

1. Gohiriwyd/Deferred

| # | Cyfeirnod y Cais / Application Reference | Dyddiad y derbyniwyd / Received Date | Ymgeisydd / Applicant | Bwriad / Proposal | Lleoliad / Location | Argymheliad / Recommendation |
|---|--|--------------------------------------|-----------------------|--|--|------------------------------|
| 1 | A220885 | 22-11-2022 | Mr D Owen | Erection of one family dwelling and two affordable houses on land previously granted planning consent for residential use. | Land Adj. To Swn Y Gwynt, Bontgoch, Talybont, SY24 5DP | Refuse |

1.1. A220885



| | |
|-------------------------|---|
| Cyfeirnod y Cais | A220885 |
| Derbyniwyd | 22-11-2022 |
| Y Bwriad | Codi un annedd teulu a dau dŷ fforddiadwy ar dir a gafodd ganiatâd cynllunio ar gyfer defnydd preswyl yn flaenorol. |
| Lleoliad y Safle | Tir yn Gyfagos i Sŵn Y Gwynt, Bont-goch, Tal-y-bont, SY24 5DP |
| Math o Gais | Caniatâd Cynllunio Llawn |
| Ymgeisydd | Mr D Owen, 4, Southgate Ffordd Penparcau, Southgate, Aberystwyth, Ceredigion, SY23 1SA |
| Asiant | Huw Evans, Craigfach Ffordd Penglais, Penglais, Aberystwyth, Ceredigion, SY23 2EU |

Y SAFLE A HANES CYNLLUNIO PERTHNASOL

Mae safle'r cais yn ddarn o dir sy'n mesur tua 42m o hyd a thua 56m o ddyfnder rhwng eiddo Brynlllys a Sŵn y Gwynt yn anheddiad Bont-goch. Mae'r safle yn wynebu'r ffordd Sirol sy'n cysylltu Bont-goch â Thal-y-bont ac o ganlyniad i waith peirianyddol, mae'n dir gwastad tua 35m o'r ffordd cyn codi'n raddol i'r tir amaethyddol y tu ôl. Mae dau eiddo mawr yn ffinio â'r plot gyda thir amaethyddol yn y cefn.

Rhoddwyd caniatâd cynllunio amlinellol ym mis Medi 2004 i godi annedd ar y darn hwn o dir a ddilynwyd gan gais llawn a gymeradwywyd ym mis Gorffennaf 2005 i godi byngalo ar y safle. Gwrthodwyd caniatâd i gais llawn i godi dwy annedd fawr marchnad agored union yr un fath ar 28 Medi 2022 ar y sail ei fod yn groes i bolisïau S01 ac S04 y CDLI.

MANYLION Y DATBLYGIAD

Cyflwynir y cais yn llawn ac mae'n gofyn am ganiatâd cynllunio i godi annedd fawr marchnad agored ar ben deheuol y plot a chodi dwy annedd bâr 'fforddiadwy' ar y rhan ogleddol. Mae'r anheddau arfaethedig yn cyd-fynd â'r anheddau cyfagos ac maent i'w gwasanaethu gan fynedfa ganolog i gerbydau gyda manau parcio a throi i'w blaen a'u hochr.

Mae eiddo'r farchnad agored tua 15m x 9.2m ac mae'n ddau lawr o uchder gan ddarparu pedair ystafell wely. Bydd yn cael ei rendro'n bennaf gyda gorffeniad carreg rhannol a'i doi gyda theils concrit. Mae ffenestri crwn yn nodwedd ar yr annedd arfaethedig. Bwriedir i'r ymgeisydd, sy'n gyd-gyfarwyddwr mewn cwmni adeiladu, a'i deulu fyw yn yr annedd.

Mae'r unedau 'fforddiadwy' arfaethedig yn unedau pâr sydd wedi'u hadeiladu gyda gorffeniad rendr ac wedi'u toi â theils concrit. Mae pob uned yn mesur 6.9m x 8.3m ac yn darparu uned llety 3 ystafell wely. Nid oes dim angen cyfiawnadwy wedi'i roi ar wahân i ddatganiad sy'n nodi y bydd cymeradwyo'r unedau fforddiadwy yn cynorthwyo'r Awdurdod i ddarparu tai fforddiadwy yn y Sir.

POLISÏAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

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

DM06 Dylunio a Chreu Lleoedd o Safon Uchel

DM13 Systemau Draenio Cynaliadwy

DM14 Cadwraeth Natur a Chysylltedd Ecolegol

DM15 Cadw Bioamrywiaeth Leol

DM17 Y Dirwedd yn Gyffredinol

S01 Twf Cynaliadwy

S04 Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill

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 arfer y swyddogaethau hynny ar droseddau ac anhrefn o fewn ei ardal, a'r angen i wneud popeth o fewn ei allu i atal trosedd ac anhrefn yn ei ardal. Mae'r ddyletswydd honno wedi'i hystyried wrth werthuso'r cais hwn. Ystyrir na fyddai dim cynnydd sylweddol nac annerbyniol mewn trosedd ac anhrefn o ganlyniad i'r penderfyniad arfaethedig.

DEDDF CYDRADDOLDEB 2010

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

- cael gwared ag anfanteision y mae pobl yn eu dioddef oherwydd eu nodweddion gwarchoddedig neu eu lleihau;
- cymryd camau i ddiwallu anghenion pobl o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i angen 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.

Rhoddwyd ystyriaeth ddyledus 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 LLESIAENT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gymryd camau rhesymol wrth arfer ei swyddogaethau i gyflawni'r saith nod llesiant yn y Ddeddf. Paratowyd yr adroddiad hwn wrth ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y nodir yn Deddf 2015. Wrth gyrraedd yr argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu diwallu heb gyfaddawdu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

YMATEBION I'R YMGYNGHORIAID

Dŵr Cymru / Welsh Water - Dim sylw

Cyfoeth Naturiol Cymru - Dim gwrthwynebiad

Priffyrdd Ceredigion - Dim gwrthwynebiad yn destun amodau

Draenio Ceredigion - Sylwadau

ASESIAD SWYDDOG:

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".

Mae'r cais hwn yn gofyn am ganiatâd cynllunio i godi un annedd marchnad agored a dwy annedd 'fforddiadwy' ar y plot mewnlenwi hwn yn anheddiad Bont-goch.

Mae'r ymgeisydd o'r farn bod gwaith wedi cychwyn o fewn yr amserlen benodol i wneud y caniatâd a roddwyd ar gyfer y byngalo yn 2005 yn un sy'n bodoli. Barn yr awdurdod cynllunio lleol yw nad yw'r gwaith peirianyddol na'r fynedfa yn gymesur â'r cynlluniau a gymeradwywyd ac felly mae'r gwaith hwnnw'n anawdurdodedig ac felly mae unrhyw ganiatâd bellach wedi dod i ben. Mae'r awdurdod cynllunio lleol i ystyried y cais heb ystyried unrhyw sefyllfa wrth gefn.

Mae Bont-goch yn dod o fewn Grŵp Aneddiadau Tal-y-bont ac fe'i nodir yng Nghynllun Datblygu Lleol Ceredigion fel un sydd mewn dosbarthiad 'lleoliad arall'. O'r herwydd, y prif bolisi sy'n berthnasol wrth ystyried y cais yw polisi S04 Cynllun Datblygu Lleol Ceredigion sy'n ymdrin â chynigion datblygu mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'.

Er bod polisi S04 yn cydnabod yr angen am rywfaint o ddatblygu o fewn lleoliadau eraill i gwrdd ag anghenion cymunedau sydd eisoes yn bodoli, mae'r polisi yn ceisio sicrhau rheolaeth ar yr ymlediad o ddatblygu mewn lleoliadau anghynaliadwy. Nid yw polisi S04 yn cefnogi cynigion ar gyfer anheddau marchnad agored mewn 'lleoliadau eraill'.

Mae Polisi S04 yn caniatáu datblygiad newydd dim ond lle mae angen menter wledig y gellir ei chyfiawnhau yn unol â TAN6 neu ei fod yn ofynnol i ddiwallu angen sydd heb ei ddiwallu o ran tai fforddiadwy yn unol ag S05. O ran tai fforddiadwy, dim ond pan fydd wedi'i leoli o fewn neu'n union gerllaw aneddiadau presennol y caniateir datblygiad mewn lleoliadau eraill yn unol â pholisi cynllunio cenedlaethol.

