

Report to Planning Committee

19 January 2022

Application Reference	DC/21/66293
Application Received	2 November 2021
Application Description	Proposed new section of 2.1m high railings and relocation of access gate to the front of private footway (Resubmission of previously withdrawn application DC/21/66021).
Application Address	Footpath Adjacent To The Front Garden Of 1 Asbury Walk, Great Barr, Birmingham, B43 6HF
Applicant	Asbury Walk Management Company
Ward	Charlemont With Grove Vale
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to:

- (i) The fence and gate being painted to match in colour to the existing entrance gates

2 Reasons for Recommendations

2.1 The proposal is of satisfactory design that would provide added security for residents of this private road.



3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
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4 Context

- 4.1 This application is being reported to your Planning Committee because the application has generated a number of neighbour responses both objecting to and in favour of the application.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Asbury Walk, Great Barr](#)

5 Key Considerations

- 5.1 The site is unallocated and relates to the entrance to this private estate.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

6. The Application Site

- 6.1 The application site relates to the footpath on the southern side of Asbury Walk, Great Barr. Asbury Walk is a private road that serves seven properties. The area is residential in nature.

7. Planning History

- 7.1 Planning Permission was granted in 2005 for the demolition of 75 Pear Tree Drive and the erection of six detached houses and one bungalow.



To the front of the drive is an existing fence (approved under reference DC/13/56445) with gates for pedestrian and vehicular access. Members will note from 4.2 above, the railings do not cover the entire frontage. The applicant proposed to extend the railings over the front lawn of no: 1 Asbury Walk (DC/21/66021), however communications and enquiries relating to the incorrect ownership certificates being served, this application was withdrawn.

7.2 Following objections from a resident of Asbury Walk, the plans of DC/13/56445 were amended so no fence was adjacent to the front garden of 1 Asbury Walk for garden maintenance. Therefore, as mentioned above the implementation of the 2013 application left a gap in the fence line.

7.3 Relevant planning applications are as follows:

7.4

DC/05/45148	Demolition of existing dwelling at 75 Pear Tree Drive and proposed erection of 6no. detached houses, 1no. bungalow and associated garages.	Grant Permission Subject to Conditions 25.11.2005
DC/13/56445	Proposed automatic gates and fencing across private road entrance.	Granted Permission 02.12.2013
DC/21/66021	Proposed new 2.1m high railings to secure boundary.	Application Withdrawn 16.09.2021



8. Application Details

- 8.1 The applicant proposes to erect 2.1m high railings and relocate one of the existing access gates to the front of the existing private footway (adjacent to the existing alleyway). The agent has confirmed that all supporting posts will be off the private highway and built on the private footpath.
- 8.2 Unlike the 2013 application (see point 7.2), this new fence will be erected to the back of the kerb stone, not the back of pavement, so the resident of 1 Asbury Walk can still maintain their front garden.

9. Publicity

- 9.1 Nine letters of publicity were sent including all seven properties within Asbury Walk. Three objections have been received and five letters in support (however two of those letters of support have been sent from the same property).

9.2 Objections

Objections have been received on the following grounds:

- i) Safety concerns in that the railings will be built to the edge of the footpath leaving no room for pedestrians to escape should pedestrians be on the road and a vehicle drives too close,
- ii) Concerns have been raised about children extending their arms through the proposed railings and being hit by a car,
- iii) Locking of the gates will inhibit the postman from accessing the estate,
- iv) Once the new gate is in position, a reduced gate width of between 630mm and 800mm would be provided, whereas gates should be 900mm to allow for wheel chair access, and
- v) The new fence will enclose the front garden of no: 1 Asbury Walk,



Immaterial objections have been raised regarding the withdrawn application DC/21/66021 and the incorrect ownership certificate served to the Council which led to the application being withdrawn, as well as property values and affordability (I assume from the shared cost of the development of the scheme and potential ongoing maintenance).

