PLANNING APPLICATION NUMBER:P12/1354

Type of approval s	ought	Full Planning Permission
Ward		Castle & Priory
Applicant		Dudley Canal Trust (Trips) Ltd
Location:		IAL TRUST, TODDS END FIELD, BIRMINGHAM NEW EY, WEST MIDLANDS,
Proposal	ASSOCIATED	F A PORTAL (LEARNING AND ACCESS HUB) WITH O WORKS TO INCLUDE PEDESTRIAN SWING ER CANAL), CAR PARK IMPROVEMENTS AND NG
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1. The application site measure approximately 1 hectare and is located off the Birmingham New Road (A4123) to the North of Dudley.
- The site has the shape of an elongated triangle with the two longest boundaries adjoining the highway to the North and the Dudley Canal (Number 1 Line) to the South. The Black Country Living Museum is situated on the opposite side of the Canal to the application site.
- 3. There are residential dwellings on the opposite side of the Birmingham New Road (Kenilworth Close and Castle Road) which are located within the Sandwell Borough.
- 4. A large section of the site is currently taken up by an informal car parking area and the site is accessed directly from the Birmingham New Road.

PROPOSAL

5. This is a full planning application for the erection of The Portal, a learning and access hub, car parking, landscaping and a new pedestrian swing bridge.

- 6. The Portal building would contain approximately 1000 square metres of floorspace that would include a reception area, office space, an interpretation and education space, a cafe and shop, a raised gallery, a kitchen and a workshop in addition to other ancillary accommodation. The purpose of the building is to provide a visitor facility which will enable visitors to explore the Dudley Canal and Limestone Mines.
- 7. The proposed swing bridge would link the site to the neighbouring Black Country Museum.
- 8. The applicants have stated that they would implement the development within two phases. The first phase would include the majority of the new building and the swing bridge with a second phase including the public realm improvements, the landscaping of the site and the changes to the car park.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P10/0929	Improvements to existing car park new pedestrian access and footpath.	Withdrawn	18/08/10
P10/0923	Pedestrian swing bridge over canal including alterations to towpath. New retaining wall and railings.	Withdrawn	18/08/10

The above applications were withdrawn as the necessary supporting information, in terms of Nature Conservation and Trees, was not submitted to enable the Local Planning Authority to properly consider the proposals.

PUBLIC CONSULTATION

 Letters of notification were sent to the occupiers of 21 neighbouring properties, several site notices were also displayed and the application was advertised in the local press. As a result no letters of objection have been received. 10. Prior to submitting the proposal the applicants undertook consultation with a range of groups and individuals including visitors, school groups, the local community, the Black Country Living Museum, the Canal and Rivers Trust and the Heritage Lottery Fund.

OTHER CONSULTATION

Group Engineer (Development): No objection subject to conditions.

Head of Environmental Health and Trading Standards: No objection.

The Coal Authority: No objection subject to condition.

West Midlands Fire Service: No objection.

Canal and River Trust: No objection subject to conditions.

<u>Access in Dudley</u>: Queries raised regarding some of the proposals. A response has been sent to AiD regarding those queries however no further comments have been received.

RELEVANT PLANNING POLICY

National Planning Guidance

• The National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- DEL1 Infrastructure Provision
- EMP6 Cultural Facilities and the Visitor Economy
- TRAN2 Managing Transport Impacts of New Development
- ENV 1 Nature Conservation

- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV 4 Canals

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- HE7 Canals

Supplementary Planning Documents / Guidance

- Parking Standards and Travel Plans Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- A Strategy for Dudley Canals

ASSESSMENT

- 11. The main issues are
 - Principle
 - Design
 - Neighbour Amenity
 - Access and Parking
 - Planning Obligations
 - Other Issues

Principle/Policy

- 12. Policy EMP6 of the Black Country Core Strategy (Cultural Facilities and the Visitor Economy) states that the Vision for the Black Country involves transformational change whilst respecting and promoting its unique heritage. The protection, promotion and expansion of existing cultural facilities, visitor attractions and associated businesses will ensure their enhanced role as key economic drivers in stimulating and regenerating the local economy in line with Spatial Objective 1.
 - 13. The Policy continues to state that in order to help deliver economic, social and environmental transformation, sub-regionally important cultural facilities within the

Black Country (including tourist attractions, leisure facilities, museums, theatres & art galleries as identified on the Economy Theme Diagram) will be protected and, where necessary enhanced, promoted and expanded in partnership with key agencies and delivery partners and that facilities adjoining and serving the canal network should be maintained and expanded to help provide a network of linked facilities and visitor hubs in particular locations.

14.It is considered that the proposed development, that would significantly improve the facilities that are currently offered at what is regarded as an important destination within the Back Country, fully accords with Policy EMP6 of the Black Country Core Strategy and that the proposal is acceptable in principle.

<u>Design</u>

- 15.Policy ENV3 of the Black Country Core Strategy (Design Quality) states that each place in the Black Country is distinct and successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.
- 16. The proposed building would comprise a total of 990 square metres over two floors with the elevation fronting the towpath being two storeys in height and the element facing the car park being single-storey.
- 17. The main elevation, in terms of scale and activity, would be the one fronting the canal. This elevation of the building would feature a large amount of glazing and the building would also be constructed out of a combination of limestone, red brick, timber cladding and grey structural steelwork. The palate of materials has been specifically chosen to complement and reflect the historic nature and industrial use of the site and its surroundings.
- 18. Whilst the elevation fronting the car park would be much less active and visually interesting that the canal side of the building this is due to the fact that it is

essentially the rear elevation. The applicants have made this elevation as interesting as possible given the requirements of the building and given that it would be set well back from the highway it is not considered to be a significant issue.

- 19. The proposed swing bridge would be relatively minor in scale and would consist of a concrete base, steel platform and tension wires with a 1 metre high post and rail fence and dwarf wall. The applicants have stated that a survey in 2010 found that 89% of the visitors to the site also visited the Black Country Museum and that the swing bridge is intended to improve the connectivity between the two sites.
- 20. The existing boundary railings would be removed and a new bespoke boundary fence would be provided along the boundary with the Birmingham New Road. It is proposed that this would be barbican style fencing but with "Dudley Canal Trust" incorporated into the metal work.
- 21.All of the above would be delivered within the first phase of the development (with the exception of a section of the main building that would be left open and 'filled-in' during the second phase. In addition the second phase would also see a newly surfaced and marked-out car park which would provide a total of 55 spaced (including 7 spaces for disabled visitors). In addition space would be provided for four coaches.
- 22.A proposed 'plaza' would also be provided within the second phase of development which would significantly improve the visual appearance of the site and would create an attractive and useable public space between the car park and the rear entrance of the building.
- 23. The applicants have stated that the second phase would be provided once a suitable level of income has been received following the implementation of the first phase. It should be noted however that it is possible that the second phase is not implemented and this should be taken into consideration in the determination of the application.

24.It is considered that the proposed building would be of a high quality and that it would result in a positive impact on the character and appearance of the wider area and that this would be the case, although to a lesser extent, if the second phase of the development was not implemented.

Neighbour Amenity

25. The closest residential properties are located on the opposite side of the Birmingham New Road, some 35 metres from the site boundary and approximately 80 metres from the proposed building. Given this separation distance and the fact that the facing elevation of the building would be single-storey, there would be no detrimental impact on the amenities of the occupiers of those properties.

Access and parking

- 26. The existing vehicular access from the Birmingham New Road would still remain and a new pedestrian access would be provided approximately halfway along that site boundary.
- 27. The second phase of the proposal would include the proposed development of the car park. This would include providing space for coaches and the land train to turn within the site as well as a new pedestrian entrance from Birmingham New Road. Whilst these improvements would come forward at a later date it should be noted that the existing car park would actually provide a higher number of parking spaces.
- 28. The Group Engineer (Development) has requested that a condition is attached requiring the revised parking layout to be implemented before the rest of the second phase of the development is first brought into use.

Nature Conservation

29. The application has been supported by a Phase 1 Habitat Survey Report that was carried out for the site in accordance with nationally recognised methodologies.

- 30. That survey has concluded that the overall ecological value of the application site is low. The survey does conclude however that there is the potential for there to be an impact from the proposal on the movement of bird species between nearby sites and on the potential for bat foraging.
- 31. Various recommendations are made within the Report that can be carried forward and secured through the use of suitably worded planning conditions. This would ensure that the planting of mature trees is undertaken to provide habitats for birds and insects, introducing appropriate landscaping and providing bat and bird boxes in the woodland areas.
- 32. Subject to the recommendations from the Phase 1 Survey being implemented it is considered that the proposed development would be acceptable in this regard and in accordance with Policy ENV1 of the Black Country Core Strategy (Nature Conservation).

Planning Obligations

- 33.Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
- 34. Policy DEL1 requires all new developments to be supported by sufficient on and offsite infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
- 35. The planning obligations that would potentially be triggered by the Planning Obligations SPD relate to; Highway Infrastructure Works, Transport Infrastructure Improvements, Air Quality Improvements and Nature Conservation Enhancements.

- 36. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 37. In consideration of the above the required Planning Obligations on this application have been identified as follows and could be secured through the imposition of suitably worded conditions:
 - Nature Conservation Enhancements (up to the value of £4966.52)
 - Air Quality Improvements (through the provision of electric vehicle charging points)

CONCLUSION

38. The proposed development would result in a high quality form of development that would make a positive contribution to the character and appearance of the area. The proposal would not result in a detrimental impact on either visual or residential amenity and there would be no demonstrable harm caused to the occupiers of nearby dwellings, highway safety or to the nature conservation value of the area. The proposal is therefore considered compliant with policy and the associated guidance.

RECOMMENDATION

It is recommended that the application be approved subject to the following conditions:

Reason for approval

The proposed development would result in a high quality form of development that would make a positive contribution to the character and appearance of the area. The proposal would not result in a detrimental impact on either visual or residential amenity and there would be no demonstrable harm caused to the occupiers of nearby dwellings, highway safety or to the nature conservation value of the area. The proposal is therefore considered compliant with policy and the associated guidance.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Joint Core Strategy (2011), the saved UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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 hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers]
- 3. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
- 4. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first

occupation of the development, shall be made available at all times and be maintained for the life of the development.

- 5. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
- 6. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development 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 and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
- 7. 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 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.
- 8. 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.
- 9. Prior to the commencement of development, details of the [boundary treatments /walls/fences] to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 10. No development shall take place until there has been submitted to, 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 is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.

d. 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'.

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.