Yn yr achos hwn ystyrir y byddai safle'r cais yn dderbyniol o safbwynt cwrdd â meini prawf polisi mewn perthynas â'i leoliad gan ei fod o fewn 'anheddiad' Bont-goch ac yn ei hanfod yn cynrychioli achos o ddatblygiad mewnlenwi. Gan mai dyna'r sefyllfa, byddai cefnogaeth ar gyfer annedd fforddiadwy'n gyfiawnadwy cyn belled ei bod yn cwrdd ag angen fforddiadwy sydd heb ei ddiwallu yn yr ardal.

Fodd bynnag, mae'r cais a gyflwynwyd ar gyfer darparu tair annedd, un yn annedd marchnad agored a dwy yn annedd fforddiadwy. Mae'r ymgeisydd yn honni bod ceisiadau blaenorol ym Mont-goch wedi eu cymeradwyo heb ddim cyfiawnhad neu hyd yn oed am gyfraniad swm gohiriedig o 10% ond mae'n barod i godi un annedd at ddefnydd ei deulu ei hun a chodi dwy uned fforddiadwy ar y plot ac mae'n cydnabod nad yw hynny'n ddelfrydol ond bydd gwerthu'r unedau fforddiadwy yn ei alluogi i frwr ymlaen â datblygiad y safle.

Mae'r awdurdod cynllunio lleol o'r farn y byddai annedd y farchnad agored yn groes i bolisi S04 y CDLI gan mai dim ond o dan TAN6 y gellir cefnogi unrhyw unedau newydd mewn 'lleoliadau eraill' neu os eu bod yn unedau fforddiadwy a dim ond os ydynt yn bodloni angen fforddiadwy sydd heb ei ddiwallu. Nid dyna'r sefyllfa yma. Mae'r 'unedau fforddiadwy' arfaethedig yn rhai hapfasnachol eu natur. Nid oes angen fforddiadwy sydd heb ei ddiwallu wedi'i roi mewn perthynas â'r unedau arfaethedig ac felly nid oes dim cyfiawnhad ychwaith dros gefnogi'r elfen hon o'r cais.

Mewn perthynas â sylwadau a wnaed gan yr ymgeisydd nad oedd cydsyniadau blaenorol ym Mont-goch yn destun cyfyngiad naill ai o ran swm gohiriedig neu statws fforddiadwy, nodir bod y cynllun blaenorol (Cynllun Datblygu Unedol Ceredigion) wedi caniatáu darparu datblygiad preswyl dilyffethair o fewn aneddiadau dynodedig yn amodol ar ddyraniad. Rhoddwyd caniatâd cynllunio ar gyfer datblygu'r safle hwn ddiwethaf dan ddarpariaethau'r CDU o ystyried ei statws fel anheddiad a chan fod gallu i gwrdd â'r datblygiad bryd hynny.

Fodd bynnag, mae'r sefyllfa'n wahanol o ran Cynllun Datblygu Lleol Ceredigion. Sefydlodd y CDLI strategaeth aneddiadau yn amlinellu'r meini prawf ar gyfer twf o ran tai o fewn y Sir a cheisiodd ddarparu twf o 51% o leiaf yn y Canolfannau Gwasanaeth Trefol, 24% yn y Canolfannau Gwasanaeth Gwledig a thwf o 25% mewn Aneddiadau Cyswllt a 'Lleoliadau Eraill'. Roedd dosbarthiad y canolfannau yn seiliedig ar faint, ac ystod ac ansawdd y gwasanaethau a'r cyfleusterau sydd ar gael mewn lleoliadau penodol.

Rhoddwyd Bont-goch, o ran ei lleoliad yng Ngrŵp Aneddiadau Tal-y-bont ac oherwydd ei maint (llai na 27 o anheddau) ac ystod y cyfleusterau, fe'i dynodwyd fel 'lleoliad arall' ac felly'n gyfyngedig i anghenion lleol o ran tai fforddiadwy neu fentrau gwledig yn unig (mae datblygu diweddar ym Mont-goch wedi bod ar gyfer unedau fforddiadwy lle mae angen lleol wedi'i brofi). Ystyriwyd mai dim ond aneddiadau mwy a mwy cynaliadwy (Canolfannau Gwasanaeth) y byddai disgwyl iddynt ddiwallu anghenion cyffredinol o ran tai.

