

## 2. Prif Eitemau/Main Items

#	Cyfeirnod y Cais / Application Reference	Dyddiad y derbyniwyd / Received Date	Ymgeisydd / Applicant	Bwriad / Proposal	Lleoliad / Location	Argymhelliad / Recommendation
1	A220738	05-10-2022	Mrs Enfys Davies	Proposed open market dwelling to include installation of vehicular access	Pencoed, Pentrer Bryn, Llandysul, SA44 6NN	Refuse
2	A230750	18-10-2023	Mr William Gareth Jones	Removal of condition 4 of planning permission - D1.980.90 - Occupancy	Werna, C1240 From Tregaron To Pont Nanstalwen, Tregaron, Ceredigion, SY25 6NG	Refuse

## 2.1. A220738



<b>Rhif y Cais / Application Reference</b>	A220738
<b>Derbyniwyd / Received</b>	05-10-2022
<b>Y Bwriad / Proposal</b>	Annedd marchnad agored arfaethedig a fydd yn cynnwys mynediad i gerbydau
<b>Lleoliad Safle / Site Location</b>	Pencoed, Pentre'r Bryn, Llandysul, SA44 6NN
<b>Math o Gais / Application Type</b>	Caniatâd cynllunio amlinellol - Cedwir pob mater/ rhai o'r materion yn ôl
<b>Ymgeisydd / Applicant</b>	Mrs Enfys Davies, Gofynach Fach, Llanarth, Ceredigion, SA47 0PE
<b>Asiant / Agent</b>	Mr Gareth Flynn (Gwasanaethau Pensaernïol Morgan & Flynn), Tan y Dderwen, Llanrhystud, Aberystwyth, SY23 5ED

## Y SAFLE A HANES PERTHNASOL

Saif y safle oddi ar Lôn Penrhiwgaled, ffordd fach sy'n ymestyn oddi ar yr A486 i gyfeiriad y gogledd-ddwyrain. Mae'r plot dan sylw yn gorwedd ar hyd rhes o ddatblygiad hirgul dros 0.5km o ganol Pentre'r Bryn. Mae'r anheddiad yn gorwedd ymhellach i'r de ar hyd yr A486.

Ar hyn o bryd mae'r safle ar laswelltir wedi'i wella gyda pherth yn ffinio'r safle i'r cefn. Mae perthi aeddfed yn gwahanu'r safle o'r ffordd gyfagos. Mae ffensys rheilffordd yn dynodi'r ffin rhwng y safleoedd cyfagos i'r gogledd a'r de.

Mae'r tai ar hyd y lôn gan mwyaf yn cynnwys anheddau 1 i 1.5 llawr, mae'r drychiadau allanol yn cynnwys rendro golau, carreg neu frics. Saif gwrychoedd aeddfed i'r gorllewin o'r lôn gyda chaeau a chefn gwlad agored wrth gefn yr anheddau tua'r dwyrain.

## Hanes Perthnasol y Safle o ran Cynllunio

- A090264 - Amlinelliad - Codi Annedd – Cymeradwywyd yn ddibynnol ar amodau, 2 Mehefin 2009
- A120077 - Codi annedd - Cymeradwywyd yn ddibynnol ar amodau, 15 Mawrth 2012

## MANYLION Y DATBLYGIAD

Mae'r cais ar gyfer un annedd sengl ar dir ger Pentre'r Bryn. Mae garej ar wahân hefyd yn cael ei gynnis ar y safle. Byddai creu llain welededd newydd yn golygu trawsleoli rhan o'r clawdd a chael gwared ar ddarn byr o wal. Byddai carthffosiaeth yn cael ei hymdrin trwy gysylltu â'r prif gyflenwad.

Mae hwn yn ganiatâd cynllunio amlinellol gyda rhai materion wedi'u cadw yn ôl. Mae graddfa, tirlunio a mynediad wedi'u cynnwys yn yr asesiad hwn. Byddai materion sy'n ymwneud ag ymddangosiad a chynllun yn cael eu penderfynu ar adeg ystyried materion a gedwir yn ôl.

Er nad oes cynlluniau adeiladu wedi'u cyflwyno fel rhan o'r cais hwn, cafodd y paramedrau canlynol eu tynnu o'r cynllun dangosol a ddarperir:

### Annedd:

- Lled yr annedd: Hyd at 12 metr
- Hyd yr annedd: Hyd at 20 metr
- Uchder i'r bondo: Hyd at 6 metr
- Uchder i'r grib: Hyd at 10m
- Cyfanswm Ôl Troed yr Annedd: Hyd at 250m<sup>2</sup>

### Garej ar wahân:

- Lled y garej: Tua 4.8 metr
- Hyd y garej: Tua 6.6 metr
- Uchder heb ei ddatgan

## POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNSAOL

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

- S01 Twf Cynaliadwy S01
- S04 Datblygiad mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill'
- DM03 Teithio Cynaliadwy
- DM04 Seilwaith Teithio Cynaliadwy fel Ystyriaeth Berthnasol
- DM05 Datblygu Cynaliadwy a Lles Cynllunio
- DM06 Dylunio a Chreu Lle o Safon Uchel
- DM09 Dylunio a Symud
- DM10 Dylunio a Thirweddu
- DM12 Seilwaith Cyfleustodau
- DM13 Systemau Draenio Cynaliadwy
- DM14 Cadwraeth Natur a Chysylltedd Ecolegol
- DM15 Cadwraeth Bioamrywiaeth Leol
- DM17 Y Dirwedd yn Gyffredinol
- DM20 Gwarchod Coed, Gwrychoedd a Choetiroedd
- LU02 Gofynion sy'n ymwneud â phob Datblygiad Preswyl
- LU04 Diwallu Amrywiaeth o Anghenion Tai
- LU05 Sicrhau Cyflenwi Datblygiadau Tai
- LU06 Dwysedd Tai
  
- CCA Y Gymuned a'r Iaith Gymraeg 2015
- Taflen Gymorth CCA Y Gymuned a'r Iaith Gymraeg 2015
- CCA Safonau Parcio CSC 2015
- CCA Asesiad Trafnidiaeth CSC 2015
- CCA Dylunio'r Amgylchedd Adeiledig 2015
- CCA Cadwraeth Natur 2015
- Cymru'r Dyfodol: y Cynllun Cenedlaethol 2040
- Polisi Cynllunio Cymru (rhifyn 11, Chwefror 2021)
- Dylunio TAN12 (2016)
- Trafnidiaeth TAN18 (2007)
- TAN5 Cadwraeth Natur a Chynllunio (2009)

