

ATISN 19180 ITEM 020

WELSH GOVERNMENT - 2

02 FEB 2023



strictly private and confidential

Dear sir / madam,

Application no A220511 ceredigion county council

I wright to the above planning application (erection of an affordable dwelling) . I note that the application was refused by the Ceredigion county council planning officer, it was then proposed by the local ward member cllr [REDACTED] to take this application to the development management committee for their consideration.

A development management commlttee meeting was held on the 8 february 2023 and subsequently it was voted by the councillors to approve this application.

I would like to draw your attention to the fact that the [REDACTED]

[REDACTED] some 35 miles away. Furthermore It has not been said that [REDACTED]

I would be greatfull if this application was called in before yourselves for your views. Application of this manner make a mockery of the planning system her in Ceredigion. Please see attached correspondence for reference.

Do not under any circumstance make my name, address and contact details public knowledge.

Yours faithfully



Rhif y Cais / Application Reference	A220511
Derbyniwyd / Received	06-07-2022
Y Bwrld / Proposal	Erection of an affordable dwelling.
Lleoliad Safle / Site Location	[REDACTED]
Math o Gais / Application Type	Full Planning
Ymgelysydd / Applicant	[REDACTED]
Asiant / Agent	[REDACTED]

THE SITE AND RELEVANT PLANNING HISTORY

The application site forms part of a larger agricultural field currently used for grazing and cropping and forms part of the wider holding of [REDACTED]. The site is located adjacent to an existing single storey dwelling which fronts the class C county-maintained road which links [REDACTED].

No public rights of way cross the application site.

The site is bordered to the North by an established hedgerow with the remainder of the site being actively farmed and of low ecological value. The site has a general fall from East to West.

The cluster of properties known as Fellynwynt is circa 600m to the east. There is further residential property sparsely located within the locality as well as the commercial property known as Fellynwynt Playbarn and Café.

The immediate setting is rural in character, with hedgerows and open fields a defining characteristic.

The main farmstead at Lleine farm is located circa 550m to the west.

Planning History

No planning history is identified in respect of the application site.

DETAILS OF DEVELOPMENT

The proposal seeks full planning permission for the erection of an affordable dwelling. A new vehicular access onto the county-maintained road is also proposed.

The proposed dwelling would sit centrally within the plot as to ensure sufficient space is made for the parking and turning of vehicles on land forward of the principal elevation. The remainder of the plot would be mainly laid to lawn.

The proposed dwelling would be two storey and would be traditional in form benefiting from a pitched slate roof and front facing cabled protrusion. External material includes smooth painted render finish, stone detailing.

Internally the proposed dwelling makes provision for a kitchen dinner, living room, pantry, utility room, WC and understairs storage at ground floor level, with the first floor making provision for a family bathroom, 3/4 bedrooms, one of which benefit from an en-suite bathroom and linen cupboard.

In total the proposed dwelling would have a gross internal area of circa 160 sqm.

In their supporting statement the applicant has demonstrated that they qualify to occupy an affordable dwelling and are agreeable to signing a S106 legal agreement to secure the dwelling as an affordable in accordance with Technical Advice Note 2 Affordable Housing.

RELEVANT PLANNING POLICIES AND GUIDANCE

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

- DM01 Managing the Impacts of Development on Communities and the Welsh Language
- DM03 Sustainable Travel
- DM04 Sustainable Travel Infrastructure as a Material Consideration
- DM05 Sustainable Development and Planning Gain
- DM06 High Quality Design and Placemaking

(circa 550m to the west), where the applicants are involved with the farming activities.

There was also some discussion in relation to the proposed size of the property, which would have a gross internal area of circa 160sqm. It was explained to members of the panel that an affordable property should adhere to the limitations as set out in Ceredigion Council's Affordable Housing SPG in terms of size, in order to ensure that such properties are not unaffordable to qualifying persons. The panel understood the purpose of the limitations as set out in the SPG and agreed that discussions would need to take place at the next committee meeting in relation to the matter. The panel did comment however that a smaller house may look out of place in comparison to the site context and neighbouring properties.

instances, for obtaining planning consent rather than secure a commercial intention to build. All these factors are tending to hamper genuine housing delivery and responsiveness to immediate needs.

