

Item No: 6.1	Classification: Open	Date: 03 June 2019	Meeting Name: Planning Committee
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Old Kent Road	
From:		Director of Planning	

PURPOSE

1. To advise members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

Item 6.1 – Application 17/AP/2773 for: Full and Outline Planning Application – Malt Street Regeneration site, Land bounded by Bianca Road, Latona Road, Haymerle Road, Frensham Street and Malt Street, London SE1

Responses to comments made at the Planning Committee briefing

Appropriateness of the demolition of the former Pramworks (paragraphs 186, 194, 272, 276).

Officer response:

3. In the draft Old Kent Road AAP, the former Pramworks is identified as a building of townscape merit, along with its immediate neighbour Space Studios. It was identified as such because of its external appearance and the positive contribution that the composition of the two buildings makes to the street-scene on Haymerle Road. Officers have seen inside the building and can confirm that there is nothing of historic or architectural merit internally. Of course, the interior could only be protected if the building was listed anyway, and we can say with certainty that this building is not listable.
4. Given the retention of the Space Studios building, and the way in which the replacement building proposed for this site would faithfully recreate the positive aspects of the external appearance of the existing building (with additional roof top extension), Officers consider its loss to be acceptable. The opportunities presented by redeveloping this site include the provision of modern, high quality B1(c) floor space and a much improved relationship with the public realm at street level, including active frontages. The proportions of the building, particularly the size and arrangement of windows and its relationship with Space Studios would be recreated, thus retaining the townscape merit of the existing composition.
5. It is worth noting that this is in the outline part of the Malt Street application, so detailed design is subject to further discussion and assessment at Reserved Matters stage.

6. Also, for information, historic maps indicate that most of the buildings in this part of the Malt Street site were either bombed during, or cleared after, WWII. This suggests that this building dates from the 1950s. It is understood that the “Pramworks” referred to in our description of the building is what stood on the site before the war.

Building B4: more information on flats with no private amenity space.

7. Further to paragraph 340-342 of the main report which comments on the flats within Building B4 that have no private amenity space, the following table illustrates how much larger the flats are above the minimum flat size requirements of the council’s Residential Design Standards SPD.

Table: Building B4 flat sizes

Unit	Number	NIA sqm	SPD min size	+/- difference
studio	8	42	36	+ 6
1 bed 2 person	40	55	50	+ 5
1 bed 2 person	20	57	50	+ 7
1 bed 2 person	57	58	50	+ 8
1 bed 2 person	10	59	50	+ 9
3 bed 4 person	9	93	74	+ 19
Total	144			

8. The above table demonstrates the following:
- All 3 bed 4 person flats would be 19sqm larger than the minimum flat size requirements of the councils Residential Design Standards SPD. Therefore these flats have clearly compensated for not having the required 10sqm of private amenity space incorporated into the flat;
 - The 1 bed flats would be between 5-9 sqm larger than the minimum flat size requirements of the council’s Residential Design Standards SPD. The council’s Residential Design Standards SPD does not require 10sqm or private amenity for this size. It states that for units containing less than 2 bedrooms, 10sqm should ideally be provided on site but where this is not possible, the remaining amount is added to the communal or subsequent shortfall contribution. The remaining amount has been added to the communal shortfall contribution as per paragraph 341 of the main report;
 - For the studio units, they would be 6sqm larger than the minimum flat size of the council’s Residential Design Standards SPD. The councils Residential Design Standards SPD does not require 10sqm for this size. It states that for units containing less than 2 bedrooms, 10sqm should ideally be provided on site but where this is not possible, the remaining amount is added to the communal or subsequent shortfall contribution. The remaining amount has been added to the communal shortfall contribution as per paragraph 341 of the main report.

Detailed Component – more information on flat sizes.

Officer response:

9. Further to paragraph 320 of the main report, the below table illustrates the sizes of the flats in comparison to the minimum flat size requirements of the council’s Residential Design Standards SPD.

