

**Committee Report
Planning Committee on 7 June, 2011**

**Item No. 1/03
Case No. 11/0743**

RECEIVED: 11 April, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 75 Bush Grove, London, NW9 8QX

PROPOSAL: Demolition of existing garage and erection of two-storey, three-bedroom detached house with basement in rear garden of 75 Bush Grove and associated hard and soft landscaping and bin store and new off-street parking space and crossover for No. 75 as amended by plans received 26/05/11.

APPLICANT: Mr Mark Cluett

CONTACT: ADA Architecture

PLAN NO'S:
See condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. A contribution of £3,000 per bedroom, (totalling £9,000), index-linked from the date of committee and due on Material Start for Transportation, Air Quality and Open Space in the local area.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 7th September 2011.

EXISTING

The application site comprises the garden of No. 75 Bush Grove, which is a two-storey semi-detached house on the east side of Bush Grove, which becomes a cul-de-sac. The site is not

located in a conservation area nor is the building listed. Surrounding uses are residential; the site is bound to the north by the rear gardens of Nos. 2-6 Maple Grove, and to the south by the remaining garden of No. 75.

The garden currently has a single storey double garage on the northern boundary. No. 2 Maple Grove has a single garage on its rear boundary and No. 6 has a large outbuilding (no planning history, not built on 2005/06 aerial photos). As the land falls to the north, the gardens of properties on Maple Grove are lower than the application site.

The dwelling house has low access to public transportation with PTAL Level 1. Bush Grove is a local access road. On-street parking on the road is generally unrestricted and used by the residents. According to the UDP definition, the night time parking on the road is low but there is evidence from aerial photos (and anecdotal evidence from local residents who have objected) that parking occurs with vehicles mounting the pavement along this stretch of highway.

PROPOSAL

The application proposes the demolition of an existing garage and the dividing of the existing plot of No. 75 in to two smaller plots and erecting a detached dwellinghouse on the northern plot. In association with these works a new vehicular crossover and off-street parking space would be provided to No. 75, requiring the demolition of a small outbuilding.

The proposed house would be a two-storey, three-bed house with a basement and large rear lightwell/sunken garden. It would be of contemporary design of two sections, comprising a main rectangular, flat-roofed block aligned to Bush Grove and a small, cat-slide roofed element aligned to Bush Grove as it changes direction slightly. The main section would be 7.8m wide and 5.94m deep and be positioned 2.5m from the boundary with the original dwellinghouse No. 75; the width is marginally wider than the original dwellinghouse, which is 7.5m wide, but the new house would be shallower than the original by approximately 1m. It would be 5.45m high, which matches the eaves of the original dwellinghouse. The smaller section would be to the north of the main section and it would be positioned 2m from the boundary with Nos. 2 and 4 Maple Close, and be 3m high to the underside of eaves and 7.1m to the ridge; this is 1m below the ridge of the original dwellinghouse.

An integral garage would be provided within the smaller element, utilising the existing vehicular crossover. An off-street parking space would be provided with at least 5.5m space from the back edge of the highway for vehicles to park clear whilst allowing the garage door to operate.

HISTORY

Planning permission was granted for a two-storey house on this site in 1989. Significant policy changes have occurred in the intervening two decades, in particular the adoption of the Brent UDP 2004 and SPG17, both of which put greater emphasis on design of new buildings. A recent proposal was withdrawn.

10/2327 Demolition of existing garage and erection of two-storey detached house in rear garden of 75 Bush Grove, including erection of joint garages for existing and proposed dwelling, with associated access **Withdrawn** 21/10/2010

89/0129 Demolition of existing garage and erection of 2 storey detached house, erection of garage at rear of existing dwelling and construction of vehicular access **Granted** 05/07/1989

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Housing

- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

Transport

- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

The following spatial policies are considered relevant to this application:

- CP 2 Population and housing growth
also none
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 6 Design & density in place shaping
also none
Sets out the requirements for appropriate design and density levels for development
- CP 17 Protecting and enhancing the suburban character of Brent
also STR11, STR16, STR17
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPD "Section 106 planning obligations"

Regional

London Plan 2008

National

Planning Policy Statement 3: Housing

See revised PPS3 (3rd edition) published 9 June 2010

In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

CONSULTATION

Local consultees

21 letters were sent to neighbours on Bush Grove and Maple Grove and ward councillors were consulted on 22 September 2010.

Six objections have been received from local residents. Their comments can be summarised as:

- Loss of privacy

- Loss of light
- Visual impact
- Out of character with the area
- Loss of outlook
- Overdevelopment
- Loss of on-street
- Increase in traffic
- Lack of adequate water supply and drainage
- Structural implications of basement construction
- Impact on Oak trees on the green
- Noise and disturbance
- Impact on bats

Internal consultees

The Council's transportation and landscape departments were consulted.