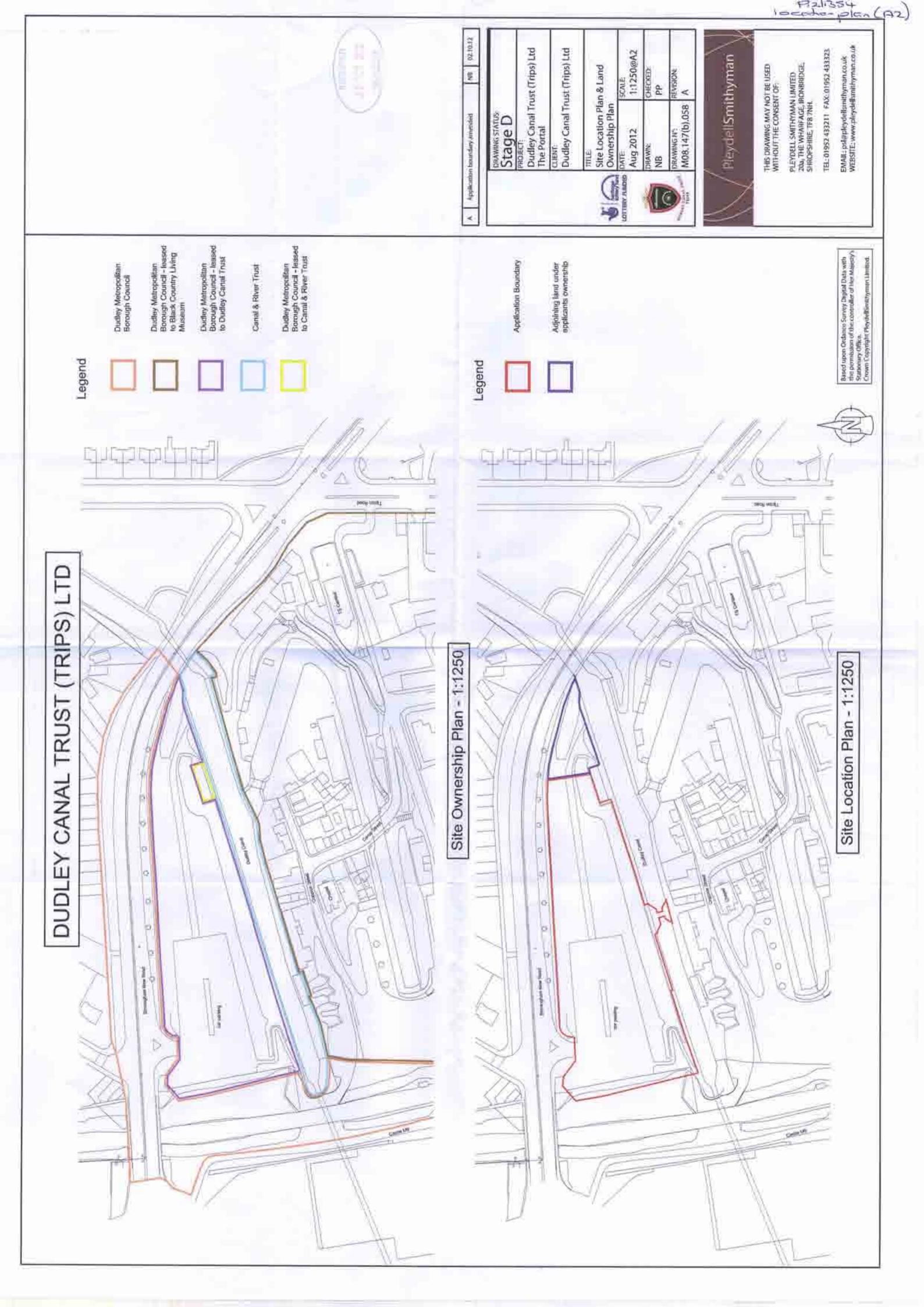
• Implementation, supervision and monitoring of the approved Treework Specification.

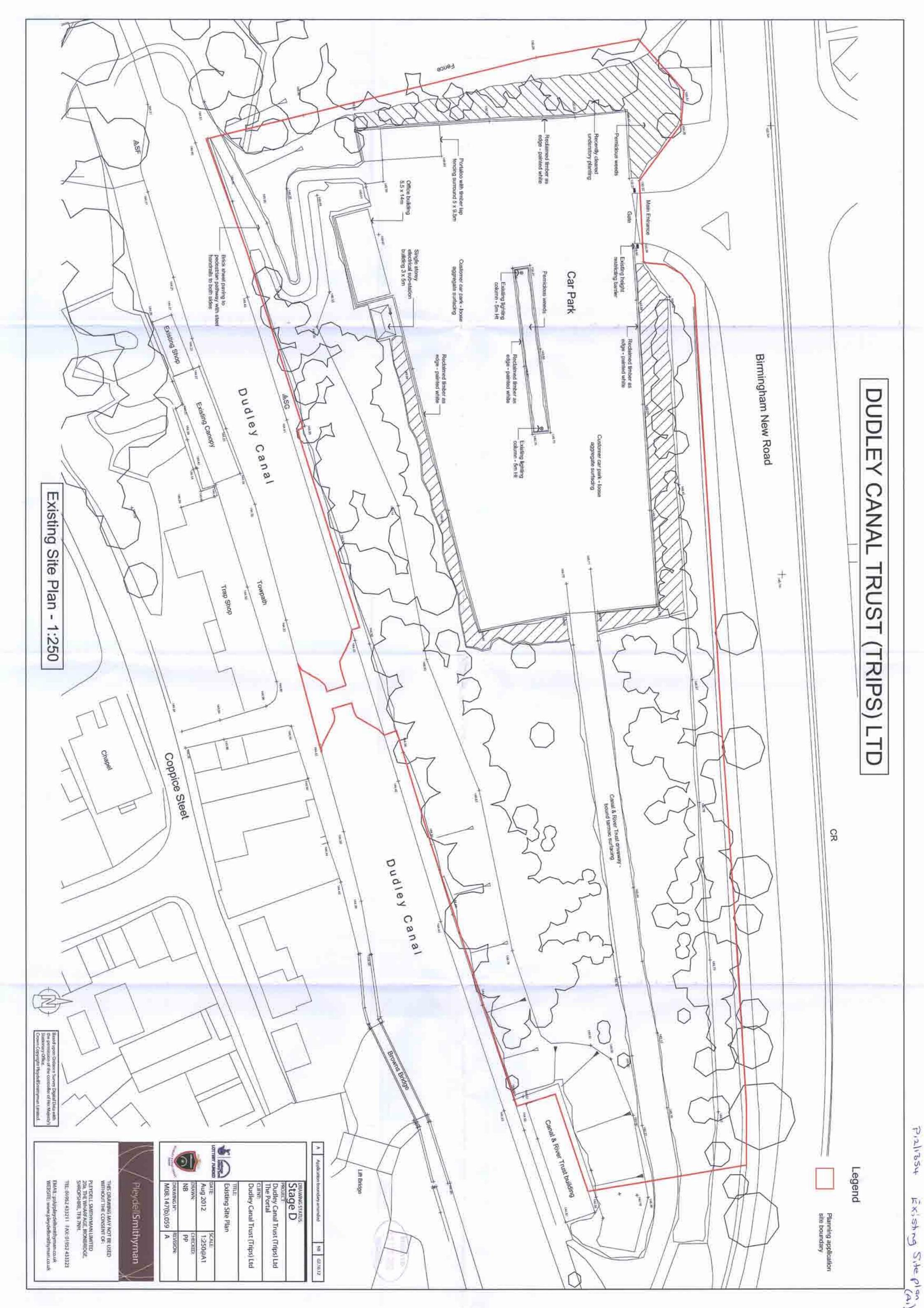
• Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.

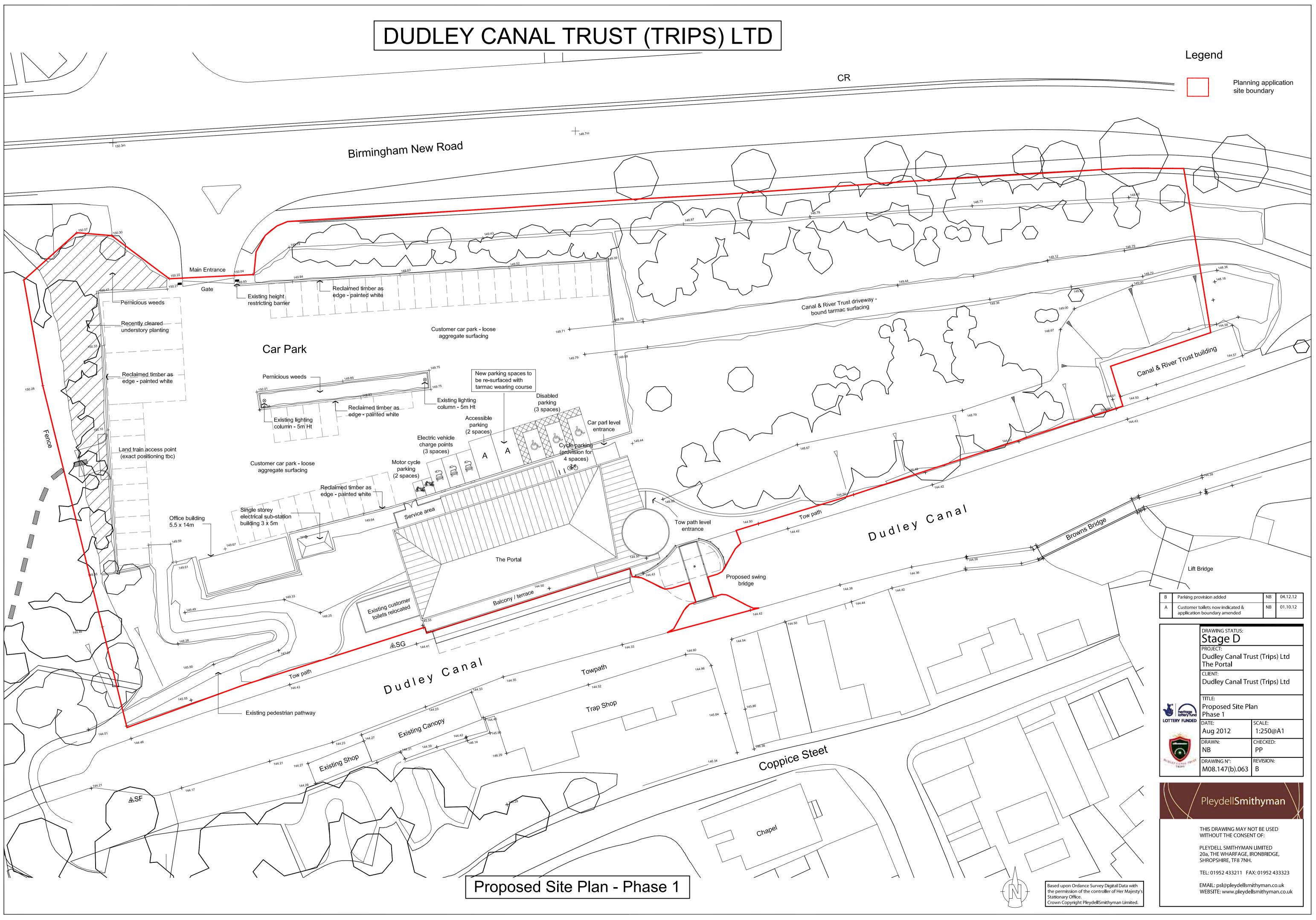
• Timing and phasing of arboricultural works in relation to the approved development.

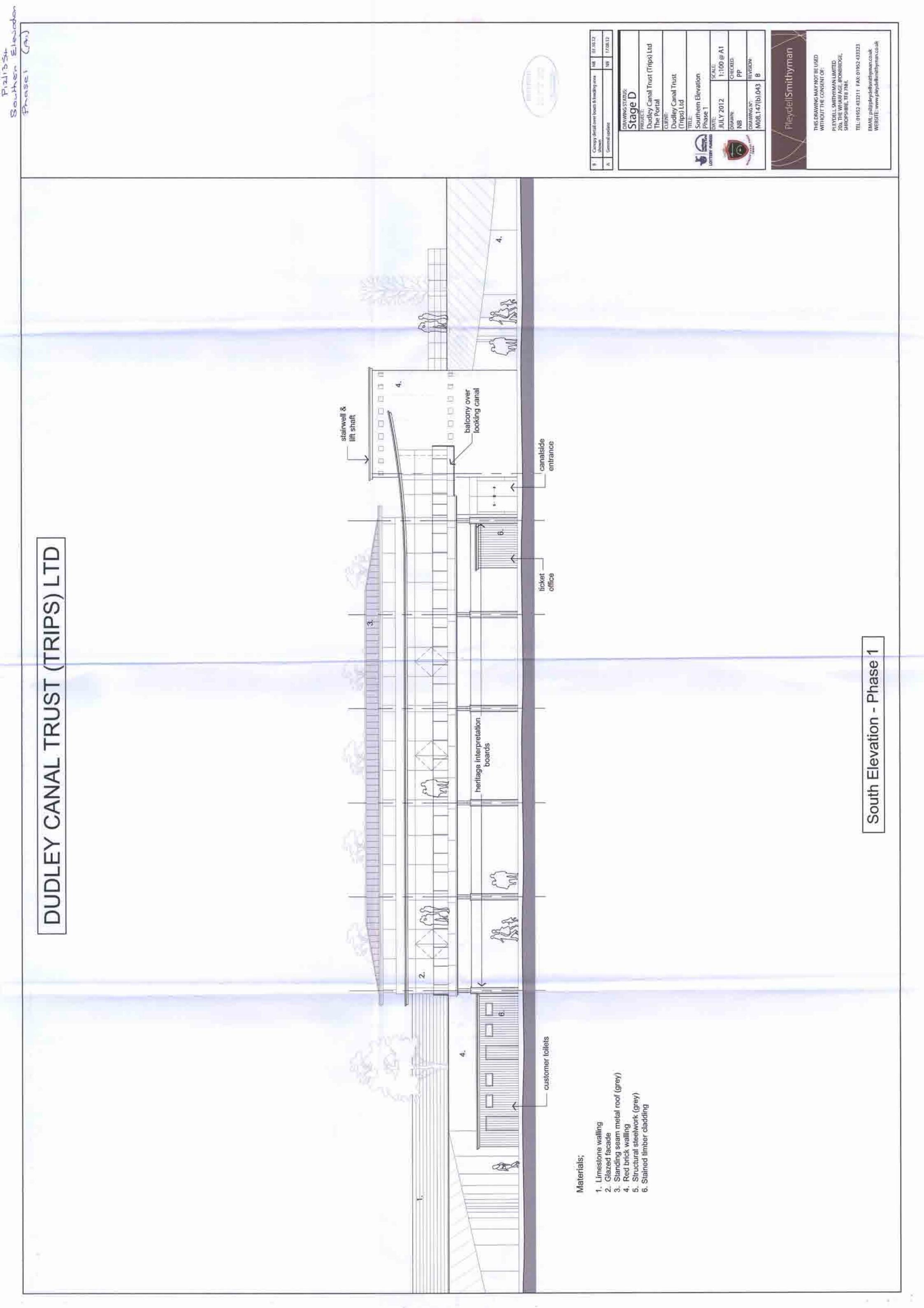
- 12. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or 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. 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.
- 14. Prior to the commencement of the second phase of the development hereby approved full details of the proposed parking layout shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved layout prior to the second phase of the development coming into use and it shall be retained as such thereafter.

