

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN/**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 30 IONAWR 2020
ON 30 JANUARY 2020**

**I'W BENDERFYNU/
FOR DECISION**

**ATODIAD
ADDENDUM**

*Ardal Del/
Area South*



ADDENDUM – Area South

<i>Application Number</i>	S/38652
<i>Proposal & Location</i>	VARIATION OF CONDITIONS 1 AND 8 ON S/19824 (REQUEST EXTENSION OF TIME ALLOWED FOR THE EXTRACTION OF MINERALS) AT PENNANT QUARRY, HERBERDEG ROAD, PONTYATES, LLANELLI, SA15 5UP

DETAILS:

Summary of Public Representations

Letter of objection from residents of Herberdeg Road.

Objection to Application S/38652 at Pennant Quarry, SA15 5UP

if this decision is to be deferred then we would like to exercise our right not to have this letter read out at this juncture.

Introduction

This proposal provides absolutely no benefits to the local amenity, is not required under MTAN1 and does not comply with the Carmarthenshire Biodiversity Action Plan. We agree that historically this site has not caused too many problems and for this reason there have been few complaints, however ownership of the site changed in 2015 and this is when the problems began. The change of ownership resulted in a change of production methods from cut stone to crushed rock, this in turn resulted in a substantial increase in noise, dust, vibration and HGV movements.

Since 2015 the site has operated without an approved Phased Working Program and is therefore currently in a state of unauthorised development. Much of the site is unmanaged and despite enforcement action being taken, the hedgerows either side of the main gate are still infested with Japanese Knotweed. Despite 20 years of operation, no restoration of the site has ever occurred. The increase in HGV traffic has caused severe issues with the local communities of Cynheidre and Five Roads, this being the main reason for many of the 19 objections. (An addendum is included with some select quotes)

This letter seeks to explain why we consider the current proposal to be unacceptable for this location.

1. It should first be noted that permission S/19824 was itself a Section 73 application and therefore its parent permission C/21/97 authored by David Wilks still exists in law. We would urge the panel to read this document carefully in order to fully understand the true implications of this application.

2. C/21/97 was originally refused by Carmarthenshire LPA in 1997. The refusal was appealed and the appellant presented the following persuasive arguments:
- a. The quarry formed part of the income for his family
 - b. It would be operated by 1 man with part-time assistance
 - c. Stone would be pulled from the face using an excavator and dimensioned using a guillotine under cover to reduce dust
 - d. HGV traffic from the quarry amounted to 2 lorries per week
 - e. The quarry wouldn't be sold or expanded
3. None of the arguments above are still valid and the application before you today would mean that the quarry will now be operated as:

"an aggregate quarry employing 6 contractors, a full range of earth moving plant and an extensive fleet of HGVs. Stone is blasted from the exposed face, loaded into a mobile jaw crusher and the crushed stone is fed directly to a vibrating screener for grading. All machinery is diesel powered and used in the open with the potential for significant dust generation and noise pollution. The resultant aggregate is stock-piled until being transported off site by 32 and 44 tonne HGVs. There is nothing to prevent as many HGVs as the applicant has access to, from accessing the quarry multiple times every day if demand required. (the LHA did suggest such conditions, but they were refused by the applicant)."

This is clearly a substantial material change from the original description and we cannot accept the interpretation that crushing operations were permitted just because there were no conditions forbidding them. We would argue that the reason no such conditions exist, is because at no time were crushing operations ever considered in the original application. Any such conditions would not have been necessary and therefore could not have been legally imposed.

Additional Considerations

- a. If the scale and scope of this application is "as previously approved", then why are so many new conditions required and why has it taken 10 months to get to committee?

- b. There is no clarity over how the quarry will be operated. One argument states that daily tonnage will be low if spread over a 12 month period, yet another argues that there will be periods of relative quiet if operations are “compressed” into a shorter time period. They can’t have it both ways!
- c. The appeal decision by David Wilks has already decreed that a condition to form visibility splays was not necessary and therefore this cannot now be legally conditioned under Section 73 as it contravenes the requirement that any new conditions must be imposable on the original permission.
- d. It is claimed that the quarry is screened from view by the mature planting along the boundary with Herberdeg Road; however the formation of the new visibility splays will remove much of this screening.
- e. The existing road was considered inadequate by Mr Wilks in terms of width, alignment and gradient to accommodate regular HGV traffic. The road surface has already suffered much damage from operations since 2016, however the significant cost of repairs has fallen on the tax-payer and undoubtedly will again.

Conclusion

The hard part of writing this letter, was knowing what to leave out. There is so much wrong with this application we could have written a 30 minute speech. We would therefore urge the committee to verify that any new or amended conditions satisfy the requirements of Sections 73 in that they do not materially alter the development and could have been legally imposed on the original permission in 1998. It is our contention that several do not.

The current permission only exists because of the assurances given to the appeals officer as described in C/21/97 in that the quarry would be operated in a very specific and limited way. This application will fundamentally and materially change the description to a scale and scope of operations not anticipated or conditioned for by the parent permission. We therefore urge the committee to refuse.


M Hall.

