
Committee Date: 29/05/2014 Application Number: 2014/01237/PA
Accepted: 20/02/2014 Application Type: Full Planning
Target Date: 17/04/2014
Ward: Handsworth Wood

Old Limberlost Sports Club, Butlers Road, Handsworth Wood,
Birmingham, B20 2NT,

Erection of boundary fencing and gates to front.

Applicant: Mr Abdul Kapadi
61 Coopers Road, Handsworth Wood, Birmingham, B20 2LU
Agent: Integrated Designs & Associates Limited
38 Old Walsall Road, Great Barr, Birmingham, B42 1NP

Recommendation
Determine

[Proposed Plans](#)

[Site Location](#)

[Street View](#)

REPORT BACK

Observations

Your Committee deferred the consideration of this application for refusal on the 8th May 2014. The main concerns raised were that the decision to not re-consult on the amended plans received was made, whether the unauthorised pillars on the frontage would be removed as part of this amended scheme and whether the amended scheme overcame the previous reasons for refusal.

For members information, a meeting was held between the application agent, Planning Officers, my Tree Officer and Transportation Officers and an amended scheme to the application was agreed and amended plans submitted to overcome the previous TPO tree and highway safety reasons for refusal on 2013/02115/PA.

Should you now be minded to refuse this application I recommend the following reason for refusal:

Reason for Refusal:

The design of the proposal would not reflect the existing character of the street scene and as such would be contrary to Paragraphs 3.8, 3.10 and 3.14C-D of the Birmingham UDP 2005, guidance in Places for All /Places for Living adopted as Supplementary Planning Guidance and the National Planning Policy Framework.

ORIGINAL REPORT

1. Proposal

- 1.1. The proposal is for the erection of new steel wire mesh boundary fencing with outward opening gates to the Old Limberlost Sports Club on Butlers Road, Handsworth Wood with the removal of the unauthorised pillars. The gates would be set back 5.5m within the application site from the back of the public footpath in line with the existing dropped kerb. The overall height would measure 1.875m.
- 1.2. The gates are to be left open at all times when in operation until the close of day. The approved opening hours under 2012/05555/PA were 0900-2100 Monday to Friday, 0900-1800 Saturdays and 1000-1600 Sundays and Bank Holidays.

2. Site & Surroundings

- 2.1. The application site is an existing single storey former social club, which is currently vacant, but has recently been granted permission to be used as an education centre with a first floor extension and alteration to the ground floor. The conversion works are currently underway. The building is set back into the site 38m from the public highway. The surrounding area is predominantly residential, with flat blocks located to either side of the site, fronting Butlers Road. St. Teresa's Junior and Infant School is located to the south of the application site on the opposite side of Butlers Road.

3. Planning History

- 3.1. 26/07/2013 - 2013/02115/PA – Erection of new boundary wall with gates and railings to front and side – Refused.

Reasons for refusal:

- The means of vehicle access to/from the site is/are inadequate and would lead to a detrimental impact on pedestrian/vehicle safety on the adjacent highway. As such the proposal would be contrary to Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
 - The proposed development would involve further damage of several trees on the site that are protected by a Tree Preservation Order. Their potential loss would have an adverse impact on the visual amenity of the area, and as such it would be contrary to Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 3.2. 07/03/2013 - 2012/07986/PA – Variation of Condition no.4 attached to planning approval 2012/05555/PA to allow up to 60 students at any one time - Approved subject to conditions.
 - 3.3. 03/10/2012 - 2012/05555/PA - Erection of first floor extension with alterations to the ground floor elevation – Approved subject to conditions, including a restriction on the number of students to no more than 20.
 - 3.4. 03/07/2012 - 2012/03163/PA - Change of use from sports and social club (sui-generis) to education centre (Use Class D1) – Approved subject to conditions.
 - 3.5. 22/06/2012 - 2012/02995/PA - Erection of a single storey forward extension, new access ramp, installation of windows and door on side elevations & new pitched roof – Approved subject to conditions.

- 3.6. 18/04/2012 - 2012/01307/PA - Erection of single storey extension, new access ramp, installation of windows on side elevations and new pitched roof – Withdrawn.
- 3.7. Enforcement:
- 06/12/2012 - 2012/1792/ENF - Erection of boundary wall to side and 4 brick pillars to access – Under investigation.

4. Consultation/PP Responses

- 4.1. Local councillors, residents associations and nearby residents notified – 29 individual letters of objection has been received from local residents with the following concerns:

- Previously refused
- Misleading
- Already installed
- Too high
- TPO tree damaged
- Predominantly residential with few gates
- Not in keeping
- Eyesore
- Vehicular and pedestrian traffic problems/danger
- More pollution
- Add disturbance
- Ignored planning regulations

- 4.2. One comment in support of the application has also been received from a local resident.

- 4.3. Western Power Distribution – No comments received.

- 4.4. Transportation Development – No objection.