Table: Detailed Component flat sizes

Unit Type	No.	SPD minimum (sqm)	Size Range (sqm)	No. at SPD minimum (sqm)	No. at up to 5sqm above SPD minimum	No. at over 5sqm above SPD minimum
Studio	9	36	39-42	0	1	8
1 Bed 2 person (flat)	171	50	50-59	17	66	88
2 bed 4 person (flat)	175	70	70-87	65	65	45
3 Bed 4 person (flat)	9	74	93	0	0	9
3 bed 5 person (flat)	56	86	87-237*	0	29	27
Total	420					

*Just one flat is included at 237sqm with the others ranging from 87-103sqm

10. The table demonstrates that:

- Of the studio flats, none are on the minimum flat size requirement (36sqm) as set out in the council's Residential Design Standards SPD, with all flats exceeding the minimum;
- Of the 1 bed flats, 17 flats are on the minimum flat size requirement of the SPD (50sqm), however the clear majority (154 out of 171) exceed the minimum;
- Of the 2 bed flats, 65 flats are on the minimum flat size requirement of the SPD (70sqm), but again the clear majority (110 out of 175) exceed the minimum;

11. Potential for scheme to support additional 4 bed social rented units.

Officer response: There is potential for the scheme to support 4 bed social rented units in the Outline Component phase of the scheme.

12. Overshadowing to nearby properties.

Officer response: Discussed in main report at paragraphs 421-425. In addition, overshadowing animations will be shown at the Planning Committee.

13. Linear Park width.

Officer response: The Linear Park width would range from 15m to 38m where it opens to the Central Square, and would have an average width of 18m. There would be one instance of a narrower width of 6m in between Space Studios yard and Building B2, which would be of a sufficient width for cyclists and pedestrians to share the space.

14. Children's play space – the dedicated play areas only provide for 1,250sqm of playspace which is 2,640sqm short of the London Plan target.

Officer response: Overall, the scheme includes 1,250sqm of dedicated play space as well as 4,150sqm of playable landscape within the Central Square and Linear Park, totalling 5,400sqm. The Mayor's Children and Young People's Play SPG advises that play space does not all have to be provided in dedicated play areas. The guidance promotes the idea of "playable landscapes" which are public spaces where features such as landscaping or high quality public art make it playable. Conditions requiring play features equipment would need to be submitted and this would include play

features within the dedicated play areas as well as the Central Square and Linear Park.

15. Access from wheelchair units in Building B10 to wheelchair parking spaces in basement.

Officer response: There would be no direct access from the wheelchair flats in Building B10 to the wheelchair parking spaces in the basement. However, 5 wheelchair parking spaces are included at grade level next to this block which would be conveniently located for residents to use.

16. Additional representations have been received as follows.
17. Six additional neighbour objections received since the main report was published, together with an objection from the 35% group and the Friends of Burgess Park. Three comments were received from tenants at Space Studios. The nature of the objection/comment, together with an officer response, can be found in the tables below.

Objection – neighbour responses	Officer response
Access to Space Studios Yard from Bianca /Haymerle Road is required on a 24 hour basis. The plans seem to show access would be blocked by the proposed development.	<p>The red line application boundary line includes immediate highways land, not in the applicant's ownership, to reflect any essential highways works that may need to be undertaken in association with the development (e.g. re-surfacing and street enhancements).</p> <p>The roads themselves would remain open and fully in situ.</p> <p>The applicant has confirmed in writing, that there is no intention to permanently stop up or close the highway along Bianca Road / Haymerle Road meaning users of Space Studios would retain full access to their existing yard and associated entrances.</p> <p>The highways remain in control of the council and there is no intention to stop these up.</p>
The housing would not be affordable housing.	40% affordable housing has been secured as per the main report which includes social rented housing (25% of the total).
Inappropriate height and massing and impact on Glengall Road Conservation Area.	Some less than substantial harm has been identified to Glengall Road Conservation Area which would be outweighed by the wider regeneration benefits of the scheme.
Increase in wind speeds.	Wind mitigation has been proposed and would be secured by the landscape conditions.
Overshadowing to Glengall Road taking out morning light.	The properties on the east side of Glengall Road may receive some overshadowing to their gardens from the taller elements of the scheme, but by 9am on 21 st March the

