

PLANNING APPLICATION NUMBER:P08/1663

Type of approval sought	Full Planning Permission
Ward	Brierley Hill
Applicant	Stourbridge College
Location:	LAND SOUTH OF, COTTAGE STREET, BRIERLEY HILL, WEST MIDLANDS
Proposal	DEVELOPMENT OF NEW FURTHER EDUCATION COLLEGE WITH ASSOCIATED ACCESS, CAR PARK, INCLUDING PUBLIC LIBRARY.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 This particular site is located on the Eastern side of Brierley Hill town centre. The site has elevated vantage point overlooking the adjacent canal and the Merry Hill Centre an much further views towards Dudley and Netherton church which also sits on a vantage point. There is a clear change of levels between the site, the much lower canal and then the merry hill shopping centre below. The parcel of land extends to 1.6 hec and is presently located within an area that is currently undergoing substantial regeneration

- 2 The site is adjacent to the new Health Centre (LIFT) with the newly opened parallel route running to the front of the site. On the opposite side of the parallel route is a large supermarket car park and town centre shops and rear of the High Street.

- 3 The site has very clear topographical/physical constraints which govern the size and shape. This comes in the form of the parallel route to the west and the canal to the east where there is a drop of around 30m between the site and the shopping centre and 10m between the site and canal corridor.

- 4 The site is presently being utilised as a compound for the adjacent health facility. The land is still clearly being utilised for the storage of materials and spoil from neighbouring construction activities from the health centre and route. A small woodland corridor runs along the boundary of the site running along the east and a large group of trees towards the north.
- 5 The site is located within an area identified as a central employment zone and the Regional Spatial Strategy for the West Mids Phase 1 Revision have identified Brierley Hill as a Strategic Town Centre of the Dudley Borough. The site would falls within this remit.

PROPOSAL

- 6 This particular proposal is for the construction of a new education building, access details, car park facilities and includes a new public library.

- 7 *Reasoning for the building*

The reasoning for the building is that the college had identified that there was potential for developing educational facilities for the 16+ age group in the Brierley Hill area. Currently there is no FE facilities in the Brierley Hill area. Provision is mainly through schools or construction based through the colleges Technology centre. The new centre would raise the profile and value of education to respond effectively to local needs for the building has been developed. The aspirations/objectives is to provide flexible to both current and future users of the building, reduce impacts on the environment, create and look beyond exist technologies and concepts and to inspire learners. The development would be a modern building attractive and create a regional centre for education.

- 8 *Rational of the Design of the Building*

The building is set over 4 floors, lower ground, ground first and second floors. The footprint of the building is approximately 3021m² with the total internal area covering 9852m² over the various floors. These floors will contain A level curriculum subjects including, science, English, psychology, law, business,

languages and IT. Performing arts will also be incorporated via dance studios, music and technology and visual arts covering 3D workshops, fine art, graphic and illustration. The building will also contain the Brierley Hill library facility which is to be relocated from its present High Street location.

9 Each section will be defined by blocks/teaching hubs circulating around a central street/atrium. Teaching block will be aligned with corresponding uses to provide effective links. The street will provide the common link through the building and library to the main refectory pavilion.

10 Access to the building is made by two main entry points. One direct pedestrian route to the college and another public entry point directly to the library. These two accesses points are located off the main parallel route.

Lower Ground floor. – will accommodate the library at the pointed end of the building, performing arts and LRC (music). Making use of the large spaces and topography of the land allowing acoustic shielding to the music areas.

Ground Floor – will accommodate the main teaching areas for A levels with regular shaped teaching areas accessed off the main street and on the canal side more specialist areas, including 3D and the dance studios. This is the main floor for the student reception is located on this floor and forms the hub of student interaction with the main foyer and coffee space.

First floor – Continues in a similar manner with the A level block on the northern side of the building and visual arts on the southern side. The access is narrow but the main atrium over the 'street' continues the common theme through the building. Staff accommodation is also with a centralised hub on this floor.

Second Floor – Again continues the similar format of the A level blocks on the northern side with the visual arts on the southern. The two discrete blocks are linked over the atrium by bridges. Design IT and A levels also co exist on this floor . SMT is also located on this floor to maintain direct support to the facilities of the college.

11 The design emphasis of the building is a striking 'pavillion' style building which will be highly visible from shorter and longer distances and differing locations. The building takes on differing emphasis when viewed from different locations. The

Northern elevation has simpler architectural form with a strong horizontal emphasis with bands of windows and the main entrance to the college on the west where the atrium is clearly visible . The southern side is enclosed with a metal shells with a dramatic sloping roof. Each shell encloses a different element of the college. The foyer and gallery link between these shells which terminates in the glazed apex of the building towards the east. The library is incorporated into the apex of the building with a strong entrance with defined signage. The whole building emphasises its elevated position in the surrounding area. The proposed materials form a palette of textures and styles to evoke the calmer northern side with render and glazing with feature entrance to the library, to the dramatic southern elevation with the metal panels and glazing.

12 *Access to the building*

Access to and around the building will be encouraged through 2 strong pedestrian access points and defined spaces 1. in front of the college and 2. via the library access with differing street furniture and landscaping treatments, creating informal meeting areas.

13 Vehicular access will be made from the new parallel route which has recently been completed with a new entrance and the use of the existing site access for leaving. This will also allow buses to drop off at the front of the building and will form a clockwise loop to avoid potential traffic conflicts. 100 parking spaces and 88 cycle spaces (via dedicated cycle storage) are proposed with 4 disabled spaces adjacent to the library. Access will be from pedestrian access, private vehicles, public transport and from cyclists using the links via the canal towpath to the national cycle route into Dudley and Stourbridge. Parking will be reconfigured and changed as further phases of the college take place

14 *Landscaping and street furniture*

15 The scheme includes indicative details of proposed street furniture, paving styles and an indication of a landscaping strategy which includes the removal of

noxious japanese knotweed from the slope down to canal and replacement with native species and selective planting of suitable trees and shrubs for the environs around the building. Lighting proposed will be mostly coming from inside the building thus avoiding floodlighting the building and lighting pavement routes will be shielded to avoid any unnecessary light pollution and negate any impact on wildlife.

16 The application has been submitted with a number of supporting documents, these include:

Design and Access Statement

Planning Statement

Transport Assessment

Flood Risk Assessment

Travel Plan

Air Quality Statement

Contamination Report

Ecology Statement and further report

Air Quality Statement

Arbocultural Statement

Education Statement

Statement of Community Involvement

HISTORY

17 Whilst there is no direct history in regard to the college the previous use of the site was for the Brier School which has been relocated to another part of the borough.