Serch hynny, mae'r CDLI yn tynnu sylw at yr angen i sicrhau na chaiff cartrefi fforddiadwy eu hadeiladu i safonau annerbyniol o isel nac i greu 'tai rhy fawr neu sylweddol.' Mae Canllawiau Atodol Tai Fforddiadwy Ceredigion yn rhoi'r CDLI mewn grym drwy roi ar waith manylebau lleiafswm arwynebedd llawr mewnol ar gyfer cartrefi fforddiadwy a gymerwyd o safon Gofynion Ansawdd Datblygu (GAD) Llywodraeth Cymru: ac uchafswm o 20% o gynnydd ar y manylebau lleiaf yn yr arwynebedd llawr mewnol cyffredinol. Yr arwynebedd llawr lleiaf o fewn safon GAD ar gyfer tŷ fforddiadwy 4 ystafell wely yw 114m². Yr uchafswm a ganiateir felly yng Ngheredigion yw 136m² sydd 20% yn uwch na ffigur y GAD.

Tra bod y ddwy uned fforddiadwy arfaethedig yn cwrdd â'r meini prawf hynny o ran maint, nodir o'r cynlluniau llawr a ddarparwyd fod gan yr annedd marchnad agored ôl troed allanol o oddeutu 138m² a fyddai'n rhoi arwydd o arwynebedd llawr mewnol o tua 250m² a fyddai'n groes i'r polisi petai'n cael ei ystyried yn uned fforddiadwy.

Yn hynny o beth, ystyrir bod y bwriad yn groes i bolisiâu lleol a chenedlaethol mewn perthynas â datblygu mewn lleoliadau eraill.

Er gwaethaf yr holl faterion eraill ac er gwaethaf bod y safle wedi ei leoli o fewn anheddiad Bont-goch, byddai darparu annedd marchnad agored a dwy uned fforddiadwy hapfasnachol yn y lleoliad hwn yn groes i bolisiâu lleol a chenedlaethol ac argymhellir gwrthod y cais.

RHESYMAU DROS OHIRIO:

Yn y Pwyllgor Rheoli Datblygu ar 8 Chwefror, 2023 penderfynodd yr Aelodau ohirio'r cais hyd nes y byddai'n cael ei gyfeirio at y Grŵp Oeri i ystyried y cynnig ynghyd ag unrhyw wybodaeth ychwanegol a dderbyniwyd yn fanwl. Ystyriwyd y cais yn

wreiddiol gan y Grŵp Oeri ar 22ain Chwefror 2023, a chytunwyd yn unfrydol bod Swyddogion yn cysylltu â'r ymgeisydd i'w hysbysu bod y Grŵp Oeri wedi ystyried y cais, ac wedi dod i'r casgliad na allent ddod i benderfyniad. heb wybodaeth ychwanegol i gefnogi'r cais mewn perthynas â:

- A yw'r ymgeisydd yn cydymffurfio â'r meini prawf deiliadaeth;
- Tystiolaeth o'r angen am dai fforddiadwy yn yr ardal'
- A fyddai'r ymgeisydd yn ystyried lleihau maint y datblygiad marchnad agored; a
- A fyddai'r ymgeisydd yn ystyried cais am swm gohiriedig ar gyfer yr annedd marchnad agored.

Cyfarfu'r Grŵp Oeri ar 23ain Mawrth, 2023 ac ystyriodd yr ymateb a dderbyniwyd gan yr ymgeisydd mewn perthynas â'r wybodaeth y gofynnwyd amdani.

O ran y meini prawf cymhwysu ar gyfer tŷ fforddiadwy, derbyniwyd cadarnhad gan yr ymgeisydd y byddai'n gallu cwrdd â'r gofynion meddiannaeth ac ariannol.

Darparodd yr ymgeisydd dystiolaeth hefyd o ran yr angen am dai fforddiadwy yn Bontgoch a'r ardal gyfagos yn gyffredinol. Dywedodd ei fod wedi derbyn nifer o geisiadau am dai fforddiadwy yn Bontgoch ei hun.

Mewn perthynas â lleihau maint y tŷ marchnad agored, cadarnhaodd yr ymgeisydd y byddai'n fodlon gwneud hynny ar yr amod ei fod yn cyd-fynd â'r tŷ marchnad agored olaf i'w ganiatáu yn Bontgoch sydd ag arwynebedd llawr mewnol o tua 216m².

Yn olaf, cadarnhaodd yr ymgeisydd y byddai'n barod i ystyried cais am swm gohiriedig o 10% ar gyfer y tŷ marchnad agored ond na fyddai'n barod i ystyried bod y tri thŷ arfaethedig yn cael eu dynodi'n dai fforddiadwy oherwydd rhesymau cyllidebol.