## **YSTYRIAETHAU PERTHNASOL ERAILL**

### **DEDDF TROSEDD AC ANHREFN 1998**

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; aibennu 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; ac
- 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 I'R YMGYNGHORI

Cyngor Cymuned Llanllwchaearn - Dim gwrthwynebiad

Priffyrdd - Dim gwrthwynebiad, yn ddibynnol ar amodau

Draenio Tir - Dim gwrthwynebiad, yn ddibynnol ar amodau

Dŵr Cymru - Dim gwrthwynebiad, yn ddibynnol ar amodau

Cyfoeth Naturiol Cymru - Dim gwrthwynebiad, nid oedd Cyfoeth Naturiol Cymru yn ystyried y datblygiad arfaethedig fel mater a restrir ar eu pynciau ymgynghori

## 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 ystyriaeth perthnasol yn awgrymu fel arall".

## Egwyddor y Datblygiad

Mae paragraff 1.18 o Bolisi Cynllunio Cymru yn datgan "mae deddfwriaeth yn sicrhau rhagdybiaeth o blaid datblygu cynaliadwy yn unol â'r cynllun datblygu oni bai bod ystyriaethau perthnasol yn nodi fel arall i sicrhau bod materion cymdeithasol, economaidd, diwylliannol ac amgylcheddol yn gytbwys ac integredig."

Mae Polisi S01 y Cynllun Datblygu Lleol yn cyfeirio datblygiadau preswyl tuag at aneddiadau cynaliadwy. Strategaeth y Cynllun Datblygu Lleol yw y bydd 51% o ddatblygiadau tai newydd ar draws y Sir yn digwydd yn y Canolfannau Gwasanaethau Trefol, 24% yn y Canolfannau Gwasanaethau Gwledig a 25% mewn aneddiadau a lleoliadau eraill (gan gynnwys aneddiadau cysylltiedig).

Mae ffigurau tai mis Mawrth 2023 yn dangos bod 43% o gyfanswm yr ymrwymadau ar gyfer tai yng Ngheredigion wedi bod o fewn 'Aneddiadau Cysylltiedig â Lleoliadau Eraill', ac mae hyn yn groes i'r targed uchod o 25% mewn lleoliad o'r fath. Mae safle'r cais o fewn 'Lleoliad Arall' fel y nodwyd gan y Cynllun Datblygu Lleol. Y polisi lleol perthnasol, felly, yw Polisi S04. Mae Polisi S04 yn nodi'r canlynol mewn perthynas â thai:

2. Yn achos datblygu tai:

a. Dim ond yn yr 'Aneddiadau Cysylltiedig' y caniateir darparu tai cyffredinol. Mae'r holl 'leoliadau eraill' yn amhriodol ar gyfer datblygu tai oni bai y gellir cyfiawnhau hynny ar y sail ei fod yn cwrdd ag:

i. angen amlwg am dai fforddiadwy sydd heb ei ddiwallu yn yr ardal leol, ac yn unol â Pholisi S05; neu

## ii. angen am fenter wledig yn unol â TAN 6.

Ni ystyrir bod y cynnig yn elwa o'r naill eithriad angenrheidiol ar gyfer datblygiad preswyl mewn 'Lleoliad Arall', sef bod yr annedd yn fforddiadwy neu'n Annedd Menter Wledig yn unol â TAN 6.

Ystyrir Awdurdod Cynllunio Lleol fod anheddau mewn 'Lleoliad Arall' yn anghynaliadwy ac mae angen cyfyngu ar ddatblygiadau o'r fath yn unol â pholisïau CDLI S01 ac S04. Ceir cefnogaeth bellach o fewn polisi cenedlaethol fel Polisi Cynllunio Cymru a Chymru'r Dyfodol 2040.

Ni ystyrir bod ffactorau lliniaru yn ymwneud â chynaliadwyedd oherwydd diffyg trafnidiaeth gyhoeddus, gyda bysiau i Aberteifi, Aberystwyth a Phenglais yn gweithredu bob awr drwy gydol y dydd. Er y gallai hyn alluogi trigolion Pentre'r Bryn i deithio i ganolfannau Gwasanaeth Trefol, nid oes llwybr troed parhaus naill ai o flaen safle'r cais nac ar hyd yr A486 i'r aros fannau bysiau dywededig. Felly, byddai trigolion y datblygiad arfaethedig yn y dyfodol yn dibynnu i raddau helaeth ar ddefnyddio car preifat i ddiwallu eu hanghenion o ddydd i ddydd mewn canolfannau gwasanaethau trefol a gwledig cyfagos. Yn unol â Pholisi 12 Cymru'r Dyfodol, rhaid i deithio llesol fod yn elfen hanfodol ac annatod o'r holl ddatblygiadau newydd. Dylid integreiddio datblygiadau newydd â rhwydweithiau teithio llesol a, lle bo hynny'n briodol, bod y datblygiadau yn cyfrannu at eu hehangu a'u gwella.

Yn ogystal, nid oes siop gyfleus, meddygfa nac ysgol o fewn 2 filltir gyda phalmant. Fodd bynnag, mae yna neuadd gymunedol a hefyd Parc Gwyliau Brownhill. Nid yw'r cyfleusterau hyn yn cael eu hystyried yn ddigonol i negyddu'r angen i deithio y tu allan i'r anheddiad ar gyfer llawer o amwynderau dyddiol.

Felly, ni ystyrir bod y cynigion yn cyd-fynd â dyheadau Cymru'r Dyfodol 2040 na Pholisi Cynllunio Cymru (Rhifyn 11, 2011). At hynny, ni ystyrir bod y cynigion yn cydymffurfio â Pholisïau'r CDLI DM04 ac S04 mewn perthynas â datblygu cynaliadwy a mynediad digonol at ddulliau teithio llesol.

Felly, nid yw'r egwyddor y ceisir amdani yn dderbyniol.

### **Dyluniad**

Mae Polisi DM06 yn ei gwneud yn ofynnol i ddatblygiad fod o ddyluniad ac ansawdd da a chyfrannu'n gadarnhaol at ei gyd-destun; a Pholisi DM17 yn ceisio diogelu rhinweddau arbennig y dirwedd. Caiff y cynnig ei gyflwyno yn amlinellol ac, felly, byddai materion yn ymwneud ag ymddangosiad yr annedd yn cael eu trin yn fanwl fel rhan o gais Materion Neilltuedig dilynol. Gwnaed cais am faterion yn ymwneud â graddfa.