9.3 Responses to objections

I respond to the objector's comments in turn:

- i) Any pedestrian walking down Asbury Walk will either be inside the proposed gated area or on the footpath on the opposite side of Asbury Walk, accessing the estate from the existing pedestrian access. In my opinion, there is no need for pedestrians to be on the road at this point. The Council's Highway Department raise no concerns (refer to 10.1),
- ii) Other railings and gates are already in place since the approval of DC/13/56445 (see below). I do not envisage the extension of the existing railings will cause any safety concerns,
- iii) Currently any pedestrian visitor to the site would have to use the existing communication system on the gate post. However, the road is not secure and pedestrians could walk over the front garden of 1 Asbury Walk,



- iv) At this location, there is currently a pinch point (see above) where the corner of Asbury Walk and the existing alleyway meet, limiting access for wheel chair users. On the opposite side of Asbury Walk is a significantly wider pedestrian gate (see image below) than the one to be relocated to be positioned next the existing alleyway. Therefore, wheelchair users would still be able to access the private road. However, the plans do indicate that the width of the proposed gate would be 880mm.



- v) The proposed fence would be adjacent to the kerb stone of Asbury Walk, and therefore would enclose a small part of the front garden of 1 Asbury Walk (see photograph above), however, the moving forward of the existing gate would, in my opinion, open up the garden at the point where the existing gate is, whilst providing added security to the residents of the private road.



9.4 Support

9.4.1 The reason for supporting this application are:

- i) The proposal would secure the existing open boundary preventing various crimes that have been experienced by existing residents and was recommended by West Midlands Police to eliminate the constant occurrence of crime within the cul-de-sac, and
- ii) The proposed gates would have no effect on access to any of the properties.

10. Consultee responses

10.1 Highways

The Council's Highways Team have been consulted and have raised no objections to the proposal.

10.2 West Midlands Police

West Midland Police have been consulted without response.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles



12.2 The proposal complies with both ENV3 and ESO9 in that the development is of satisfactory design.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. However, in my opinion, the proposal is of satisfactory design, which would secure the private road without causing any highway safety issues.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None
Social Value	None