PUBLIC CONSULTATION

18 Neighbouring properties and businesses directly notified

19 Site notice posted 20.11.08 expires 11.12.08 .

20 Press notice posted 15.11.08 expires 6.12.08.

Responses received summarised below:

21 Access In Dudley – Designated parking bays for Blue Badge permit holders should be clearly marked and defined in the proposal. Dropped kerbs and deliveries for servicing and unloading should be defined. Surfacing should be tactile and suitable for the visually impaired. Details of the building glass areas should be demarked and will be required to meet latest standards and suitable for visually impaired and wheelchair users. 23.11.08

OTHER CONSULTATION

22 Highways/Engineers

Consulted 10.11.08 – UDP Policy DD7 – Planning Obligations states: The Council will require applicants to enter into planning obligations where the scale and impact of development proposals can be shown, in accordance with government advice, to result in a consequential planning loss to the existing community.

The planning obligation must, where appropriate and necessary:

a. Make appropriate provision for the infrastructure requirements of the development

b. Ensure that there is no unacceptable adverse impact on the environment, nor consequential unacceptable loss to the existing level of services enjoyed by the community.

2. Planning Obligation Contribution calculation:

a. Based on the information contained within the Transport Assessment the proposed college 611 two-way trips over the operational day of the development (7:00am to 7:00pm). This data is taken from surveys of the existing Longland Campus. There is no existing use on the site, so there are no existing trips to take into account.

a. The Planning Obligation SPD requires a contribution of £1373 per two-way trip for transportation infrastructure. This figure of £1373 can be discounted by taking into account the developments score of 19 on the accessibility assessment (a medium/low accessibility score), as set out in Example 1 (page 46 – Planning Obligation SPD) and in this case is calculated as £503.43. Therefore the proposed development, which generates 611 additional two-way trips over the operational day of the development (7:00am to 7:00pm), will require a maximum contribution of 611 two-way trips x £503.43 = **£307595.73**

3. The survey data taken from the existing Longland campus and factored up to take account of the increased student numbers shows a maximum accumulation of 160

vehicles. The site layout shows 99 car parking spaces and this level of parking provision could be considered to comply with the principles of *PPG 13* and the Parking Standards and Travel Plans SPD. However there is potential for highway safety concerns to arise from the vehicles, which are displaced from the site parking in the adjacent area. It is not clear at this stage how we deal with this issue; one option may be to revamp the traffic regulation orders in the vicinity of the development, including those residential streets mostly likely to be affected by indiscriminate parking in conjunction with the college providing alternative means of transport to the new campus i.e. coaches, similar to the scheme offered by Halesowen College. Such a scheme would take careful planning to be effective and I would not be comfortable in dealing with this issue via condition.

4. Details of the highway improvement on the Parallel route are required. A minimum lane width of 3.65m is essential and a central refuge of at least 2m should be provided to allow students to cross and visit the town centre. The provision of such works will require a realignment of the parallel route, new retaining structures and land outside of the current highway boundary. This matter could be dealt with via a planning condition with details agreed prior to works commencing and completed prior to the first occupation.

5. A signing scheme will be required to direct visitors to the campus from various directions. This matter could be dealt with via a planning condition with details agreed prior to works commencing and completed prior to the first occupation.

6. Minor amendments are required to the site entrance from the parallel route, to ensure that vehicles only turn left into the campus. This matter could be dealt with via a planning condition with details agreed prior to works commencing and completed prior to the first occupation.

7. A Coach lay-by capable of accommodating more than one coach/bus is required within the campus, which allows for coaches to load/unload without obstructing the free flow of traffic round the car park.

8. The scheme should ensure that pedestrian links can be provided from the rear of the site to the 'Primary Pedestrian Thoroughfares' as set out in the draft AAP for Brierley Hill, which will provide attractive and safe links to Merry Hill. are

9. Disabled parking should be located close to the entrance of the facility and not tucked away at the rear of the site. Amendments are required showing the disabled parking provision positioned adjacent the primary entrance.

23 Environmental Protection

There are no adverse comments in respect of noise issues.

However, it is recommended that a condition is attached to any approval given to mitigate the effects of road traffic noise inside the educational building.

The proposal is known to include the installation of a boiler using biomass fuel. This has been confirmed to Dudley MBC by the applicants.

The height of the chimney serving such a boiler will need prior approval under the Clean Air Act 1993 as it is capable of burning solid fuel at a rate of 45.4 kg/hr or more.

It is likely that the height of an approved chimney will protrude above the roof of the proposed building with associated potential for visual impact on the amenity of the local area. No proposals for any chimney are included with the application details.

It is therefore recommended that the following condition is attached to any approval given:

'No boiler shall be used to serve the development until details of the location, height, design and visual appearance of its chimney have been submitted to and approved in writing by the local authority.'

DMBC will need to continue air quality monitoring in the vicinity of the proposed development before, during and after construction has been completed. It is appropriate to seek a financial contribution as part of any planning obligations agreement which would be used towards the council's monitoring programme. This will include:

- a) Monitoring air quality at a number of locations from commencement of construction works to 3 years following completion of works, in order to validate the air quality impacts predicted within the applicants' report
- b) Contingency for positioning a number of static dust samplers to the north of the site to monitor fugitive dusts during the construction stage should any complaints arise

This contribution has been calculated at £14087. A detailed breakdown of the calculation can be provided by Environmental Protection.

24 Urban Design

Consulted 10.11.08 – No objections in principle subject to conditions and amendments as follows:

Suggest that canal side link to walkway is enhanced to provide opportunity to enhance environment in this location. Connections to Brierley Hill Town Centre to improve public realm and provide active frontages removing inactive areas to other parts of the building, Improvement to street furniture by means of signage and lighting. Shape of building is already dramatic is there any need to introduce large red lettering to library entrance.

Recommend replacing flat part of the roof with green roof to enhance biodiversity. Some elements of the building do not presently provide opportunities for passive surveillance , the introduction of windows on the lower ground floor is to be encouraged. - 5.12.08

25 Policy

Consulted 13.11.08 - The site falls within the central employment Zone (Policy UR1) and adjacent to the proposal Midland metro Link (Wednesbury to Brierley Hill) and a SLINC along the Dudley canal. The policy guidance in the RSS offers no constraint on the site for this proposed use. The emerging Brierley Hill Action Plan Preferred Options does not carry any significant weight as it not adopted , however there is a clear indication that the site be allocated for educational use. The Brierley Hill Action Plan also identifies the Central Boulevard area and the link with the High Street. The basis for the building is sound however would like to ensure details are as per requirements. The building has been set back from the parallel route and whilst this is not ideal it is accepted there is a requirement to accommodate the Wednesbury to Brierley Hill metro link. Need to consider access and links to wider area and parking and obtain other colleagues opinions as to suitability to parking level etc given future proposal for car parking in Brierley Hill. No objections in principle to development -19.11.08

26 Ecology

Consulted 10.11.08 –. I would expect to see such a building in this context at least provide a wildlife friendly green/brown roof and walls, which is highly appropriate in the geographical context (adjacent to a canal and brownfield sites).