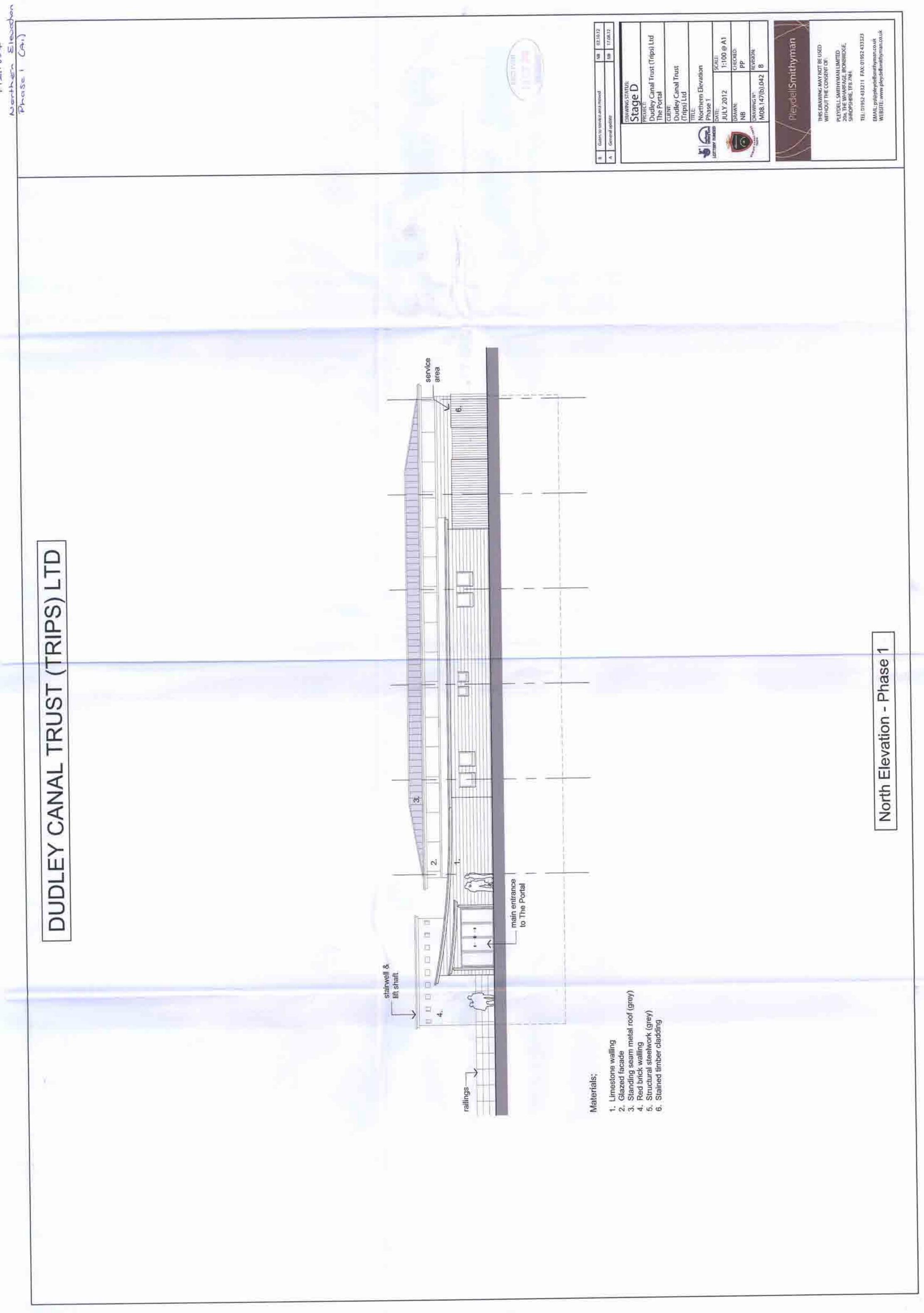
15. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, [including sections in direction xxx] shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.