Criterion 1 of policy LU05 considers the staged release of allocated sites and is not therefore relevant in this instance.

Criterion 2 relates to housing proposals within Rural Service Centres (RSCs), Linked Settlements and Other Locations and states at limb a, that short planning permission will be issued at the discretion of the local planning authority, while limb b states that Housing development in RSCs may, and in Linked Settlements and Other Locations will, be conditioned with completion dates.

Since the deletion of TAN1 Joint Housing Land Assessments by Welsh Government there is no longer a need for the Local Planning Authority demonstrate a five year supply of deliverable housing land, as such it is no longer considered necessary to apply completion conditions in accordance with criterion 2 of LU05. Notwithstanding this it is considered that should members seek to support the proposed development a condition be attached ensuring a short planning permission of 18 months is issued in this instance in order to ensure the 'build quota' for the settlement group is used up and 'land banked' for future development.

Conclusion

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

For the reasons set out above the proposed development is considered to conflict with policies S01, S04, S05, LU06 and DM06, & DM17 of the Ceredigion Local Development Plan 2007-2022, as well as the sustainability and place making principles of PPW and Future Wales. There are no material planning considerations to indicate a departure from the development plan in this instance.

RECOMMENDATION:

It is recommended that the application be refused for the following reasons:

1 The proposed development would represent inappropriate housing development within 'other locations' which is contrary to policies S01, S04 and S05 of the Local Development Plan 2007-2022 (adopted April 2013) and the sustainability and place making principles of Planning Policy Wales (PPW) (Edition 11, February 2021) and Future Wales 2040:

2 No S106 legal agreement has been entered into which would ensure the provision of affordable housing in accordance with S05 of the Ceredigion Local Development Plan 2007-2022 (adopted 2013) and the associated Affordable Housing Supplementary Planning Guidance (adopted 2014).

3 The proposed development would result in a detrimental urbanizing effect into the rural locality contrary to policies DM06 and DM17 of the Ceredigion Local Development Plan 2007-2022 (adopted 2013).

4. The scheme would result in a residential density significantly below that advocated by policy LU06 of the Ceredigion Local Development Plan 2007-2022 (adopted 2013) and therefore fails to make efficient use of land.

REASONS FOR REFERRING THE APPLICATION TO THE DEVELOPMENT MANAGEMENT COMMITTEE:

Councillor [REDACTED] has referred the application to the Development Management Committee for the considerations for the following reasons:

1 The need for affordable dwellings in the south of the county.

2 Keeping young people in felinwynt.

REASON FOR DEFERRAL:

At the Development Management Committee on the 14th December, 2022, Members resolved to refer the application to the Site Inspection Panel (SIP), in accordance with paragraphs two and five of the Council's adopted criteria.

The SIP subsequently took place on Wednesday, 11th January, 2023 and Members of the panel comprised of Cllr's. [REDACTED]

The local ward member Cllr. [REDACTED] was also in attendance, but he did not participate in the discussions.

After viewing the application site and its surroundings, the panel came to the view that the application site adjoined the existing settlement of [REDACTED]. They noted also that the application site was within easy walking distance of [REDACTED].

Highway Impact

Policy DM03 advises that development will be located so as to minimise the need to travel. Policy DM03 also sets out that parking provision should be provided as part of development proposals in accordance with the Ceredigion Parking Standards SPG.

Vehicular access to the proposed development would be via a new access to the class C road to the application sites northern boundary with sufficient space for the parking of 3 vehicles provided on site. The proposed development would also make provision for the turning of vehicles on site as to enter and exit the site in the forward gear. The proposal is therefore considered to accord with the Ceredigion Parking Standards SPG which requires the provision of 1 parking space per bedroom, up to a maximum of 3 spaces for residential development in rural locations.