	shadow has moved around to fall away from these gardens. Additionally, at 8am on 21 st March much of the shadow to the gardens of these properties already occurs in the existing condition from the existing buildings immediately east of them.
Would new residents get permits in existing CPZ?	New residents would be restricted from obtaining parking permits.
The height scale and massing of the proposed Malt Street development would significantly impact on the setting of Burgess Park.	The buildings would be clearly seen from Burgess Park, but it is not felt this would be harmful. The tree canopy enclosing the park would remain clearly defined and the proposed development would be distinct from the historic school and lake within the park.
Children and young people should be allowed to make noise and should not be told to be quiet or to move on.	Noted. The Linear Park and Central Square would have full public access and would not be gated. Details of the playable landscape would need to be submitted.
Provision for MUGA's, play spaces and space to meet friends should be provided.	Play space and other areas to meet would be provided on site. The council's new Frensham Street Park is likely to include a new MUGA.
Loss of existing trees.	The existing trees are mainly large shrub planting. Their loss is mitigated by the substantial new tree planting which could see up to 140 new trees provided including semi mature trees.
Concern the scheme does not justify high density because it does not provide full bulk storage, does have some close overlooking, and has flats that do not provide private amenity space.	A s106 payment would be collected for the shortfall in private amenity space. The overlooking and slight shortfalls in bulk storage (for the 3 bed flats only) are not considered so harmful to justify refusal.
Loss of daylight and sunlight.	Discussed in main report at paragraph 365-420. The main report does note there would be some impacts but these considered acceptable when taking into account the urban location and features such as walkways or balconies that exist on nearby buildings which already obstruct the daylight received to windows.
Does not meet zero carbon targets.	A s106 payment would be secured making this aspect policy compliant.
Unclear whether the Bakerloo Line Extension is going ahead.	The Bakerloo Line Extension is included in the Mayor's Transport Strategy. The Mayor remains committed to submitting a Transport for Works Act Order for the scheme. Further consultation on the scheme alignments, works site locations and construction

	methodology are expected in September this year.
Mayoral CIL is going to Crossrail, not the Bakerloo line extension, so how will the additional bus services be secured?	The applicant would make S106 financial contributions to fund additional bus services.
Impact on health and education services.	The proposed development would be subject to a Community Infrastructure Levy tax charge, which could be used to support additional education and health services.

Objection – 35% group	Officer response
<p>The planning committee report for this application refers to the 40% affordable housing offer as exceeding the policy compliant level, stated as 35% (para 167). However, paragraph 22 of the report also notes that the site is 'designated Strategic Industrial Land (SIL), in the London Plan'; as such, the draft New London Plan requires a higher, 50% level of affordable housing under Policy H6, Para B(3).</p> <p>Without 50% affordable housing the application fails to qualify for the draft London Plan's Fast Track route under the threshold approach to viability testing. Policy H6 is clear that applications that do not meet the 50% SIL threshold are subject to the viability tested route, which involves a Late Stage Viability review (Para E 2(b)). This is confirmed in the GLA Stage 1 report for the scheme (para 32), which states;</p> <p>'However, as set out above the application site is in predominantly industrial use and the proposals would not re-provide the industrial capacity of the site on a 65% plot ratio. The application does not therefore follow the Fast Track Route with 35% affordable housing (as the threshold level would be 50% in this instance), and it must therefore be considered under the viability tested route'.</p> <p>A late stage review should therefore be required if 50% affordable housing is not to be delivered. As the application is a large phased development a mid-term review should also be required, according to Policy H6, Para E 2(c).</p>	<p>The Draft New London Plan was revised in August 2018 prior to being submitted to its Examination in Public. The threshold policy in respect of industrial land (Policy H6 B(3)) was amended to state the 50% threshold would apply “where the scheme would result in a net loss of industrial capacity”. In this instance it is not considered that there has been a net loss of industrial capacity, as the commercial floorspace existing on the site is being replaced. Therefore the 35% threshold would apply.</p> <p>Even if this were not the case, the Mayor's Housing SPG identifies that Local Planning Authorities can establish their own thresholds in Opportunity Areas. In this instance Southwark have a target of 35% affordable housing within the draft Old Kent Road Area Action Plan.</p> <p>The 65% plot ratio reference is set out as part of the reasoned justification section of the Draft New London Plan, it is not in itself a policy. It was discussed at some length of the draft New London Plan Examination in Public at which a number of objections were raised in terms of its applicability by London Boroughs and also by industrial space developers including Segro and Prologis. Notwithstanding this, paragraph 6.4.5a has been added to the draft New London Plan. This states “When applying this principle regard should be given to the characteristics and operational requirements of the different industrial uses set out in Part A. Development proposals should ensure sufficient yard space is provided having regard to the operational requirements of the uses proposed. In this instance, the development is considered to provide sufficient yard space to serve the B1(c) light industrial uses proposed.</p> <p>In this case, the proposed development would achieve 40% affordable housing and the application has been submitted with a</p>

