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# Taunton Deane Borough Council

## Planning Committee 8 April 2015

### Application 38/14/0394 – land at 1 Wheatleigh House, Taunton Erection of two detached bungalows with garages and the erection of one garage

#### Report of the Legal Services Manager

#### 1. Executive Summary

This report requires the Committee to revisit its decision of 12 March 2015 in respect of application 38/14/0394 to address a procedural and administrative issue which was brought to officers' attention following the meeting.

#### 2. Background

On 12 March 2015, the Committee resolved to grant planning permission for a development proposal (ref 38/14/0394) at 1 Wheatleigh House, Taunton, consisting of the proposed construction of two detached bungalows with garages and the erection of a single garage to serve the existing property.

Prior to the meeting, each Member of the Committee had been sent a copy of a letter from the applicant's agent to the planning case officer (dated 6 March 2015), together with an artistic impression of the appearance of the proposed development. All Members present at the 12 March meeting declared that they had received this letter.

On considering application 38/14/0394 the Committee resolved that permission should be granted, with their reasons for this decision being that the harm which would be caused to the listed building was less than substantial, and was outweighed by the public benefit which the development would bring in the form of the delivery of this type of accommodation in a highly sustainable location close to the town centre and other facilities.

#### 3. Details

On 13 March 2015 an email was received by the Council's Legal Services Manager, as sent by Matthew Frost of Boon Brown Planning. Mr Frost had attended the Committee on 12 March to make oral representations on behalf of objectors to the proposal.

Mr Frost stated that he had not previously been aware of the content of the 6 March letter from the applicant's agent, as this had only appeared on the Council's website on the morning of 13 March, i.e. after the meeting.

Mr Frost had some concerns about the letter – specifically relating to the accuracy or otherwise of the artistic impressions of the development proposal – and stated that if he had had sight of these drawings in advance of the meeting, then he would have wished to include representations about these drawings in his overall submissions to the Committee.

The Legal Services Manager has considered this submission from Mr Frost, and has advised officers that as the letter of 6 March was specifically addressed to the Council as local planning authority (and was hand delivered to the Council by the applicant's agent on that same date), then it is necessary to provide Mr Frost – representing his clients – with an opportunity to address the content of this letter and its accompanying documents in further representations to the Committee prior to the application being formally determined.

On this basis, this Committee is asked to receive further representations from Mr Frost – together with any submissions which the applicant's agent may wish to make – and to determine application 38/14/0394 having also taken account of these representations.

**4. Finance Comments**

None

**5. Legal Comments**

None other than those set out in the main body of this report

**6. Links to Corporate Aims**

None

**7. Environmental and Community Safety Implications**

None

**8. Equalities Impact**

None

**9. Risk Management**

As local planning authority exercising statutory powers, the Council should ensure that applications for planning permission are determined in a manner which reflects the requirements of natural justice and good administration,

**10. Partnership Implications (if any)**

None

## **11. Recommendations**

The Committee is requested to reconsider application 38/14/0394 in the light of the content of this report, and to determine the application, also taking into account (in addition to the other matters previously considered on 12 March) any further representations received at the meeting

**Contact: Roy Pinney, Legal Services Manager**  
**Direct Dial 01823 356409**  
**[r.pinney@tauntondeane.gov.uk](mailto:r.pinney@tauntondeane.gov.uk)**

