

21/00415/FUL Redevelopment of Pera Business Park garden to 70 bed dementia care home and 22 extra care apartments with associated parking and landscaping, with access via the existing business park entrance.

Pera Business Park, Nottingham Road Melton Mowbray

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Peter Faulkner (Melton Egerton) and Rebecca Smith (Melton Egerton)
Date of consultation with Ward Member(s):	20 May 2021
Exempt Information:	No

1 Summary



Planning Report

21/00415/FUL Redevelopment of Pera Business Park garden to 70 bed dementia care home and 22 extra care apartments with associated parking and landscaping, with access via the existing business park entrance.

- 1.1 The site is located within Melton Mowbray and forms part of Pera Business Park, to the north of the town, with good access from the Nottingham Road (A606). The site is close to a good range of services and facilities, which make the site a relatively sustainable location for further development. The site would therefore be a suitable location for assisted living accommodation geographically as residents are still likely to be mobile, albeit with limitations.
- 1.2 Pera has altered its business model in recent years and the Business Park now is largely split into smaller business units. The use of the garden which forms the application site previously provided space for outdoor events for occupiers and social use but is now largely unused.
- 1.3 Access to the site would be via the existing business park entrance.
- 1.4 The application when submitted proposed a 77-bed dementia care home and 30 extra care apartments.
- 1.5 Revisions have been made during the application process following feedback from public and statutory consultation responses, amendments that have been made are as follows
- Reduction of 15 units across the care home and associated apartments
 - Reduction in height of the assisted living apartments to 3 storeys
 - Reduction in height of the proposed care home
 - Revisions to fenestration, including south facing oriel style windows to the care home on the east facing façade (cattle market)
 - Screening to the upper garden terraces along the eastern elevation (cattle market)
 - All fixed windows along the eastern elevation (cattle market)
 - Ventilation strategy and revised noise report for a fixed shut scenario
 - Reduction in hard landscaping extents around the site, including revisions to parking and a link of the 2 central green spaces
 - Revision to parking to allow for improved landscaping
 - Increased boundary set backs to Nottingham Road and the Cattle Market.
- 1.6 The application now proposes a 70-bed dementia care home and 22 extra care apartments.

RECOMMENDATION(S)

1. Approval subject to Conditions set out in Appendix C and a Section 106 Agreement for the following:

- a) Travel Parcks for each employee to inform them what sustianble travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).**
- b) A six month bus pass per employee (one application from to be included in Travel Packs and funded by the developer (can be supplied through LCC at (average) £510.00 per pass).**

- c) **Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.**
- d) **This travel plan will be monitored by LCC Officers for the five-year duration of its life. Fees for this service are set at £6,000.00 for a travel plan.**
- e) **2 of the apartments (10% of the 22 extra care apartments) to be affordable or an off site provision in the form of dwellings or as a financial commuted sum.**
- f) **£21,077.60 contribution to East Leicestershire and Rutland Clinical Commissioning Group for the provision of a second surgery in Melton.**

2 Reason for Recommendations

- 2.1 The proposal has been amended following negotiations with the applicant and concerns raised during the consultation period and as amended would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping and reduced scale and would not compromise residential amenity of either existing or future occupants of the area.
- 2.2 Melton has an ageing population, and the town has a need for extra care facilities to cope with the demographic change, ideally these facilities should be located no more than half a mile from the town centre, where there are no significant gradients, so that residents can visit the town centre and maintain social contact with the community.
- 2.3 The revised design and scale of the proposal has overcome initial concerns regarding the impact on the character and appearance of the site and wider locality along with the conflict between the compatibility of residential proposals alongside existing commercial land.
- 2.4 Furthermore, there have been no adverse impacts identified by statutory consultees that cannot be overcome by the provision of conditions requesting the submission of further details.
- 2.5 The proposal accords with the requirements of Policies SS1, SS2, and specifically Policy C2 with regards to proposals for retirement homes, sheltered homes and care homes.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The director for Growth and Regeneration (in consultation with the Chair of Planning Committee) considers this application as likely to raise matters which should be referred to the committee.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan (MLP) 2011-2036 was adopted on 10 October 2018 and forms part of the Development Plan for the area.
- 3.2.2 The Design of Development Supplementary Planning Document (SPD) was adopted on 24th February 2022.
- 3.2.3 The local plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

3.2.4 Please see Appendix E for a list of all applicable policies.

3.3 Main Issues

3.3.1 Principle of Development

3.3.2 Impact upon the character of the area

3.3.3 Impact upon residential amenities

3.3.4 Highway Safety

3.3.5 Ecology

3.3.6 Flood risk and drainage

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 Planning law states that planning decisions must be made in accordance with the development plan unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 & section 38(6) of the Planning and Compulsory Purchase Act 2004).