	viability appraisal which has been assessed by the council's appointed consultant. Therefore, the application has followed the viability tested route. The council's consultant confirmed that the proposed provision of 40% affordable housing exceeds the maximum reasonable proportion that the scheme can support.

Objection – Friends of Burgess Park	Officer response
<p>Historic England has pointed out the harm to views from Glengall Terrace, the Surrey Canal Path and from the lake edge, all Burgess Park locations.</p> <p>Historic England referred back to their comments in the letter dated 28th September 2017 and noted that “despite our previous objection, amendments are now proposed to further increase the scale of this development.” ... “we therefore recommend that this application is refused.”</p>	<p>Some less than substantial harm has been identified to these areas as the main report discusses, which would be outweighed by the wider regeneration benefits of the scheme.</p>
<p>Linear Park - that there should be a higher proportion of green planting and less formality in the Linear Park including in the Central Square.</p>	<p>Noted. The main report discusses these issues and accordingly has attached appropriate landscape conditions to secure greener planting.</p>
<p>There is an under-provision (2,660 sqm) of dedicated age-appropriate play space in the scheme. This missing space is supposed to be provided by the Central Square and Linear Park. There will be problems with this proposal since the area is also meant to be providing a cycle route and cafe and workshop spill-out areas.</p>	<p>Overall, the scheme includes 1,250sqm of dedicated play space as well as 4,150sqm of playable landscape within the Central Square and Linear Park, totalling 5,400sqm. Conditions requiring play features equipment would need to be submitted and this would include play features within the dedicated play areas as well as the Central Square and Linear Park.</p>
<p>Density: Malt Street does not exemplify excellence since:</p> <ul style="list-style-type: none"> ◦ Typical three bed units fall short of the required bulk storage. ◦ There would be several (10) instances where the overlooking distances between proposed buildings within the site would fall short of the required 21m. (Nye's Wharf at the closest point would only be 2.3m.) ◦ Building B4 has a shortfall in balcony space. ◦ Harm would be caused to some properties in terms of loss of daylight. ◦ A number of windows would not meet the BRE guidelines for summer and winter sunlight ◦ The development would need to make a £1.82m carbon off set payment contribution 	<p>The main report discusses these issues and considers that they are not considered so harmful to justify refusal when taking into account the wider regeneration benefits of the scheme.</p> <p>S106 payments have been collected to off set the shortfalls in carbon offset and amenity space.</p> <p>In respect of the flats in Building B4 which do not contain balconies, a balanced decision has been taken in respect of external design considerations and internal space standards to include larger living room spaces to create a more spacious flat and to give the building a more elegant profile on the skyline.</p>