16. Appendices

Site Plan

Context Plan

Plan No: 2050-p01

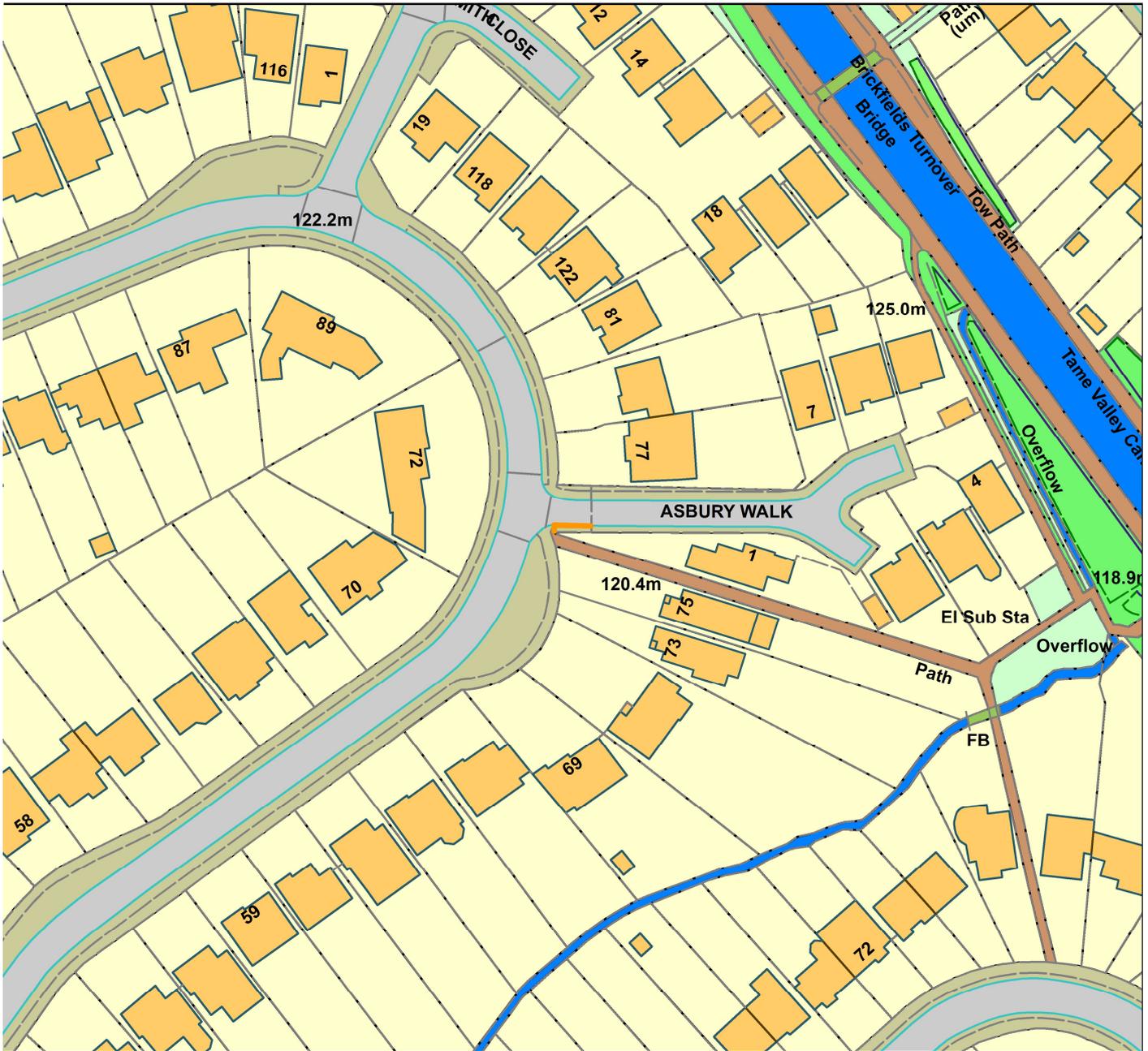
Plan No: 2050-p02

Plan No: 2050-p03



DC/21/66293

Footpath Adjacent To The Front Garden Of 1 Asbury Walk



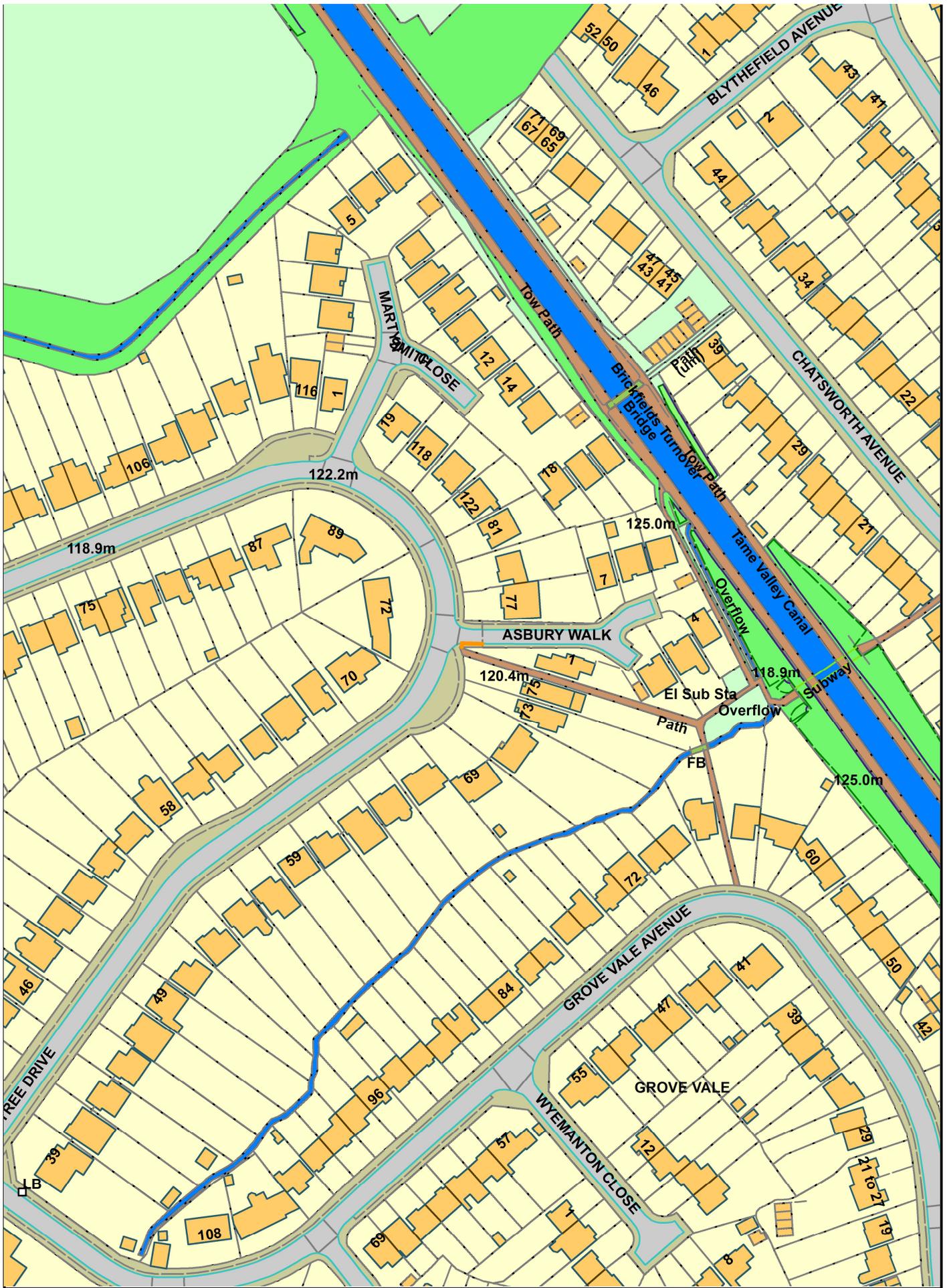
Legend

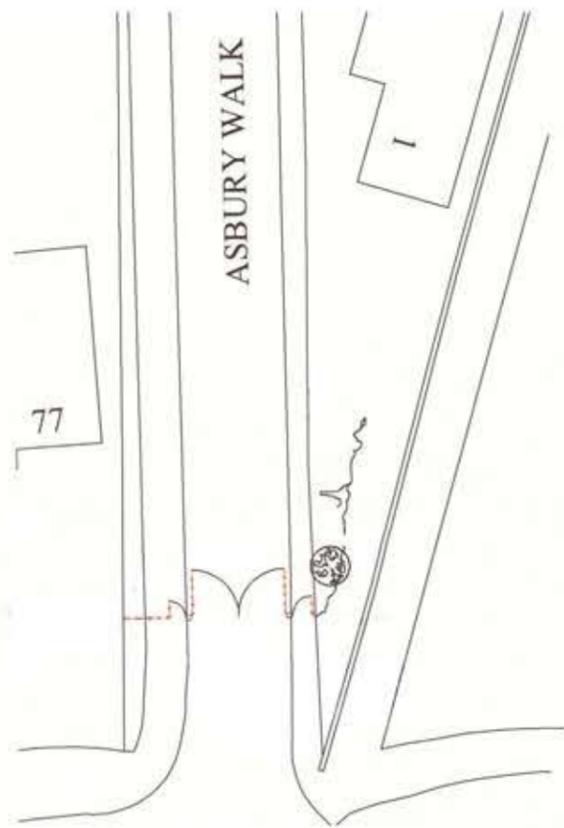
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	05 January 2022