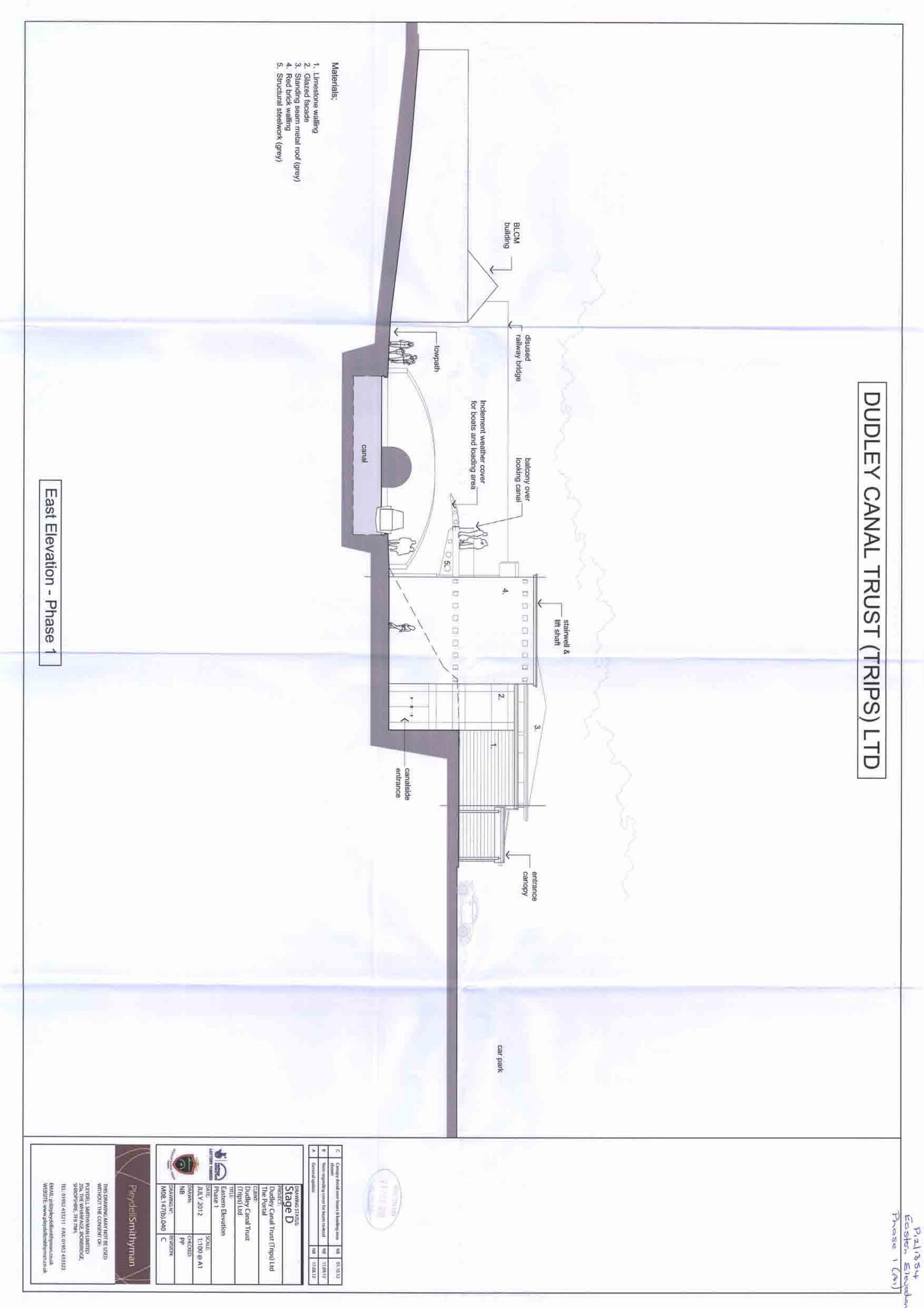


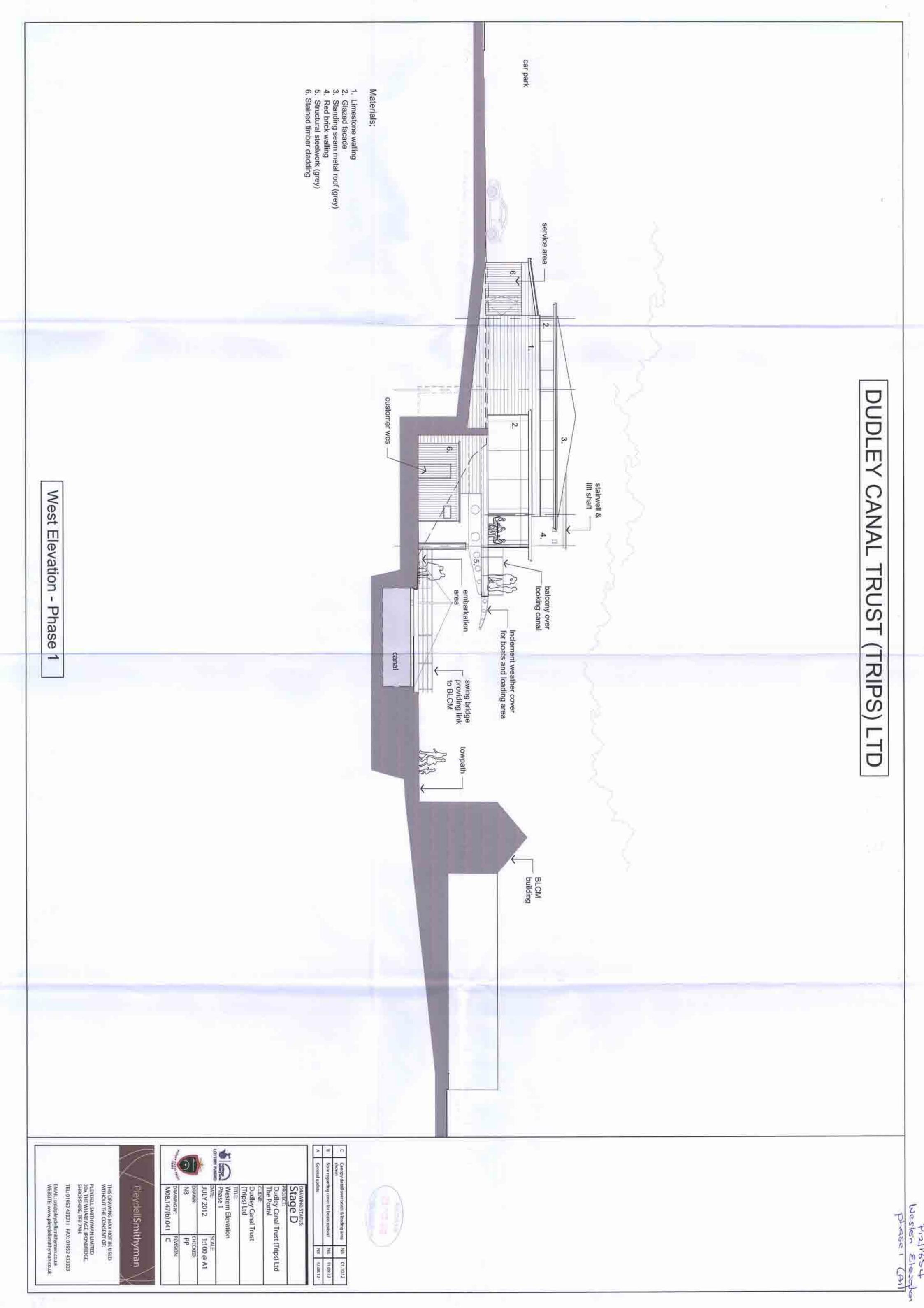


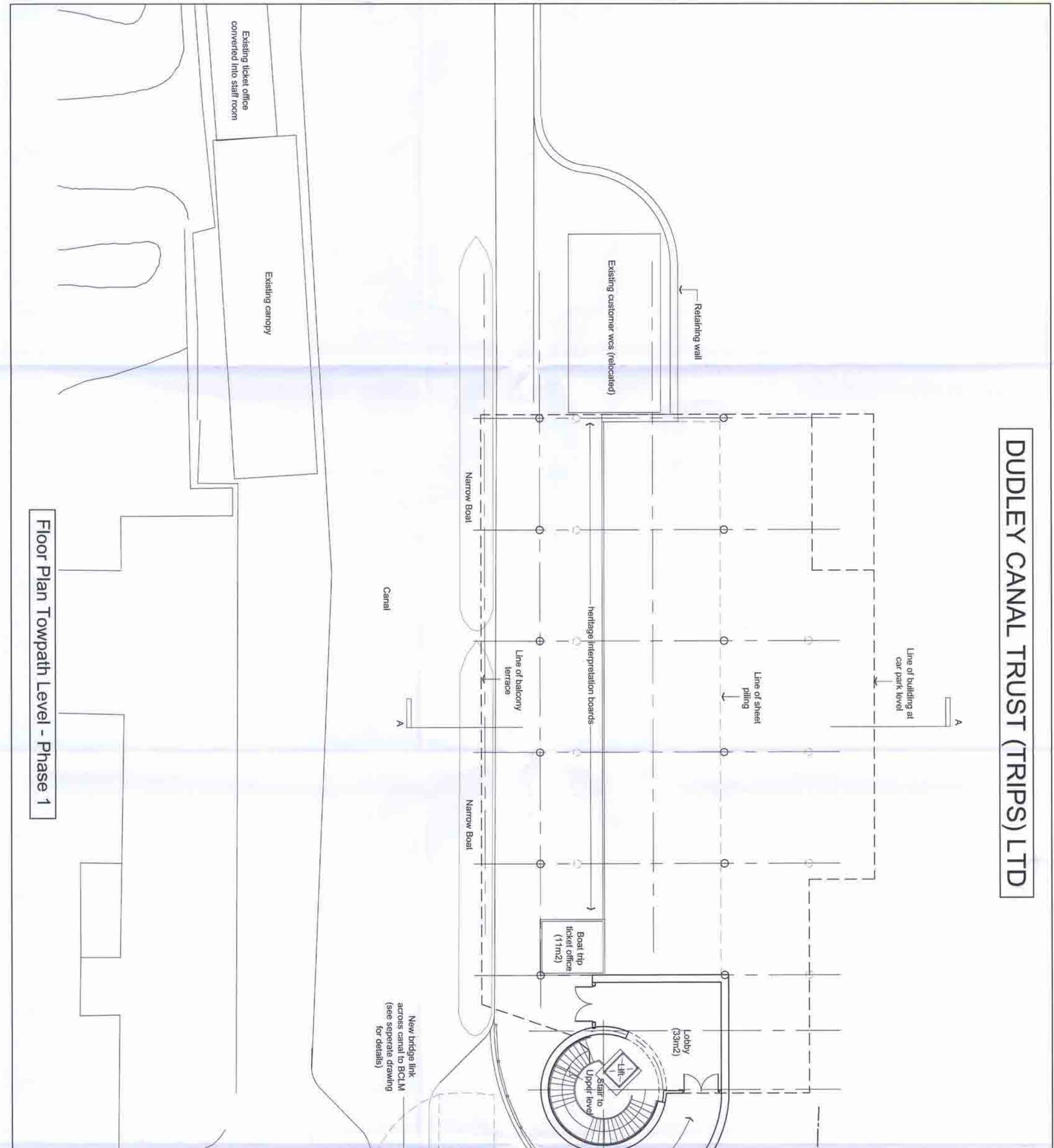




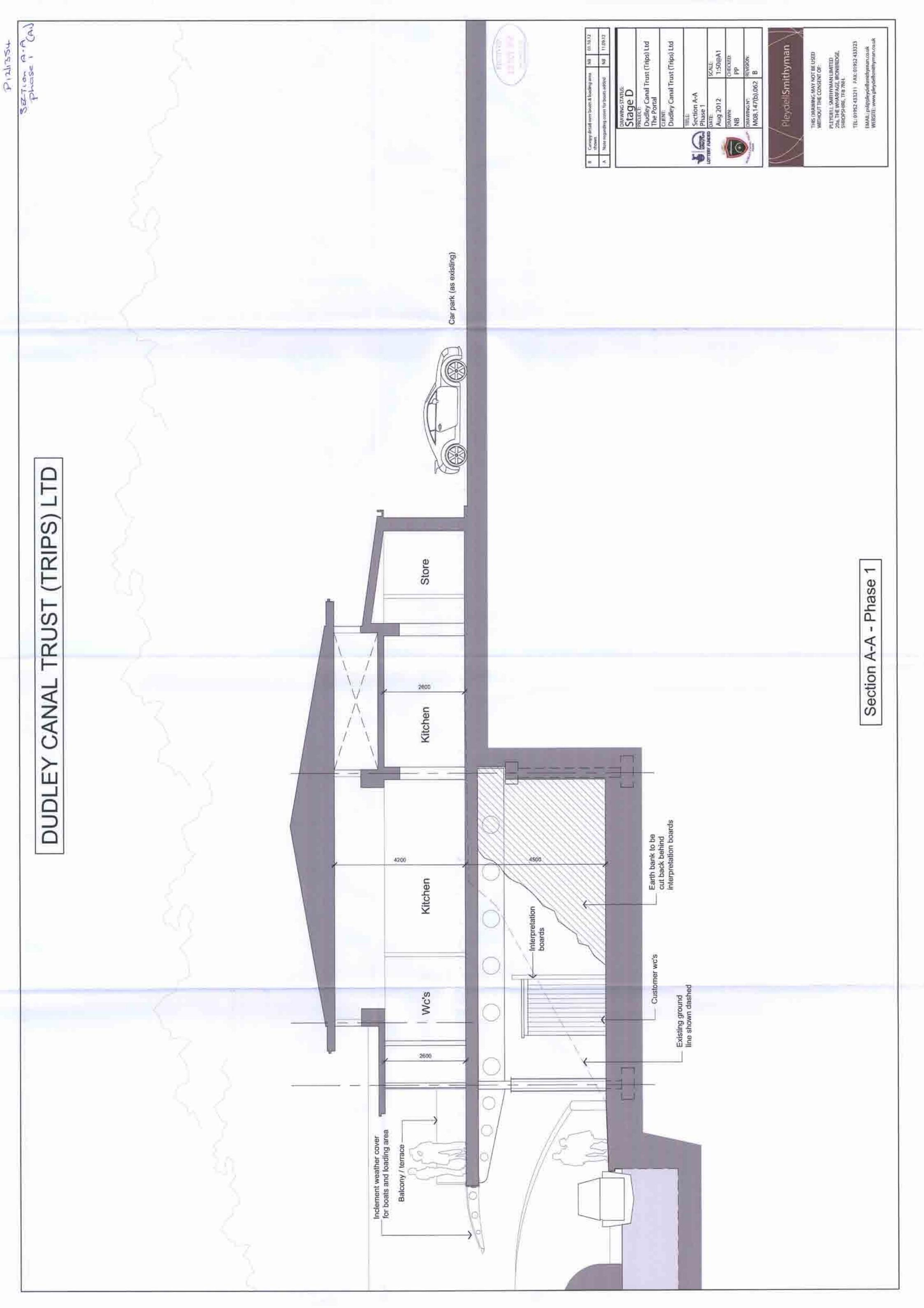