- 4.5. Regulatory Services – No objection.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005)
- 5.2. SPG: Places for All (2001)
- 5.3. NPPF (2012)
- 5.4. Car Parking Guidelines
- 5.5. Draft Birmingham Development Plan
- 5.6. TPO (67)

6. Planning Considerations

- 6.1. The proposal entails the erection of fencing and gates to secure the boundary of a building that is to be put to education use. The site boundary is currently exposed to the frontage with trees sited along the boundary. This proposal would secure the building and vehicles on site by helping prevent trespassing and also help provide a more secure environment for pupils and students. For this reason the principle of the proposal is acceptable.

- 6.2. Transportation Development raises no objection to the amendments to the submitted proposed development. I concur with this view. The proposed gates would now be set back 5.5m to ensure vehicles would be off the highway when the gates are opened. This would also improve pedestrian visibility at the access. It is now considered the proposed development satisfactorily overcomes the previous highway related reason for refusal.
- 6.3. The Tree Officer raises no objection to the amendments to the submitted proposed development. I concur with this view. TPO 67 applies, the trees affected mainly by this application fall within G1 of that order along the front boundary and down the access to the tennis club. Historically this group has been depleted over recent years, several trees have been replaced but these have not been cared for and need replacing again (as per Rodney Helliwell's arboricultural report submitted with 2012/05555/PA). Along the Butlers Lane frontage the installation of the three pillars which do not have consent will have caused damage to a few of the remaining trees also in the group. The type of fencing now proposed and new location of the proposed gates would not cause further damage to the hawthorn and the retention of the central sycamore is now more viable. It is now considered the proposed development satisfactorily overcomes the previous tree related reason for refusal.
- 6.4. The design, height and location of the fencing are considered acceptable. The appearance of the fencing would mirror other fencing on the site that did not require planning permission. The fencing would be to a height of 1.875m (maximum), a similar height to other fencing around the site. The fencing would be green in colour to match existing fencing. The overall design quality is high and is in keeping with the existing fencing on the site.

7. Conclusion

- 7.1. The proposal now complies with the objectives of the policies above and is of a more acceptable design and location. There are no sustainable grounds to warrant refusal of the application.

8. Recommendation

- 8.1. That planning permission is approved subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requiring the development to be fully completed within 6 months of the date of this decision |
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Case Officer: Stephanie Salmon

Photo(s)