Transportation

The application can be generally supported on the transportation grounds, subject to the setting back of the garage further from the highway boundary and a replacement off-street parking space for the original dwellinghouse. All these details should be provided on a revised site plan.

Landscape

Raise no objection to the application in principal, however the applicant will need to submit the following details, to be secured via condition:

Full landscape plan to include the following information:

- All existing planting existing on site, specifically all trees, the species, size and location
- All proposed planting to include species, size, location quantity and planting density.
- Front garden landscape should comply with BE7 and SPG5 50/50 hard and soft landscape
- Details of all hard landscape materials, which should be of permeable construction and all boundary treatments.
- Bin storage area that is screened from the street

External consultees

Thames Water

No objection

REMARKS

Key considerations

Officers consider the following to be the main planning issues in this case:

1. Principle of development
2. Design and character of the area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscaping and trees
7. Other matters

1. Principle of development

The application involves the demolition of an existing garage and erection of a new dwellinghouse on this land and part of the remaining garden; in this case this does not constitute backland development in respect of policy H15. Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy in principle, but do afford them a degree of protection.

Until June of last year, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land as, for example, a former factory, albeit with the caveat that “there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.” (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land to specifically exclude private residential gardens even if they feature other buildings (including garages) (PPS3, 9 June 2010: p26).

Officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, it is judged that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June of this year.

Moreover the general approach of Brent's UDP (2004) and SPG is that good urban design and architecture will enable development and/or higher densities.

On the basis of this, the proposal to erect a new dwellinghouse on this land is considered acceptable in principle.

2. Design and character of the area

The area is characterised by wide, two-storey semi-detached houses with hipped roofs. Gaps between the properties are consistent at about 3m (1.5m to boundary). The main section of the proposed house follows the structural pattern of development with a rectangular form which broadly follows the dimensions of the wide houses, with a more generous set-in from the boundaries. The parapet of the flat roofed structure matches the height of the eaves of the original dwellinghouse and thus the scale of development is considered to be in keeping with the general character of the area. Whilst the proposal adopts a contemporary design approach which is markedly different from the design of properties in the area, this difference is not in itself a reason for refusing the proposal. In general the Council supports contemporary design (UDP, para 3.7.35,; p33 & SPG17, section 4.0: p19) and in respect of the local design characteristics set out in the UDP (ibid: p33), your officers judge the scheme to meet the siting, orientation, plot width, foot-print, major proportions and rhythm as much as possible given the site constraints.

Some residents have objected on the basis of the impact the development would have on the character of the area and in particular the loss of openness which this large plot gives the area. Whilst this is a material consideration, significant weight is given to the fact the proposal is well-designed and represents an efficient use of land, which complies with local, regional (London Plan 2008) and national (PPS3) policies in such matters.

3. Impact on neighbouring amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries respectively; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards (see SPG17 sections 3.2 to 3.4).

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics. In this instance there is no evidence that a further three-bedroom house would result in unacceptable levels of noise and disturbance.

The proposed dwellinghouse would comply with the quantitative requirements of SPG17 in terms of the 30 and 45 degree planes and the distances to the boundary and between habitable room windows. The cat-slide roof, by virtue of its height, width and distance from the boundary, is not judged to be of a size and scale which would have an overbearing impact on the amenity of occupants of Nos 2 & 4 Maple Grove. The distance between the rear windows and the boundary, and thence the rear faces of adjoining properties, is such that the impact on Nos. 6-12 Maple Grove would be within accepted tolerances; weight is given to the presence of the large outbuilding in the garden of No. 6 and the trees on the boundary of No. 8 in making this assessment.

In addition, the impact on the existing and future occupants of No. 75 must be considered. Whilst they are the applicants, the standards do still apply as developments are required to maintain a good living standard throughout the borough. In this instance the proposed building would have an acceptable impact on the outlook and privacy of existing and future occupants.

4. Standard of accommodation

The minimum floor area for a three-bed house as normally required by SPG17 is 85sqm; the proposed house comfortably exceeds this minimum requirement; the house has a basement which makes up a large proportion of the overall floor area but the basement has a generous sized kitchen with a large lightwell/sunken garden and so the outlook would be acceptable and the proportion is judged to provide an acceptable standard of accommodation.

The large (approximately 84sqm) garden is in excess of the normal standard of 50sqm for a family dwellinghouse albeit part of it is sunken.

