

PLANNING APPLICATION NUMBER: P08/1603

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD SOUTH
Applicant	Dudley MBC DACHS
Location:	KINGSWINFORD PUBLIC LIBRARY, 55 (AND FRONT GARDEN OF NO. 59), MARKET STREET, KINGSWINFORD, DY6 9LG
Proposal	EXTENSION TO LIBRARY TO PROVIDE ADULT LEARNING CENTRE & FORMATION OF CAR PARK IN FRONT GARDEN OF NO. 59 MARKET STREET.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The library occupies a prominent location fronting Market Street which forms part of the Strategic Highway Network (A491). It is situated within the boundary of Kingswinford District Centre. The front garden of No 59 Market Street is outside the District Centre.
2. The site is within a mixed use area. Directly to the north of the library is a bank and there are retail outlets opposite the site. The library and front garden of No 59 Market Street are separated by an access track which provides vehicular access to the rear of numerous surrounding properties not only in Market Street but also in Manor Park and Braithwaite Drive. The track also provides access to a large area of allotments.

PROPOSAL

3. The application comprises alterations to the front elevation of the library, the construction of a rear extension and the provision of a car park utilising part of the front garden of No 59 Market Street.
4. The plans indicate the removal of the existing front door and its replacement with glazed blocks. The new glazed entrance screen with automatic sliding doors would be situated in the south west corner of the building which currently has two windows and an advertising panel.
5. The rear extension would create a flexible learning space for use as an adult learning centre. It would almost totally infill the rear curtilage of the site which is currently a raised grassed area and would lead to the removal of at least one large silver birch tree. Soil would be excavated to enable the floor level of the extension to match that

of the existing library. There would be a small flat roof section which would match the height of part of the existing building. The main section behind the library would project 11.8m from the rear wall of the building. It would have a maximum width of 17.0m and have a maximum height of 6.8m. It would have a line of high level glazing, a pitched roof and a line of pitched, glazed roof-lights to the front and rear. The southern side wall of this structure would be built along the boundary with the side access road and would replace the existing wooden fence.

6. The car park would be constructed in the front garden of No 59 Market Street. This area currently has a dense planting of evergreen trees and shrubs. The area would provide nine parking spaces and would be accessed via the adjacent track. The plan indicates that the existing boundary hedge would be retained.

HISTORY

7. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/52/908	Erection of branch library	Approve	25/03/52
85/50242	Alterations to entrance lobby and front elevation	Approve	28/02/85

PUBLIC CONSULTATION

8. Over thirty letters have been sent to local residents and a site notice was put up on the basis of interest to people in the wider area with the specific intention to inform users of the access drive, particularly the allotment holders, of the application. Five letters of objection have been received which make the following points:
 - Existing problems whereby people park inconsiderate and block access drive, this application will exacerbate matters;
 - The drive should be increased in width at the entrance up to the car park to enable cars to pass otherwise there will be a hazard when vehicles are forced to reverse onto Market Street;
 - Concern regarding the blocking of the access track during construction;
 - Concern that the car park could be used for unauthorised parking or anti-social behaviour to the detriment of adjacent residents. A barrier restricting access should be considered;
 - Concern that the side gable wall of No 61 Market Street may be damaged when vegetation is removed and that cars could damage it;
 - Trees/shrubs next to the bungalow should be thinned out to improve access for vehicles;

- The waste land adjacent to the telephone box should be included in the application, this would enable the widening of the track and improve the appearance of the area;
 - Anticipate that adequate lighting is provided;
 - Overbearing, overshadowing and loss of daylight to the adjacent bank to the north of the site
9. A letter has also been received from a local resident who does not object to the application but raises the concern that it may exacerbate the existing problem of people parking indiscriminately on the drive and because of its narrow nature, blocking it. A Ward Member has also raised concerns that the access road should not be blocked during the construction phase.

OTHER CONSULTATION

10. Group Engineer - Development - no objections to the application subject to conditions regarding the parking area and means of access being provided prior to first use and visibility splay provided, the provision of secure and undercover cycle parking and associated staff shower facilities and a planning obligation towards transport infrastructure improvements.

RELEVANT PLANNING POLICY

11. **Adopted Dudley Unitary Development Plan**

Policy DD1 – Urban Design
 Policy DD2 – Mixed Use
 Policy DD7 - Planning Obligations
 Policy CR1 - Hierarchy of Centres
 Policy AM3 - Strategic Highway Network

12. **Supplementary Planning Documents**

Planning Obligations
 Parking standards and travel plans

ASSESSMENT

Key Issues

- Principle
- Design and appearance of the extension
- Impact upon the amenities of occupants of the adjacent buildings
- Vehicular access to the site and the provision of the car park
- Trees
- Planning Obligation

Principle

13. The majority of the site is situated within Kingswinford District Centre. Although the site has no specific designation within the adopted Dudley Unitary Development Plan it is considered that the extension for use as an adult learning centre in association with the library would be acceptable in planning terms.

