

APPLICATION NO: 13/01500/CONDIT	OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd September 2013	DATE OF EXPIRY: 28th October 2013
WARD: St Pauls	PARISH:
APPLICANT:	Mr John Henley
AGENT:	No agent used
LOCATION:	Car Park, North Place, Cheltenham
PROPOSAL:	Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition

Recommendation: Delegate back to officers

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members are advised that having received legal advice on this application, it is important that the recommendation be amended to allow for a procedural matter to be resolved prior to the issuing of the consent.
- 1.2. To summarise the legal position, if this application to vary condition 28 is approved, we would in effect be issuing a new planning permission for the whole site as the applicant would then benefit from the original planning permission (ref: 12/01612/FUL) and the varied consent; they could then choose which one to implement. This in itself is not a problem; the approved scheme was of course acceptable and the proposal to amend condition 28 is also acceptable in its own right. What is important however is that if this varied consent is issued, all other aspects of the original permission (including the S106 legal agreement) are appropriately referenced.
- 1.3. With this in mind, if members are minded to vary condition 28 as described in the original officer report, it is recommended that the application be delegated back to officers to formulate an appropriate decision notice that makes reference to all previously suggested conditions and to also amend/prepare a varied legal agreement.