4.1.2 The Melton Local Plan forms the key part of the development plan and was adopted on 10th October 2018 and has full weight in decision making.

4.1.3 The National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) are very important material considerations that carry great weight and also contain policies and advice and guidance to the decision maker.

4.1.4 The site is located within Melton Mowbray, to the north of the town, with good access from Nottingham Road (A606) and policies SS1 and SS2 of the Melton Local Plan apply which reflect the presumption in favour of sustainable development within the NPPF.

4.2 Principle of Development

4.2.1 The Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017) in section 9.6 states how there is projected to be a large rise in the number of people with dementia and table 61 shows that for the Borough of Melton over the period of 2011 – 2036, this is likely to rise by 119%. Section 9.29 states “there will, however, need to be a recognition that there may be some additional need for particular groups such as those requiring specialist nursing or for people with dementia”. The Melton Borough Council Housing Needs Study (2016) in section 7.38 also states the same.

4.2.2 The applicant has commissioned a Planning Need Assessment, prepared by Carterwood, dated December 2020. The report takes into account granted planning permissions for care homes and extra care, which are yet to be implemented. In addition to the planning applications cited in the report, planning permission has been granted (on 13th April 2022) for a 60-bed care home, designed primarily to provide specialist dementia care, at the former Sandiccliffe garage site, Leicester Road, Melton Mowbray (20/01223/FUL).

4.2.3 Taking into account the additional approval (20/01223/FUL) there remains a shortfall of provision of need for particular groups such as those requiring specialist nursing.

4.2.4 The care home provision falls within use class C2 and so is not required to provide affordable housing. The extra care home provision falls within use class C3 and is required

to make affordable housing provision. Policy C4 requires any site in Melton Mowbray to make an affordable housing provision of 5-10%. This would equate to 2 of the apartments (10% of the 22 extra care apartments). On site provision is normally required in the first instance. However, off site provision in the form of dwellings or as a financial commuted sum may be considered.

4.2.5 Paragraph 4.2.1 of the adopted Housing Mix and Affordable Housing SPD does allow for circumstances where off site provision could be considered, relevant to this proposal is

- Where the number of affordable units that would result, is below the threshold of what would be commercially attractive to an affordable housing provider;
- Where the Council considers that on-site provision would not be deliverable, practical or best suited to local needs;

4.2.6 The Housing Mix and Affordable Housing SPD also allows for alternative options such as affordable units on an alternative site, purchase of land for a Registered Provider (RP) or the council, purchase of existing housing units, commuted sum or any mix of these options.

4.2.7 Given the proposed use of the site and the limitations regarding occupancy as set out in the description, dementia care home and extra care apartments, it is likely that an off site commuted sum would be the most preferable choice in this instance.

4.3 **Impact upon the character of the area**

4.3.1 Policy D1 of the Melton local Plan seeks to ensure that buildings and development are designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design.

4.3.2 The site comprises the former garden associated with Staveley Lodge. The lodge and gardens form part of the Pera Business Park and the gardens have been associated with the business units. The site is well treed and contains a number of ornamental species, it has two levels which are addressed via original garden steps and appears to have retained much of its original character with a maturity which informs and contributes to the urban landscape within this part of Nottingham Road.

4.3.3 The site contains a number of mature and protected (Tree Preservation Order) trees. A full report has been carried out and submitted as part of this application. The report has confirmed that the quality trees will be retained on site and where there is a loss of trees to development the survey has taken into account the significance, age and category of each tree, along with the addition of new planting.

4.3.4 The Pera "tower" is one of the tallest buildings in Melton Mowbray at 5 storeys high. The amended proposal now varies between 2 and 3 storeys in height for the proposed Apartments facing Nottingham Road and 2 and 4 storeys in height for the proposed care home. Given the context and character of the surroundings the proposal is not considered to be appear particularly incongruous given the scale of the buildings nearby.