Rhoddodd Aelodau'r Grŵp ystyriaeth fanwl i'r ymateb, gan nodi eu bod yn cytuno â'r sylwadau mewn perthynas â fforddiadwyedd a'r angen am dai, ond nodwyd bod y risg o alw i mewn yn hynod o uchel gan fod polisi S04 ond yn caniatáu tai fforddiadwy yn yr ardal yma.

Holodd yr aelodau a fyddai'r risg o alw i mewn yn cael ei leihau petai'r cais yn cael ei newid i 3 tŷ fforddiadwy. Nododd swyddogion y byddai'r risg o alw i mewn yn debygol o leihau pe bai'r cynnig yn cael ei ddiwygio i dri chartref fforddiadwy ond mai mater i Lywodraeth Cymru benderfynu arno yn y pen draw, pe byddai cais galw i mewn yn dod i law. Ychwanegodd swyddogion fodd bynnag y byddai'n debygol y byddai Llywodraeth Cymru hefyd yn adolygu lleoliad y safle, ac efallai hefyd yn ystyried y ffaith nad yw Bontgoch yn cael ei hystyried yn ardal gynaliadwy, oherwydd prinder gwasanaethau a'r angen i deithio i ardaloedd cyfagos ar gyfer ysgolion, siopa ac ati ac y gallai'r angen cyffredinol am gartrefi fforddiadwy gael ei ddiwallu'n well mewn mannau eraill mewn lleoliadau mwy cynaliadwy.

Gofynnodd yr aelodau am faint y cais marchnad agored o'i gymharu â thŷ fforddiadwy. Cadarnhaodd swyddogion fod gan yr annedd marchnad agored arwynebedd llawr mewnol arfaethedig o tua 250m² a bod yr ymgeisydd wedi cadarnhau y byddai'n fodlon lleihau hyn i 216m². Fodd bynnag, mae hyn yn dal i fod yn uwch na'r rheoliadau sy'n ymwneud â thŷ fforddiadwy. Nodwyd bod Aelodau eisoes wedi cymeradwyo ceisiadau sy'n uwch na'r safon DQR ar gyfer tai fforddiadwy o 180m² a 190m², fodd bynnag mae pryderon wedi eu codi eisoes gan Archwilio Cymru ynglŷn â hyn.

Yn dilyn trafodaeth cytunodd y Grŵp Oeri yn unfrydol y dylid hysbysu'r ymgeisydd o friad y Grŵp i argymhell i'r Pwyllgor Rheolaeth Datblygu fod y cais yn cael ei wrthod oni bai bod y cais yn cael ei newid i 3 tŷ fforddiadwy, a lleihau maint yr eiddo mwy yn unol â'r canllawiau perthnasol.

Ar adeg ysgrifennu nid oes ymateb wedi ei dderbyn gan yr ymgeisydd na'r asiant i'r mater.

RHESYMAU DROS GYFEIRIO'R CAIS I'R PWYLLGOR RHEOLI DATBLYGU:

Mae'r Aelod lleol dros y Ward, y Cynghorydd C M S Davies wedi gofyn i'r cais gael ei gyfeirio at y Pwyllgor Rheoli Datblygu i'w ystyried am y rhesymau a ganlyn:-

- Byddai caniatáu'r cais yn golygu bod yr ardal penodol yma yn cael ei harddu;
- Byddai cael mwy o dai fforddiadwy yn y pentref yn ddefnyddiol.

ARGYMHELLIAD:

GWRTHOD oherwydd ei fod yn groes i bolisi S01 ac S04 Cynllun Datblygu Lleol Ceredigion.

| | |
|------------------------------|--|
| Application Reference | A220885 |
| Received | 22-11-2022 |
| Proposal | Erection of one family dwelling and two affordable houses on land previously granted planning consent for residential use. |
| Site Location | Land Adj. To Swn Y Gwynt, Bontgoch, Talybont, SY24 5DP |
| Application Type | Full Planning |
| Applicant | Mr D Owen, 4, Southgate Penparcau Road, Southgate, Aberystwyth, Ceredigion, SY23 1SA |
| Agent | Huw Evans, Craigfach Penglais Road, Penglais, Aberystwyth, Ceredigion, SY23 2EU |

THE SITE AND RELEVANT PLANNING HISTORY

The application site is a parcel of land measuring approx. 42m long and approx 56m deep between the properties of Brynlllys and Sŵn y Gwynt in the settlement of Bontgoch. The site fronts onto the County road which links Bontgoch with Talybont and as a result of engineering works, is flat land ranging a distance of approx 35m from the road before rising gradually to the agricultural land behind. The plot is neighboured by two large properties with agricultural land to the rear.