DM03 also requires the submission of a transport assessment should the thresholds set out in the Ceredigion Transport Assessment SPG be met. In respect of housing the Transport Assessment thresholds as set out in table 1 of the SPG. A full Transport Assessment in accordance with Annex D TAN18 should be provided where development proposals would result in the provision of 100 or more residential dwellings. Development proposal which seeks the provision of 50-100 dwellings should instead be supported by a Local Transport Assessment as set out in the SPG.

The proposal under consideration here seeks the introduction of a single dwelling as such no Transport Assessment or Local Transport Assessment is required in respect of development.

Policy DM04 draws the attention of applicants to the need to make the most of opportunities for walking, cycling and the use of public transport. This should be achieved by providing connections to existing routes from new development, re-instating infrastructure that has fallen into disuse where that will serve new development in a sustainable way and providing improved health and quality of life by incorporating features in development that take advantage of links to non-car travel modes for human and freight movement.

The Local Highway Authority have been consulted on the application and offer no objection to the proposed development subject to conditions. Overall, it is considered that the proposed development will not have an unacceptable adverse impact on highway safety and movement, and there is sufficient capacity within the existing highway network to absorb the traffic created as a result of this development.

Ecology

Both national and local planning Policy seek to maintain and enhance biodiversity and safeguard protected important sites.

Policies DM14 and DM15 of the Local Development Plan seeks to maintain and enhance biodiversity and safeguard protected important sites. Protected sites, habitats or species either directly, indirectly or in combination will only be permitted where it can be demonstrated that the proposal contributes to the protection, enhancement or positive management of the site, habitat or species or in certain other circumstances set out in the policy. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The Ceredigion County Planning Ecologist considers that the scheme can be delivered without negatively affecting any priority habitat. The Ecologist does however advise that should the application be approved a condition be attached to control exterior lighting as to not adversely affect a European protected species (Bats). A condition is also suggested to secure biodiversity enhancements in the form of wildlife planting and the provision of bat and bird boxes and bricks.

Land Drainage

The council's own technical services department have advised SUDs approval is required and provide details of how to minimize the risk of surface water flooding. It is therefore considered that surface water disposal could be appropriately managed by way of the SUDs approval process, as such the proposed development is not considered to increase the risk of flooding.

Housing Delivery

Policy LU05 seeks to ensure the genuine availability of land to meet the identified housing number set out in Policy S01 of the LDP. The policy seeks to improve delivery of completed housing rather than of planning consents.

Housing development in Ceredigion has different characteristics to that in more urban Counties. It is not dominated by the large volume builders and includes a large number of individual landowners who apply for planning permission. There has been a tendency to secure planning consents in a settlement without the clear intent to implement or deliver the units in the foreseeable future. This has often resulted from a pressure to secure a planning permission before the 'build quota' for a village is used up. Moreover, there has been a permissive approach in place to the renewal of planning consents. Planning consents have also been preserved as being extant by virtue of 'technical starts' which support the motivations, in some

settlements must continue to be strictly controlled.

In terms of physical location there is a single dwelling immediately adjacent to the proposed plot however, this does not form a part of a settlement. The nearest cluster of dwellings can be found at Fellnwynt, approximately 600m away. The nearest defined settlements are Penparc circa 2km to the south and Parclyn/Aberporth is located approximately 3km to the northeast and therefore the proposal cannot be considered as being located within or adjoining an existing settlement.

Furthermore, there are no pavements to these settlements to allow safe walking, and there is also no public transport provision within a safe walking distance of the [REDACTED] would therefore be solely reliant on the use of a private vehicle to access services and facilities. This is contrary to PPW, Future Wales, TAN18, and LDP policies DM03, DM04 and DM06 which seek to promote sustainable means of travel by ensuring that housing development are built in locations where services and facilities can be accessed in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.

The proposal is therefore contrary to criteria 2a, 2b, 2c, and 4 of policy S04 and is not compliant with the housing strategy as set out in the LDP and specified within policy S01, PPW or Future Wales and the principle of development cannot therefore be supported.

Welsh Language Impacts

Policy DM01 managing the impacts of Development on Communities and the Welsh Language Requires a Community and Linguistic Impact Assessment (CLIA) to be provided in respect of housing developments within linked settlement and service centres where delivery would come forward at a rate faster than that referenced in the relevant Settlement Group Statement.

