

APPLICATION NO: 23/01899/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 22nd November 2023	DATE OF EXPIRY: 17th January 2024
DATE VALIDATED: 22nd November 2023	DATE OF SITE VISIT:
WARD: College	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	
LOCATION:	53 - 57 Rodney Road Cheltenham Gloucestershire
PROPOSAL:	Proposed Installation of a collapsible bollard at the entrance to the accessway serving 53-57 Rodney Road

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 53 – 57 Rodney Road, which are Grade II listed and located within Cheltenham Central Conservation area and Montpelier Character Area. The site is also within Cheltenham's Core Commercial Area.
- 1.2 The applicant is seeking planning permission for the installation of a collapsible bollard at the entrance to the access way serving 53 – 57 Rodney Road.
- 1.3 The application is at planning committee as Cheltenham Borough Council are the applicant and the landowner.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Central Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Principal Urban Area
Smoke Control Order

Relevant Planning History:

91/00857/PF 26th September 1991 REF

Alterations To Existing Front Garden Area To Form 3 Car Parking Spaces And Retain A Large Proportion Of Garden

13/01491/CACN 3rd October 2013 NOOBJ

1) London plane at rear car park entrance - crown reduction and thinning. 2) 3 x Sycamores at rear of nos. 53-57 Rodney Road - fell. 3) Sycamore at rear of no. 19 Rodney Road - fell

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Central conservation area: Montpelier Character Area and Management Plan (Feb 2007)
Climate Change (2022)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer - 12th December 2023

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The justification for this decision is provided below.

The above application is for the Proposed Installation of a collapsible bollard at the entrance to the accessway serving 53-57 Rodney Road.

The placing of the bollard in the position proposed will result in a vehicle waiting on the highway whilst the bollard is lowered or raised. In some situations this would be considered to result in a highway danger particularly if the access is onto a quick road or with restricted visibility. In this case the access is immediately adjacent to an area where parked cars are frequently found and, with the number of accesses on this section of road manoeuvring vehicles would be expected by drivers including vehicles stopping in the carriageway to parallel park in the on street spaces.

It is therefore considered that the proposed development is unlikely to result in a reduction in highway safety and there are therefore no objections to the proposal on highway grounds.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

Building Control - 11th December 2023

No comment

Heritage And Conservation - 8th December 2023

Relevant legislation and policies

Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

The National Planning Policy Framework (DLUHC: 2023) (the framework).

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (the JCS).

Consideration

The description of the scheme reads: Proposed Installation of a collapsible bollard at the entrance to the accessway serving 53-57 Rodney Road.

The consideration of the scheme is undertaken as a desk-based assessment.

In the appraisal of planning applications, the 1990 Act requires via S.66 (1) 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S.72 (1) of the 1990 Act requires that in the exercise of planning functions 'with respect to any buildings or other land in a conservation area' special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.'

These duties are reflected in section 16 (Conserving and enhancing the historic environment) of the framework.

The framework defines the setting of a heritage asset as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2: Glossary).

No. 57 is included on the National Heritage List for England (the NHLE) at Grade II. First listed on 12 March 1955. List entry number: 1387778 (number 57 and attached area railings).

Nos. 15-55 Rodney Road are included on the NHLE at Grade II. First listed on 12 March 1955. List entry number: 1387776 (Rodney Terrace and attached area railings).

The significance of the subject buildings lies principally, though not entirely, in their architectural value as examples of domestic architecture from c. the first half of the nineteenth century.

The proposal site is located in the Central Conservation Area, a designated heritage asset (Cheltenham's Central Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary was extended by Cheltenham Borough Council on 14 August 1987).

The proposed installation will not detract from the setting of the listed building(s) or the character and appearance of the conservation area. Given this, the proposed scheme is acceptable in terms of conservation.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 The application was advertised by way of a site notice and an advert published in the Gloucestershire Echo. No letters of representation have been received in response to this notification process.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the design, impact on the designated heritage assets, the impact of the proposal on neighbouring amenity and highway safety.

6.3 Design and impact on heritage assets

- 6.4 Policy SD8 of the JCS relates to the historic environment and states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.

- 6.5 The application seeks consent for the installation of a collapsible bollard on the access way serving 53 – 57 Rodney Road. The application site is Grade II listed, as such, the council's conservation officer has been consulted on this application, and their detailed comments can be read in section 4 above.
- 6.6 The conservation officer raises no concerns with regards to the impact of the proposed work on the designated heritage assets, including the setting of the listed buildings and the wider conservation area. Officers consider the bollard to be a typical design and form for its intended purpose.
- 6.7 The works are considered to be acceptable in terms of design and the impact on the designated heritage assets, as such, the proposal is compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1 and adopted JCS policies SD4 and SD8.
- 6.8 **Impact on neighbouring property**
- 6.9 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.10 The proposal raises no concerns with regards to impact on neighbouring amenity and no concerns have been raised in response to the neighbour consultation process. The development therefore accords with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14.
- 6.11 **Highways safety**
- 6.12 Gloucestershire County Council as the local highway's authority has been consulted on this application, their detailed comments can be read in section 4 above. The highways officer concludes that there are no justifiable grounds to maintain an objection to the works in terms of highway safety. The proposal accords with JCS policy INF1.

Other considerations

- 6.13 *Climate change*
- 6.14 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade.

In this instance the application relates to the addition of a bollard within the highway, with no scope to include specific low carbon technologies or measures to combat climate change. Given the nature of the works, this is acceptable.

- 6.15 *Public Sector Equalities Duty (PSED)*

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable

7. CONCLUSION AND RECOMMENDATION

- 7.1 No objection or concerns are raised from a heritage perspective, the application is considered to be acceptable in terms of impact on neighbouring amenity and highway safety. As such, officer recommendation is to grant planning permission subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.