5. Parking and access

Residents have objected that the proposed dwellinghouse would result in an increase in traffic and on-street parking on Bush Grove. The parking allowance for dwellinghouses is given in Standard PS14 of the UDP; for a three bedroom house it is 1.6 spaces. The provision of one off-street space and a garage would meet the standard which is applied consistently to new dwellinghouses across the borough. On the matter of increased traffic, the additional dwellinghouse would not result in a significant increase in traffic for the area and junctions would remain unaffected.

The demolition of the existing garage will result in loss of the parking for the main house, which has been replaced with an off-street parking space. This is acceptable in principle but further details are required and a suggested condition is attached. With regards the new crossover for the original dwellinghouse No. 75, the Domestic Vehicle Footway Crossover Policy is applicable. The proposed vehicular access onto Bush Grove is acceptable in principle, but will need to be provided with adequate visibility splays. To this end, 2m x 2m visibility splays need to be provided to the back of the footway at the site entrances, above which there must be no obstruction over the height of 850mm within the splay areas.

As the Domestic Vehicle Footway Crossover Policy is applicable 50% of the front area of the property should have 'soft' landscaping to allow for natural drainage. This has been provided as shown on the site plan.

The bin stores as shown near the northern boundary is acceptable as they are close to the vehicular access and easily accessible. Cycle parking for both properties can be provided in the gardens of each.

6. Landscape and trees

There is an indicative layout which shows planting along all boundaries. This will be acceptable but further details are required by condition, to include screen planting on the northern and southern boundaries to provide some additional privacy for future and adjoining occupants. A small tree should be provided in the rear garden. Materials for the hardsurfacing at the front should be detailed; these should be of permeable construction. The layout of the front garden should be adjusted so that at least half of the area is soft landscaped.

7. Other matters

S106

The application involves the construction of a new dwellinghouse and the net increase in bedrooms; as such it requires a s106 to secure the standard charge of £3,000 per bedroom (total £9,000) to mitigate for the impact of the development on education, transportation, open spaces and sports provision. The applicant has agreed in principle to this but further work is required to complete the agreement; in the absence of a legal agreement the application would have to be refused, as per the above *Recommendation* and *S.106 Notes*.

Implications of the basement

Residents have objected due to the structural implications of the basement and the impact on trees on the green. On the first point, the basement is approximately 5m from the boundary with Nos. 2, 4 & 6 and would be unlikely to have any effect on the outbuildings or properties themselves; in any event the development would have to comply with building regulations. On the second point, the distance to the green, which lies beyond the Maple Grove properties, is such that no impact would be felt on the root systems of the Oaks mentioned by residents.

Bats

A resident has objected to the proposal on the basis of impact on bats; it is not considered likely that the development would have any material impact on bat habitat but an informative advising caution when demolishing the existing garage and advising that bats are a protected species is suggested.

Drainage and water supply

Local residents have also expressed concern about the impact of the development in terms of sewerage, drainage and water supply. These matters are a material planning consideration in respect of flooding and attenuation but not in terms of the infrastructure provided by the relevant statutory body; in this case Thames Water and Veolia Water. If there are water supply problems in the area, this is not a reason to refuse planning permission as the Water Supplier has a statutory

duty under Section 52 of the Water Industry Act 1991 to provide a water supply for domestic purposes (subject to certain conditions); as there is other legislation provided to control this aspect of development, planning legislation is not the appropriate control measure.

Conclusion

The principle of the proposal meets the relevant national, regional and local tests and the specific design, subject to a number of conditions requiring further details, meets the relevant chapters and policies of the UDP 2004, the Core Strategy 2010 and the objectives of SPG17. Subject to a s.106 legal agreement, approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Central Government Guidance: PPS3
Council's Supplementary Planning Guidance Nos. 3 and 17

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Site plan; PL/01 Rev A; PL/02; PL/03 Rev A; PL/04 Rev A; PL/05 Rev A; PL/06;
PL/07 Rev A; PL/08; CGI/01; CGI/02; CGI/03; CGI/04; CGI/05; CGI/06; CGI/07

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO") (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out under Schedule 2, Part 1, Classes A and B of the GPDO, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers.

- (4) Notwithstanding the approved plans, prior to the commencement of any works further details showing the proposed vehicular access to the original dwellinghouse No. 75 and an associated off-street parking space and soft landscaping (including species, plant sizes and planting densities) within the front garden of that property shall be submitted and approved by the local planning authority and no part of the development shall be occupied until the works have been completed in accordance with the approved details and the parking space shall remain in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (5) Details of materials for all external work, including samples of the render colour and finish and roofing material(s), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (6) Further details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include the front door, garage door and window type, material, colour, means of opening and depth of reveals and details of any sills.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) proposed means of enclosure (e.g. walls, fences or hedges) indicating materials and heights;
- (iii) higher (e.g. 1.8m or higher) species for screen planting along the northern and southern boundary;
- (iv) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (v) provision for the satisfactory screening of the front lightwell;

- (vi) provision of at least one small tree, species and size to be agreed, in the rear garden;
- (vii) areas of hard landscape works and proposed materials including samples if necessary.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (8) Further details of the proposed solar panels/photovoltaic cells shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include the manufacturer, number, position, height and orientation of the panels.