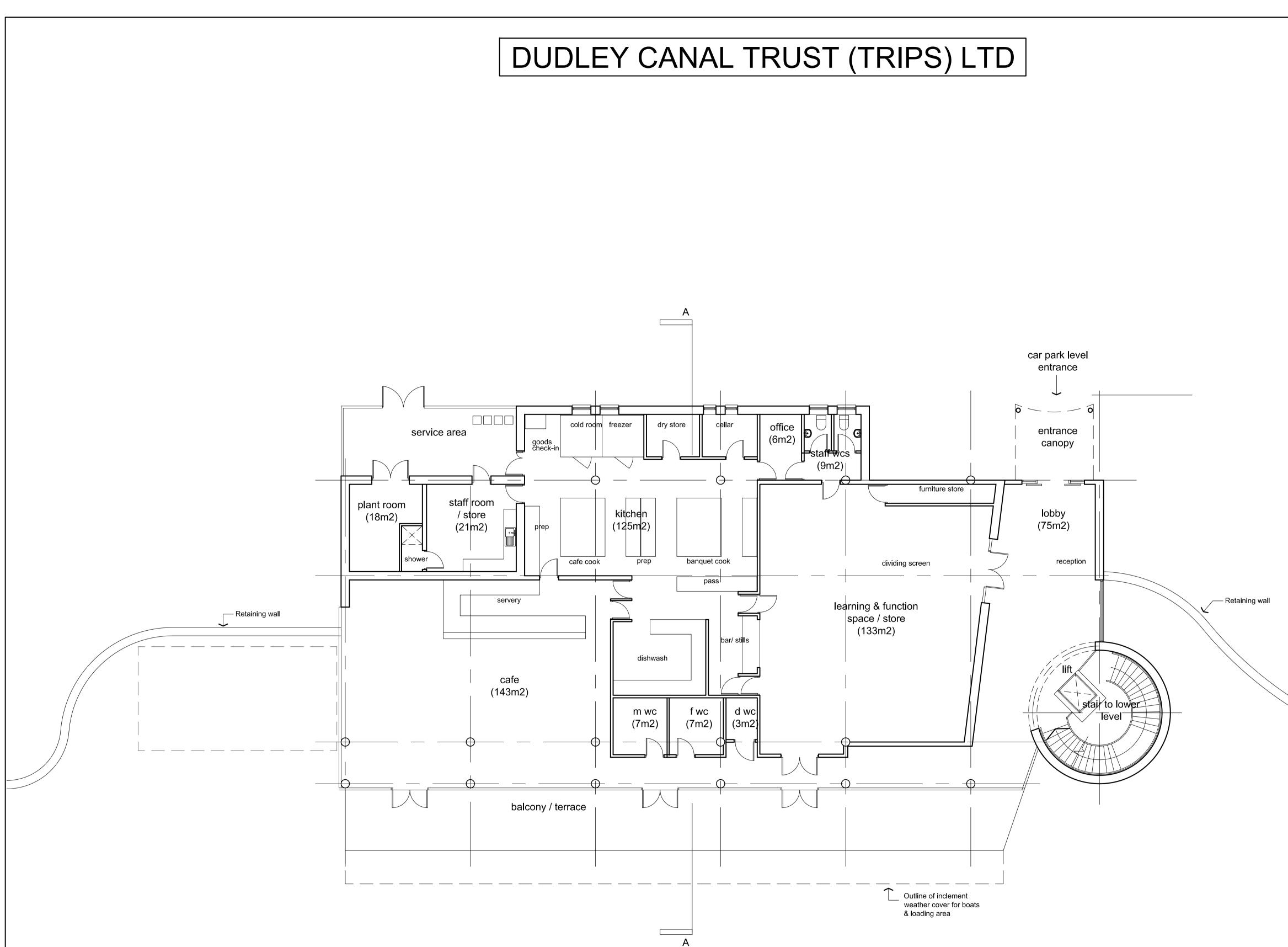






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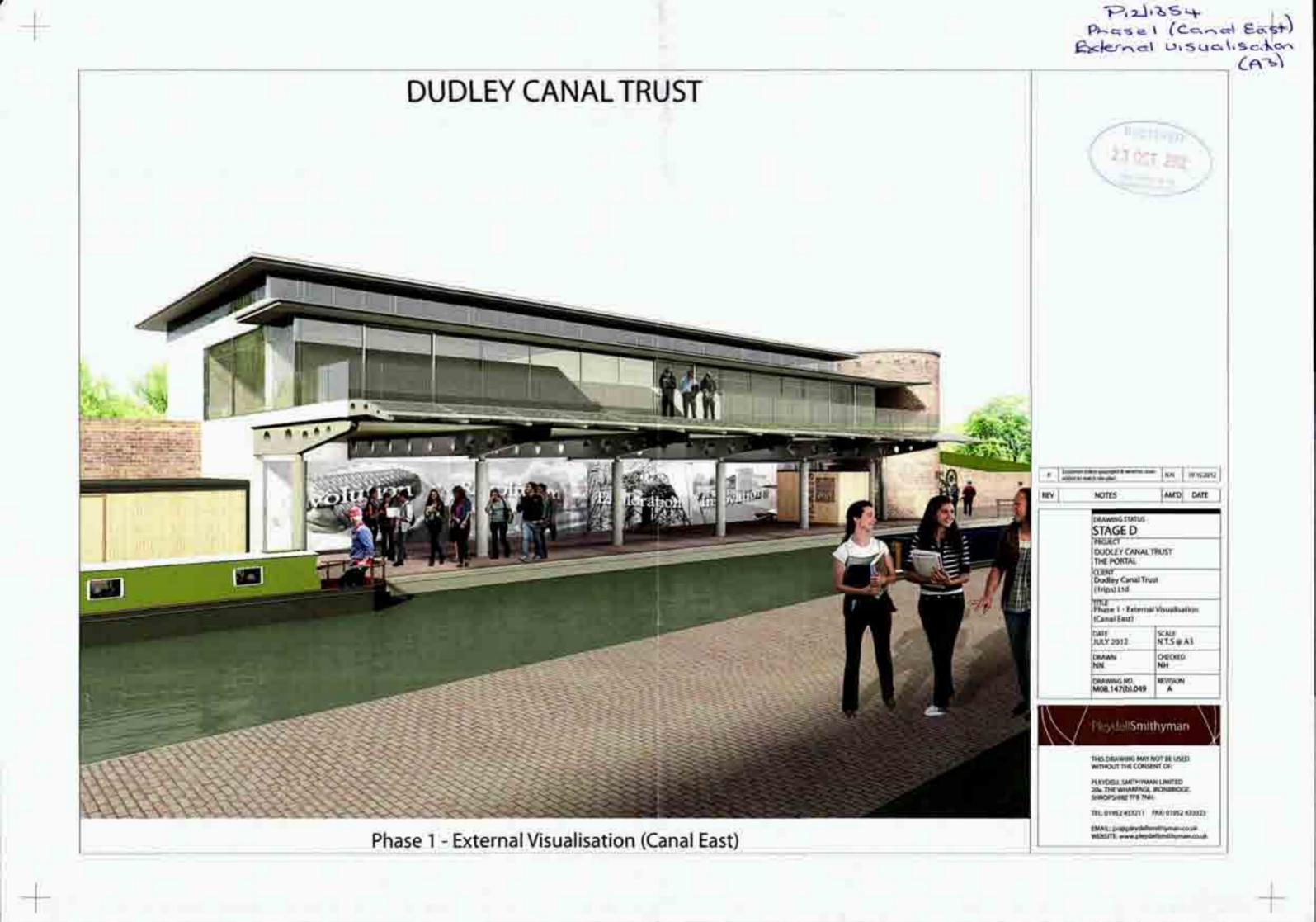