The proposed development site is within an 'other location' and as such no CLIA is required in respect of the proposed development.

Density

The red line boundary provided measures approximately 0.24ha. Based on the delivery of a single residential units this equates to a density of circa 4 dwellings per hectare. This is considered to be substantially below the density as set out in policy LU06 of the LDP where densities of 15-25 units per hectare are advocated for single rural dwellings. No argument has been progressed as part of the application as to why such low density is appropriate in this instance.

The proposal would not therefore represent an efficient use of land contrary to the objectives of LU06.

Public Open Space

Policy LU24: Provision of New Open Space requires development on windfall sites to make provision for open space where the development results in the provision of more than 10 bedrooms. The development proposal is for the erection of a single 3/4-bedroom house and as such no public open space is sought as part of this development proposal.

Design, Landscape and Visual appearance

DM06 is the place making policy of the LDP and states that Development should have full regard, and positively contribute to the context of its location and surroundings. Development should reflect a clear understanding of design principles, the local physical, social, economic and environmental context and should promote innovative design whilst having regard to local distinctiveness and cultural heritage in terms of form, design and material. Development proposals should also complement the site and its surroundings in terms of layout, respecting views into and out of the site, producing a cohesive form in relation to the scale, height and proportion of existing built form.

The councils adopted Design and Built Environment SPG gives effect to DM06 and provides guidance on the issues that need to be considered when developing various buildings. Section 2 of the SPG considers how proposals should respond to Ceredigion's Character. Ceredigion is fortunate to have a rich history, which is often reflected in many of its buildings and spaces. In order to improve the quality of Ceredigion's built environment it is essential that new development is based on a thorough assessment of local character.

The SPG provides guidance on the elements of relevance to consider when designing a proposal which responds to Ceredigion's local Character with people and connectivity with the existing two of the four main elements to consider.

The properties within proximity of the site are all single storey dwellings therefore, it is therefore considered that a two-storey dwelling as proposed would be at odds with the general pattern of development in the area. Furthermore, it is considered that a new dwelling within an open countryside location such as this would have a negative urbanizing effect on the character and appearance of the rural locality and wider landscape contrary to DM06 and DM17 of the adopted development plan.

*unmet affordable housing need in the locality in line with Policy S05 and its accompanying explanatory text; or
ii. need for a rural enterprise dwelling in line with TAN 6.*

Criterion 2 (a) – Makes provision for the development of affordable housing in other locations, subject to the proposal also meeting the remaining criterion of policy S04 and policy S05. The proposal is for the erection of an affordable dwelling and the applicant has indicated their intention to agreeing to enter a section 106 legal agreement to secure the property as an affordable in perpetuity in accordance with Policy S05, appendix 4 of the LDP, PPW, Future Wales and Tan2, however in considering proposals for affordable housing, policy S05, and appendix 4 of the LDP draw 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. From the floor plans provided, the proposed dwelling would have a floor area of approximately 160m², significantly above the figure allowed within Ceredigion.

The proposal is therefore in conflict with criterion 2a.

Criterion 2 (b) - The overall level of development within the 'Linked Settlements and Other Locations' does not exceed its provision as set out in Appendix 2 – The application site is within the Aberporth/Parclyn settlement group has an overall housing requirement of 332 new residential units, 220 of which are to be provided for within the service centre and 112 within the linked settlements and other locations.

As of August 2022 131 units have been completed. Of the 131 units completed 39 were in the service centre while 92 are in linked settlements and other locations.

A further 110 units have had permission (outstanding consents) in this settlement group. Of the outstanding consents 46 are located within the service centre while 64 are in the linked settlements and other locations.

It should be noted that of the 110 outstanding consents 18 are for affordable housing units.

Therefore, accounting for demolitions and conversions (0) there is no remaining housing requirement within the linked settlements and other locations and it is considered any affordable housing need can be addressed through existing consents.