Figure 1 - Application site

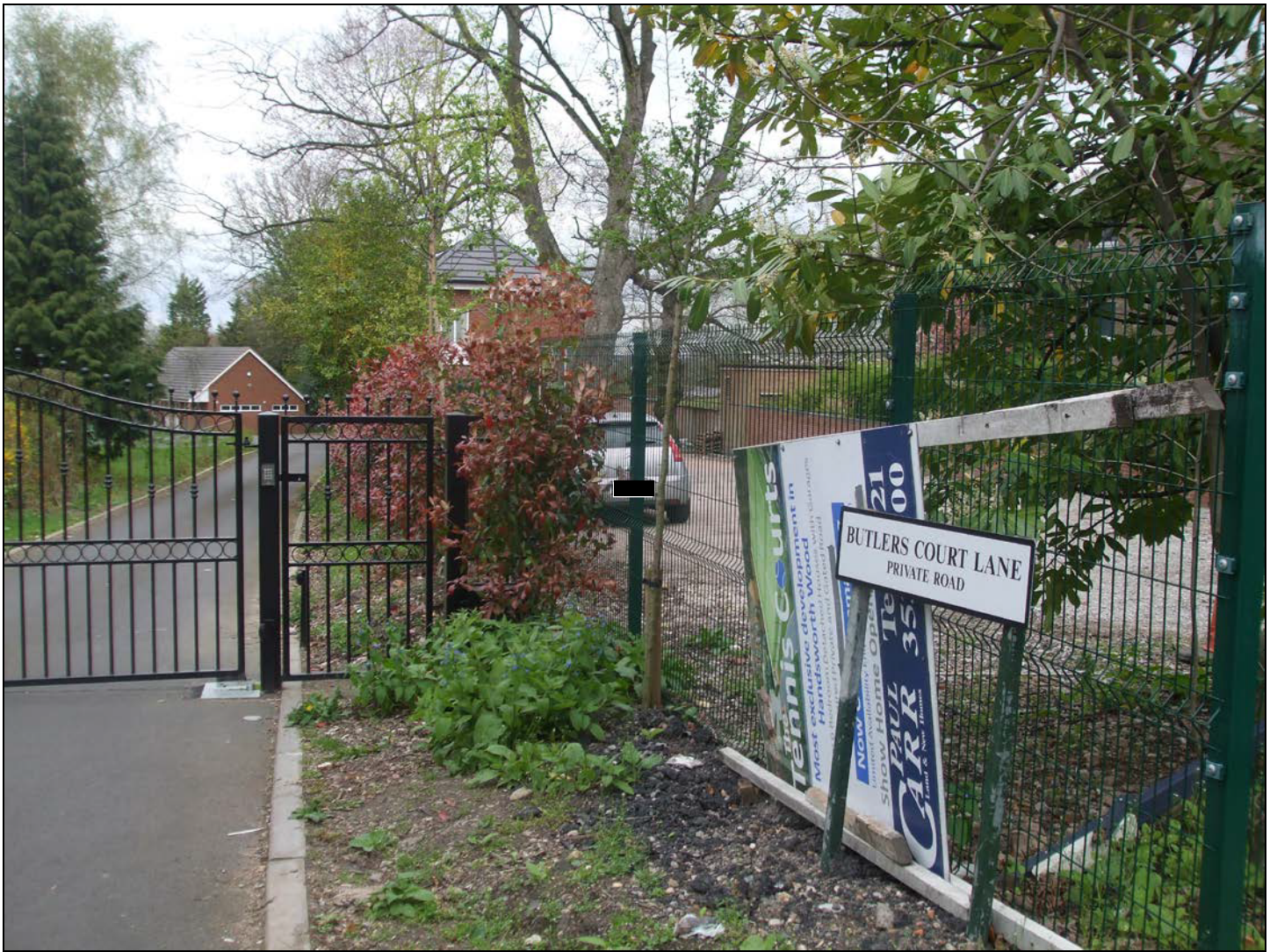
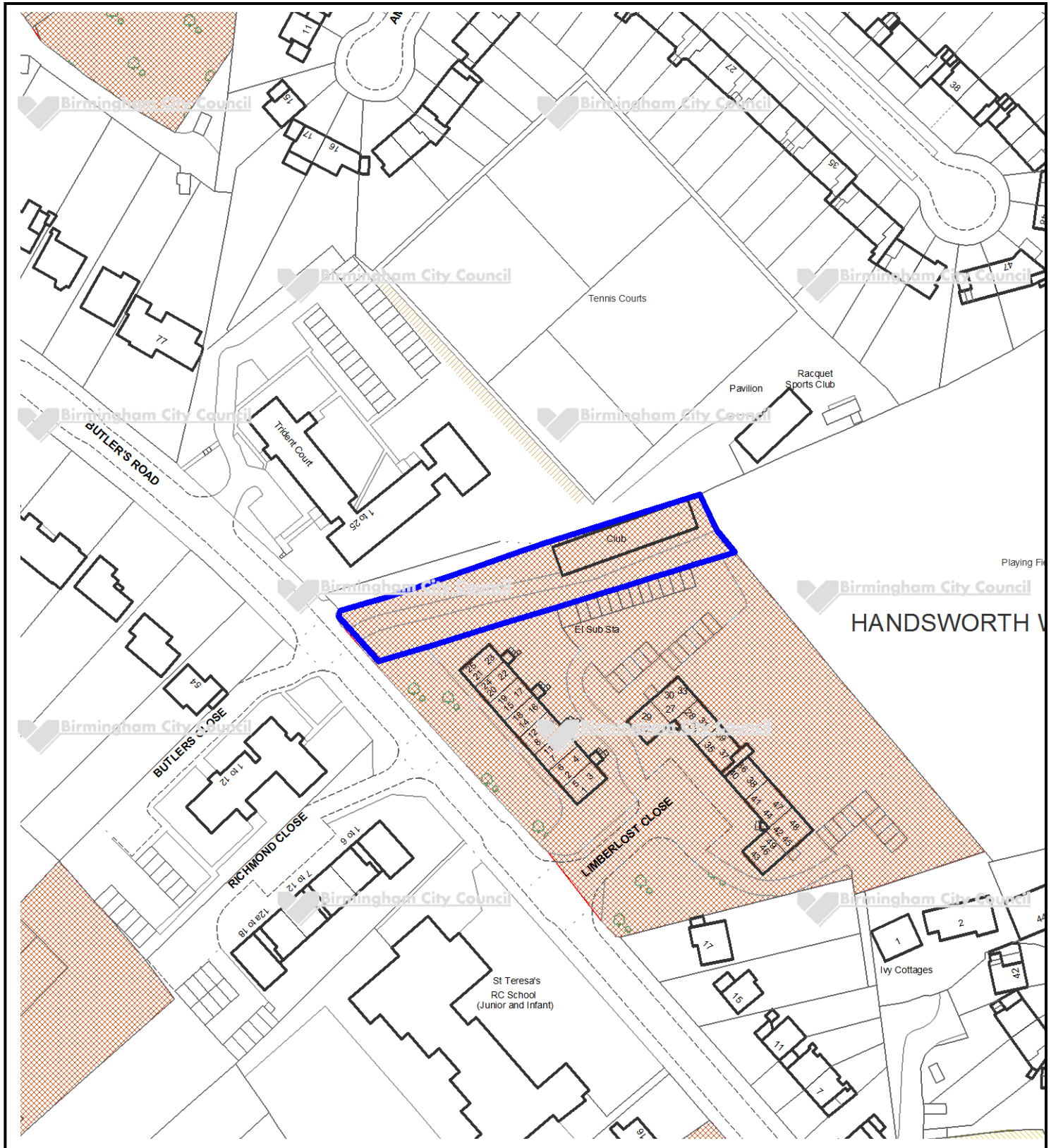


Figure 2 - Existing similar fencing & gates next door

Location Plan



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