundary of Aberporth/Parcllyn where open market dwellings are not permitted, it is relevant to consider other material considerations which includes whether the needs of the applicant can be met through other provisions, which in this case the LPA considers that it can.

Members asked whether the land is likely to fall within the boundary line of the next LDP, and it was confirmed that this is very unlikely.

Members noted that during previous considerations at Development Control Committee, 2 versions had been presented by individual Committee Members; one suggesting that the applicant wanted to partially retire and therefore needed to be close to the garage, and one suggestion that the applicant was considering selling the business and as such did not wish to tie the property to the business. It was noted that the correspondence from the agent did not address or clarify the intention in relation to this.

Members asked whether consideration could be given in relation to swapping the ground floor and top floor flat between the tenant and the applicant. Members also noted that a site visit may have alleviated some of these questions, as it would have clarified the fact that there are two flats attached to the garage, and not a single annex above the garage as indicated at Committee.

During the meeting, a further e-mail had arrived from the agent containing a letter from the GP and not the Consultant as previously stated. It was noted that the letter confirmed previous spinal surgery, and that pain was reducing mobility including the ability to climb the stairs. It noted that living in a bungalow would be beneficial due to the reduced mobility.

Members agreed to refer the application back to the next Development Control Committee for decision. Members also noted that the Task & Finish Group should not be put in a position where they have to consider an application for a second time due to late information and that this was setting a dangerous precedent.