Darn gwag o dir yw safle'r cynnig, rhwng anheddau presennol sy'n ffurfio datblygiad hirgul. Fe'i hystyried yn ddatblygiad mewnlenni sy'n ategu'r patrwm presennol o ddatblygiad preswyl yn yr ardal. Mae'r ardal gyfagos yn cynnwys anheddau o wahanol feintiau. Ni theimlir bod mesuriadau'r annedd yn amhriodol o'u cymharu â'r ardal gyfagos. Yn ogystal, ystyrir maint dangosol yr annedd yn gymesur o ystyried maint y plot. Mae'r annedd wedi'i gosod yn ôl o'r briffordd i radd sy'n gymesur â'r anheddau yn yr ardal gyfagos.

Felly, mae'r cynnig yn gyson â Pholisi DM06 yn amodol ar fanylion llawn a ddarperir yn ystod y cam materion a gedwir yn ôl.

### **Amwynder**

Yn ôl Polisi DM06 o'r CLDP, dylai datblygiad ddiogelu amwynder deiliaid yr eiddo cyfagos rhag niwed sylweddol mewn perthynas â phreifatrwydd, sŵn a golygon.

Byddai materion manwl sy'n ymwneud â'r effaith ar amwynder y trigolion cyfagos, megis edrych drosto, yn cael eu trin ymhellach fel rhan o gais materion a gedwir yn ôl. Fodd bynnag, yn seiliedig ar y cynllun dangosol, ystyrir y gellir cyflawni math derbyniol o ddatblygiad ar y safle heb gael effaith andwyol sylweddol ar amwynder preswylwyr cyfagos. Mae pellter gwahanu helaeth o oddeutu 33 metr rhwng yr annedd arfaethedig a'i chymydog i'r de-orllewin, a phellter gwahanu helaeth o oddeutu 10 metr rhwng yr annedd arfaethedig a'i chymydog i'r gogledd-ddwyrain. Ni ddisgwylir effeithiau amwynder niweidiol sylweddol o ganlyniad i'r cynnig.

### **Ecoleg**

Mae'r ymgeisydd wedi cyflwyno Asesiad Ecolegol Rhagarweiniol (PEA) i gefnogi'r datblygiad. Yn ôl y PEA, mae'r safleoedd gwarchoddedig agosaf, Ardaloedd Cadwraeth Arbennig Gorllewin Cymru Morol a Bae Ceredigion yn gorwedd tua 4km i ffwrdd. Nid yw'r cynnig wedi'i gysylltu'n hydrolegol. Yn ôl arolwg o lystyfiant a chynefinoedd y PEA, mae'r safle'n cynnwys un prif fath o gynefin, sef glaswelltiroedd wedi'u gwella. Yn ôl y PEA, mae'r cynefin glaswelltir hwn yn dlawd o ran rhywogaethau ac nid oes unrhyw arwyddocâd ecolegol iddo. Mae'r gwrychoedd oedd yn amgylchynu'r safle o ddiddordeb ecolegol lleol neu fychan. Yn ôl y manylion a gyflwynwyd, ni fyddai'r un ohonynt yn cael eu hystyried yn wrychoedd pwysig fel y'u diffinnir gan y Ddeddf Perthi. Ystyrir bod y datblygiad yn unol â Pholisi CDLI DM20 sy'n nodi na ddylai datblygiad gael gwared ar goed, difrodi neu ddinistrio coed, gwrychoedd na choetiroedd o werth gweledol, ecolegol, hanesyddol,

diwylliannol neu amwynderol.

Yn ôl y PEA, ni chafwyd hyd i unrhyw arwyddion o foch daear ar y safle. Ar ben hynny, nid yw'r safle yn addas iawn ar gyfer amffibiaid ac ymlusgiaid, ond gallai'r cloddiau gefnogi'r madfall gyffredin. Ar ben hynny, mae'r PEA yn nodi nad yw'r safle o fawr o werth i adar sy'n nythu. Er na chynhaliwyd arolwg o weithgaredd ystlumod, nid oes unrhyw adeiladau na choed ar y safle felly does dim potensial ar gyfer ystlumod clwydo. Mae'r PEA hefyd yn dweud nad yw'r maes yn debygol o fod yn arwyddocaol ar gyfer ystlumod sy'n chwilota am fwyd. Nid oes unrhyw rywogaethau estron ymledol yn bresennol ar y safle.

Cynigir codi gwrych rhywogaethau cymysg newydd ar gyfer ffin ddeheuol y llain. Byddai hyn yn darparu elw net o ran bioamrywiaeth, yn enwedig os na chaiff ei docio mwy na phob yn ail flwyddyn. Mae'r datblygiad yn cyd-fynd â pholisi DM20 yn ddarostyngedig i amodau.

Dewisodd Cyfoeth Naturiol Cymru beidio â gwneud sylw ar y cais gan nad oeddent yn ystyried y datblygiad arfaethedig fel mater a restrir ar eu pynciau ymgynghori.

### **Tai Fforddiadwy**

Polisi SO5 Cynllun Datblygu Lleol Ceredigion 2013 a fabwysiadwyd (CDLI yn ceisio negodi cyfran o 20% o dai fforddiadwy ar bob datblygiad tai yn unol â'r Asesiad o Anghenion Tai Lleol.)

Mae ail ran Polisi SO5 yn ei gwneud yn ofynnol, o ganlyniad i faen prawf 1, fod cynigion yn esgor ar ofyniad tai fforddiadwy nad yw'n uned gyfan neu le na ellir darparu'r cymysgedd fel unedau cyfan. Yna bydd cynllun o werth cyfatebol yn cael ei bennu er boddhad yr Awdurdod Cynllunio Lleol neu yn ôl disgrisiwn yr Awdurdod Cynllunio Lleol, sef swm cymudedig yn cyfateb i 10% o werth marchnad agored y datblygiad.

Nid yw'r cynnig yn cynnwys darparu unrhyw dai fforddiadwy gan mai un annedd marchnad agored sy'n cael ei gynnig, mae angen gwneud cyfraniad at dai fforddiadwy ar ffurf swm cymudedig, a sicrhair gan Adran 106 yn unol â Pholisi SO5.

Mae Polisi SO5 y CDLI hefyd yn nodi y bydd angen i ddatblygwyr sy'n ceisio negodi gostyngiad yn y ddarpariaeth tai fforddiadwy gyflwyno manylion i ddangos diffyg hyfywedd y safle penodol.

