

Application No:	3/24/18/005
Parish	Nettlecombe
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 305997 Northing: 139192
Applicant	Mr Alexander McTaggart
Proposal	Variation of condition 6 on planning permission 3/24/18/002 to extend the time period for the works being completed from six months to 11 months of the date of the planning permission (ie, to 3 July 2019).
Location	The Blade Mill, Woodford Road, Monksilver, Taunton, TA4 4HW
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 1705/200B Proposed Site Plans
(A1) DrNo 1705/202B Proposed Elevations
(A1) DrNo 1705/201A Proposed Floor Plans

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The hedge along the roadside shall be maintained at a minimum height of 2m and thereafter retained.

Reason: To ensure that the development does not harm the character and appearance of the area.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no alterations other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4 The garage hereby approved shall at all times be kept available for the parking of domestic vehicle/s in association with Blade Mill and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

- 5 The building hereby permitted shall only be used as a garage/workshop in association with the residential use of the dwelling currently known as Blade Mill.

Reason: To prevent the building being occupied separately to the main dwelling.

- 6 The works hereby approved shall be completed by 3 July 2019.

Reason: In the interests of the character of the area.

- 7 No external lighting shall be erected on the garage/workshop or within 10m of the new building without the grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area and adversely affect the dark skies.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application concern was expressed with the lack of commencement of work to date and a schedule of works was requested. The Local Planning Authority contacted the applicant to address this issue and a schedule was submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Proposal

Condition 6 of planning permission 3/24/18/002 which related to the retention of the garage/store but included a number of alterations to the building states that, 'the works hereby approved shall be completed within six months of the date of the permission', ie by 3 February 2019.

The approved works includes the lowering of the ridgeline by 1.8m and removal of two rooflights, the raising of the ground level by about 200mm and installing an access ramp for the garage so that a vehicle can enter the garage, and replacing one of the windows on the east elevation with a second garage door to the same dimensions as the existing garage door.

Due to the applicant's builder not having the services of a carpenter for three months and the works running into the winter months, the proposal is to vary the condition to extend the time period by five months to 3 July 2019 to allow the works to be undertaken in the spring. A detailed schedule of the works has been submitted by the applicant's builder which illustrates that the works are planned to commence on 18 March 2019 (weather permitting) and end on 20 May 2019.

Site Description

The existing building is 8.6m long and 7.7m wide and has a dual-pitch roof with a ridge height of 6.9m and an eaves height of 3m. There is a 2.35m wide garage door on the east elevation, which is 0.4m higher than ground level, with a casement window on either side of it. On the west elevation there is a pedestrian door and casement window, plus two rooflights. It is constructed of Capton sandstone with red brick quoins on three elevations with exposed concrete blocks on the north elevation, which is situated to the rear. It has a slate roof and timber windows. The building is situated perpendicular to the road with the south elevation facing the highway. It is set back about 1.5m from the B3188 opposite the hamlet of Yarde and the boundary with Exmoor National Park. It is associated with the dwelling, Blade Mill, which is a smaller sandstone property under a slate roof on lower land to the east.

Relevant Planning History

3/24/88/012 - Change of use of former Blade Mill to single person dwelling - granted 15 December 1988.

3/24/94/001 - Two-storey extension to form bedroom and lounge - refused 24 March 1994.

3/24/99/003 - Two storey extension to form bedroom and lounge - granted 27 May 1999.

3/24/03/001 - Construction of garage and workshop - granted 16 June 2003.

3/24/03/002 - Alterations to door and window and addition of chimney - granted 22 January 2004.

3/24/05/001 - Extension to form bedroom and lounge - refused 3 January 2006.
3/24/08/002 - Construction of garage and workshop - granted 7 May 2008.
3/24/08/006 - Erection of two-storey extension - granted 27 January 2009.
3/24/11/002 - Proposed two-storey extension to existing dwelling and construction of garage and workshop - granted 20 April 2011.
3/24/14/001 - Proposed two-storey extension to existing dwelling and construction of garage and workshop - granted 2 May 2014. This allowed a garage/workshop with a length of 8m and a width of 5.6m constructed in sandstone and timber boarding under a dual-pitch slate roof of 4.5m in height with eaves of about 2m plus a parapet wall with natural stone capping on the south elevation. There were to be two garage doors and one window on the east elevation and the structure was to be set back 2.5m from the highway to ensure that it did not appear overly dominant in the street scene. It should be noted that this permission lapsed.
3/24/18/001 - Erection of detached garage/workshop and retaining walls (retention of works already undertaken) - refused 18 May 2018.
3/24/18/002 - Retention of a detached garage/workshop - lowering the ridgeline and removal of rooflights - and retaining walls (resubmission of 3/24/18/001) - granted 3 August 2018.

Consultation Responses

Nettlecombe Parish Council - It is noted the applicant has requested an extension to condition 6 of the existing Planning Consent (3/24/18/002).

The Parish Council cannot support this request. It is noted the applicant claims to have lost the services of his Carpenter but there is no mention of any attempt to employ other Builders to carry out this alteration within the ample 6 month period stipulated in the August Consent. The applicant still has time in which to contact all the local builders in attempt to find an alternative firm.