27 The proposal site is adjacent to a canal which is a designated nature conservation site (NC5 Site of Local Importance for Nature Conservation). The proposal site has two areas of woodland (NC1, NC9 and NC10) (one along the canal and one to the north west which extends beyond the site boundary). These two woodlands are connected by a line of over-mature poplar trees. There is evidence on site of badgers and otters moving through the site. Bats are expected to be using the site for foraging. Each of these species are protected both by legislation, PPS9 and UDP policy NC6.

28 These species may be negatively impacted by the current proposal. Removal of the line of poplars (NC9 and NC10), severing the woodlands, may affect all three species as would the increase in light pollution. The reduction in the area of the woodland, although limited will impact on badger foraging habitat (NC6). The development phase has the potential to impact on all three species either by the equipment, operations (including lighting) and digging of foundations.

29 Mitigation works are essential for bats, badgers and otters. Without this I strongly recommend refusal of this planning application (DD10, NC1 and NC6).

30 A comprehensive conservation landscape and management plan must be drawn up to detail how the development will mitigate for impacts and create an overall positive balance for these species and other wildlife (PPS9, DD10, NC1, NC5, NC6, NC9 and NC10). This should include suggestions raised in the ecological report by Collins Environmental Consultancy Ltd mentioned above. The following topics must be fully addressed:

31 Functional reconnection of the two woodlands and mitigation for the reduction of the northern woodland area (it is strongly recommended that the car park and north-western landscape area is maximised for biodiversity).

Ongoing management of the woodlands, canal side and other landscaping.

Improvement of the canal side for otters (including holt creation and access improvement into the woodland - which should exclude access for humans except for management purposes).

Elimination of increases in light pollution along the canal and wildlife areas from artificial both internal and external lighting (NC6 and EP6).

Removal of Japanese knotweed.

Careful 'soft' felling of trees to ensure no impact on bats.

Provision and location of artificial bat and bird boxes, where possible built into the proposed buildings.

Exclusion of large mammals from the construction site.

Education of site workers to the presence of protected species in the area and how to avoid impacts on them during operations. If necessary a watching brief by a project ecologist may be required.

Avoidance of disturbing breeding birds.

Prevention of pollution into wildlife habitats, including the canal.

Water voles and kingfishers are known in the area however neither are likely to be significantly negatively affected by the proposal. Opportunities to benefit these species should be considered in the above plan.

32 Centro -Consulted 13.11.08 – Welcomes opportunity to comment on scheme. Note the scheme is well served by public transport especially from the High Street where number of services run. Would encourage links to be made from the High Street to the site where there will be strong connections.

33 The sites adjoins the Wednesbury to Brierley Hill (WBHE) metro extension and the Joint core strategy for the Black Country encourages developers to safeguard the routes of these rapid transport links. There are parts of the landscaping proposal that coincide with the metro link and these should be pulled back to ensure that none of the proposed WBHE route is affected. Developer should be aware of the potential of noise and vibration from the link. Centro welcomes the outline Travel Plan and opportunity to provide more detailed advice on route and layout. 23.12.08

34 Environment Agency

Consulted 13.11.08 - No objection recommend conditions

35 Trees

Consulted 13.11.08 - Require further details on the trees on the site as such full survey BS5857 survey is required. This will inform tree protection measures - 3.12.08

Further survey produced – comments awaited

36 British Waterways

Consulted 13.11.08 – no comments received to date

37 Police Architectural Liaison Officer

Consulted 13.11.08 – no comments received to date

RELEVANT PLANNING POLICY

38 Policies

- Dudley Unitary Development Plan – 2005
 - S2
 - S11
 - S12
 - S14
 - S16
 - DD1
 - DD6
 - DD7
 - DD9
 - UR1 -
 - AM14 – Parking
 - AM16 – Travel Plans
 - CS4 – Educational provision
 - NC1 - Biodiversity
 - NC5 – Sites of Local Importance for Nature Conservation
 - NC6 – Wildlife Species
 - NC9 – Mature Trees
 - NC10 – The Urban Forest

Supplementary Planning Document(s)

- Parking Standards and Travel plans
- Nature Conservation
- Planning Obligations – DD7

Brierley Hill Area Action Plan (Stage – Preferred Options)

PPS1 – Delivering Sustainable Development (2005)

PPS9 – Biodiversity and Geological Conservation

PPG13 Transport

Regional Spatial Strategy for the West Midlands - RSS

UR1A

UR3

UR4

PA4

PA7

PA11A

QE4

ASSESSMENT

- 39 The key Issues with this proposal are:
- Policy/principle of the development
 - Regeneration
 - Access/parking/future metro development impact on associated metro link
 - Design
 - Landscaping
 - Impact on SLINC/ecology and Trees
 - Air Quality
- Other issues
- Contributions/obligations

40 Principle/Policy-

Members will note the site lies within the central employment zone and the Regional Spatial Strategy for the West Midlands (RSS) defines Brierley Hill as a Strategic Town Centre for Dudley Borough.

41 Members will note the Brierley Hill Area Action Plan published its preferred options in February 2008 and whilst this document does not carry significant weight in terms of its level of adoption it however sets out clear aspirations for Brierley Hill and this particular area is allocated for educational use. More importantly members will note that the objections were received in terms of this allocation in the AAP preparation process.

42 For the reasons identified above and with particular reference to the Adopted UDP and emerging AAP the principle for the development as defined is supported in policy terms.

43 Regeneration

44 The site provides the most ideal location to meet the objectives of the emerging AAP as there are a number of economic benefits for the siting of the college in this location with the close relationship of the integrated library facility and parallel route. It is envisaged that the building will provide a further catalyst for regeneration with the increase of prospective numbers of students in the location along with staff employment in the college and supporting roles. The benefits of further education will raise aspirations of people within the area thus increasing social inclusion and provide wider benefits for the location and thus attracting further prosperity. This is encouraged through RSS policies PA4 and UR4 and policies S11 and S14 of your adopted UDP 2005.

45 Access/Parking and Metro Extension

46 The College building is in a sustainable location, located in the Town Centre and in close vicinity to a number of public transport routes, namely a number of frequent bus

services running along the main High Street. Moreover the site is freely accessible from the new Parallel route which runs along the front of the site. Parking has been proposed for the site and this also includes disabled spaces and secure storage for cycles. These parking spaces have been minimised to 100 to encourage staff and students to travel by alternative modes of transport, for example; by foot and cycle. PPG13 encourages that facilities should not encourage over provision of parking especially when sites are to be located adjacent to and accessible by public transport. In this instance the site fulfils this aspiration. However it is recognised that the number of parking spaces does represent n under provision of parking as identified by the applicants Transport assessment.

47 As this is the case it is important to seek appropriate mitigations to overcome this aspect. Members will note that this application has been supported by a detailed transport assessment and an outline travel plan. The Transport assessment includes details on the uses of the site including the main campus, the learning resource centre and the library, making use of its location off the parallel route and accessibility to public transport. The report envisages given the accessibility of the site that traffic volumes would not be significant. On production of this report, comments were still awaited from highways engineers and any recommendation will be accommodated via pre committee notes and relevant conditions if necessary this would include any requirements required under the Highways Act or other agreements for works in the highway.