Ni chyflwynir unrhyw ymrwymiad i dalu'r swm cymudedig na her hyfywedd i gefnogi'r cais i ddangos pam y byddai darparu tai fforddiadwy yn tansellio hyfywedd y cynllun yn ei gyfanrwydd yn yr achos hwn. Yn absenoldeb cytundeb cyfreithiol S106 i ddarparu cyfraniad mewn perthynas â'r ddarpariaeth tai fforddiadwy o fewn y sir, ystyrir y datblygiad arfaethedig yn groes i bolisi SO5 y CDLI a Pholisi 7 Cymru'r Dyfodol.

### **Parcio a Mynediad**

Nid yw'r Swyddog Prifffyrdd wedi gwrthwynebu'r cais sy'n cynnwys mynediad newydd a darpariaeth parcio ar gyfer yr annedd. Mae cynllun dangosol y bloc yn dangos lle i o leiaf ddau gar i barcio. Felly, gellir derbyn y cais fel un sy'n cydymffurfio â Pholisi DM03 mewn perthynas â darpariaeth parcio fel sy'n ofynnol gan Ganllawiau Cynllunio Atodol Cyngor Sir Ceredigion 2015 ynghylch Parcio.

Ni ystyrir bod y cais yn cydymffurfio â maen prawf cyntaf Polisi DM03 sy'n gofyn am i ddatblygiad leihau'r angen i deithio a'i fod yn hybu a rhoi cyfle i ddulliau cynaliadwy o drafnidiaeth yng Ngheredigion. Mae hyn oherwydd ei leoliad y tu allan i ffin anheddiad, diffyg palmant a digon o opsiynau trafnidiaeth gynaliadwy gerllaw.

### **ARGYMHELLIAD:**

**Gwrthodir** y cynnig am y rhesymau canlynol:

1. Nid yw'r cynnig yn cydymffurfio â Pholisi SO4 y CDLI sy'n ei gwneud yn ofynnol i gynigion ar gyfer anheddau mewn 'Lleoliadau Eraill' fod yn fforddiadwy neu gydymffurfio â Nodyn Cyngor Technegol 6. Felly, mae'r datblygiad arfaethedig yn annerbyniol mewn egwyddor ac ni fyddai'n gyfystyr â datblygu cynaliadwy, yn groes i Bolisi SO4, Cymru'r Dyfodol 2040 a Pholisi Cynllunio Cymru (Rhifyn 11, 2011).
2. Nid yw'n gwneud darpariaeth ar gyfer cyfraniad drwy swm cymudedig tuag at dai fforddiadwy yn y sir, yn groes i Bolisi SO5 y CDLI
3. Ni fyddai'r cynnig yn cydymffurfio â Pholisi DM03 o'r CDLI oherwydd y diffyg opsiynau sydd ar gael o ran trafnidiaeth gynaliadwy a dim palmant parhaus i anheddiad cyfagos Pentre'r Bryn gyda'i amwynderau cyfyngedig.

### **Rhesymau dros Gyfeirio:**

Mae Aelod Lleol y ward wedi cyfeirio'r cais i'r pwyllgor rheoli datblygu am y rhesymau a ganlyn:

Mae angen tai yn y sir (marchnad agored a fforddiadwy) a

Mae'r plot yn cynrychioli mewnlenni rhesymegol o fewn y ffurf adeiledig bresennol.



<b>Rhif y Cais / Application Reference</b>	A220738
<b>Derbyniwyd / Received</b>	05-10-2022
<b>Y Bwriad / Proposal</b>	Proposed open market dwelling to include installation of vehicular access
<b>Lleoliad Safle / Site Location</b>	Pencoed, Pentrer Bryn, Llandysul, SA44 6NN
<b>Math o Gais / Application Type</b>	Outline Planning Permission - All/Some Matters Reserved
<b>Ymgeisydd / Applicant</b>	Mrs Enfys Davies, Gofynach Fach, Llanarth, Ceredigion, SA47 0PE
<b>Asiant / Agent</b>	Mr Gareth Flynn (Morgan & Flynn Architectural Services), Tan Y Dderwen Llanrhystud, Aberystwyth, SY23 5ED

## THE SITE AND RELEVANT PLANNING HISTORY

The site sits off Penrhiwgaled Lane, a small road that radiates off the A486 in a north-eastern direction. The plot in question sits along a row of ribbon development over 0.5km from the centre of Pentre'r Bryn, the settlement sits further to the south along the A486.

The site is currently improved grassland with a hedge bounding the site to the rear. There is mature hedging that separates the site from the adjacent road. Split rail fences demarcate the boundary between the neighbouring sites to the north and south.

The houses along the lane largely consist of 1 to 1.5 storey dwellings, the external elevations consist of light render, stone or brick. Mature hedging sits to the west of the lane with fields and open countryside to the rear of the dwellings to the east.

### Relevant Planning History

- A090264 - Outline - Erection of a Dwelling - Approved subject to conditions, 2nd June 2009
- A120077 - Erection of a Dwelling - Approved subject to conditions, 15th March 2012

## DETAILS OF DEVELOPMENT

The proposal is for a single detached dwelling on land near Pentre'r Bryn. A detached garage is also proposed on site. Creation of a new visibility splay would entail the translocation of a section of hedgerow and removal of a short-section of wall. Sewerage would be dealt with via a mains connection.

This is an outline planning permission with some matters reserved. Scale, landscaping and access are included within this assessment. Matters relating to appearance and layout would be decided at a reserved matters stage.

While building plans have not been submitted as part of this application, the following indicative parameters were extrapolated from the indicative block plan provided:

### Dwelling:

- Width of dwelling: Max 12 meters
- Length of dwelling: Max 20 meters
- Height to Eaves: Max 6 meters
- Height to Ridge: Max 10m
- Total Dwelling Footprint: Max 250m<sup>2</sup>

### Detached Garage:

- Width of garage: Approximately 4.8 meters
- Length of garage: Approximately 6.6 meters
- Height not stated

## RELEVANT PLANNING POLICIES AND GUIDANCE

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

- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- DM03 Sustainable Travel

- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM05 Sustainable Development and Planning Gain
- DM06 High Quality Design and Placemaking
- DM09 Design and Movement
- DM10 Design and Landscaping
- DM12 Utility Infrastructure
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM20 Protection of Trees, Hedgerows and Woodlands
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- LU06 Housing Density
  
- Community and the Welsh Language SPG 2015
- Community and the Welsh Language SPG Help Sheet 2015
- CCC Parking Standards SPG 2015
- Transport Assessment SPG 2015
- Built Environment and Design SPG 2015
- Nature Conservation SPG 2015
- Future Wales: The National Plan 2040
- Planning Policy Wales (edition 11, February 2021)
- TAN12 Design (2016)
- TAN18 Transport (2007)
- TAN5 Nature Conservation and Planning (2009 )

## **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**

Cyngor Cymuned Llanllwchaearn - No objection

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, commented that NRW did not consider the proposed development as a matter listed on their consultation topics

## **CONCLUSION**

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

### **Principle of Development**

Paragraph 1.18 of Planning Policy Wales (PPW) states that "Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated."

