



PLANNING STATEMENT

**VARIATION OF PLANNING CONDITION 1 OF PLANNING PERMISSION 23/00930/CONDIT  
TO MAKE AMENDMENTS TO THE HOUSE PROPOSED AT 7 AT CROMWELL COURT,  
GREENWAY LANE, CHELTENHAM: JANUARY 2024**

*On behalf of Mr & Mrs Flook*

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# 1.0 Introduction, planning history & the proposal

## INTRODUCTION

- 1.1 This planning statement is prepared by SF Planning Limited on behalf of Mr & Mrs Flook, in support of their application to Cheltenham Borough Council to make amendments to planning application 23/00930/CONDIT.
- 1.2 The planning application seeks to make a slight amendment to the footprint of the house proposed at Plot 7. The applicants would like to incorporate a home pool and spa to the rear of the garage building resulting in a larger footprint of the dwelling.
- 1.3 The general architectural approach to the proposed house has not substantially changed from that considered when determining planning permission 23/00930/CONDIT. As per the requirements of condition 2 of the permission, the proposed house design complies with the principles set out within the agreed site wide design code. The proposal does not propose an alternative approach to that consented by the design code.
- 1.4 This planning statement identifies the relevant planning policy background which needs to be taken into account in the determination of the application and sets out a reasoned justification by reference to relevant national, strategic, and local planning policy explaining why planning permission should be granted for the proposed development.
- 1.5 The planning application has been submitted under section 73 of the Town and Country Planning Act 1990 relating to the determination of applications to develop land without compliance with conditions previously attached. The intention is to replace the proposed plans and drawings, submitted in support of this planning application, to replace the relevant drawings consented listed at schedule 1 of condition 1 of planning permission 23/00930/CONDIT.

## THE SELF & CUSTOM BUILD APPROACH

- 1.6 National Planning Practice Guidance (nPPG) paragraph 016 Reference ID: 57-016-20210208 (Revision date: 08 02 2021) under the title 'What is self-build and custom housebuilding' explains that:

*'Self-build and custom housebuilding cover a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey'). The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. (applicant's emphasis added...)'*

- 1.7 As described by the relevant paragraph of the nPPG, self-build properties can be delivered in a variety of different forms including the delivery of 'turnkey' self-build units whereby a building is constructed on behalf of a self-builder ready for occupation. These types of solutions still fall within the definition of self-build developments.
- 1.8 In the case of the proposed development at plot 7 at Cromwell Court, the applicant has been working with Churcham Homes Ltd, who will deliver their custom-build home, to ensure that the proposed house meets their aspirations for their future home. This is a detailed process encompassing all facets of the build and is an iterative approach which inevitably results in the requirements for the controlling planning permission to be amended. This is very much the case in relation to the proposed development at plot 7. Once built, a turnkey custombuild unit will be ready for occupation by the applicants.
- 1.9 In terms of the original planning permission at Cromwell Court, planning condition 15 of permission 18/02581/FUL states that:

*'Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.'*

1.10 The proposal remains in compliance with the relevant condition.

## THE PROPOSAL

1.11 The proposal relates to plot 7 of the consented scheme and will introduce the revised house types and layouts for these individual plots.

1.12 The relevant planning drawings submitted with this planning application are as follows:

- 20.20.026 PLH5-01 REV D House Type 5 (plot 7) Floor Plans
- 20.20.026 PLH5-02 REV C House Type 5 (plot 7) Elevations
- 20.20.026 PLH5-03 REV B House Type 5 (plot 7) Proposed Site Plan

1.13 In comparison to the house already consented by planning permission 23/00930/CONDIT this planning application proposes the following amendments:

**Plot 7 (house type 5)**

- The addition of a home pool and spa on the ground floor to the rear of the garage on the north east elevation which has led to the modest increase in the footprint of the proposal.