It is accepted that is unlikely that any new firm would be able to start work immediately but the only time extension the Parish Council would be able to support would be one tied to a specific, named, builders schedule. Under no circumstance could the Parish Council support an extension as long as the 5 months which has been requested. It is also not considered acceptable for the District Council to simply reduce this 5 month request to a shorter period.

This non-compliance has resulted in considerable ill-feeling locally and it is suggested the District Council obtain written confirmation from the applicant of which builder is to carry out the work, when this scheduled and an estimated contract period for the completion of the work.

If this is not forthcoming the District Council is recommended to re-instate the enforcement action against the original structure with a view to ensuring the removal of the building.

Following the submission of the schedule of works:

The Schedule of Works attached to your letter of the 6th December has been read with interest. However it does not alter the views expressed in the Parish Council's

letter of the 29th November 2018. This Schedule is started with 'Winter Weather Impact'. Since the weather is unknown some delays may well be inevitable. Therefore the Schedule should start with the current date and works carried out as the weather permits.

This merely reinforces our opinion that the applicant should have started work immediately upon receipt of the planning consent in August 2018. Indeed since the applicant had submitted the application in June 2018 and therefore was well aware of the non-permitted nature of the structure he should have used the period June to August 2018 to commission a builder for the works outlined in his Schedule. The Schedule is also meaningless since it is not tied to a named builder. None of these comments would have been made by the Parish Council until the end of the 6 month period permitted by the August consent, as any applicant is allowed to utilize the permitted time scale as they see fit. Since the applicant has triggered these additional comments by submitting the current application (to vary the consent) it needs to be stressed that the Parish Council would wish to see the District Council utilize its Enforcement Powers to ensure that either the structure is amended promptly in accordance with the August 2018 consent or the structure removed.

Later Parish Council comments:

Further to the Schedule of Works sent to us in relation to the Blade Mill it is understood that this has been produced by a builder named as Alan Langdon from Bridgwater.

The Schedule does not give any details of the builders company name nor does it indicate that it is The Blade Mill that is the subject of the proposed works. The builder is not known to the Parish Council and it is suggested the District Council obtains written confirmation from the builder that he has been instructed to carry out this work.

The timetable is, as indicated in our letter of the 9th December 2018, not considered acceptable. Since the weather is an unknown factor, simply proposing a start date of the 18th March 2019 is not relevant. The applicant needs to start work before the expiry of the 6 month period granted in the August 2018 consent. Should the weather turn out to be adverse we are sure the planning authority would be willing to accept some small delay in implementing, in full, the August Consent. Simply granting a lengthy extension to the existing consent is not an appropriate course of action.

Representations Received

Comments from two representatives have been received as follows:

- If further time is granted we would wish to know the name of the builder and the date of commencement of the work as the work should not be prolonged indefinitely.
- The reinstatement of the two garage doors is not weather-determined and the

- builder could proceed with this work immediately thus showing goodwill.
- The applicant should comply with the six months originally granted and commence work.
 - To date none of the building adjustments required have been done. The applicant should have evidence from a builder that this work can be fully undertaken by 3 July 2019 before an extension of time is granted.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
OC1	Open Countryside development
NH14	Nationally designated landscape areas

Retained saved policies of the West Somerset Local Plan (2006)

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining issue is whether the proposal to extend the time period for the works to be completed is a minor material amendment and if so if this is acceptable. There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 031 Reference ID: 21a-031-20180615 of the National Planning Policy Guidance document). In deciding the application the Local Planning Authority must only consider the disputed condition. It is not a complete reconsideration of the application. Additional conditions can be imposed provided they do not materially alter the development or the subject of the original permission and are conditions that could have been imposed on the earlier planning permission. Account also needs to be taken account of other minor material amendments that have been granted, if applicable.

In the case of condition 6, this does not materially alter the nature or appearance of the development granted under 3/24/18/002 and purely adjusts the timeline set for the works which need to be carried out in order to comply with the approved plans. The conditions for the 3/24/18/002 permission would be added to the current application to ensure that every other aspect of the permission remained the same. It is therefore considered that the proposal is a minor material amendment. It is noted that no other minor material amendments have been granted on the building in question so there will be no accumulation of such amendments, which could together materially alter the development.

Consideration needs to be given as to whether an extension of time for the works to be completed is acceptable. No remedial works have commenced to date, but a Gantt chart has been submitted by the applicant's builder giving a timeline for the works, so there is a degree of confidence that the works will commence and be completed on time. The applicant will be using the same builder who built the building. He should therefore be familiar with the way it was constructed and be more easily able to alter the building, as required, in accordance with the approved plans. The schedule shows that it is intended to start with the roof and work down to the ground. This being the case, and as no works were undertaken in the early Autumn, it is considered understandable to wait for potential better weather before making a start. The schedule shows the work commencing on 18 March (weather permitting) and being completed on 20 May 2019. It is noted that this is 6 weeks prior to the end of the 11 months requested for the variation and thus allows for enforced slippage, such as in respect of possible poor weather conditions. However, even given this extra time it is considered that, if approved, the progress of the works should be monitored by the Enforcement Officer and a Breach of Condition Notice (BCN) served if the applicant fails to comply with the new time limit of 3 July. If the BCN was then not complied with prosecution action would be instigated.