Policy S01 of the Local Development Plan (LDP) directs residential development towards sustainable settlements. The strategy of the LDP is that over the plan period 51% of new housing development across the County will occur in the Urban Service Centres, 24% in the Rural Service Centres and 25% in other settlements and locations (including linked settlements).

The March 2023 housing figures show that 43% of total commitments for housing in Ceredigion have been within 'Linked Settlements and Other Locations', this is at odds with the aforementioned target of 25% in such a location. The application site lies within an 'Other Location' as identified by the Local Development Plan (LDP). The relevant local policy, therefore, is Policy S04. Policy S04 notes the following in relation to housing:

2. In the case of housing development:

- a. General housing provision will only be permitted in the 'Linked Settlements'. All 'Other Locations' are inappropriate for housing development 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.

The proposal is not considered to benefit from either of the necessary exemptions for residential development in an 'Other Location', those exemptions being an affordable dwelling or a Rural Enterprise Dwelling in line with TAN 6.

Dwellings in an 'Other Location' are considered unsustainable by the LPA and there is a need to restrict such development as per LDP policies S01 and S04, there is further support found within national policy such as PPW and Future Wales 2040.

There are not considered to be mitigating factors relating to sustainability owing to the lack of public transport provision, with busses to Cardigan, Aberystwyth and Penglais operating only hourly throughout the day. While this could enable residents of Pentre'r Bryn to commute to Urban Service centres, there is no continuous footpath either in front of the application site nor along the A486 to said bus stops. Therefore, future inhabitants of the proposed development would be largely reliant on the use of a private car to meet their day-to-day needs in adjacent urban and rural service centres. In accordance with Future Wales Policy 12, active travel must be an essential and integral component of all new development. New developments should be integrated with active travel networks and, where appropriate, contribute towards their expansion and improvement.

Additionally, there is no convenience store, GP surgery or school within 2 miles with a pavement. There is, however, a community hall and the Brownhill Holiday Park. These amenities are not considered sufficient to negate the need to travel outside of the settlement for many daily amenities.

The proposals are therefore not considered to align with the aspirations of Future Wales 2040 nor Planning Policy Wales (Edition 11, 2011). Furthermore, the proposals are not considered to comply with LDP Policies DM04 and S04 in relation to sustainable development and sufficient access to active travel methods.

The principle as applied for is therefore not acceptable.

### **Design**

Policy DM06 requires development to be of a high-quality design and contribute positively to its context; and Policy DM17 seeks to protect the special qualities of the landscape. The proposal is submitted in outline and, therefore, matters relating to the dwelling's appearance would be dealt with in detail as part of a subsequent Reserved Matters application. Matters relating to scale have been applied for.

The proposal site is a vacant piece of land in between existing dwellings which form a 'ribbon' of development. As such, it is considered infill development which complements the existing pattern of residential development in the area. The surrounding area features dwellings of varying sizes. As such, it is not felt that the dimensions of the dwelling are inappropriate when compared to the surrounding area. Additionally, the indicative size of the dwelling is considered proportionate to the size of the plot. The dwelling is set back from the highway to a degree that is commensurate with the dwellings in the surrounding area.

The proposal is thus consistent with Policy DM06 subject to full details provided at reserved matters stage.

### **Amenity**

According to Policy DM06 of the CLDP, development should protect the amenity of occupiers of nearby properties from significant harm in relation to privacy, noise and outlook.

Detailed matters relating to impact on the amenity of the nearby occupiers such as overlooking would be dealt with further as part of a Reserved Matters application, however, based on the indicative layout it is considered that an acceptable form of development can be achieved on the site without having a significant adverse impact on the amenity of nearby occupiers. There is a generous separation distance between the proposed dwelling and its neighbour to the south-west of approximately 33 meters, and a generous separation distance between the proposed dwelling and its neighbour to the north-east of approximately 10 meters. As such, significant adverse amenity impacts are not anticipated as a result of the proposal.

### **Ecology**

The applicant has submitted a Preliminary Ecological Assessment (PEA) in support of the development. According to the PEA, the nearest protected sites, the West Wales Marine and Cardigan Bay SACs, lie approximately 4km away. The proposal is not hydrologically connected. According to the vegetation and habitat survey within the PEA, the site comprises of one main habitat type, improved grasslands. According to the PEA, this grassland habitat is species-poor and of no ecological significance. The hedgerows which bound the site are of some minor or local ecological interest. According to the details submitted, none would class as important hedgerows as defined by the Hedgerows Act. As such, the development is considered to be in accordance with CLDP Policy DM20 which states that development should not remove, damage or destroy trees, hedgerows or woodlands of visual, ecological, historic, cultural or amenity value.

According to the PEA, no signs of badgers were found on site. Furthermore, the site is of low suitability for amphibians and reptiles, but the hedge-banks could conceivably support common lizard. Furthermore, the PEA states that the site is of little value for nesting birds. Whilst no bat activity survey was carried out, there are no buildings or trees on site so no potential for

roosting bats. The PEA also states that the field is unlikely to be significant for foraging bats. No invasive non-native species are present on site.

A new mixed species hedge is proposed for the southern boundary of the plot. This would provide a biodiversity net gain, particularly if it is trimmed no more than every other year. As such, the development accords with policy DM20 subject to conditions.

NRW chose not to comment on the application as they did not consider the proposed development as a matter listed on their consultation topics.

### **Affordable Housing**

Policy SO5 of the adopted Ceredigion Local Development Plan 2013 (LDP) seeks to negotiate a proportion of 20% affordable housing on all housing development in accordance with the Local Housing Needs Assessment.