**Proposed conditions**

- 1.14 On review of planning permission 23/00930/CONDIT it is condition 1 that requires amendment to accommodate the revised plans. The suggested reworded condition is set out below and the revised drawings are included in italic font and coloured in blue. Where original drawings are proposed to be replaced then the relevant drawing reference numbers have been struck out and coloured in red.

*Condition 1*

1.15 The planning permission hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice and in accordance with all other drawings listed in Schedule 1 of planning permission 18/02581/FUL, 20/01612/CONDIT, 21/00646/CONDIT, 21/01336/CONDIT, and 21/01829/CONDIT which are not superseded by the granting of this planning permission.

Schedule 1

Reference	Type	Received	Notes
<del>20.20.026 PLH5-01-A.</del>	Drawing	<del>7<sup>th</sup> June 2023</del>	
20.20.026 PLH5-01 -Revision D.	Drawing		
<del>20.20.026 PLH5-02-A.</del>	Drawing	<del>7<sup>th</sup> June 2023</del>	
20.20.026 PLH5-02 -Revision C.	Drawing		
<del>20.20.026 PLH5-03-A.</del>	Drawing	<del>7<sup>th</sup> June 2023</del>	
20.20.026 PLH5-03 -Revision B.	Drawing		

1.16 The remaining planning conditions as worded on planning permission 23/00930/CONDIT are not proposed to be amended as part of this application.

## 2.0 Planning policy background

- 2.1 The submitted application must be determined with regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, (2004 Act), which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 Section 70 of the Town and Country Planning Act 1990, (1990 Act), requires that regard should be had to the provisions of the development plan and local finance considerations where relevant to the application, and to any other material considerations.
- 2.3 The Countryside and Rights of Way Act 2000, (2000 Act), imposes a duty on local authorities to have regard to the conservation and enhancement of Areas of Outstanding Natural Beauty, (AONB).
- 2.4 The Self-build and Custom Housebuilding Act 2015, (2015 Act), places a duty on local planning authorities to keep a register of parties wishing to acquire plots for self-build and custom housing and to have regard to such registers when carrying out planning functions.
- 2.5 The Housing and Planning Act 2016, (2016 Act), places a duty on local planning authorities to meet the demand for self-build and custom-build housing in their areas.
- 2.6 The National Planning Policy Framework, (Framework), and the National Planning Practice Guidance, (Guidance) set out national planning policy and guidance.
- 2.7 The development plan for the area comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, (JCS)<sup>1</sup>, and policies of The Cheltenham Plan 2011 (TCP).

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<sup>1</sup> The JCS was adopted before the publication of the revised Framework in July 2018



## 3.0 Reasoned justification

### OVERVIEW

- 3.1 Given the nature of consented development and the proposed amendment to the scheme sought by this planning permission, it is considered that the prevalent matters to be considered are those relating to the principle of development, good design and landscape impacts. These matters are considered below.

### THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 3.2 The proposal seeks to vary a condition relating to an existing planning permission which consents the construction of a large property of a very similar scale and architectural style at the plot. With regards to the principle of development, the addition of a home pool and sauna to the rear of the garage whilst leading to a modest increase in footprint, does not amount to substantial changes since the previous planning permissions were issued, and thus the principle of development at the site is acceptable.
- 3.3 Furthermore, since the grant of the original planning permission in 2018, there has been no significant change to national planning policy relating to self and custom build housing development and therefore it remains that National legislation and planning policy, and strategic planning policy presumes in favour of self and custom-build housing development.
- 3.4 The council continues to have statutory duty under the 2015 and 2016 Acts to:
- keep a register of parties wishing to acquire plots for self-build and custom housing.
  - have regard to such registers when carrying out planning functions; and
  - meet the demand for self-build and custom-build housing in its area.

3.5 Paragraph 63 of the Framework states:

*"..., the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travelers [sic], people who rent their homes and people wishing to commission or build their own homes."*  
(Emphasis added).