Outline planning permission was granted in September 2004 for the erection of a dwelling on this parcel of land which was then followed by a full application which was approved in July 2005 for the erection of a bungalow on the site. An full application for the erection of two identical large open market dwellings was refused permission on 28 September 2022 on grounds of being contrary to policies S01 and S04 of the LDP.

DETAILS OF DEVELOPMENT

The application is submitted in full and seeks planning permission for the erection of a large open market dwelling on the southern end of the plot and the erection of two semi-detached 'affordable' dwellings on the northern part. The proposed dwellings are in line with the neighbouring dwellings and are to be served by a central vehicular access with parking and turning areas to their front and side.

The open market property is approx 15m x 9.2m and two storeys high providing four bedrooms. It is to be mainly rendered with part stone finish and roofed with concrete tiles. Round fenestration is a feature on the proposed dwelling. It is intended that the applicant, who is a joint director in a construction company, and his family will reside in the dwelling.

The proposed 'affordable' units are semi detached units constructed with a render finish and roofed with concrete tiles. Each unit measures 6.9m x 8.3m and provides a 3 bedroomed unit of accommodation. No justifiable need has been provided apart from a statement which indicates that approval of the affordable units will assist the Authority in the delivery of affordable housing in the County.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

- DM06 High Quality Design and Placemaking
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing

OTHER MATERIAL CONSIDERATIONS

CRIME AND DISORDER ACT 1998

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

EQUALITY ACT 2010

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

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

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

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

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

CONSULTATION RESPONSES

Dŵr Cymru / Welsh Water - No comment
NRW - No objection
Ceredigion Highways - No objection STC
Ceredigion Drainage - Comments

OFFICER ASSESSMENT:

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".

This application seeks planning permission for the erection of one open market dwelling and two 'affordable' dwellings on this infill plot in the settlement of Bontgoch.

The applicant is of the opinion that work had commenced within the specific time frame to make the permission for the bungalow granted in 2005 extant. It is the opinion of the LPA that neither the engineering works or the access are commensurate with the approved plans and therefore those works are unauthorised and therefore any permission has now lapsed. The LPA are to consider the application without regard to any fallback position.

Bontgoch falls within the Talybont Settlement Group and it is identified in the Ceredigion Local Development Plan as being in an 'other location' classification. 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. Proposals for open market dwellings in 'other locations' are not supported by policy S04.

Policy S04 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.

In this instance it is considered that the application site would be acceptable in terms of meeting policy criteria in relation to its location as it is within the 'settlement' of Bontgoch and represents in essence a case of infill development. As that is the position, support would be warranted for an affordable dwelling provided that it met an unmet affordable need in the locality.

However, the application submitted is for the provision of three dwellings, one being an open market dwelling and two affordable dwellings. The applicant claims that previous applications in Bontgoch have been approved without any justification or even for a 10% commuted sum contribution but is prepared to erect one dwelling for his own family use and erect two affordable units on the plot which he acknowledges that is not ideal but the sale of the affordable units will enable him to progress the development of the site.

It is the opinion of the LPA that the open market dwelling would be contrary to policy S04 of the LDP as any new units in 'other locations' can only either be supported under TAN6 or if they are affordable units and only if they meet an unmet affordable need. That is not the case here. The proposed 'affordable units' are speculative in nature. No unmet affordable need has been provided in respect of the proposed units and therefore no justification exists either for the support of this element of the application.

With regard to comments made by the applicant that previous consents in Bontgoch were not the subject of restriction either in terms of commuted sum or affordable status it is noted that the previous plan (Ceredigion Unitary Development Plan) did allow the provision of unencumbered residential development within designated settlements subject to allocation. Planning permission for the development of this site was last granted under the provision of the UDP in view of its status as a settlement and as there was capacity to meet the development at that time.

The situation however is different with regards to the Ceredigion Local Development Plan. The LDP established a settlement strategy setting out the criteria for housing growth within the County and sought to provide at least 51% growth in the Urban Service Centres, 24% in the Rural Service Centres and 25% growth in Linked Settlements and 'Other Locations'. The classification of centres was based on size, and the range and quality of services and facilities available in specific locations.