48 Access in Dudley have objected to the scheme as the indicative proposal does not show any defined disabled parking bays for Blue Badge holders. The supporting documents indicate that dedicated parking bays will be provided however this is not clear on the indicative layout. The parking layout may be adequately controlled by the imposition of suitable conditions to ensure that the necessary bays are provided to a suitable standard..

49 The transport assessment is further supported by an outline Travel Plan. This include initiatives to provide details of cycles route, timetables for Public transport, safe pedestrian routes and ticket information with available incentives on information boards in the foyers of the college. The college is also proposing secure cycle storage and shower facilities as part of the scheme. The college is also offering a travel plan coordinator at the

college to promote car sharing and to provide a database of staff and students wishing to car share. Preferential spaces are also proposed for car sharers.

50 Akin to any Travel Plan offered it is essential that this plan is implemented monitored and reviewed with the results made available. This should also include future initiatives to further reduce car dependency, with monitoring over a given period. The proposed travel plans embodies this and may be adequately controlled by the imposition of a suitably worded condition to ensure this is carried out.

51 It is considered that despite the shortfall in parking the scheme, with appropriate conditions would comply with the spirit of your policies S2, AM14 and AM16 of the Dudley UDP 2005 and the advice contained in PPG13 and that the accessibility of the site and the supporting assessments provided along with the travel plan proposals it would be difficult to reject the proposal on highways grounds subject to relevant agreements and conditions.

52 The route of the Wednesbury to Brierley Hill (WBHE) metro extension is adjacent to the site and Centro were notified of the proposal. Centro have indicated that the site is well served by public transport and that links to maximise the routes to and from the transport should be encouraged. Centro have gone onto note that parts of the site may impinge on the line of the metro link. This relates more specifically to some of the indicative landscaping and this will need to be revisited, as well as appreciation for noise and vibration from the link. Policy AM6 of the Dudley UDP encourages the development of a light rail system and will ensure that the route will be safeguarded. Subject to revisions to ensure the site landscaping and extent of the site does not infringe this route it is considered that the development is acceptable.

53 Design

54 The design of the building has evolved from the site characteristics making full use of the difficult shape and surrounding restraints. The design is 'iconic' and will clearly be seen with the context of the area, especially the Brierley Hill skyline with the neighbouring 'lift' building and the Brierley Hill high rises. Given the design of the building it will be and should be seen as it makes a positive statement in the regeneration of the area.

55 The site has well defined boundaries to both the North and South. The North is defined by the newly constructed parallel route and the south the canal corridor and significant changes in levels over the Merry Hill centre and beyond. The building has been designed to take full advantage of the levels with a 'pavilion' style building with corresponding elevations responding to the context of the site.

56 The western and northern elevation has simpler elevation with a strong horizontal emphasis with rendering and glazing details. This forms the main pedestrian access point to the college and circulation space/atrium. Towards the eastern end of the building the site naturally narrows and the building responds with glazing and the library entrance feature. The building forms an apex at this point and here the roof line rises up and creates a dramatic skyline feature. The roof structures on the southern elevation sits as hard shell/envelope against the building facing the canal corridor and will be clearly be visible.

57 The applicant has provided detailed elevations and perspectives of the proposed building. A full model of the site has also been made and is available for inspection at the Hagley Road campus site.

58 PPS1 advocates high quality design in terms of development and individual buildings in terms of function and impact. PPS 1 states 'High quality design should be integrated into the existing urban form and natural and built environment', para 35. Members will note policy DD1 of the Dudley UDP advocates the principles of good design and the context of site and its environs. In this case the applicant has provide a full and detailed design and access statement and a model has been produced to provide a 3D visual of the scheme. It is considered that the scheme effectively demonstrates good design and relates positively to the site and its surroundings.

59 Members will note the comments made by Urban Design with regard to activity along the frontage of the building, layout of the internal spaces and materials used. A subsequent meeting with the applicant and a formal response has indicated that revisions will be made to the level of openings on the northern elevation and the alterations to the

signage to the library. Plans are currently awaited and will be reported in a pre committee note. Other comments made by Access in Dudley relate to finer details of the door locations and access points for the visually impaired which would be covered at the later design stage of the building and by separate requirements for DDA compliance. This in itself would not warrant a reason for refusal on these grounds alone. Parking will be addressed by the imposition of a suitably worded condition.

Landscaping

60 The site proposal has an indicative landscaping scheme proposed for area around the building and the steep slope down to the canal. At this stage Members will note the term indicative as the landscaping along the frontage will be subject to revisions due to the alignment of the proposed metro route.

61 The landscaping on the slope on the southern elevation (embankment) has been infested with Japanese knotweed. As this is considered a noxious weed, and is covered by environmental legislation, this will require removal prior to any replanting scheme and may be suitably conditioned.

62 Given the slope of the bank it is not proposed to redevelop the bank in any substantial format which could lead to instability of the slope to the canal which has been engineered at this point and the associated impacts on the adjacent SLINC. Given this, there is potential for enhancement of the bank for riparian wildlife. The proposal simply involves replanting with native species of birch alder and rowan. The canal edge would be mown to path edges and the remaining areas left relatively less maintained to encourage wild meadow areas and species related to riparian conditions like Iris and sedge. The ecology survey has identified the presence of mammals (otter) potentially using the site and the planting management can be encouraged through a strategy. The issues of ecology will be covered in a separate section within this report. . Members will appreciate the need to enhance opportunities to diversify wildlife opportunities and it is considered that this would fulfil the strategy for the site and the potential for biodiversity encouraged in PPS9.

63 It is understood that the emerging Brierley Hill AAP identifies the need to link Brierley Hill to the wider Merry Hill Shopping area. It is obvious that this site could provide the opportunity to do so in part providing a direct link to the canal corridor. Both your landscape and urban design officers have suggested a link could be achieved. The site sits above the canal, the height between the two is approximately 10m. A pathway has been suggested between the site and the canal towpath and a section of towpath to be created. Whilst it is feasible to put a door in the rear elevation and create a path it will in effect destroy the natural slope and opportunities for landscaping and wildlife using the site. The impact of this would be greater as the footpath link would need to zig zag down to the canal to ensure DDA compliance (gradients) and if this was the case there would also be a requirement for lighting this pathway and the provision of handrails. Given the existence of a tow path on the other side of the canal and the sensitivity of the site in respect to wildlife it would seem inappropriate to require this pathway link to be provided. A full landscaping scheme will be required with a management plan which will be secured through conditions and S106 to ensure that in the long term aspirations of the site are maintained.