3.6 Furthermore, the JCS is all but silent in respect of policy on self and custom-build houses. Albeit JCS policy SD11 states that:

*"ii. Self-build housing and other innovative housing delivery models will be encouraged..."*.(Emphasis added).

*this is part of a broader housing-mix policy and does not amount to a specific policy for self and custom-build housing.*

3.7 The proposed development seeks amendments to the consented scheme which have been driven by the requirements of the applicant and therefore the amendments are part of the process of building out the consented development in line with the self-builders' specifications. The application therefore assists with the delivery of the consented development and thus assist the council in meeting both its mandatory self-build requirements and also its 5-year housing supply requirements.

## DESIGN

- 3.9 The submitted scheme follows the design approach consented by planning permission 21/00930/CONDIT.
- 3.10 The general plot arrangement remains the same as that consented by planning permission 21/00930/CONDIT and the proposed accessing of the plot from the internal spine roads remains.
- 3.11 The architectural approach remains one of high-quality contemporary architecture utilising the general material palette consented by planning permission 21/00930/CONDIT. The proposed materials to be used for this minor addition to the build are the same as those permitted on previous plans for the scheme, thus ensuring a continuation and sympathetic design approach.
- 3.12 The amended design is also cognisant of the parameters set by the original ecology, arboricultural, drainage and transport assessments in shaping the overall design of development at the site. Therefore, the proposal will continue to:
- function well and add to the overall quality of the area.
  - reflect the principles of urban design.
  - be visually attractive as the result of good architecture.
  - be sympathetic to the surrounding built environment and landscape setting.
  - establish a strong and distinctive sense of place.
  - be inclusive and accessible with a high standard of amenity.
  - be safe and secure.
  - have an appropriate density for its location; and
  - retain and protect existing trees, which will be augmented by new tree planting.
- 3.13 In this regard the proposal complies with the requirements of JCS policy SD4 relating to good design, TCP policy D1 and NPPF paragraph 127.

## LANDSCAPE, AONB

- 3.14 Relevant landscape and AONB policy are set out at section 16 of the Framework, JCS policies SD6, and SD7 and TCP policy L1.
- 3.15 The amendment to the proposed building within the individual plot will not materially change the form, scale, design and appearance of the consented proposal. With regards to the scale and size of the building they remain substantially smaller than that of the dwelling consented by the 2018 planning permission and as such there will not be any significant landscape harm generated by the scheme when compared to the already consented scheme.
- 3.16 Given the extent of development consented by the extant planning permissions there will not be an adverse impact in landscape terms or in relation to the Cotswold AONB.

## 4.0 Summary and conclusion

- 4.1 The proposed development seeks to amend details relating to plot 7 at Cromwell Court. The principle of development has already been accepted at the site through the grant of planning permissions 18/02581/FUL, 20/01612/CONDIT, 21/00646/CONDIT, 21/01336/CONDIT, 21/01829/CONDIT & 23/00930/FUL and the proposal does not seek any substantial amendments to the fundamental elements of the consented schemes.
- 4.2 The planning application relates to the minor addition in footprint to the building due to the creation of a ground floor pool and spa to the rear of the garage.
- 4.3 It remains that the proposal will be one of high-quality architecture that will help to address the unmet demand for self and custom-built housing, also help to address Cheltenham's housing land supply shortfall, and the council achieve its JCS housing requirement as well.
- 4.4 Through working within the environmental and technical parameters which were established as being acceptable through the grant of planning permission 18/02581/FUL and more recently 23/00930/CONDIT the revised scheme will not have a detrimental impact in environmental or technical planning terms.
- 4.5 Therefore proposed development will be easily assimilated and become an established part of the local scene, just as readily as the new houses permitted off Harp Hill. It will enhance the area's character and appearance by virtue of its high standard of architectural design and the extensive new landscaping.
- 4.13 All these factors taken together tilt the planning balance strongly in favour of granting planning permission.



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