4.3.5 Although the site is not identified in the Melton Local Plan as a green space, it does have an important role in informing the townscape and provides a mature tree setting to this end of Nottingham Road. It reflects the overall character of the road, which accommodates both street and front garden trees and which are an important contributor to defining the character of this part of the town.

- 4.3.6 As part of the submission an Arboricultural Survey was undertaken. The proposal and the Survey have been reviewed by Leicestershire County Council Forestry department who do not object to the proposal but have requested confirmation of native species within the replanting scheme and for a thorough Arboricultural Method Statement to be submitted by way of a condition.
- 4.3.7 Elevation details for the proposed care home show that the design has been staggered with varying heights ranging from two storey to four storey and reaching 14.5 metres in height at the tallest point (previously 15.9 metres). A mix of materials are proposed contrasting grey and buff brick have been chosen including feature coloured composite cladding, a condition is requested for the submission of material samples to be submitted prior to the commencement of development to ensure a palette that mixes with the surrounding area.
- 4.4 Elevation details of the proposed apartments again shows a staggered mix of heights but now reduced from 4 storey to 3 storeys and reaching 9.85 metres at the highest point (previously 12.85 metres). Materials for the proposed apartments have been indicated to match those proposed for the care home but again will be secured via condition.
- 4.5 It is acknowledged that the proposal would result in the loss of informal green open space and recognised that any development in this location will change the character of the area, however the green space currently associated as garden space to the Pera Building is not a protected green space which is specifically retained by policy within the Melton Local Plan, although the benefits of the garden area are recognised.
- 4.6 The proposal has been designed as two separate built forms to be developed around a central green area, this would ensure that an element of green open space is retained within the street scene and open views are achieved both towards and from the proposed green area within the development site.
- 4.7 Amendments to the proposal have also included setting the proposed apartment block back into the site to enable further landscaping to take place at the pavement edge, so whilst the built form will be viewed in the immediate street scene, its appearance will be softened by breaking up the proposed built form into two elements centred around a green area and additional planting provided within the street scene.
- 4.7.1 Whilst acknowledging the loss of informal green open space and recognition that any development in this location will change the character of the area, the reduction to the scheme along with set back from the pavement and the provision of screening, the elevation details and choice of materials will ensure that the proposal harmonises amongst its settings and is an appropriate scale and design that would accord with Policy D1 of the Melton Local Plan and the Core Design Principles of the Melton Borough Design SPD.
- 4.8 **Impact upon residential amenities**
- 4.8.1 Policy D1 states that the ‘Amenity of neighbours and neighbouring properties should not be compromised.’ Policy D1 also requires development to be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.
- 4.8.2 It is acknowledged that the site is to be positioned next to the Cattle Market and therefore additional mitigation measures are required to ensure the two uses can be compatible and will not negatively impact upon one another.

4.8.3 The proposed care home is to be set back between 4 and 7 metres from the sites boundary and the public right of way through to the cattle market, the proposed apartments are to be set back between 5 and 6 metres from Nottingham Road, both boundaries will include additional planting along with acoustic fencing proposed as part of the development.



4.8.4 For this application residential amenity would be overlooking and there may be issues with noise which are considered below

4.8.5 Firstly, looking at noise, an initial noise assessment was submitted as part of the application, through consultation with Environmental Health a revised noise report was requested and submitted for consideration.

4.8.6 Full comments from Environmental Health are detailed in appendix A of this report and it is acknowledged that further information is required to be submitted to the Local Planning Authority, however this information can be covered by condition.

4.8.7 An additional report is requested by condition to be submitted to the LPA detailing the finalised acoustics, glazing & ventilation mitigation scheme which should include

- Selected glazing for habitable rooms on a façade-by-façade basis
- Mitigation for the extra care apartments amenity spaces
- Additional mitigation options for habitable rooms on the western elevation of the extra care apartments.

4.8.8 In respect of internally generated noise, this has not been addressed in the existing acoustic reporting and further conditions are advised which are

- No development shall take place until a finalised acoustics, glazing & ventilation mitigation scheme has been submitted to and approved by the Local Planning Authority.
- No development shall take place until a scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall detail the internal layout of the building in respect of good acoustic design. Consideration needs to be given to adjacencies, both horizontal and vertical. In particular, how noise will be controlled from lifts, stairwells, external and

communal doors, corridors, boiler plant, kitchen extraction and connecting pipework etc. The approved scheme shall be completed prior to the first-floor occupation of the building and shall thereafter be retained throughout its occupation.