<p>as the residential element is not capable of delivering zero carbon homes.</p> <ul style="list-style-type: none"> ◦ There is a shortfall of community amenity space and private amenity space. This will require S106 remediation. 	
<p>Bus services will need to be increased in the area to accommodate the demand generated by additional homes and jobs in advance of the opening of the planned Bakerloo Line Extension (BLE) which, subject to the granting of powers and availability of funding, would be 2029/2030 at the earliest. Unfortunately, the Mayoral CIL for strategic transport investments in London will be going primarily to Crossrail, not the BLE.</p>	<p>The applicant would make S106 financial contributions to fund additional bus services.</p>
<p>Comment – Space Studios tenants</p>	<p>Officer response</p>
<p>Access to Space Studios Yard is required on a 24 hour basis. The plans seem to show access would be blocked by the proposed development.</p>	<p>The red line application boundary line includes immediate highways land, not in the applicant's ownership, to reflect any essential highways works that may need to be undertaken in association with the development (e.g. re-surfacing and street enhancements).</p> <p>The roads themselves would remain open and fully in situ.</p> <p>The applicant has confirmed in writing, that there is no intention to permanently stop up or close the highway along Bianca Road / Haymerle Road meaning users of Space Studios would retain full access to their existing yard and associated entrances.</p> <p>The highways remain in control of the council and there is no intention to stop these up.</p>

<p>Comment – Unwin and Friary TRA</p>	<p>Officer response</p>
<p>Welcome proposals by applicant to lay G3/G4 Astro turf on the football pitch. This would transform who our youth become more engaged with sports and physical activities on the estate to help us continue to promote fitness and wellbeing of our residents.</p> <p>Also welcome project to deliver ICT training to give our residents skills to apply for jobs.</p>	<p>Noted, these items would be secured by s106 legal agreement.</p>

Additional information received from the applicant

<p>Information</p>	<p>Officer response</p>
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<p><u>Detailed Component Building B10 – goods lift</u> Updated plans have been submitted from the applicant detailing the provision of a goods lift for the light industrial element in Building B10.</p>	<p>These updated plans are welcomed and would provide for a well functioning light industrial unit(s). It is recommended that the updated plans be included on the draft decision notice. T2B1020 P00 P6 T2B1020 P00M P5 T2B1020 P01 P5</p>
<p><u>Affordable B1c light industrial</u></p>	<p>As per paragraph 103 of the main report, 10% affordable B1 c light industrial floorspace has been secured. This space would be offered to Space Studios on a first refusal basis, recognising them as an adjoining neighbour. The rental values offered would be subject to marketing testing and prior liaison with Southwark.</p>
<p><u>Submission of a Development Consultation Charter</u></p>	<p>The applicant has submitted a Development Consultation Charter outlining a summary of the engagement and consultation that has been carried out on the application. The Charter details the meetings held with local groups, tenants associations, Friends of Burgess Park, members, residents, the GLA and officers. It also lists attendance at the Design Review Panel. The Charter documents a list of the main issues and comments made on the scheme, and how they were taken on board and responded to.</p>

Clarifications and corrections to the main report

Topic and paragraph affected	Correction or clarification
Description of development	The buildings heights for the Outline Component should read from “5 storeys to 35 storeys”, not “5 storeys to 39 storeys”.
Affordable housing - Paragraph 4 and 163	The original affordable housing offer back in 2017 was for 20%, not 25%. 25% was to be provided in the first phase, with 20% overall.
B1c provision - Paragraph 92 and Paragraph 93	<p>This paragraph refers to the current employment space on site as being 4,188 sqm (GIA).</p> <p>The proposed B1c within the new scheme would be 4,191 sqm (GIA) which is 4,513 sqm (GEA).</p> <p>Paragraph 92 states that there would be an uplift of 325 sqm which is therefore not correct. The uplift would be 3sqm.</p> <p>Also, paragraph 93 says there will be no loss of existing light industrial floorspace. Whilst the site is currently Strategic Industrial Land, the site contains mainly storage and warehousing so no B1c actually exists on the site.</p>