Addendum (please read if time allows)

The following concerns were raised by objectors, yet were barely mentioned in the report:

"I strongly object for the extension to continue to use this quarry, as when previously used to transport out from this quarry the damage this caused to the highway and outside my property. On a previous concern raised to planning about the damage planning did not want to know, this time I am prepared to take action against this decision to the Welsh assembly government, I also have photographic evidence from the previous damaged caused" (Julie Davies)

"Heol Hen often has cars parked on the road making it very difficult for these 32 tonne lorries to pass without mounting the pavement." (David Harries)

"They have damaged the road surface in many places even over the fire hydrant if this activity continues, the road, the services in the road and possibly buildings close to the road will be affected. Other risks include damage to vehicles parked on lane especially when two lorries meet and they do, and to children playing out on the lane and lots of people of all ages walk up and down." (Nigel Churcher)

"Besides children, there are many elderly residents and pets which should be taken into consideration. This road was not intended for such big lorries to use. They are also causing the tarmacadam to break up in places. Once again I reiterate my STRONG opposition to this planning application." (Mary K Dadds)

Signatories

Residents of Herberdeg Road

Address	Name	Signature
New View, Herberdeg Road SA15 SUP	M Hall S. Rood	<i>[Handwritten Signature]</i>
1, Efail Fach, Herberdeg Road SA15 SUP	T. Jones T. Jones	<i>[Handwritten Signature]</i>
2, Efail Fach, Herberdeg Road SA15 SUP	S. Greenham	<i>[Handwritten Signature]</i>
Jan-y-Quarry Farm, Herberdeg Road SA15 SJA	TIMOTHY DUNN	AND ASSOCIATED SUBMITTERS
College Farm, Herberdeg Road SA15 SJA	John B. Fowler John Fowler	<i>[Handwritten Signature]</i> <i>[Handwritten Signature]</i>

We, the above signed, hereby object to planning application S/38652 - VARIATION OF CONDITIONS 1 AND 8 ON S/19824 (REQUEST EXTENSION OF TIME ALLOWED FOR THE EXTRACTION OF MINERALS) for the reasons contained in the document - "Resident's Objection"

ADDENDUM – Area South

<i>Application Number</i>	S/38805
<i>Proposal & Location</i>	VARIATION OF CONDITION 4 OF PLANNING PERMISSION S/11960 (TO ENABLE SALE OF FOOD AND DRINK FROM UNIT 2A) AT TK MAXX, 2A PARC TROSTRE RETAIL PARK, LLANELLI, SA14 9UY

DETAILS:

Objection – A further objection has been received from the Planning Consultants acting on behalf of Aldi on a separate pending planning application on land at Trostre. The correspondence re-iterates previous planning policy objections but also objects on procedural grounds.

The letter considers that not all relevant ownership notices have been served and have provides Land Registry extracts to evidence this. Therefore this renders the planning application invalid and should as a result be withdrawn from consideration by the Planning Committee in their opinion.

The letter also opines that the planning application should be brought before Members the same time as other schemes subject of separate pending planning applications. This would enable Members to discuss and consider the merits of individual schemes in their full context at the same time.

Agent – In terms of serving the requisite notices, the Agent has confirmed that they are currently reviewing the Land Registry details provided, and if it is deemed necessary that further notices are required to be issued, will ensure that a revised Certificate B is issued to the LPA and the requisite notices served on the relevant party/parties before the Planning Committee on the 30th January.

The Local Planning Authority does not consider that such procedural matters prevents the Planning Committee from considering the planning merits of the proposal and coming to a resolution in this respect. If a revised Certificate is received then the relevant 21 day notice period will need to expire prior to the release of any decision on the application.

The LPA considers that the planning policy objections have already been addressed in the main body of the Planning Committee report.

ADDENDUM – Area South

<i>Application Number</i>	S/39157
<i>Proposal & Location</i>	DETACHED DWELLING HOUSE AND DOUBLE GARAGE AT LAND REAR OF 45 TO 53 PEMBERTON ROAD, PEMBERTON, LLANELLI, CARMARTHENSHIRE

DETAILS:

The reasoning for conditions 14 and 15 have been missed off the list of reasons for the suggested conditions within the Committee Report. The reasons are as follows:

14-15 To comply with the relevant policies and legislation and ensure the necessary ecological mitigation and enhancement requirements are implemented.

ADDENDUM – Area South

<i>Application Number</i>	S/39814
<i>Proposal & Location</i>	CONVERSION OF EXISTING PROPERTY INTO TWO FLATS AND CONSTRUCTION OF A 3 BEDROOM HOUSE ON ADJOINING VACANT LAND AT 2 GREAT WESTERN TERRACE, LLANELLI, SA15 2ND

DETAILS:

Amended Plans – Amended plans have been received for the new build dwelling showing a reduction in ridge height of 700mm.

Condition 2 should now read as follows:-

- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Location plan 1:1250 @ A3 received 5th November, 2019
 - Existing site plan – topography survey 1:200 @ A2 (19-942/2002/1.1) received 5th November, 2019
 - Existing elevations (flats) 1:100 @ A3 (1712-A2-1) received 5th November, 2019
 - Existing floor plans (flats) 1:100 @ A3 (1712-A2-1) received 5th November, 2019
 - Proposed floor plans (flats) 1:100 @ A3 (1712-A1-2-4) received 5th November, 2019
 - Proposed site plan topography 1:200 @ A3 (1712-4-1) received 18th November, 2019
 - Proposed elevations (flats) 1:100 @ A3 (1712-A2-2-1) received 18th November, 2019
 - Proposed elevations (house) 1:100 @ A3 (1712-B-2-1 Rev 1) received 15th January, 2020
 - Proposed floor plans (house) 1:100 @ A3 (1712-B-1-1 Rev 1) received 15th January, 2020

Drainage Report – A Drainage Strategy for the proposed development has been received which adopts a hierarchical approach to dealing with surface water disposal. This report has been sent to Dwr Cymru/Welsh Water and the Authority's own Land Drainage Section for comment. The development will need to be subject of a separate SAB application process.

Members are respectfully requested to resolve to approve the application and grant the Authority's Head of Planning delegated authority to release planning permission following discussions with consultees on this Drainage Report.