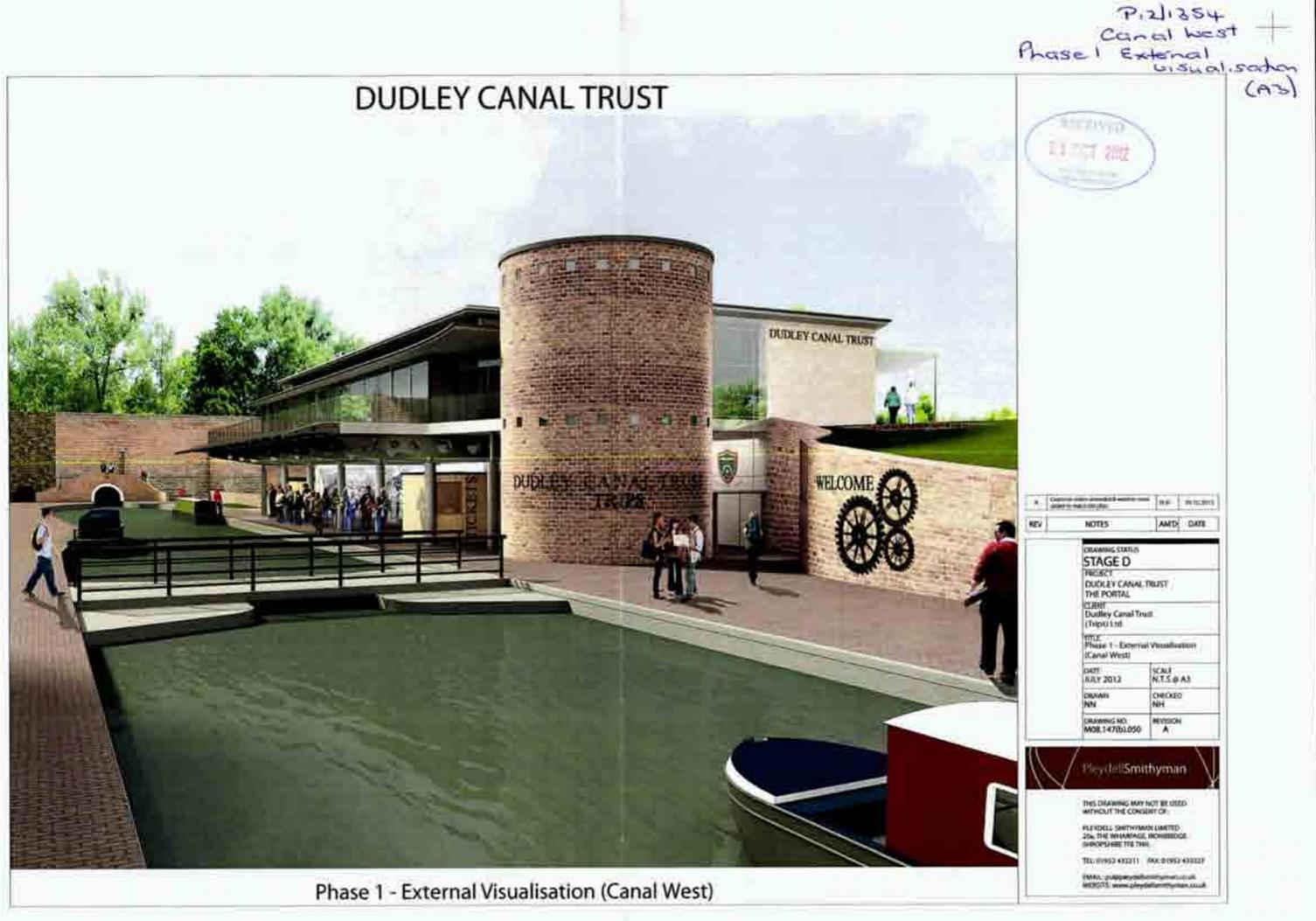


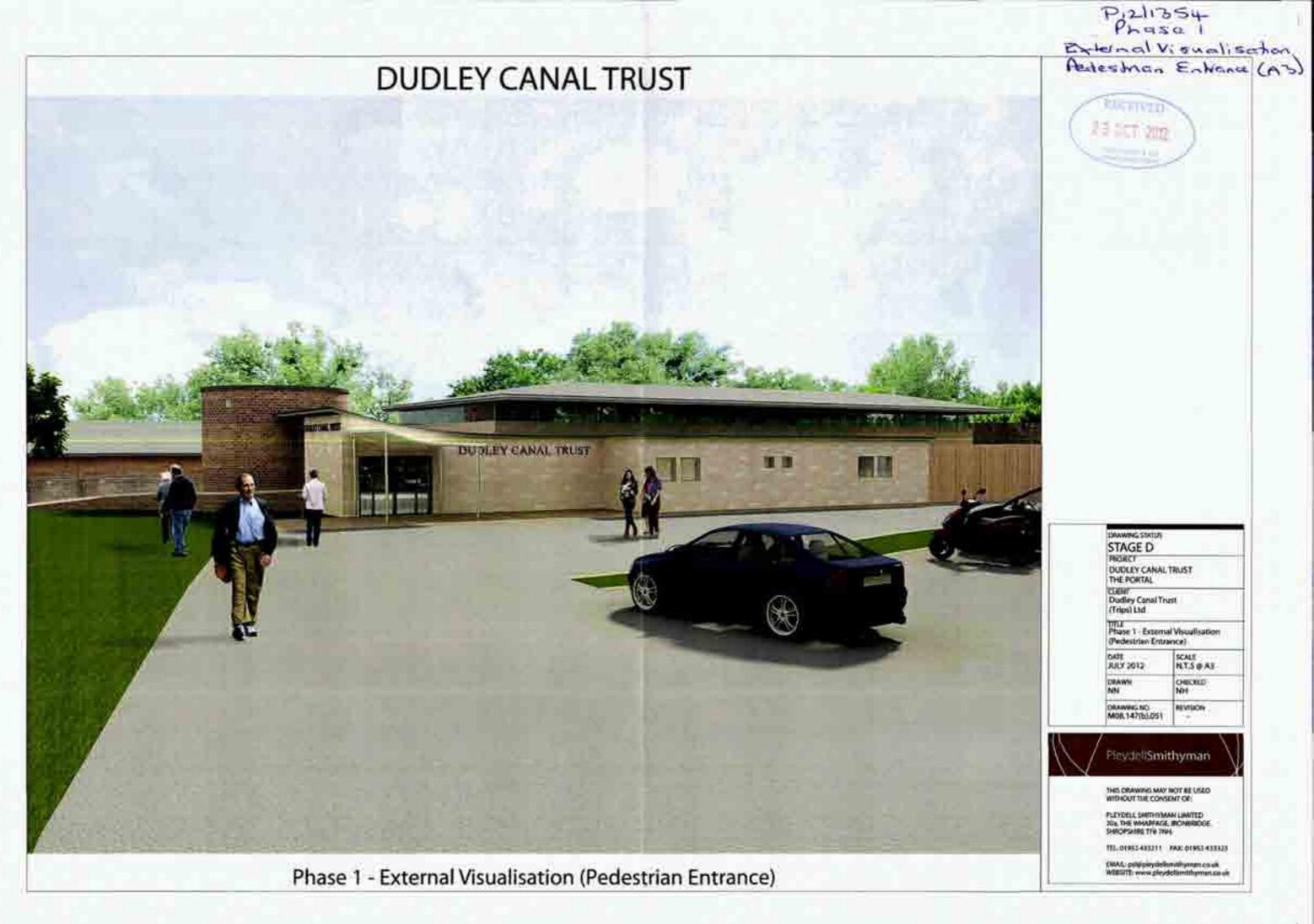


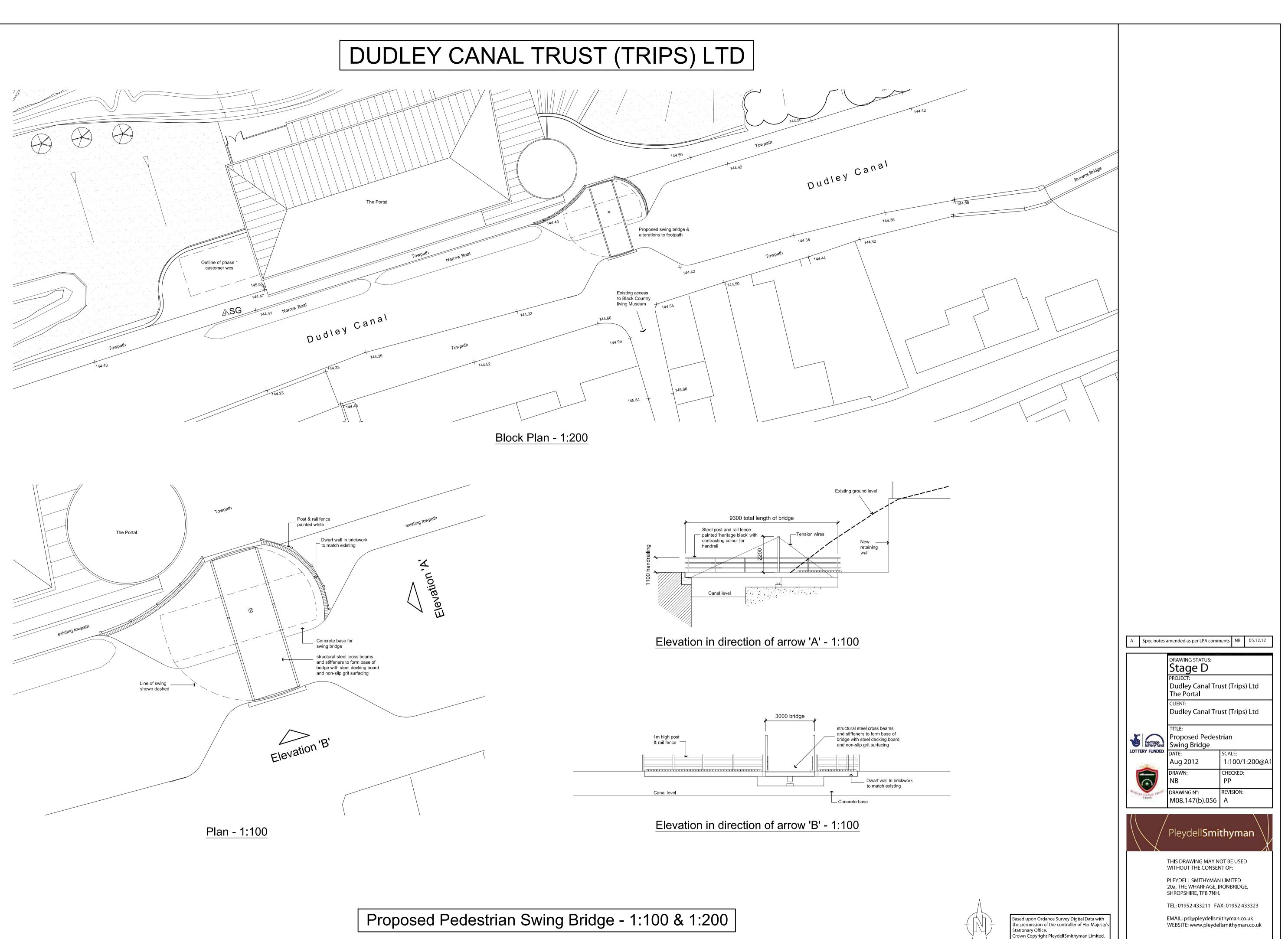
Floor Plan Car Park Level - Phase 1

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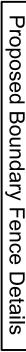