64 Impact on SLINC/Trees

65 The site is located adjacent to the canal corridor which comes up from Delph Locks up to the more highly developed 'Waterfront' development. As the site sits between two areas it provides an interface between the heritage/wildlife area around Delph locks to the developed urban grain of the waterfront. The application proposal has been supported by an ecological assessment with a basic assessment provided at the initial stage followed by another further survey. Two surveys were provided as assessment of the site was restricted due to the site being fenced off as a site contractors yard for the 'lift' scheme and during the construction of the parallel route.

66 Members will appreciate that the canal systems, common to most towns and cities, provide connectivity to major river systems and rural area. It is clear from the report that the canals provide a corridor to the flora and fauna to colonise through more hostile (urban) environments. The canal adjacent to the application site is no exception. The report highlights the fact that the canal, unlike the river corridors are relatively unpolluted

and this provide a opportunity for animals to navigate the canal networks, providing opportunities for travelling otters. The banks of the canal networks provide spaces to forage undisturbed. Some of the site and adjoining areas are potential areas of otters.

67 Evidence has been found to suggest that otters are using the site and adjacent land. If this is the case and, picking up from the landscape urban design comments, that it would be prudent not to request a pathway to be installed or installed as it would conflict with the policies N1, NC5 and NC6 of the Dudley UDP 2005. The ecology report has outlined the need for adequate and robust mitigation for instance highlighting the need to provide protective fencing to stop mammals entering the site and the other suitable mitigations. Your ecologist has suggested that these should be tied up through a strategy and management plan which would ensure delivery on site.

68 The report has also highlighted protected species have been noted using the site, this includes bats and badgers. In both instances mitigations have been offered in order to increase potential for wildlife on the site and other opportunities in line with adopted policies and the guidance contained in PPS9. As many of these animal are protected it is imperative that the applicant is reminded of their obligations under the wildlife and countryside act and others to ensure that these animals are protected and if found the necessary permissions/licences are in place for their removal/relocation. In this instances informative are suggested to the included.

69 The site has a number of trees and few trees on the site and an adjacent woodland. The two surveys have been completed which have been woodland surveys. Normally trees surveys should be taken to reflect the guidance in BS5837 but in this instance information has not been forthcoming apart from indications of where trees are and the various species involved. The lack of a detailed tree survey would indicate that the trees proposed to be lost do have specific importance as no information has been received to the contrary.

70 The tree officer has concerns regarding the lack of a full detailed survey. This has been in part due to the access to the site being utilised for storage and spoil during the construction of the parallel route a contractors yard for the 'lift scheme. The site had been

fenced off for safety reasons and has only recently been cleared/levelled although fencing still remains around the trees and woodland. It is therefore important to consider the impact of the loss of these trees on the development as a whole the scope of the built form clips the woodland area at the north of the site which involves the loss of Alder, Thorn and a row of poplar. In this instance these trees provide a link between the landscape bank and woodland. It is therefore important that the loss of these trees is adequately mitigated via the imposition of conditions and the available landscape areas provide types and species to maximise their biodiversity potential for the whole site to ensure the development and its associated landscape is of the highest quality.

71 Air Quality

72 The development is within a Air Quality Management Area (AQMA). As Members will already appreciate the whole of the Borough is designated as such due to the impact of nitrogen dioxide emissions attributed to traffic. The reduction of traffic related movements is encouraged via the AQA.

73 The proposal has been supported by a Air Quality assessment which has identified two phases of the development. One - the construction phase and two – the operational phase.

74 The other aspect of air quality is how the building will be powered. The reports submitted identifies a CHP plant. Details have been requested of the specification however details of which may be adequately controlled by condition.

75 In all cases the reports identify mitigation measures to ensure the air quality is maintained. In this instance this may be adequately controlled by conditions to ensure the development complies with policy EP5 of the Dudley UDP 2005

76 Other issues

77 No further representations have been received with respect to the scheme. Given the context of the site and the nearest neighbouring uses no adverse amenity impacts are

considered. This is with particular regard to overlooking or privacy. The college and library will join with the temple and health centre to provide mixed frontage and variety to the new parallel route.

78 Planning Obligations

79 The proposed development has a requirement to provide obligations intended to make acceptable development which would be otherwise unacceptable in planning terms (Circular 5/2005). This is embodied into the Councils adopted Supplementary Planning Document Dec 2007.

80 In this instance the development has triggered the requirement for mitigation for Transportation

Public Art/Realm

Economic/Community

Ecology/wildlife

Air Quality Management

81 Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Transport Infrastructure Improvements - £307,595.73
- Local Employment compact
- Air quality Monitoring £14087.00
- Management and Monitoring Charge - £ 2886.50

Total Offsite Contribution equates to £ 324,569.23

The applicant has agreed to the payment of planning obligations however confirmation will be provided in pre committee notes as final figures have recently been supplied.

82 *Onsite Contributions:*

The proposal also attracts a requirement for the provision of the following onsite planning obligations:

Public Art/Public Realm – (College competition for art works which will be displayed on the building)

Ecology Mitigation (as identified in the Ecologist comments)

CONCLUSION

83 The building is located in a sustainable location in Brierley Hill Town Centre which is readily accessible to public transport. It provides a focus for regeneration of the area and a new focus and community facility with the integrated library.

Its iconic design utilises the site constraints to its advantages with internal layouts designed to take into account the uses of the building and its elevated location.

The access and overall reduction in parking levels encourages the use of alternative means of transport and helps achieve the Borough aims in Air Quality improvements, along with the comprehensive mitigation for wildlife and flora and fauna ensures the development complies with policies S2, S11,S12, S14, S16, DD1, DD6, DD7, DD9 UR, AM14, AM16 CS4 NC1, NC5 NC6, NC9, NC10 of the Dudley UDP 2005

RECOMMENDATION

84 It is recommended that the application be approved subject to the signing of a legal agreement to secure the following:

- a) 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.

- b) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.
- c) Appropriate highways agreements in connection to works in the highway
- d) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

86 Reason for Approval

87 The building is located in a sustainable location in Brierley Hill Town Centre which is readily accessible to public transport. It provides a focus for regeneration of the area and a new focus and community facility with the integrated library.

Its iconic design utilises the site constraints to its advantages with internal layouts designed to take into account the uses of the building and its elevated location.

88 The access and overall reduction in parking levels encourages the use of alternative means of transport and helps achieve the Borough aims in Air Quality improvements, along with the comprehensive mitigation for wildlife and flora and fauna ensures the development complies with policies S2, S11, S12, S14, S16, DD1, DD6, DD7, DD9 UR, AM14, AM16 CS4 NC1, NC5 NC6, NC9, NC10 of the Dudley UDP 2005

Note for the Applicant

The development hereby permitted shall be in accordance with the drawings received in these offices and referenced as follows:

A-si-02-101 Rev P2, A-si-02-102 Rev P3, A-pl-03-001 REvP10, A-pl-03-002 Rev P10, A-pl-03-003 Rev P8, A-pl-03-004 RevP8, A-pl-03-005 Rev P5, A-se-04-101, A-se-04-102, A-se-04-103 Rev P1 , A-el-05-150 Rev P3, A-el-05-151 Rev P3, A-el-05-152 Rev P3, A-CGI-001 Rev 1, A-CGI-002 Rev1, A-CGI-003 Rev1, A-CGI-004 Rev1

INFORMATIVES

The applicant should be informed that planning permission, if granted does not

absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005 (PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System).