Design and appearance of the extension

14. The existing library is a brick 1950's building which has a series of flat roofs which vary in height. The alterations to the front elevation to create a new entrance would be modest in appearance and are considered to be acceptable.
15. The extension would be built at the rear of the library which is currently a grassed area which occupies a slightly elevated position. The intention of the applicant is to excavate soil and construct the building with the same floor level as the existing library. As such the guttering of the new building will be to the same height as the highest part of the existing building at the rear of the library. The roof would therefore project 2.4m higher than the current building and would be readily visible from Market Street.

Impact upon the amenities of occupants of the adjacent buildings

16. The site is situated directly adjacent to a bank which is an elongated building being flat roofed at the front and having a large pitched roof extension at the rear which has three side facing office windows. An objection has been received objecting to the application on the grounds that the new building would lead to a loss of light and overshadowing, as the bank would be to the north of the extension and that it would be overbearing. However, the new building would not be built up to the boundary and, in any event, a 2.0m high fence could be erected along the boundary with the bank under permitted development rights which would remove any views out of the site, lead to a loss of light and be overshadowing. The application also intends the removal of a birch tree which already affords significant shading to the bank building. Taking these matters into consideration, on balance, this aspect of the application is considered to be acceptable.
17. To the south of the site, separated by an access track is No 59 Market Street which is a bungalow. The extension would be built along the side boundary of the access track which would bring the new development within 7.5m of the bungalow at the closest point. The bungalow has at least one side facing window however there is an extremely overgrown hedge which is both dense and high which is growing right up against the side of the bungalow and obscures much of it from public view. As a result of the existence of this hedge it is felt that the construction of the would be acceptable as it would not adversely affect any side facing windows.

Vehicular access to the site and the provision of the car park

18. The existing library has a small strip of land to the front which is used for parking cars on a largely informal basis (there is one disabled space which is marked out). The new car park would provide nine new spaces in the front garden of the adjacent bungalow, No 59 Market Street. This area is currently overgrown with evergreen trees and hedgerow. The front garden of No 59 Market Street is currently just over 25m in length, this would be reduced to just over 5.0m but would have a width of over 16.0m enabling space for the parking of at least three vehicles.
19. The submitted plans indicate the retention of the existing boundary hedge however, given its overgrown nature this may not be feasible. Instead a landscaping scheme around the perimeter of the new car park would be required by condition if the application is approved. Boundary treatment to the car park is also an important consideration particularly as the new car park would be directly adjacent to the gable wall of No 61 Market Street. Again this could be secured by a condition. There are also concerns that the car park could be used at night for anti-social behaviour. As this would be a new car park close to residential dwellings the provision of lockable bollards at the entrance would be desirable in the interests of residential amenity.
20. Access to the new car park would be via a tarmaced access drive off Market Street. This driveway provides rear access to numerous dwellings in Market Street and also some in Manor Park and Braithwaite Drive. There are also a large number of allotments at the end of the drive. There are concerns from residents that the frequent cases of indiscriminate parking of cars on the narrow access drive may become exacerbated by the provision of the car park and that construction vehicles would block it completely. The Group Engineer, Development has considered the application and has made no recommendation that the drive should be widened. With regards to issues concerning construction traffic a meeting with affected residents has been arranged for 17th December 2008 subject to approval being granted.

Trees

21. There are two large Silver Birch trees on the site which are indicated to be removed. An inspection has revealed that whilst the tree closest to Market Street would need to be removed in order to facilitate the development, the tree along the rear boundary of the site could, with careful construction practices be retained. The retention of this tree would be desirable as it provides some local public amenity. A condition of planning permission would therefore be for the retention and protection of this tree during development. Also the landscaping scheme around the proposed car park should include the planting of a number of new trees to mitigate for the loss of the birch tree.

Planning Obligations

22. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of transport

infrastructure improvements. In addition, as the site is situated within Kingswinford District Centre

public realm requirements will be provided in the form of on-site works.

CONCLUSION

23. The extension of the library to create an adult learning centre would be acceptable in principle. The design and scale of the building is considered to be appropriate as is the impact upon of the development upon the occupants of adjacent buildings. The provision of parking in the front garden of No 59 Market Street is also acceptable provided that there is appropriate boundary treatment and associated landscaping.