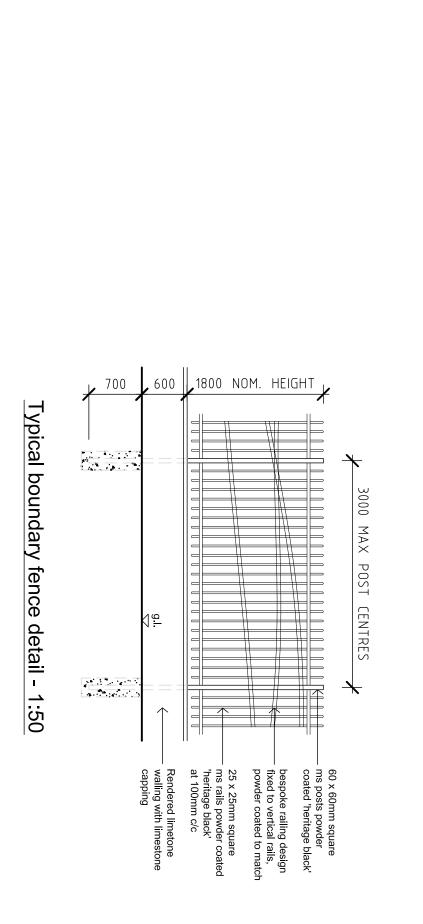




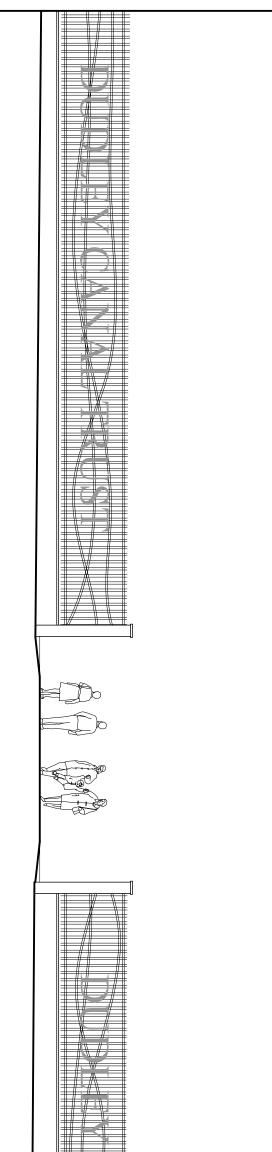






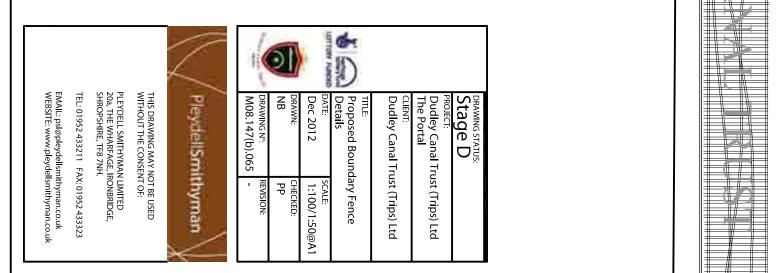


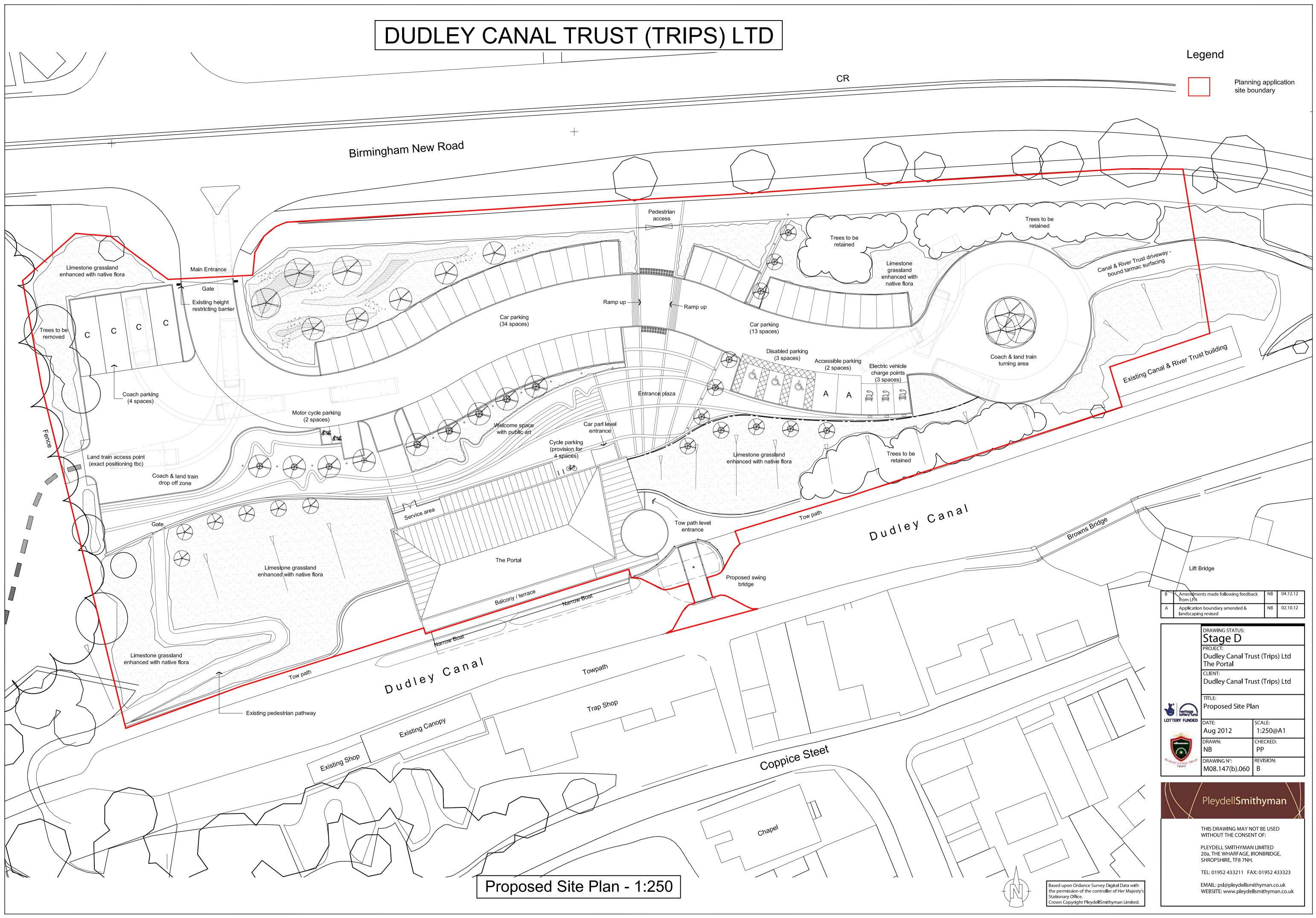


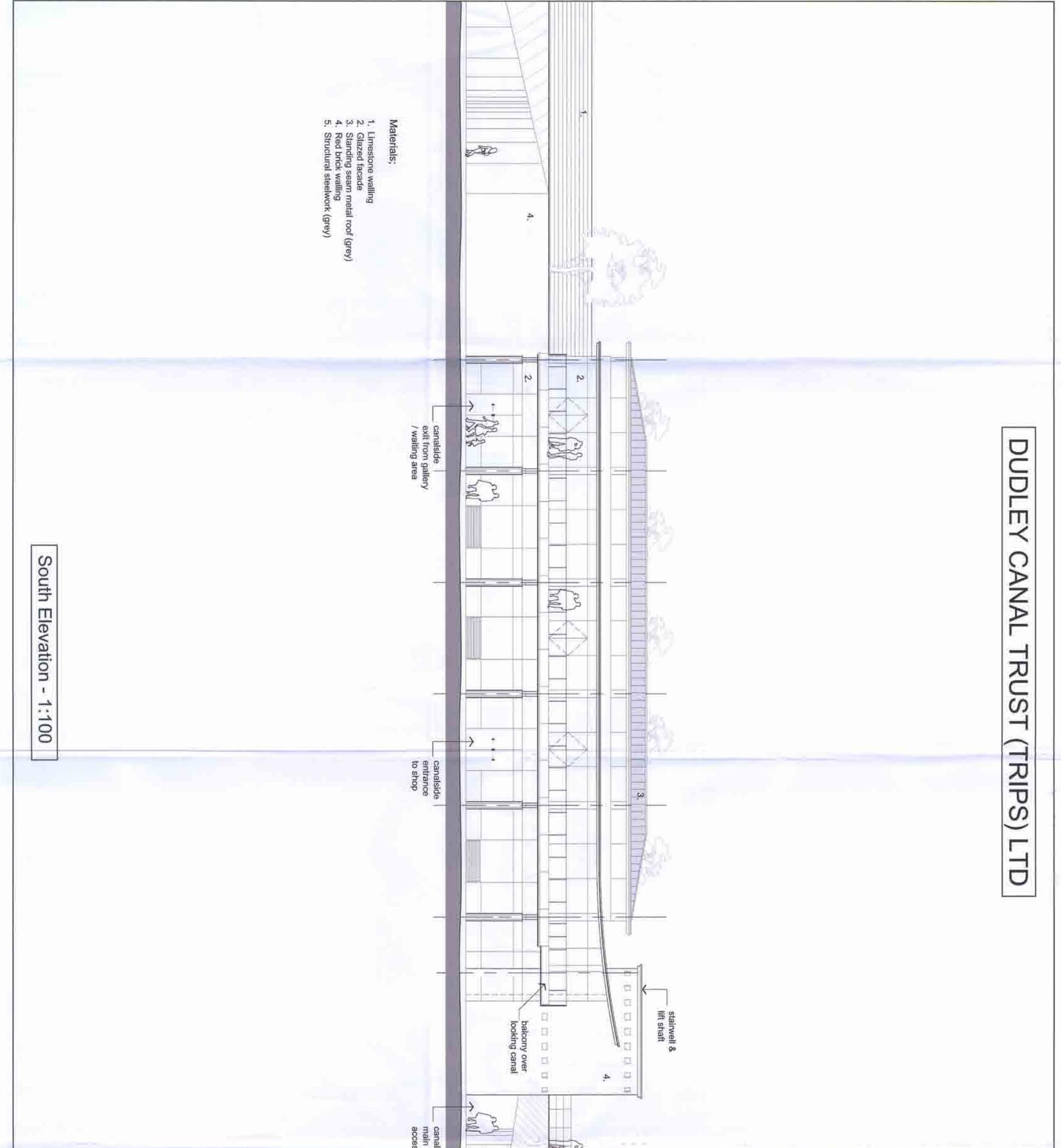


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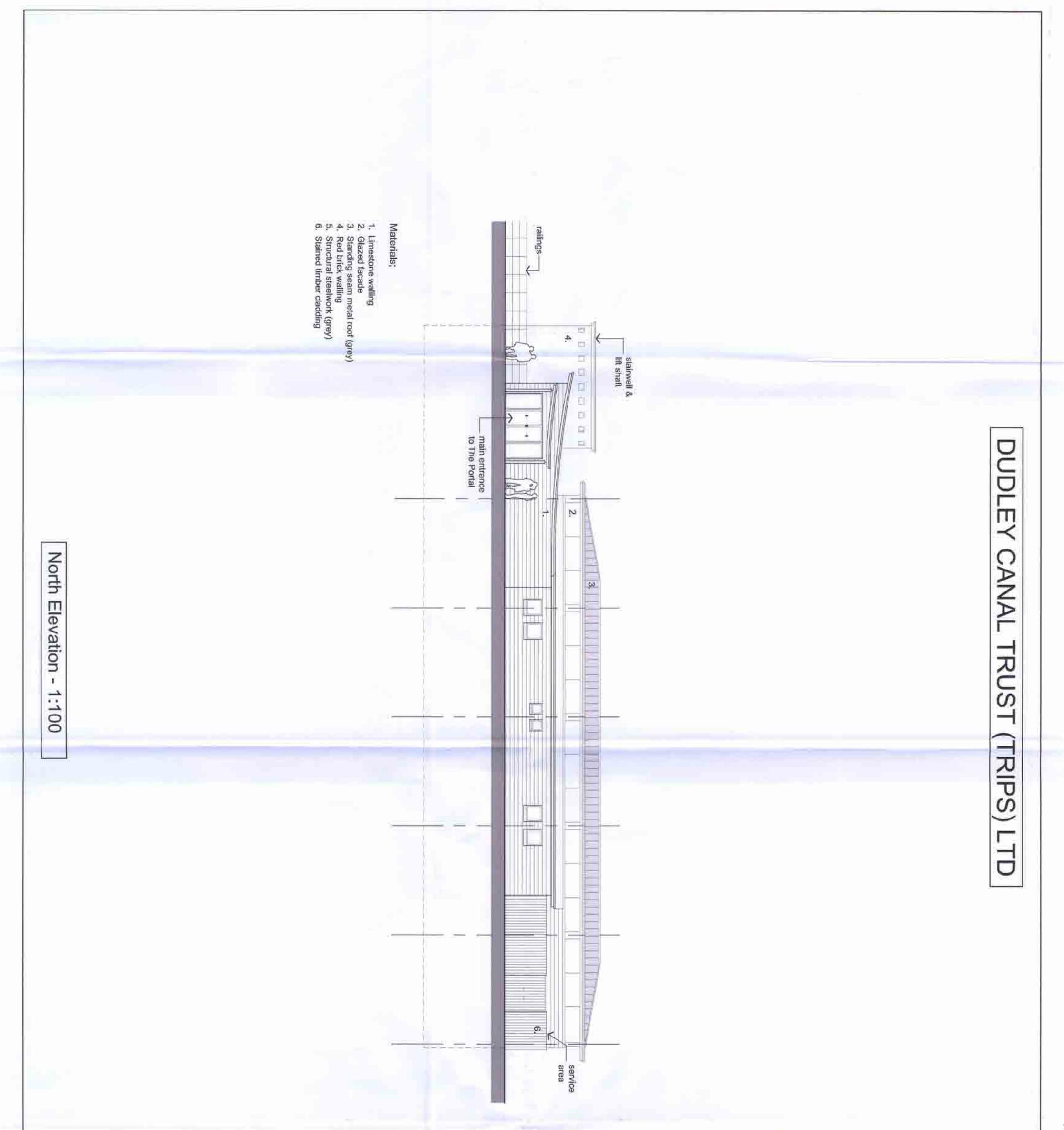
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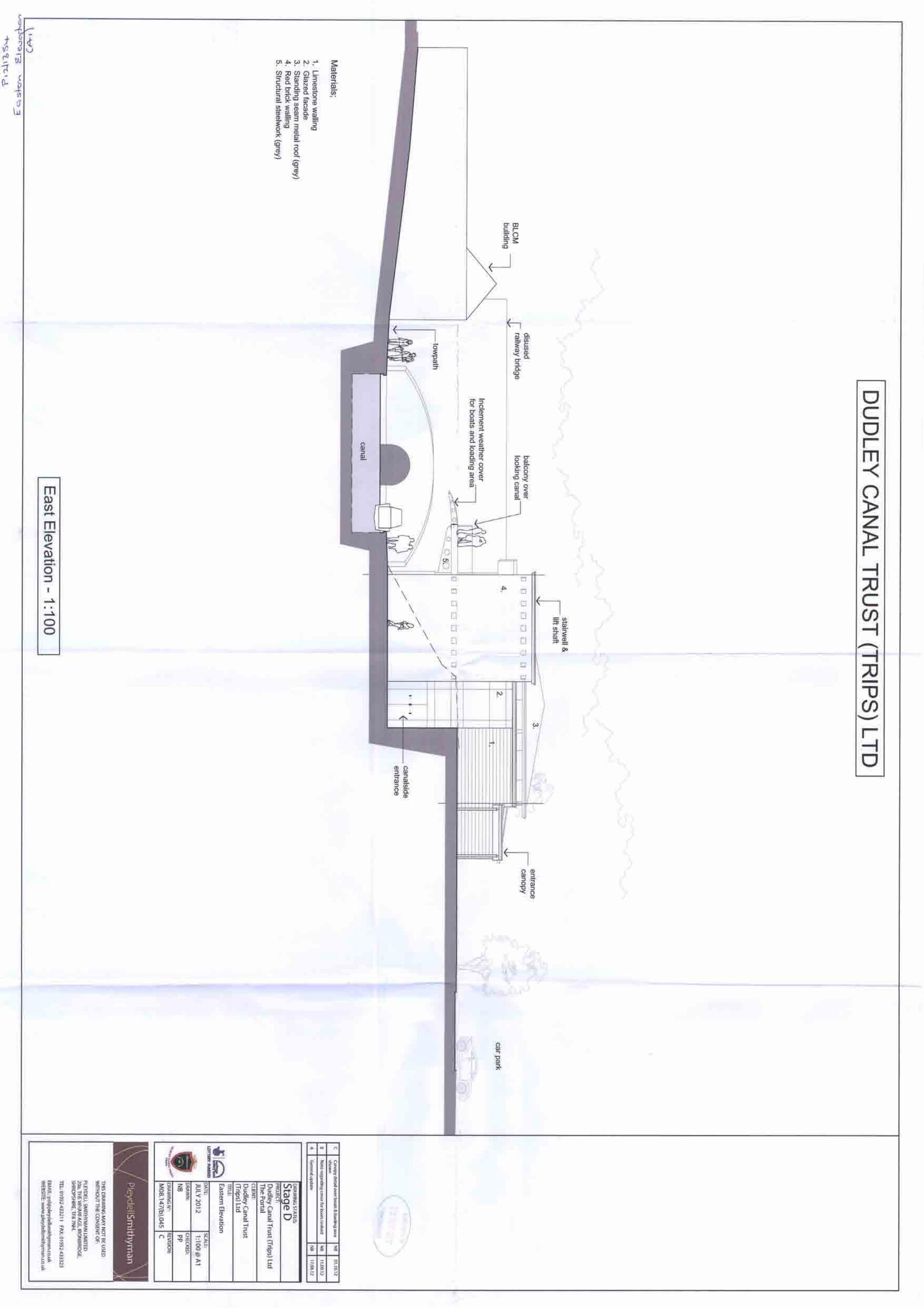