The applicant should be aware of the requirements under the Wildlife and Countryside Act 1981 as amended with respect to nesting birds whereby the development should avoid the clearance of trees and other vegetation during the bird nesting season (February – August inclusive).

The applicant is informed that planning permission, if granted would require the applicant be aware of the new routes and external spaces site should connect to the proposed PT7 and PT9 of the Brierley Hill AAP (connect places together with co-existence of pedestrian and vehicle movement i.e. high quality street defined by continuous building frontage).

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. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings via a palette of materials hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
3. Prior to the commencement of development on site details at a scale of 1:10 of the proposed windows/entrances to include , design appearance , profile depth of recess into the building facade and methods of opening (if any) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the details provided and shall not be altered/amended without the prior approval of the Local Planning Authority.
4. Development shall not begin until a scheme has been submitted for protecting the proposed classes/rooms on the Northern façade from noise/vibration. These shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the details submitted. All works which form part of the scheme shall be completed before building is occupied, unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the first occupation of the development on site details of the location and layout of the cycle parking changing and shower facilities for the whole development shall be submitted to and approved by the Local Planning Authority the agreed

- details shall be implemented in accordance with the details provided and shall not be altered/amended without the prior approval of the Local Planning Authority.
6. Prior to the commencement of development on site details of the parking provision including details of the allocated disabled spaces shall be submitted to and approved in writing by the Local planning Authority. These details shall include the dimensions and markings utilised for the spaces. These spaces shall be laid out, implemented and retained in accordance with the details provided and shall be retained as such in perpetuity.
 7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
 8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
 9. Prior to the commencement of development on site details of the existing and finished site and floor levels along with the adjoining land and buildings and any proposed retaining structure shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the details provided unless otherwise agreed in writing.
 10. Prior to the commencement of development on site, details/specifications of the CHP plant for the building shall be submitted to and approved in writing by the Local Planning Authority. This shall be installed and implemented in accordance with the details provided.
 11. 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.
 - Timing and phasing of arboricultural works in relation to the approved development.
 12. 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 tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

13. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in groundlevel be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
14. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'.
15. 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.
16. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any parking area[s] within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.
17. 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.
 - Timing and phasing of arboricultural works in relation to the approved development.
18. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
 19. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This equipment shall be installed, operated and maintained during construction of the development hereby approved.
 20. Prior to the commencement of development on site the applicant shall provide a strategy for the management of air quality on the site. This shall cover both the construction and operational phases of the development. This strategy should include methodology and details of how dust will be suppressed during the construction /operational phases. Works shall be carried and implemented in accordance with the details provided.
 21. Development shall not begin until details of the vehicular access to the site have been submitted to and approved in writing by the local planning authority and the building shall not be occupied or brought into use until that access has been constructed in accordance with the approved details.
 22. Prior to the commencement of development, details of turning facilities to be provided on site for coaches shall be submitted to and approved in writing by the local planning authority. The facilities, as agreed, shall be implemented on site prior to the occupation of the buildings.
 23. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.
 24. 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.

25. 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, unless otherwise agreed in writing by the local planning authority.
26. No boiler shall be used to serve the development until details of the location, height, design and visual appearance of its chimney have been submitted to and approved in writing by the local authority.

LEGEND

Application Site

Line of deviation limit for the Metrolink

KOCCAN PAV
P08/1663
158

P08/1663			
REVISED - 3 NOV 2008			
P2	Task amended to suit 'Trial Comments	SA	ME
P1	Planning Issue	SA	ME
			22.11.08

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Client

Stourbridge College

Project

Brierley Hill Campus

Description

Site Location Plan

Scale

1:1000@A1

Scale

ME

Date

06.09.07

Job number

25170

Drawing number

A-SI-02-101

Revision

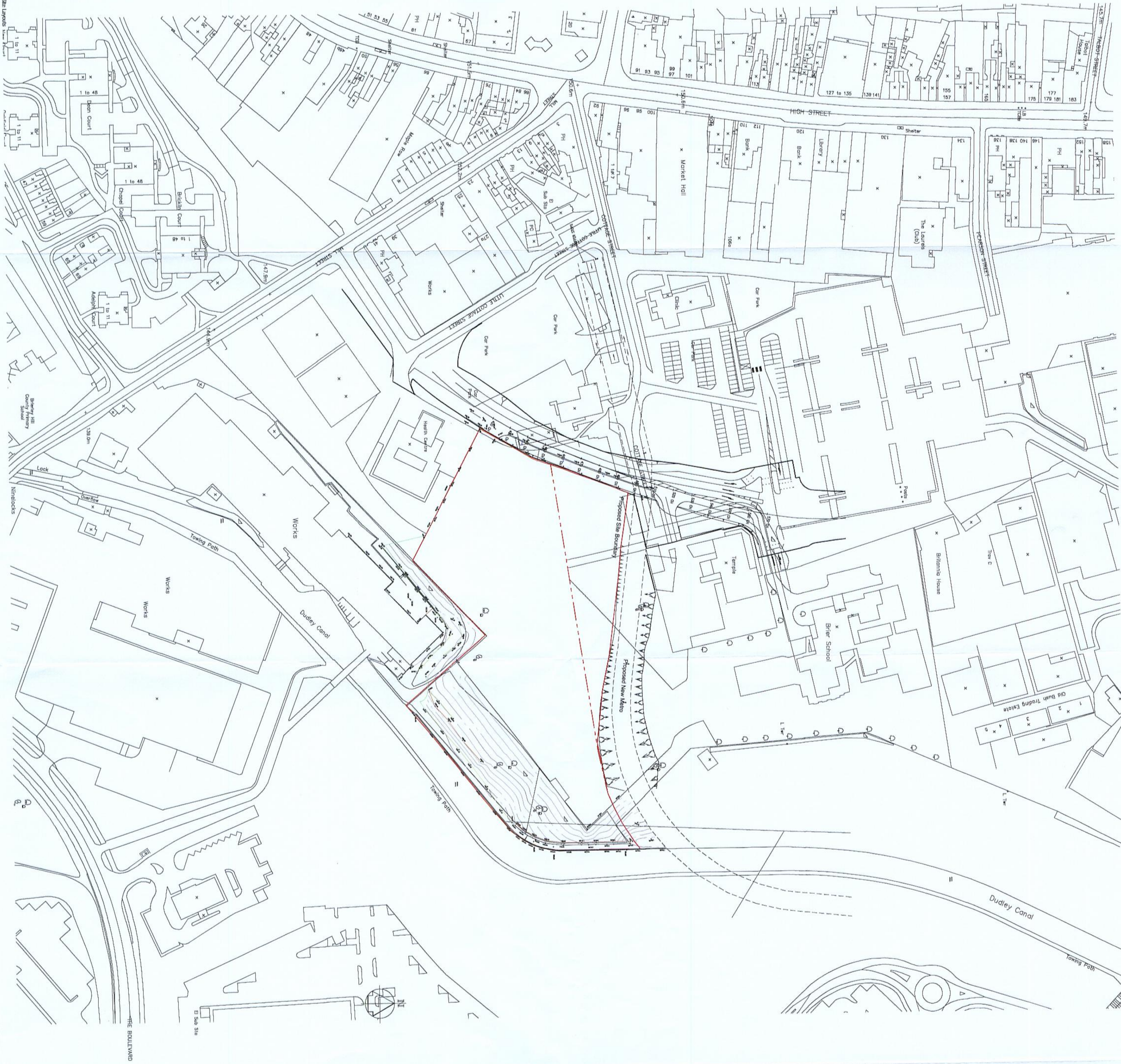
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Client
Stourbridge College