RECOMMENDATION

24. It is recommended that the application is approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site transport improvements has been submitted to and agreed in writing by the Local Planning Authority.
 - b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments where necessary.

Reason for Approval

The extension of the library to create an adult learning centre would be acceptable in principle. The design and scale of the building is considered to be appropriate as is the impact of the development upon the occupants of adjacent buildings. The provision of parking in the front garden of No 59 Market Street is also acceptable provided that there is appropriate boundary treatment and associated landscaping.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

Note for Applicant

The development hereby permitted shall be built in accordance with the approved plans, numbered AMPH366/A002, AMPH366/A003, AMPH366/A200 and AMPH366/A300 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development not beginning until a scheme for the provision of:
 - Transport Infrastructure Improvements
 - Management and monitoring chargehas been submitted to and approved in writing by the Local Planning Authority.
3. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose.
7. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

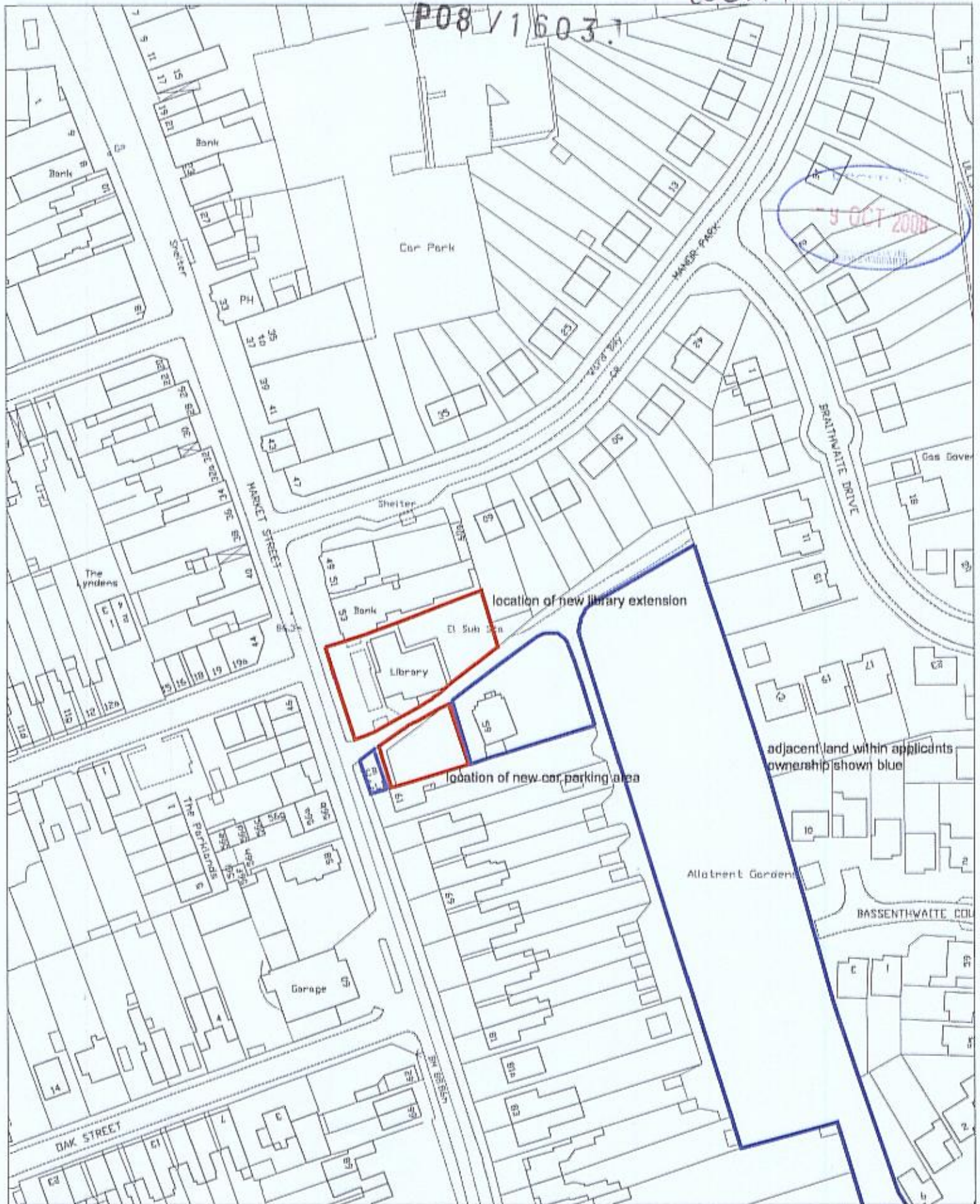
- b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
 - d. The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
 - e. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
8. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
 - Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Implementation, supervision and monitoring the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
 - Timing and phasing of arboricultural works in relation to the approved development.
 9. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.
 10. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition

works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

11. The building shall not be occupied until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
12. Prior to the commencement of development details of the visibility splays to be provided at the junction between the proposed means of access and the highway shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby permitted, the agreed splays shall be provided on site and thereafter maintained free from obstruction for the lifetime of the development.
13. Prior to the commencement of the use of the extension a scheme to provide a facility for the outdoor parking of bicycles in the form of Sheffield Hoops shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the commencement of the use of the facility and thereafter retained for the life of the development.
14. Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. Such materials shall, unless otherwise agreed in writing by the local planning authority, closely match in type, texture and colour those of the existing building.
15. Before the development is brought into use, a management plan for the car park including its availability, security and maintenance shall be submitted to and approved in writing by the LPA. The car park shall be used strictly in accordance with the approved management plan for the life of the development.

LOCKTOW PLAN

P08/1603.1



Title
KINGSWINFORD LIBRARY

LOCATION PLAN
PLANNING DRAWING



Scale
1:1250

Date
19.09.08

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Number
24 AMPH 366

Dwg. no.
A001

Rev.

Dudley Property Consultancy

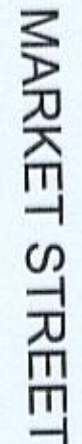
3, St. James's Road, Dudley, West Midlands DY1 1HZ

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Dudley Metropolitan Borough

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Ordnance Survey H.M.S.O.
Licence Number LA 100019586.



10 OCT 2008

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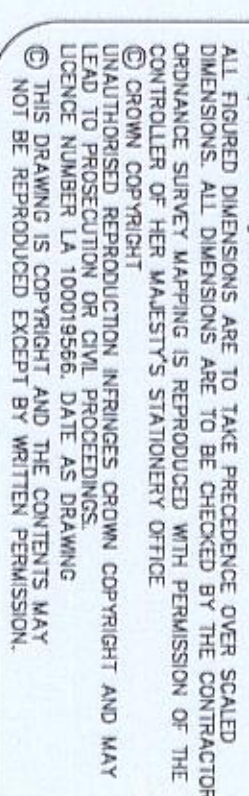
Head of Dudley Property Consultancy
B. Gordon, B.Com., Dip.M., M.B.A.

PROJECT
KINGSWINFORD LIBRARY

DRAWING

EXISTING PLAN PLANNING DRAWING

Scale 1:100	Date 19.09.08	Drawn aj	
Job Number AMPH 366	Drawing Number A002	Revision	Plot Sheet size A1



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Phoresby Pitu.

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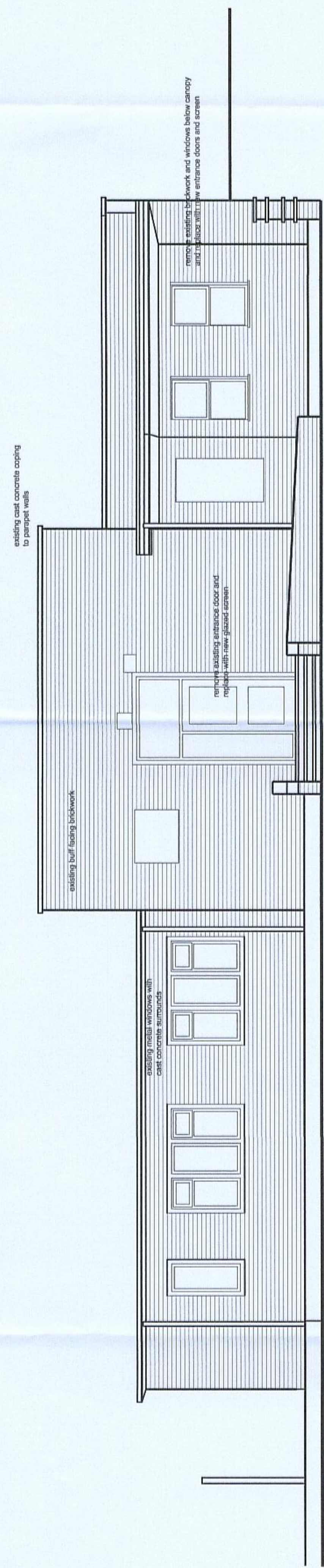
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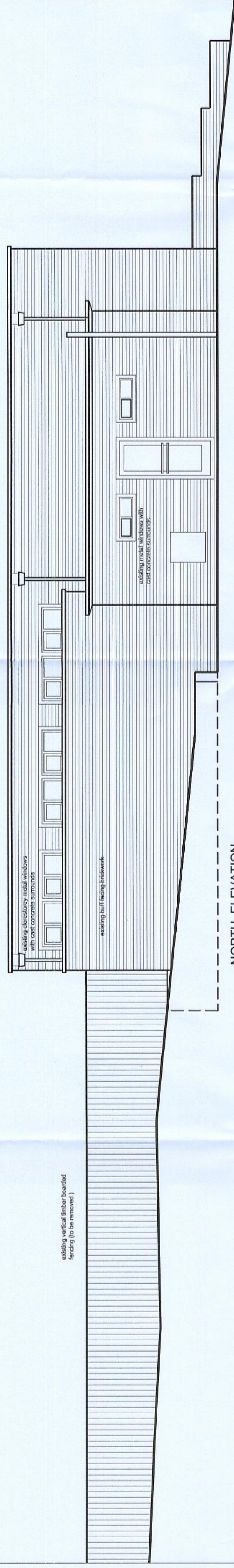
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PROPOSED PLAN
PLANNING DRAWING