Building B6 Paragraph 229	Error in that Building B6 is noted a being 36 storeys where as it is 35 storeys.																																										
Incorrect reference to Southwark Studios Paragraph 276	This should read Space Studios.																																										
Commercial parking Paragraph 458	Paragraph 458 notes the 12 commercial spaces for the B1c light industrial use at grade level. The paragraph notes officers were undertaking some further discussion on the spaces. Following the discussions, the number of spaces proposed is considered appropriate to allow for the servicing needs of the B1c use.																																										
Daylight Paragraphs 373 and 398	<p>Corrections to the daylight table at paragraph 373 as follows.</p> <p><u>Ednam House</u></p> <table border="1"> <tr> <td>Main report INCORRECT</td> <td>84</td> <td>18</td> <td>21</td> <td>10</td> <td>17</td> <td>39</td> </tr> <tr> <td>ENVIRONMENTAL STATEMENT CORRECT</td> <td>84</td> <td>18</td> <td>21</td> <td>27</td> <td>16</td> <td>23</td> </tr> </table> <p><u>Greystoke House</u></p> <table border="1"> <tr> <td>Main report INCORRECT</td> <td>12</td> <td>9</td> <td>75</td> <td>2</td> <td>1</td> <td>0</td> </tr> <tr> <td>ENVIRONMENTAL STATEMENTCORRECT</td> <td>12</td> <td>9</td> <td>75</td> <td>3</td> <td>0</td> <td>0</td> </tr> </table> <p><u>Northfield house</u></p> <table border="1"> <tr> <td>Main report INCORRECT</td> <td>124</td> <td>89</td> <td>72</td> <td>22</td> <td>6</td> <td>7</td> </tr> <tr> <td>ENVIRONMENTAL STATEMENTCORRECT</td> <td>124</td> <td>89</td> <td>72</td> <td>28</td> <td>7</td> <td>0</td> </tr> </table> <p>In addition, paragraph 398 of the main report notes 'retain between 0.52 and 0.55'. This should read 'retain between 0.49 and 0.55'.</p>	Main report INCORRECT	84	18	21	10	17	39	ENVIRONMENTAL STATEMENT CORRECT	84	18	21	27	16	23	Main report INCORRECT	12	9	75	2	1	0	ENVIRONMENTAL STATEMENTCORRECT	12	9	75	3	0	0	Main report INCORRECT	124	89	72	22	6	7	ENVIRONMENTAL STATEMENTCORRECT	124	89	72	28	7	0
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3 bed flats with no amenity Paragraph 340	Paragraph 340 states there are 6 flats with no private amenity space in Building B4. This is incorrect. It is 9 flats.																																										
3G Astroturf to games court	The report incorrectly refers the installation of 3G Astroturf to the Leyton Square games court. This is incorrect. The 3G AstroTurf would be installed at Friary Road, next to the Friary Estate. The Leyton Square games court has been recently Astroturfed.																																										
Residential deliveries table paragraph 462.	This is replicated in the report twice. Instead the commercial deliveries table should have been inserted – this has been included below.																																										

Table to be inserted at paragraph 462: Commercial deliveries

Commercial Person assumed Trip by Mode								
	Phase 1 (1,796sqm)				Phase 2 & 3 (up to 3,704sqm)			
	AM peak		PM peak		AM peak		PM peak	
	Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart
Walk	6	0	1	6	12	1	1	13
Cycle	4	0	0	4	8	0	1	8
Bus	18	1	2	19	37	2	4	38
Rail	10	1	1	11	20	1	2	21
Car driver	0	0	0	1	2	0	0	3
Passenger	1	0	0	1	2	0	0	3
	Phase 1 (1,982sqm)				Phase 2 & 3 (5018sqm)			
	AM peak		PM peak		AM peak		PM peak	
	Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart
Walk	6	0	1	7	16	1	2	17
Cycle	4	0	0	5	11	1	1	11
Bus	20	1	2	20	49	3	5	51
Rail	12	1	1	12	27	1	3	29
Car driver	0	0	0	0	1	0	0	1
Taxi	1	0	0	1	3	0	0	3

Comments from the Director of Planning

18. Taking into account the above, the recommendation remains that planning permission be granted with conditions as amended by this addendum and the completion of a legal agreement, and subject to referral to the Mayor of London and the Secretary of State.

REASON FOR URGENCY

19. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the planning committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

20. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
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