Project
Brierley Hill Campus

Discription	Count
Canal Perspective	90811663
Canal Perspective	

Status	PLANNING ISSUE	Drawn	Date
Scale	N/A	DW	23.10.08
Job number	25170	Drawing number	Revision
		A-CGI-003	P1

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Stourbridge College
Project
Brierley Hill Campus

Description
Refectory/Library Perspective

P08/1663
Refectory/Library
PERSPECTIVE

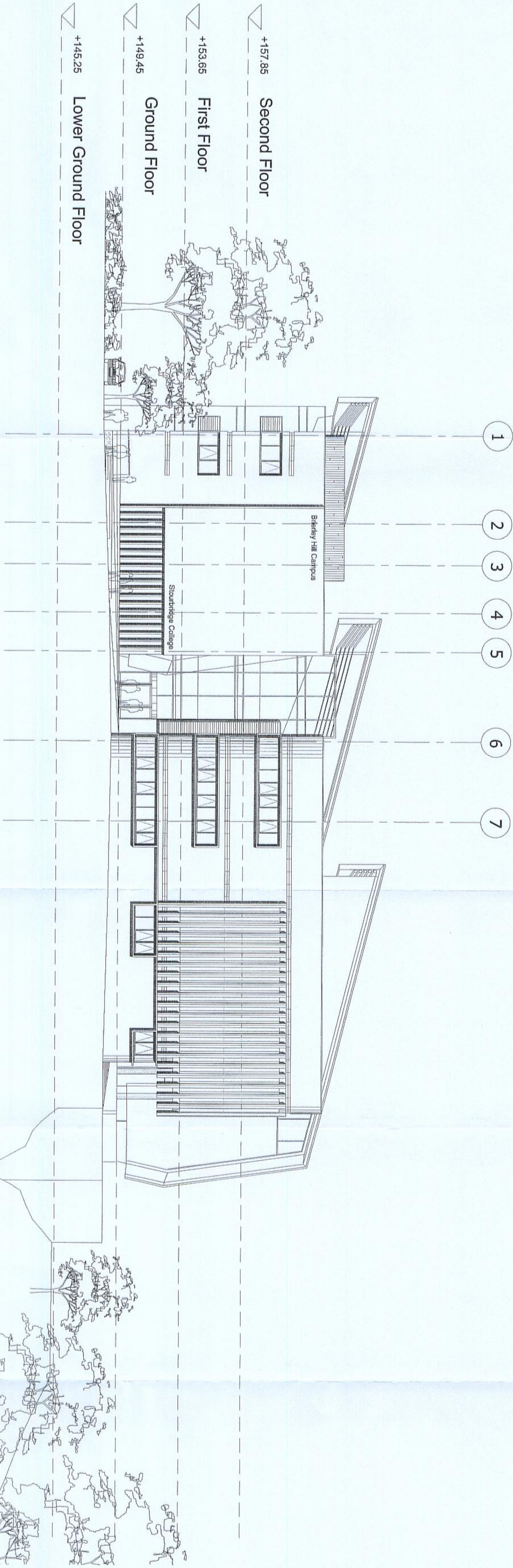
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Job number	Drawing number	Revision
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north west elevation

P3	PLANNING ISSUE	SA		22.10.08
P2	ELEVATION AMENDED TO CORRELATE WITH LIFT SHAFT	AH		17.10.08
P1	ELEVATION AMENDED	AH		10.10.08
A	ELEVATION AMENDED	ME		27.02.08

P08/16631

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Client
Stourbridge College

Project
Brierley Hill Campus

Description
North-West - Entrance Elevation

Status
PLANNING ISSUE

Scale
1:150@A1
Job number
25170

Drawn
Mark Evans
Drawing number
A-el-05-150

Date
06.09.07
Revision
P3

NW Entrance Elevation
P08/16631

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P08/1663



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Client

Stourbridge College

Project

Brierley Hill Campus

Description

Main Entrance Perspective

*Entrance Perspective
P08/1663*

Status

PLANNING ISSUE

Scale

Drawn

DW

N/A

Job number

25170

Drawing number

A-CGI-001

Revision

P1

Date

23.10.08



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Stourbridge College
Project
Brierley Hill Campus

Description

Lower Ground Floor Plan

Lower Grand Fide Park
Feb 11 1963

PLANNING ISSUE

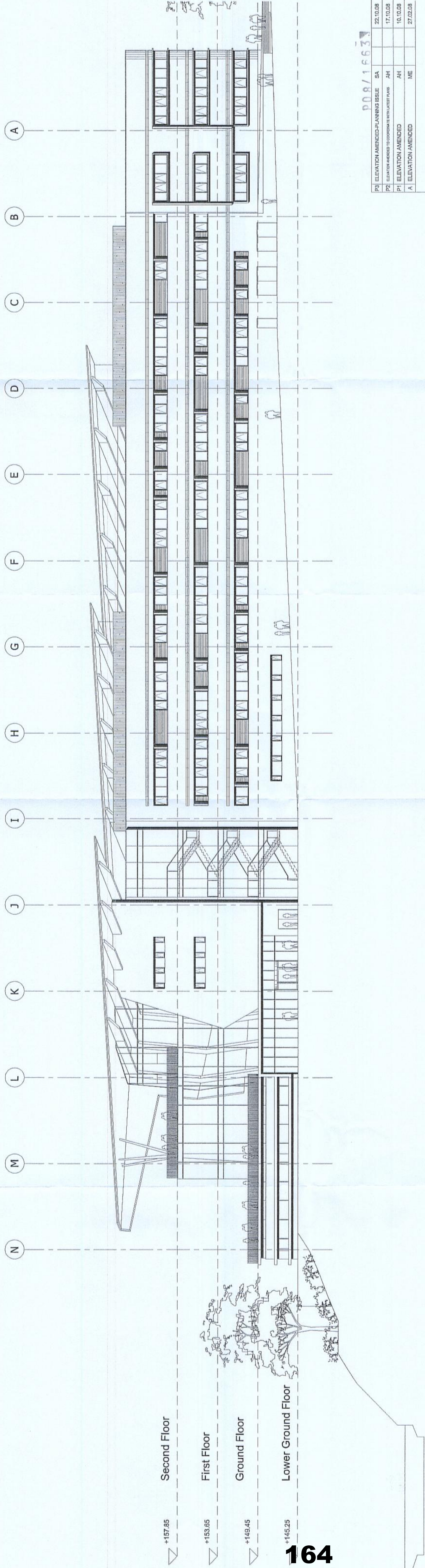
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Job number	Drawing number	Revision
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008/1663