Criterion 2c states that in the case of new housing, developments should come forward at a rate no greater than the proportionate rate of development in the relevant Service Centre (Urban or Rural) as set out in Appendix 2 (column a). The LDP strategy requires 66% of units to come forward in the Service Centre and 34% in Linked Settlements and Other Locations for the Aberporth/Parclyn Settlement Group by the end of the plan period. The actual percentage at August 2022 is 32% (SC): 68% (LS&OL). Therefore the settlement group is slightly out of balance and further development in Linked settlements and other locations should not be supported.

The application if permitted would also be in conflict with criterion 2b, 2c and would therefore undermine the deliverability of the Ceredigion LDP housing strategy.

Criterion 2(d) relates to linked settlements and is not therefore appropriate in this instance.

The proposal is therefore contrary to criterion 2a, 2b and 2c of policy S04 and is not compliant with the housing strategy as set out in the LDP and specified within policy S01.

In addition to the above identified conflict with criterion 2 of S04 the proposal must also be considered against criterion 4. Criterion 4a relates to development proposals within linked settlements and is not therefore applicable in this instance, however criterion 4b reads as follows:

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

b. In 'Other Locations' it either accords with the requirements of TAN 6 or in terms of affordable housing it is located immediately adjacent to existing groups of dwellings in line with the intentions of Para 9.2.22 of PPW and TAN 2, Para 10.13.

Whilst PPW has since been updated, paragraph 3.60 continues to require development in the countryside to be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscaping conservation, and states that infilling or minor extensions to existing settlements may be acceptable in particular where they meet a local need for affordable housing, but that new building in the open countryside away from existing

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 Fferwig Community Council – lend their support to the scheme owing to the need to retain young people in the locality.

Highways – No Objection STC

Land Drainage – SUDs approval required

Ecology – No Objection STC

Dwr Cymru Welsh Water – No Objection

No third-party representations have been submitted in support of the scheme.

OFFICER ASSESSMENT:

Principle of Development

In accordance with national and local planning policies residential development is directed towards sustainable settlements and should be contained within existing settlement boundaries. 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 site sites beyond any defined settlement or group of dwelling and as such is considered as being located within an 'other location' for planning policy purposes. Policy S04 of the LDP seeks to control the proliferation of additional housing development within other location in accordance with national planning policy and guidance which direct development to the most sustainable settlements. Criterion 2 of S04 is repeated below.

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:

- unmet affordable housing need in the locality and accords with Policy S05; or*
- need for a rural enterprise dwelling in line with TAN 6.*

b. The overall level of development within the 'Linked Settlements and Other Locations' does not exceed its provision as set out in Appendix 2 (column b);

c. It comes forward at a rate no greater than the proportionate rate of development in the relevant Service Centre (Urban or Rural) as set out in Appendix 2 (column a);

d. In the 'Linked Settlements' only, it does not cumulatively exceed 12% of the existing level of housing as at 2007 in that 'Linked Settlement' (see Appendix 5) unless justified on the basis that it meets a demonstrated: i.

- DM08 Bilingual Signs and Place Names
- DM09 Design and Movement
- DM10 Design and Landscaping
- DM11 Designing for Climate Change
- DM12 Utility Infrastructure
- DM13 Sustainable Drainage Systems
- DM14 Nature Conservation and Ecological Connectivity
- DM15 Local Biodiversity Conservation
- DM17 General Landscape
- DM18 Special Landscape Areas (SLAs)
- DM19 Historic and Cultural Landscape
- LU02 Requirements Regarding All Residential Developments
- LU04 Meeting a Range of Housing Needs
- LU05 Securing the Delivery of Housing Development
- LU06 Housing Density
- LU24 Provision of New Open Space
- S01 Sustainable Growth
- S04 Development in Linked Settlements and Other Locations
- S05 Affordable Housing
- Community and the Welsh Language SPG 2015
- Open Space SPG April 2014
- Special Landscape Areas SPG April 2014
- Community and the Welsh Language SPG Help Sheet 2015
- CCC Parking Standards SPG 2015
- Transport Assessment SPG 2015
- Renewable Energy SPG 2015
- Built Environment and Design SPG 2015
- Nature Conservation SPG 2015
- Affordable Housing SPG 2014
- Affordable Housing SPG Help Sheets 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