OS Licence No	



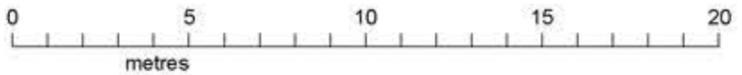


SITE PLAN AS EXISTING



Proposed new section of railing
and new pedestrian gate shown in red

SITE PLAN AS PROPOSED
PROPOSED RAILINGS SHOWN IN RED
REFER TO ELEVATION DRAWING FOR DETAILS

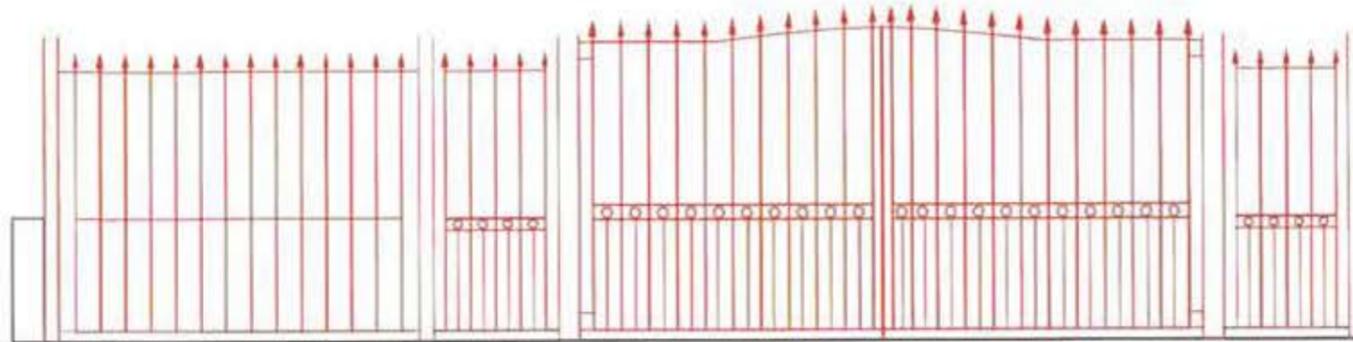


drawing no 2050_p01

PROPOSED NEW SECTION OF
RAILINGS AT ASBURY WALK,
GREAT BARR.