P3	ELEVATION AMENDED-PLANNING ISSUE	SA	22.10.08
P2	ELEVATION AMENDED TO COORDINATE WITH LATEST PLANS	AH	17.10.08
P1	ELEVATION AMENDED	AH	10.10.08
A	ELEVATION AMENDED	ME	27.02.08

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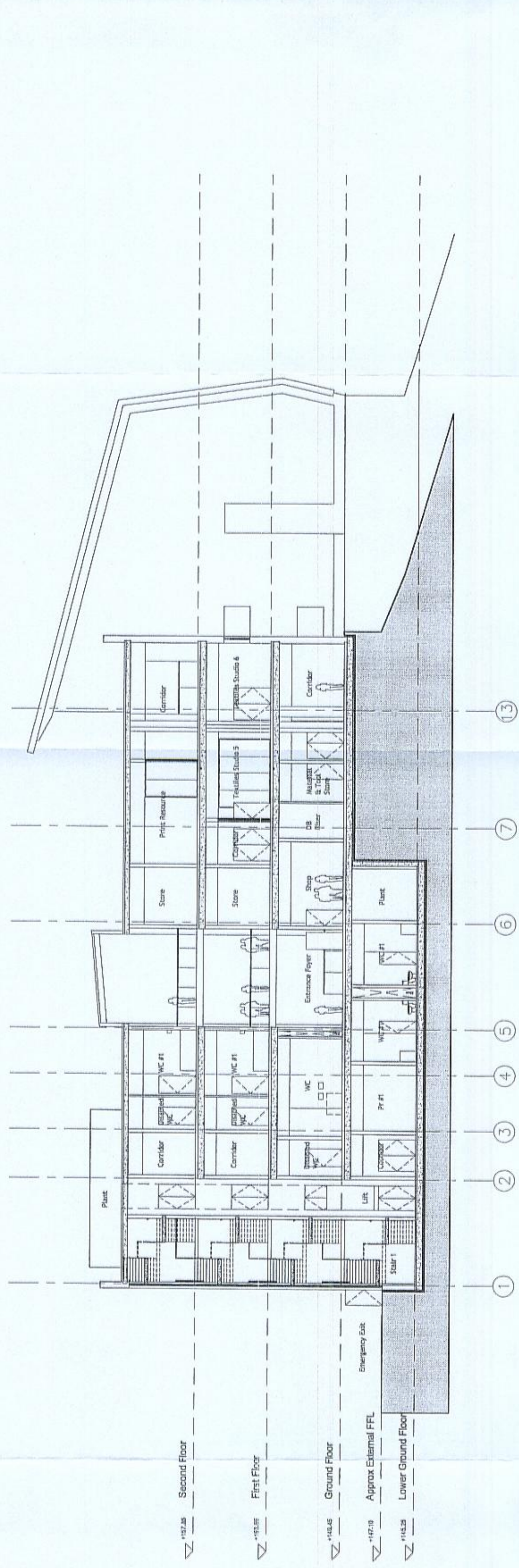
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Northern Elevation

Northern Elevation
08.10.08

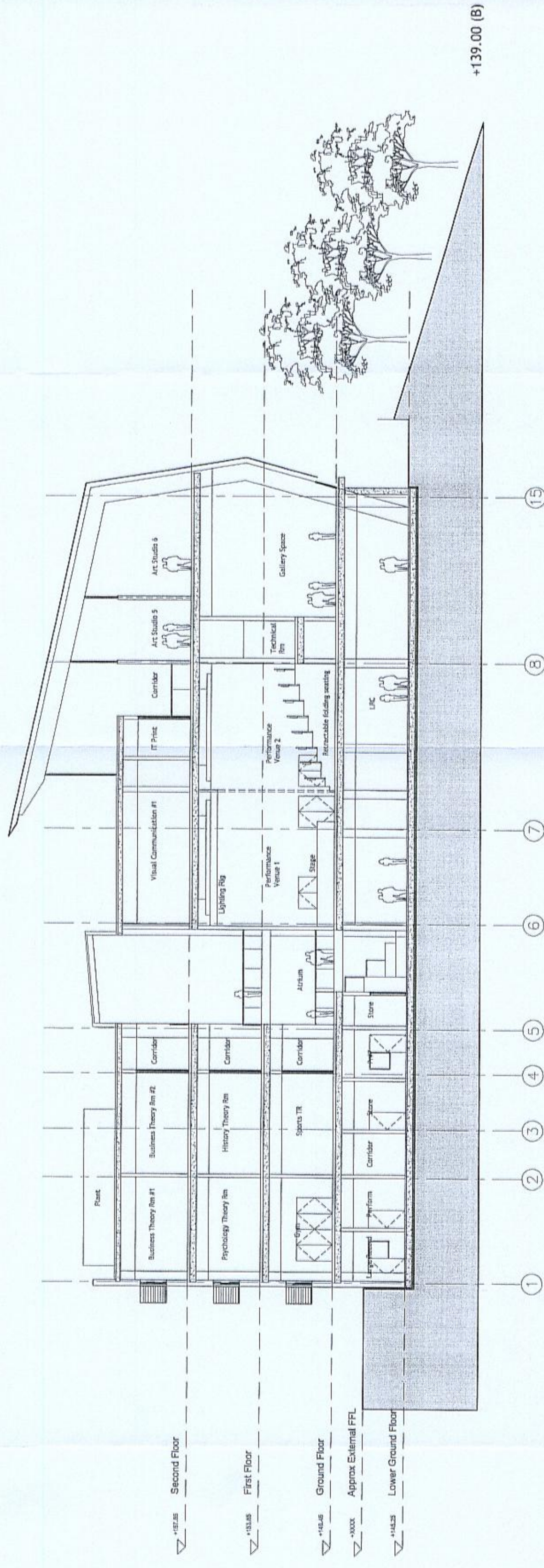
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	P3

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Section A-A



Section B-B

P08/1663.d

PLANNING ISSUE

SA

23.10.08

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STOURBRIDGE COLLEGE

Client
Stourbridge College

Project
Brierley Hill Campus

Drawings
Section A-A & B-B

STATUS
PLANNING ISSUE

Scale
1:200

Job number
25170

Drawn
John Crowder

Drawing number
A-se-04-101

Date
22.08.08

Revision

Section A-A + B-B
P081663

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