Reason: These details are required to ensure that a satisfactory development is achieved.

INFORMATIVES:

- (1) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050.
- (2) The applicant is advised to exercise caution when undertaking demolition of the garage to ensure no bat roosts are disturbed. Bats are a protected species protected by the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2010).

REFERENCE DOCUMENTS:

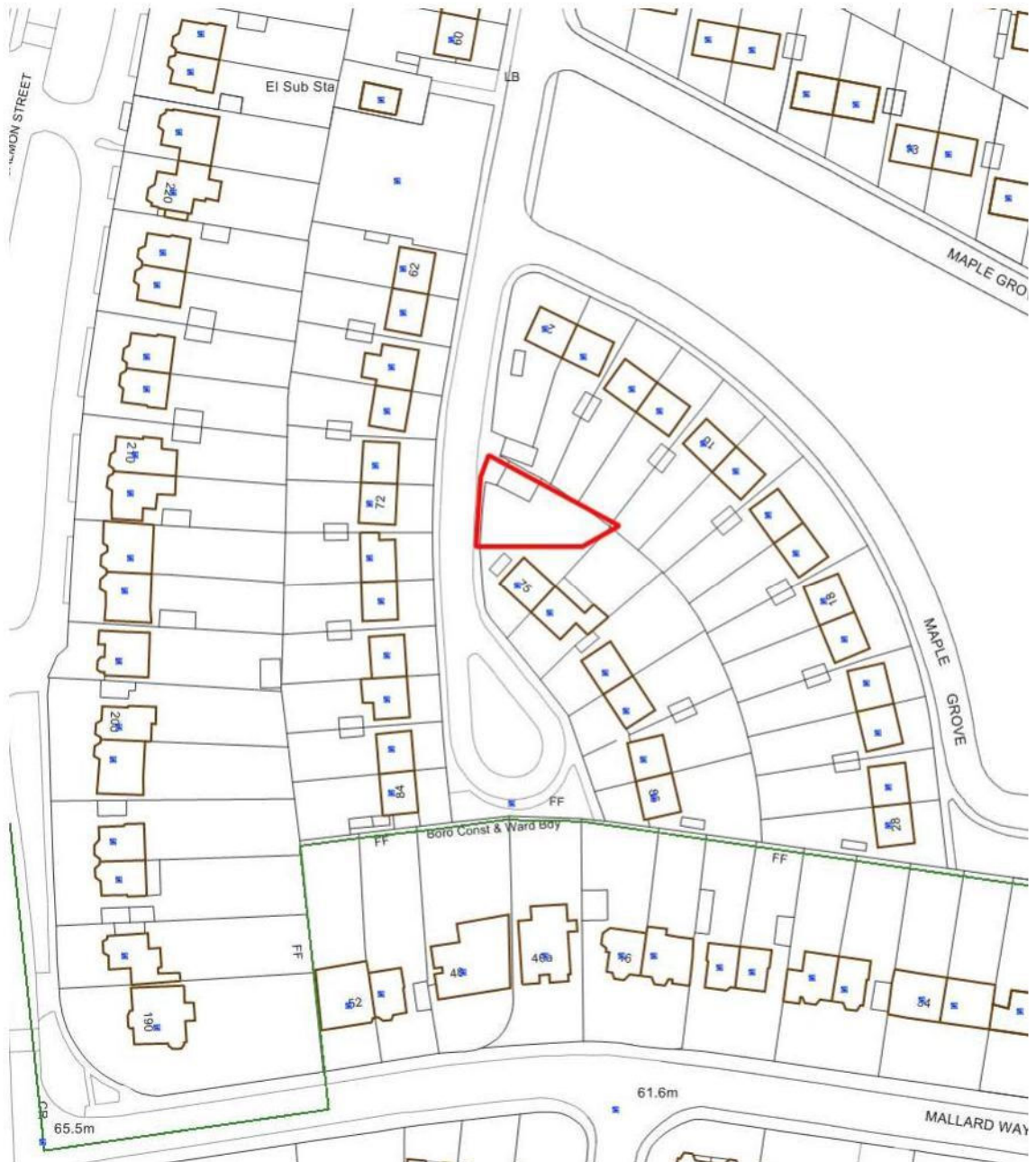
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 75 Bush Grove, London, NW9 8QX

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This map is indicative only.