Bontgoch, in respect of its location was placed in the Talybont Settlement Group and due to its size (less than 27 dwellings) and range of facilities, was designated as being an 'other location' and therefore limited to only local affordable housing or rural enterprise needs (recent development in Bontgoch have been for affordable units where local need have been demonstrated). It was considered that only larger and more sustainable settlements (Service Centres) would be expected to meet general housing needs.

Notwithstanding, 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'. 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.

Whilst the two proposed affordable units meets that criteria in terms of size it is noted that from the floor plans provided, the open market dwelling has an external footprint of approximately 138m² which would give an indication of an internal floorspace of approx 250m² which would be contrary to policy if it was considered as an affordable unit.

In that respect it is considered that the proposal is in conflict with both local and national policies with regard to development in other locations.

Notwithstanding all other matters and irrespective that the site is located within Bontgoch settlement, the provision of an open market dwelling and two speculative affordable units at this location would be contrary to both local and national policies and it is recommended that the application be refused.

REASONS FOR DEFERRAL:

At the Development Management Committee on the 8th February, 2023 Members resolved to defer the application pending referral to the Cooling Off Group to consider the proposal together with any additional information received in detail. The application was initially considered by the Cooling Off group on 22 February 2023, and it was unanimously agreed that Officers contact the applicant to advise them that the Cooling Off' Group had considered the application, and concluded that they could not come to a decision without additional information in support of the application in relation to:

- Whether the applicant complies with the occupancy criteria;
- Evidence of the need for affordable housing in the area'

- Whether the applicant would consider reducing the size of the open market development; and
- Whether the applicant would consider the application of a commuted sum for the open market dwelling.

The Cooling Off Group met again on the 23rd March, 2023 and considered the response received from the applicant in respect of the requested information.

In terms of the qualifying criteria for an affordable dwelling, confirmation was received from the applicant that he would be able to meet both the occupancy and financial requirements.

The applicant also provided evidence in terms of need for affordable dwellings in Bontgoch and the immediate area in general. He indicated that he had received numerous requests for affordable housing in Bontgoch itself.

In relation to reducing the size of the open market dwelling, the applicant confirmed that he would be willing to do so provided that it was in keeping with the last open market dwelling to be approved in Bontgoch which had an internal floor space of circa 216m².

Lastly the applicant confirmed that he would be prepared to consider the application of a 10% commuted sum for the open market dwelling but would not be prepared to consider that all three proposed dwellings be designated as affordable dwellings due to viability issues.

Members of the Group considered the response in detail, noting that they agreed with the comments in relation to affordability and the housing need, however it was noted that the risk of call-in was extremely high as policy S04 only allows for affordable housing in this area.

Members queried whether the risk of call-in would be reduced if the application was changed to 3 affordable houses. Officers noted that the risk of call-in was likely to be reduced should the proposal be amended to three affordable homes but that ultimately this would be a matter for Welsh Government to decide, should a call-in request be received. Officers added however that it would be likely that Welsh Government would also review the location of the site, and may also consider the fact that Bontgoch is not considered to be a sustainable area, due to limited services and facilities and the need to travel to nearby areas for schools, shopping etc, and that the general need for affordable homes may be better met elsewhere in more sustainable locations.

Members asked about the size of the open-market application compared to that of an affordable house. Officers confirmed that the open market dwelling had a proposed internal floor area of approx. 250m² and that the applicant has confirmed that he would be willing to reduce this to 216m². However this still exceeds regulations relating to affordable houses. It was noted that Members have previously approved applications exceeding the DQR standard for affordable homes at 180m² and 190m², however concerns have already been raised by Audit Wales regarding this.

Following a discussion, the Cooling Off Group unanimously agreed that the applicant be informed of the Group's intention to recommend to the Development Management Committee that the application be refused unless the application is changed to 3 affordable houses, and a reduction to the size of the larger property in line with the relevant guidelines.

At time of writing no response has been received from the applicant or agent to the matter.

REASONS FOR REFERRING THE APPLICATION TO THE DEVELOPMENT MANAGEMENT COMMITTEE:

The local Member for the Ward, Cllr C M S Davies has requested the application be referred to the Development Management Committee for consideration for the following reasons:-

- Granting permission will mean that this parcel of land will be tidier;
- It would be helpful to have more affordable dwellings in the village.

RECOMMENDATION:

REFUSE as contrary to policy S01 and S04 of the Ceredigion Local Development Plan.