The second part of Policy SO5 requires that where, as a result of criterion 1, proposals yield an affordable housing requirement which is not a whole unit or where the mix cannot be provided as whole units then a scheme of equivalent value shall be determined to the satisfaction of the Local Planning Authority (LPA) or at the discretion of the LPA, a commuted sum at the equivalent value of 10% of the open market value of the development.

The proposal does not include the provision of any affordable housing and by virtue of one open-market dwelling being proposed, a contribution to affordable housing in the form of a commuted sum, secured by Section 106 is required in accordance with Policy SO5.

Policy SO5 of the LDP also states that developers seeking to negotiate a reduction in affordable housing provision will need to submit detail to show lack of viability of the specific site.

No commitment to pay the commuted sum nor a viability challenge is submitted in support of the application to demonstrate why the provision of affordable housing would undermine the viability of the scheme as a whole in this instance. In the absence of a S106 legal agreement to provide a contribution in respect of the affordable housing provision within the county the proposed development is considered contrary to policy SO5 of the LDP and Policy 7 of Future Wales.

### **Parking and Access**

The Highways Officer has not objected to the application that includes new access and parking provision for the dwelling. The indicative block plan shows space for at least two cars to park. The application can, therefore, be accepted as being compliant with Policy DM03 in relation to parking provision as required by the CCC Parking SPG 2015.

The application is not considered to comply with the first criterion of Policy DM03 which requires development to minimize the need to travel and provide opportunity for and promote sustainable modes of transport in Ceredigion owing to its location outside of a settlement boundary, lack of pavement and sufficient sustainable transport options nearby.

### **ARGYMHELLIAD / RECOMMENDATION:**

The proposal is **REFUSED** for the following reasons:

1. The proposal does not comply with LDP Policy S04 requiring proposals for dwellings in 'Other Locations' to be affordable or comply with Technical Advice Note 6. The proposed development is, therefore, unacceptable in principle and would not constitute sustainable development contrary to Policy S04, Future Wales 2040 and Planning Policy Wales (Edition 11, 2011).
2. Fails to make provision for a contribution by way of a commuted sum towards affordable housing in the county contrary with Policy SO5 of the LDP
3. The proposal would not comply with Policy DM03 of the LDP owing to the lack of sustainable transport options available and no continuous pavement to the nearby settlement of Pentre'r Bryn with its limited amenities.

### **Reasons For Referral:**

The Local Member for the ward has referred the application to be referred to the development management committee for the following reasons:

- There is a need for housing in the county (both open market and affordable) and
- The plot represents logical infilling within the existing built form.



## 2.2. A230750



<b>Rhif y Cais / Application Reference</b>	A230750
<b>Derbyniwyd / Received</b>	18-10-2023
<b>Y Bwriad / Proposal</b>	Removal of condition 4 of planning permission - D1.980.90 - Occupancy
<b>Lleoliad Safle / Site Location</b>	Werna, C1240 From Tregaron To Pont Nanstalwen, Tregaron, Ceredigion, SY25 6NG
<b>Math o Gais / Application Type</b>	Removal/Variation of Condition(s)
<b>Ymgeisydd / Applicant</b>	Mr William Gareth Jones, Werna, Tregaron, Ceredigion, SY25 6NG
<b>Asiant / Agent</b>	,

## Y SAFLE A HANES PERTHNASOL

Byngalo yw'r Werna, wedi'i leoli mewn lleoliad cefn gwlad agored tua 400m i'r dwyrain o anheddiad Tregaron ac yn wynebu ffordd y Sir sy'n arwain ymlaen at Fynyddoedd Cambria. Mae adeilad mawr o fath amaethyddol wedi'i leoli tua 25m i'r gogledd o'r annedd a ddefnyddiwyd fel depo ar gyfer busnes cludo nwyddau ar y ffyrdd.

Rhodddwyd caniatâd cynllunio amlinellol ar gyfer codi annedd ar 26 Medi, 1990. Cymeradwywyd y cais fel eithriad, yn bennaf gan fod y cais wedi derbyn ystyriaeth sympathetig oherwydd amgylchiadau'r preswylwyr. Gosodwyd amod yn cyfyngu ar ddeiliadaeth yr annedd i bersonau a gyflogir mewn cysylltiad â rheoli'r busnes cludo nwyddau cyfagos.

Rhodddwyd caniatâd i'r cais cysylltiedig i gymeradwyo materion neilltuedig ar 28/06/1993.

## MANYLION Y DATBLYGIAD

Mae'r cais hwn yn ceisio dileu'r amod meddiannaeth a osodwyd ar ganiatâd cynllunio D1.980.90.

Mae amod 4 o D1.980.90 yn datgan fel a ganlyn:-

*Caiff deiliadaeth yr annedd ei meddiannu gan bersonau a gyflogir mewn cysylltiad â rheoli'r busnes cludo cyfagos (gan gynnwys unrhyw ddibynyddion i bersonau o'r fath) neu i wŷr neu wraig weddw person o'r fath.*

Gosodwyd yr amod am y rheswm bod y cais wedi derbyn ystyriaeth sympathetig oherwydd amgylchiadau'r meddianwyr.

Y rheswm a roddir gan yr ymgeisydd dros ddileu'r amod yw ei fod bellach wedi ymddeol o'r busnes cludo nwyddau ac wedi rhoi'r gorau i fasnachu ac felly nid oes busnes cludo bellach yn gysylltiedig â'r annedd.

## POLISIAU A CHANLLAWIAU CYNLLUNIO PERTHNASOL

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

S04 Twf Cynaliadwy

S04 Datblygu Mewn 'Aneddiadau Cyswllt a Lleoliadau Eraill

S05 Tai Fforddiadwy

Dyfodol Cymru: Cynllun Cenedlaethol 2040

Polisi Cynllunio Cymru (Rhifyn 12, Chwefror 2024)

Nodyn Cyngor Technegol 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)

## 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. Rhodddwyd 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 cynnwys:

- dileu neu leihau'r anfanteision y mae pobl yn eu dioddef yn sgil 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.

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

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

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar y Cyngor i gymryd camau rhesymol wrth ymarfer ei swyddogaethau i gwrdd â'r saith nod llesiant sy'n rhan o'r Ddeddf. Paratowyd yr adroddiad hwn gan ystyried dyletswydd y Cyngor a'r 'egwyddor datblygu cynaliadwy', fel y'i gosodir yn Neddf 2015. Wrth bennu'r argymhelliad, mae'r Cyngor wedi ceisio sicrhau bod anghenion y presennol yn cael eu bodloni heb amharu ar allu cenedlaethau'r dyfodol i fodloni eu hanghenion eu hunain.