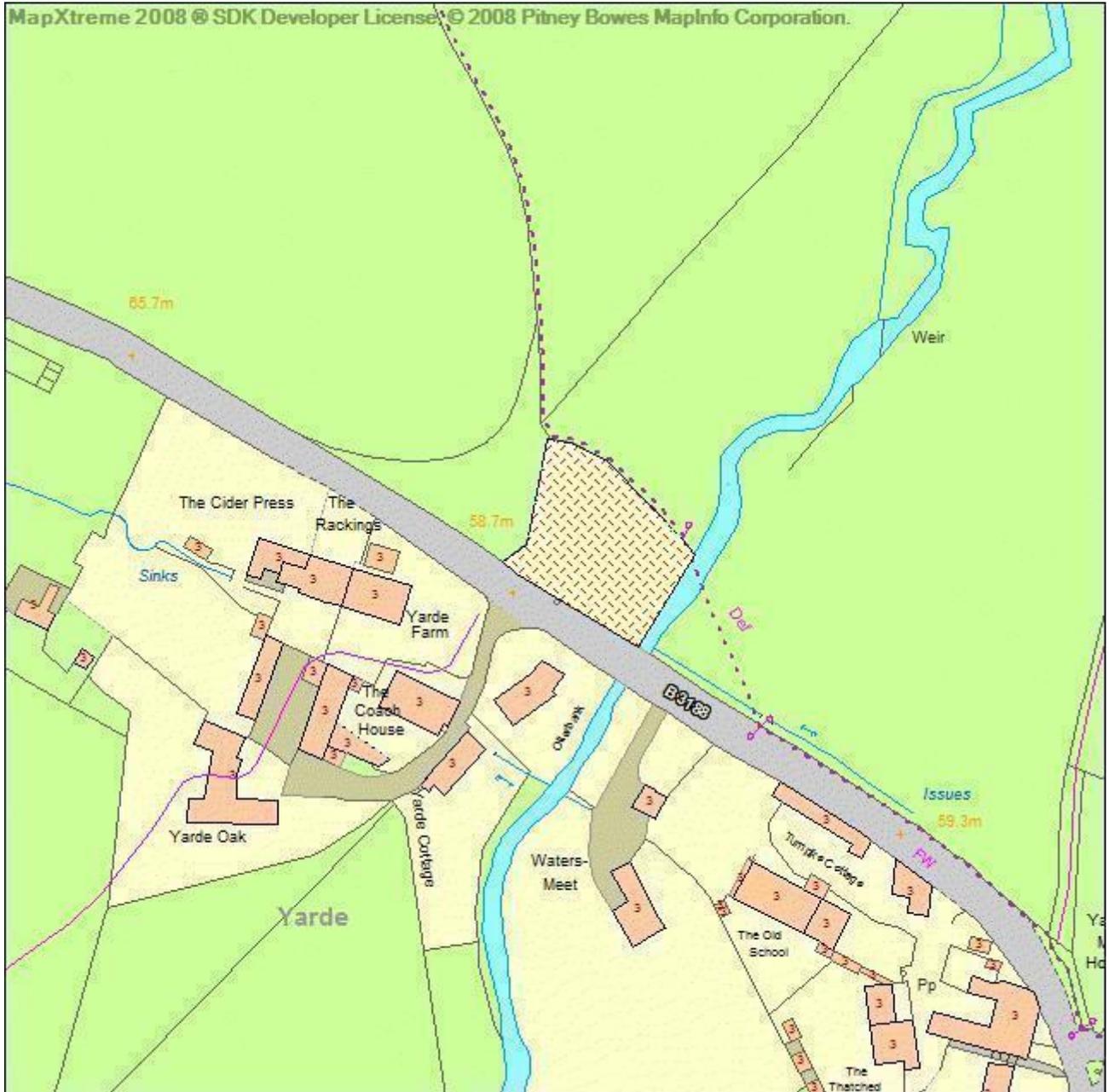
Having liaised with one of the Council's Enforcement Officers, if this application was refused then a BCN would be served, which would require the applicant to comply with 30 days, which would probably be unlikely due to the nature of the work involved. However, if it wasn't complied with it would be an offence and the Council would have to prosecute. Whether to do so would be in the public interest or not is another matter.

Conclusion

Given the above scenarios and the receipt of a schedule of works for the remedial work to be undertaken, it is considered on balance that it would be in the public interest to agree to the variation of condition 6 as a material minor alteration as the proposed extension to complete of the works is considered acceptable. The proposal is therefore recommended for conditional approval and that the wording of the condition be varied to:

'The works hereby approved shall be completed by 3 July 2019.'

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



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 West Somerset Council,
 West Somerset House
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 Williton TA4 4QA
 West Somerset Council
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