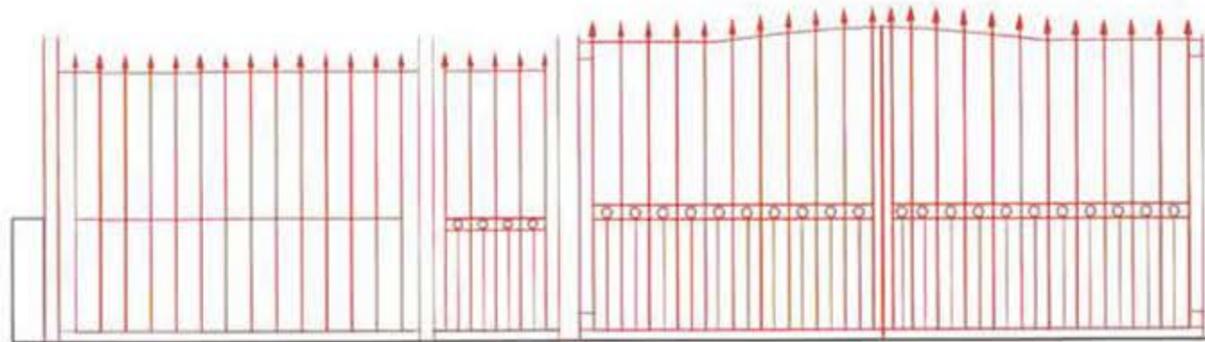
FOR ASBURY WALK MANAGEMENT
COMPANY

SITE PLAN
SCALE 1:200 @ A3

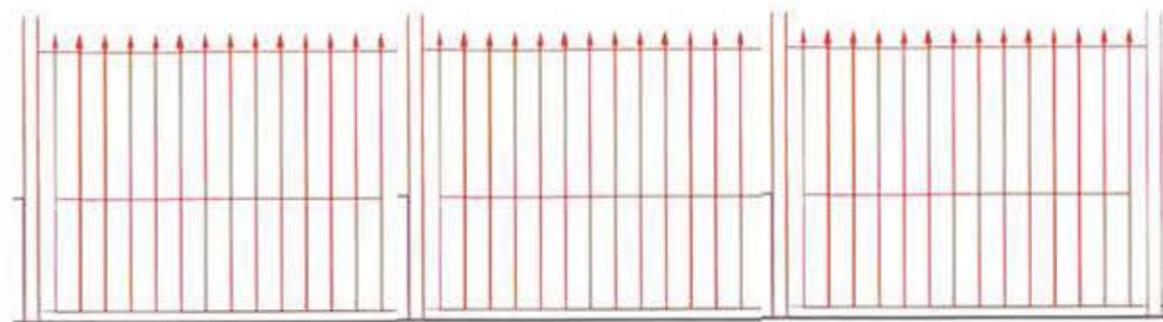


EXISTING GATES AND RAILINGS

drawing no 2050_p02

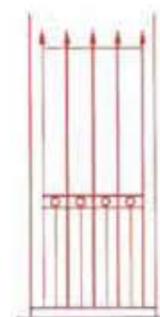


PROPOSED AMENDMENT TO GATE AND RAILING - GATE TO BE REMOVED & RELOCATED TO THE FRONT OF THE PRIVATE FOOTWAY.



SIDE RETURN SECTION OF NEW RAILINGS

NEW SECTION OF RAILINGS TO MATCH EXISTING IN DESIGN & HEIGHT 2.1M



ELEVATION OF THE PEDESTRIAN GATE

PROPOSED NEW SECTION OF RAILINGS AT ASBURY WALK, GREAT BARR.

FOR ASBURY WALK MANAGEMENT COMPANY

ELEVATION DRAWING

SCALE 1/50 @ A3

2.2m

81

122

81

68

294350

2.5m x
50m visibility
splat

294325

72

ASBURY WALK

70

120.4m

75

294300

73

294275

68

294258

403225

403250

403275

403300 SP0394

1:500 @ A4



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VISIBILITY SPLAT DRAWING
Drawing no 2050 - F03