## YMATEBION YMGYNGHORI

Cyngor Tref Tregaron - Dim sylwadau / gwrthwynebiadau i'r cais hwn.

## CASGLIAD

Mae adran 38 (6) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn nodi: *"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 yn ceisio cael gwared ar amod meddiannaeth a osodwyd ar yr eiddo a elwir yn Werna sydd wedi'i leoli yng nghefn gwlad agored i'r dwyrain o anheddiad Tregaron.

Rhodddwyd caniatâd cynllunio ar gyfer eiddo Werna ar sail eithriad, yn bennaf gan fod y cais wedi cael ystyriaeth sympathetig oherwydd amgylchiadau'r meddianwyr. Mae amod 4 yn datgan y bydd yr annedd yn cael ei meddiannu gan bersonau a gyflogir mewn cysylltiad â rheoli'r busnes cludo cyfagos (gan gynnwys unrhyw ddibynyddion i bersonau o'r fath) neu i ŵr neu wraig weddw person o'r fath.

Mae'r Awdurdod Cynllunio Lleol yn cydnabod nad yw geiriad yr amod yn caniatáu i unrhyw berson(au) nad ydynt yn cael eu cyflogi mewn cysylltiad â rheoli'r busnes cludo breswyllo yn yr eiddo gan gynnwys unrhyw un a oedd wedi ymddeol a oedd yn gysylltiedig â'r busnes hwnnw. Byddai dileu'r amod hwn yn caniatáu i'r ymgeisydd, ac unrhyw berson nad yw'n gysylltiedig â'r busnes cludo sydd wedi dod i ben, breswyllo yn yr eiddo heb unrhyw ganlyniadau.

Nodyn Cyngor Technegol 6: Mae Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy yn darparu polisi ac arweiniad mewn perthynas â datblygu mewn ardaloedd gwledig y tu allan i aneddiadau dynodedig. Fel y nodwyd uchod, rhodddwyd caniatâd i'r annedd, sydd y tu allan i unrhyw anheddiad, am reswm penodol a gosodwyd amod meddiannaeth.

Mae'r polisi cynllunio presennol, yn genedlaethol ac yn lleol, ond yn caniatáu datblygiad preswyl y tu allan i aneddiadau ar sail bodloni meini prawf TAN6 h.y. ar dir menter wledig a lle ceir mewnbyn sylfaenol o'r tir; neu fel annedd fforddiadwy.

Mae canllawiau TAN6 yn nodi, pan dderbynnir ceisiadau i ddileu'r amodau meddiannaeth bresennol, dylai'r awdurdod cynllunio ystyried rhoi amod menter wledig yn lle'r amod meddiannaeth bresennol fel y nodir isod. Yn aml, bydd hyn yn cael ei gyfiawnhau i sicrhau bod yr annedd yn cael ei chadw i ddiwallu anghenion tai gweithwyr gwledig a phobl leol sydd angen tai fforddiadwy.

Mae'r amod a awgrymir fel a ganlyn:-

*Bydd meddiannaeth yr annedd yn cael ei gyfyngu i:*

*a) person sy'n gweithio'n bennaf neu'n gyfan gwbl, neu a oedd yn gweithio ddiwethaf, ar fenter wledig yn yr ardal, neu gweddwon, gŵr gweddw neu bartneriaid sifil sydd wedi goroesi person o'r fath, ac i unrhyw ddibynyddion preswyl; neu os gellir dangos nad oes unigolyn yn gymwys ar gyfer meddiannaeth o'r fath,*

*b) person neu bersonau a fyddai'n gymwys i'w hystyried ar gyfer tai fforddiadwy o dan bolisiau tai yr awdurdod lleol, neu gweddwon, gŵr gweddw neu bartneriaid sifil sydd wedi goroesi person o'r fath, ac i unrhyw ddibynnyddion preswyl.*

Gofynnwyd i'r ymgeisydd a fyddai'n fodlon diwygio'r amod i adlewyrchu'r geiriad a awgrymir yn TAN6 ond gwrthododd y cynnig gan ofyn i'r Awdurdod benderfynu ar y cais fel y mae.

Gan ystyried rhinweddau'r cynnig, barn yr Awdurdod Cynllunio Lleol yw os yw'r ymgeisydd yn bwriadu cael gwared ar yr eiddo ac os caiff yr amod ei ddiwygio, gellir sicrhau bod yr annedd ar gael i bobl sy'n cael eu cyflogi mewn swyddogaeth menter wledig. Rhoddwyd caniatâd cynllunio ar gyfer yr annedd hon yng nghefn gwlad agored fel eithriad a dylid parhau i'w drin fel eithriad. Ystyrir bod angen anheddau menter wledig ac anheddau tai fforddiadwy yn yr ardal o hyd ac mae'r Cyngor wedi ystyried a chymeradwyo nifer o anheddau o'r fath yn yr ardal am y rheswm penodol hwnnw sy'n nodi bod angen a galw parhaus am anheddau menter wledig yn yr ardal.

O'r herwydd mae'r Awdurdod Cynllunio Lleol o'r farn nad yw'r achos nad oes galw nac angen am fenter wledig neu anheddau fforddiadwy yn yr ardal gyfagos a'r ardal gyfagos wedi ei wneud.

Yn ogystal gan fod yr eiddo wedi'i leoli mewn lleoliad cefn gwlad agored, mae'n berthnasol i bolisi S04 y Cynllun Datblygu Lleol sy'n ymdrin â Datblygu mewn Aneddiadau Cyswllt a Lleoliadau Eraill. Mae'r polisi hwnnw ond yn ceisio cefnogi datblygiad preswyl mewn 'lleoliadau eraill' os ydynt yn eiddo y gellir ei gyfiawnhau fel datblygiad TAN6 neu fel uned fforddiadwy.

Rhaid rhoi sylw i'r cyngor yn TAN6 ac ystyrir yn yr achos hwn fod y cais i godi'r amod yn cael ei wrthod. Os yw'r Aelodau'n bwriadu cefnogi'r cynnig, awgrymir bod yr amod perthnasol yn cael ei ddiwygio yn unol â'r geiriad a awgrymir yn TAN6 gan sicrhau ei fod ar gael i bersonau sy'n gweithio'n bennaf neu'n gyfan gwbl neu a oedd yn gweithi ddiweddaraf ar fenter wledig neu i'r rhai a fyddai'n gymwys i'w hystyried ar gyfer tai fforddiadwy o dan bolisiau tai'r awdurdod lleol.