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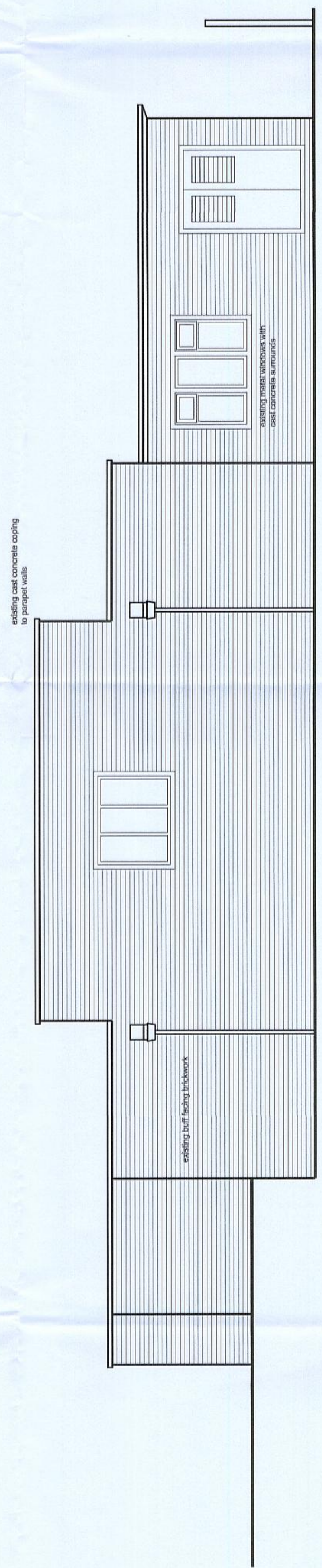
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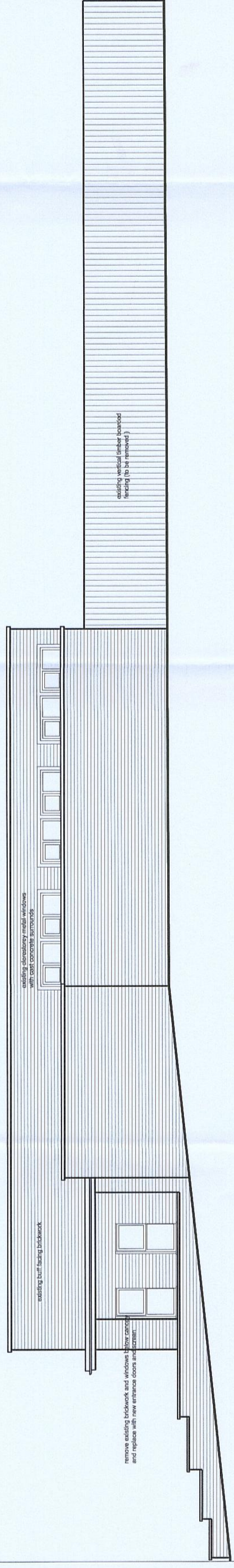
WEST ELEVATION TO MARKET STREET



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION TO SIDE ACCESS LANE

P08 / 1603.1
EXISTING
ALEXANDROS
- 9 OCT 2008
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XXX	XXX	XXX	XXX
REV	DATE	DESCRIPTION	BY

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PROJECT
KINGSWINFORD LIBRARY

DRAWING
EXISTING ELEVATIONS
PLANNING DRAWING

Scale 1:50	Date 19.09.08	Drawn aj	Revision	Sheet size A1
Job Number AMPH 366	Drawing Number A003			