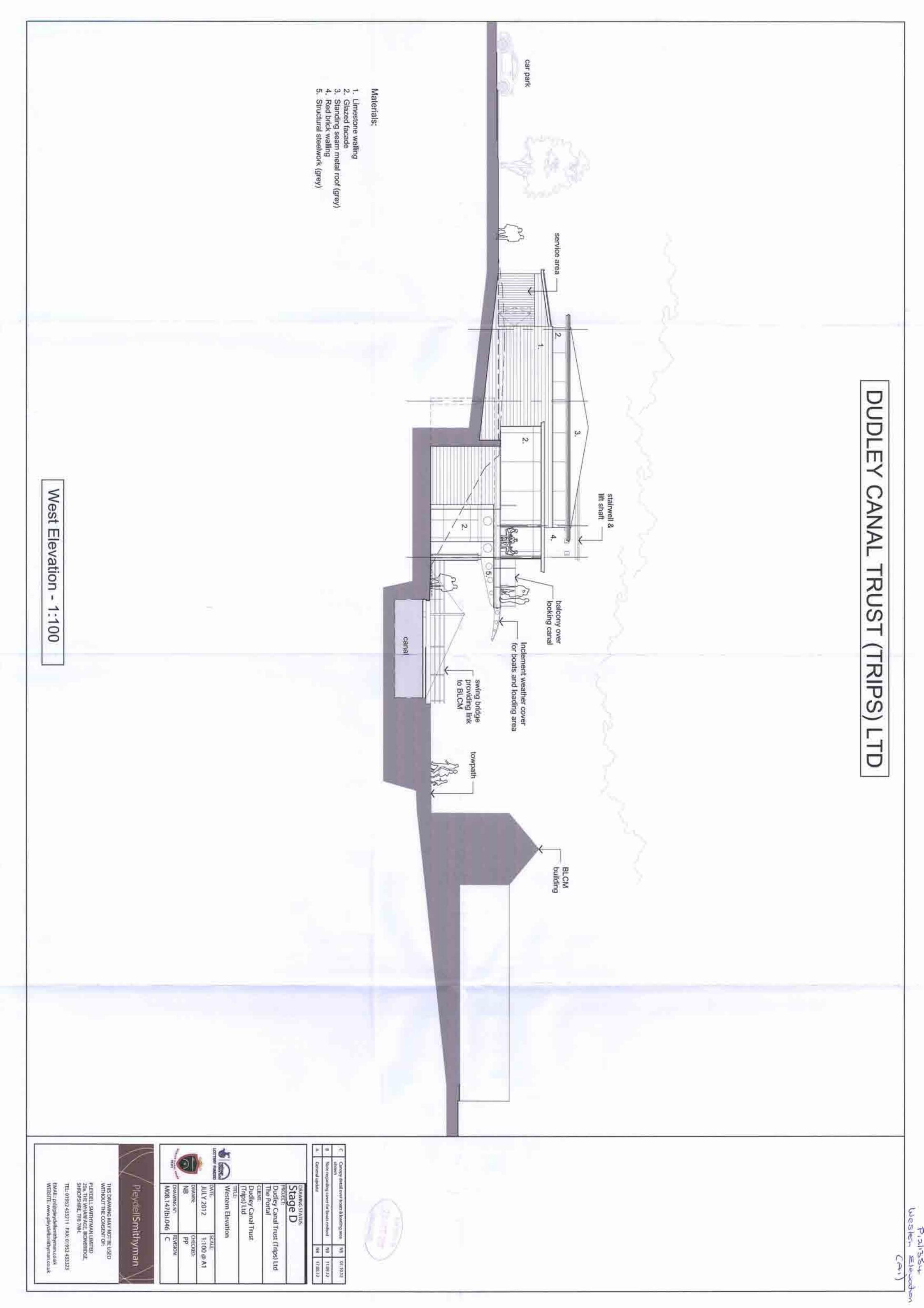


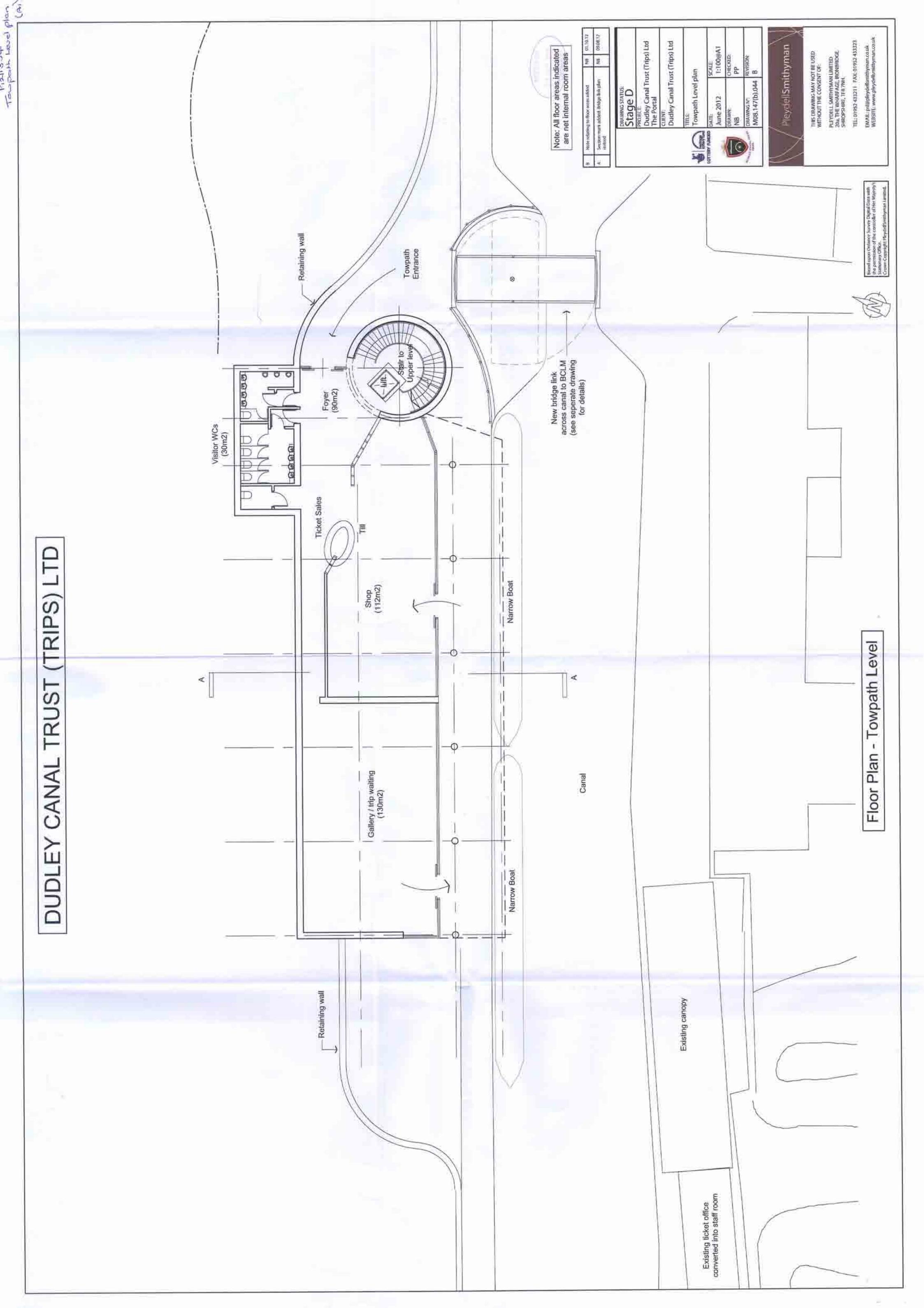
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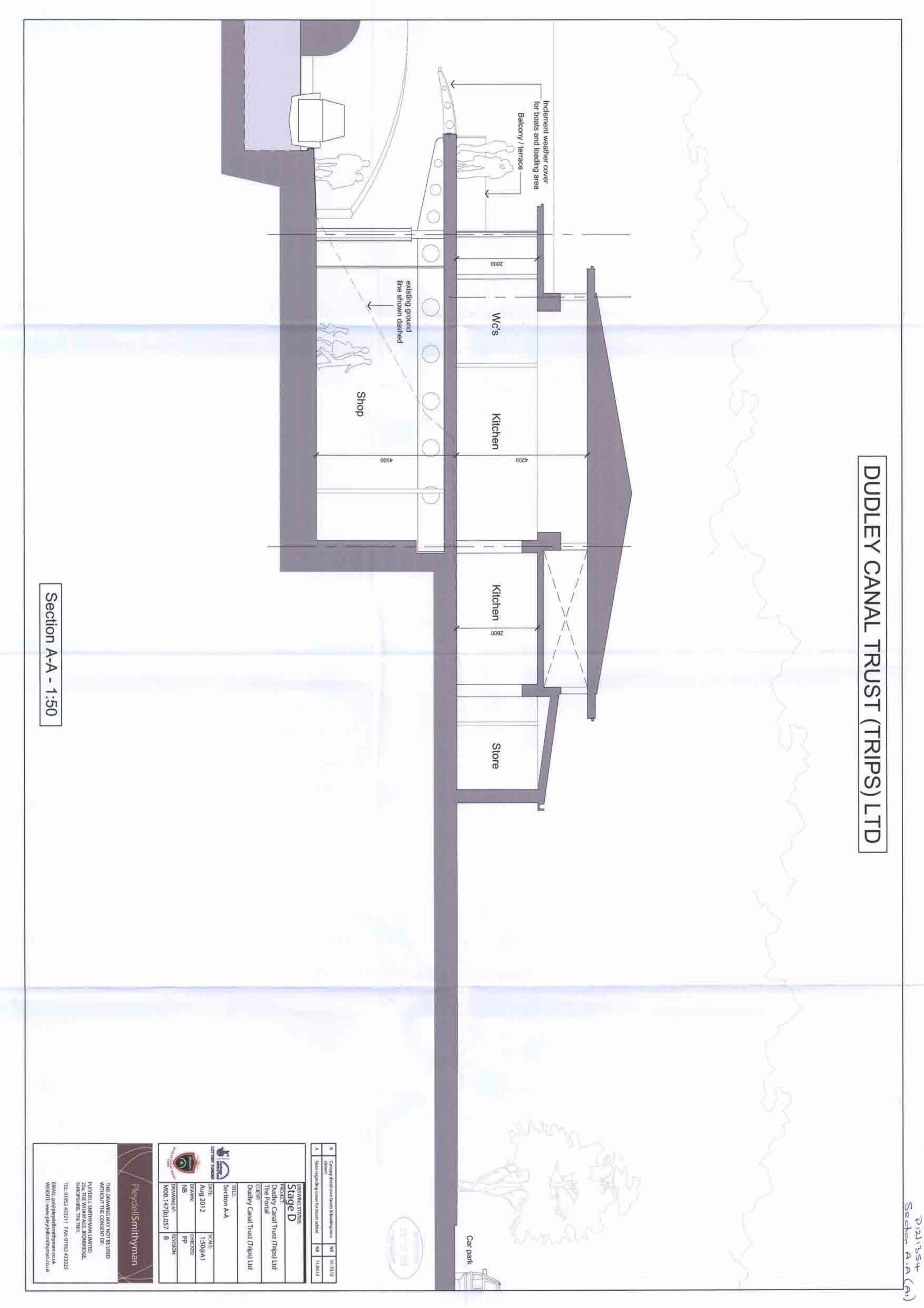


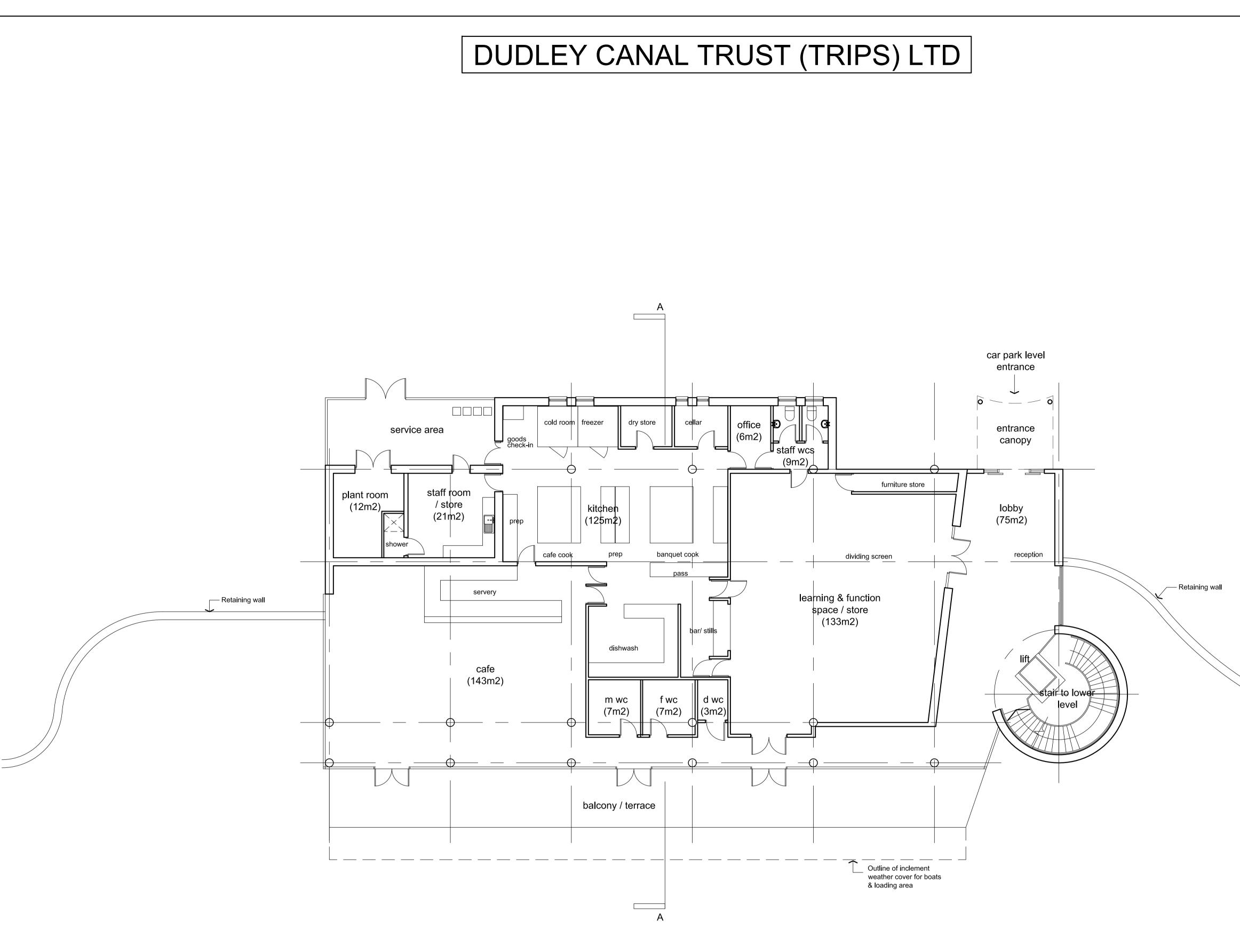
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Floor Plan - Car Park Level

Note: All floor areas indicated are net internal room areas

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Е	Gates to service area moved	NB	02.10.12
D	Note relating to floor areas added	NB	01.10.12
С	Cover for boats and loading area indicated	NB	11.09.12
В	Section mark added.	NB	09.08.12
А	Drawing finalised for client approval	NB	30.07.12

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	CLIENT: Dudley Canal Tru	ust (Trips) Ltd
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