Argymhellir gwrthod y cais yn unol â pholisiau cynllunio cenedlaethol sydd wedi'u cynnwys ym Mholisi Cynllunio Cymru a Nodyn Cyngor Technegol 6.

#### **RHESWM DROS ADRODD I BWYLLGOR:**

Gofynnodd yr Aelod Ward lleol, y Cynghorydd Ifan Davies i'r cais gael ei adrodd i'r Pwyllgor Rheoli Datblygu i'w ystyried am y rhesymau a ganlyn:-

- Bod yr amod wedi ateb ei ddiben;
- Nad oes llawer o fusnesau cludo yn yr ardal leol;
- Nid yw'r farchnad wedi'i phrofi gan nad yw'r eiddo wedi'i roi ar werth.

#### **ARGYMHELLIAD:**

Gwrthod y cais.

<b>Rhif y Cais / Application Reference</b>	A230750
<b>Derbyniwyd / Received</b>	18-10-2023
<b>Y Bwriad / Proposal</b>	Removal of condition 4 of planning permission - D1.980.90 - Occupancy
<b>Lleoliad Safle / Site Location</b>	Werna, C1240 From Tregaron To Pont Nanstalwen, Tregaron, Ceredigion, SY25 6NG
<b>Math o Gais / Application Type</b>	Removal/Variation of Condition(s)
<b>Ymgeisydd / Applicant</b>	Mr William Gareth Jones, Werna, Tregaron, Ceredigion, SY25 6NG
<b>Asiant / Agent</b>	,

## THE SITE AND RELEVANT PLANNING HISTORY

Werna is a bungalow located in an open countryside location some 400m to the east of the settlement of Tregaron and fronting onto the County road which leads on to the Cambrian Mountains. A large agricultural type building is located some 25m to the north of the dwelling which was used as a depot for a road haulage operator.

Outline planning permission was granted for the erection of a dwelling on 26th September, 1990. The application was approved on exception grounds, primarily that the application had been given sympathetic consideration due to the occupants circumstances. A condition was imposed restricting occupancy of the dwelling to persons employed in connection with the management of the adjoining haulage business.

Permission was granted for the associated application for approval of reserved matters on 28/06/1993.

## DETAILS OF DEVELOPMENT

This application seeks to remove the occupancy condition imposed on planning permission D1.980.90.

Condition 4 of D1.980.90 states as follows:-

*The dwelling hereby granted outline planning permission shall be occupied only by persons employed in connection with the management of the adjoining haulage business (including any dependants of such persons) or a widow or widower of such a person.*

The condition was imposed for the reason that the application had been given sympathetic consideration due to the occupants circumstances.

The reason given for the removal of the condition by the applicant is that he is now retired from the haulage business and has ceased trading and as such there is no longer a haulage business associated with the dwelling.

## RELEVANT PLANNING POLICIES AND GUIDANCE

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

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

## 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**

Cyngor Tref Tregaron Town Council - No comments / objections to this application.

## **CONCLUSION**

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

The application seeks to remove an occupancy condition imposed on the property known as Werna which is located in open countryside to the east of the settlement of Tregaron.

Planning permission was granted for the property of Werna on exception grounds, primarily that the application had been given sympathetic consideration due to the occupants circumstances. Condition 4 states that the dwelling shall be occupied only by persons employed in connection with the management of the adjoining haulage business (including any dependants of such persons) or a widow or widower of such a person.

The Local Planning Authority acknowledges that the wording of the condition does not allow any person(s) not employed in connection with the management of the haulage business to reside at the property including any retiree who was associated with the said business. The removal of this condition would allow the applicant, and any person unrelated to the ceased haulage business, to reside at the property without any recourse.

Technical Advice Note 6: Planning for Sustainable Rural Communities provides policy and guidance in respect of development in rural areas outside of designated settlements. As stated above, permission for the dwelling, which is outside of any settlement, was granted for a specific reason and an occupancy condition was applied.

Current planning policy, both national and local, only allows residential development outside of settlements on grounds of meeting TAN6 criteria i.e. on rural enterprise grounds and where there is a primary input from the land; or as an affordable dwelling.

TAN6 guidance states that where applications are received to lift existing occupancy conditions the planning authority should consider replacing the existing occupancy condition with the rural enterprise dwelling condition as set out below. This will often be justified to ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

The suggested condition is as follows:-

*The occupancy of the dwelling shall be restricted to:*

- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;*
- or if it can be demonstrated that there are no such eligible occupiers,*
- b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.*

The applicant was asked as to whether he would be amenable to amend the condition to reflect the suggested wording in TAN6 but declined the offer and requested the Authority determine the application as it stands.

Turning to the merits of the proposal, it is the opinion of the LPA that if the applicant is looking to dispose of the property and if the condition is amended, the dwelling can be made available to persons who are employed in a rural enterprise capacity. Planning permission was granted for this dwelling in open countryside as an exception and it should still be treated as an exception. It is considered that there is still a need for rural enterprise dwellings and affordable housing dwellings in the area and the Council has considered and approved a number of such dwellings in the area for that specific reason which indicates that there is a continuing need and demand for rural enterprise dwellings in the locality.

As such the LPA is of the opinion that the case that there is no longer a demand or need for a rural enterprise or affordable dwellings in the immediate and surrounding area has not been made.

Additionally as the property is located in an open countryside location it is applicable to policy S04 of the Local Development Plan which deals with Development in Linked Settlements and Other Locations. That policy only looks to support residential development in 'other locations' if they are properties justified as TAN6 development or as an affordable unit.

Regard must be given to the advice in TAN6 and it is considered that in this instance that the application for the removal of the condition be rejected. If Members are minded to support the proposal it is suggested that the relevant condition be amended in compliant with the suggested wording in TAN6 making it available to persons solely or mainly working or last working on a rural enterprise or to those who would be eligible for consideration for affordable housing under the local authority's housing policies.

It is recommended that the application be rejected in line with national planning policies contained in Planning Policy Wales and Technical Advice Note 6.

#### **REASON FOR REFERRAL TO COMMITTEE**

The local Ward Member, Cllr Ifan Davies requested the application be reported to the Development Management Committee for consideration for the following reasons:-

- That the condition has served its purpose;
- That there are not many haulage businesses in the local area;
- The market has not been tested as the property has not been put on sale.

#### **RECOMMENDATION:**

REFUSE the application.