- 4.8.9 Based on the information above it is therefore acknowledged that there are some elements of noise that are unknown at present but this does not warrant refusal of the application, the purpose of any planning condition is to enhance the quality of a development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
- 4.8.10 The conditions as referenced above would serve to mitigate any adverse effects by the submission of information that would need to be formally discharged by the Local Planning Authority but in consultation with Environmental Health. It should also be noted that the noise engineers acting on behalf of the applicant is liaising with Melton Cattle Market separately.
- 4.8.11 To conclude subject to the submission of additional information in line with the consultation comments received the proposal would be in accordance with Policy D1 of the Melton Local Plan.
- 4.8.12 When turning to overlooking the following has been included as a result of initial consultation responses.
- Revisions to fenestration, including south facing oriel style windows to the care home on the east facing façade (cattle market) also fixed shut
 - Screening to the upper garden terraces along the eastern elevation (cattle market)
 - All fixed windows along the eastern elevation (cattle market)
- 4.8.13 It is acknowledged that fixed shut windows can negatively impact upon residential amenity in terms of heating, however as an additional measure a ventilation strategy has been submitted by the applicant. Window shading treatment is also included to reduce solar gain to some of the rooms.
- 4.8.14 A natural ventilation approach has been chosen as the main strategy for reducing the risk of overheating to the rooms and many rooms in the main building, and all the rooms in the residential building are proposed to be cooled in this manner.
- 4.8.15 In the main building, some areas will have restricted windows, or a high internal heat gain (for instance the administration areas). In these rooms natural ventilation may not be sufficient and therefore additional mechanical cooling will be required, this will be provided using externally mounted high efficiency reversible heat pumps.
- 4.8.16 It is considered that taking the above mitigation measures along with a condition requiring the provision of final details, the proposal could achieve a development in accordance with Policy D1 of the Melton Local Plan in terms of amenity of neighbours and neighbouring properties not being compromised by this development.

4.9 Sustainability

- 4.9.1 Policy EN9 – Ensuring Energy Efficient and Low Carbon Development states that Major development proposal will be required to demonstrate how the need to reduce carbon emissions has influenced the design, layout and energy source used, subject to viability.

- 4.9.2 The proposal includes low carbon heat pumps which will provide the primary heat for heating and hot water.
- 4.9.3 47 Roof mounted photovoltaic panels will be added to the roof of the main building and 32 panels will be added to the apartment building reducing both the energy consumption and carbon emissions of the proposed development.
- 4.9.4 Areas provided with supply ventilation will benefit from high efficiency heat recovery to transfer waste heat from the exhaust air into the supply air
- 4.9.5 The residential building apartments will benefit from the whole house mechanical heat recovery ventilation systems which will recover the waste heat from the exhaust air and transfer it into the incoming fresh air. As well as improving air quality in the areas, the applicant advises that the system reduces energy use in reheating incoming external air. Within the main building, local mechanical extract ventilation will be provided to all welfare facilities.
- 4.9.6 Lighting, both internal and external, will benefit from fully LED fittings, providing a long life as well as low power requirements.
- 4.9.7 External lighting would be limited to the access road, carpark areas and pathways around the building provided by settings on a time clock and also ambient light sensors to only be activated when light falls.
- 4.9.8 Active electric vehicle charging will be provided
- 4.9.9 Water reduction is proposed using low-capacity WC's, low flow taps and showers
- 4.9.10 Green roofs are proposed to improve insulation levels within the buildings along with proposals for rainwater retention within the site.
- 4.9.11 The measures as set out above would achieve a good level of both renewable and low carbon energy and are considered to be in line with tackling climate change and the aspirations of both the Melton Local Plan and declared climate emergency of Melton Borough Council.
- 4.10 **Highway Safety**
- 4.10.1 Policy D1 states that development proposal should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking.
- 4.10.2 Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provide appropriate and effective parking provision and servicing arrangements.
- 4.10.3 The site will be accessed via an existing signalised crossroads, providing access into the PERA Business Park. The access is approximately 7m in width with 2m footways located on either side of the road. The site will be located off a new driveway on the southern side of the PERA access.
- 4.10.4 Revisions have been made to the parking as a result of the amended proposal, the combined effect of the changes to the care home and associated apartments is a loss of 15 units, therefore 5 parking spaces have been omitted from the proposal (rate of 1 bay per 3 units), which has also allowed for improvements to the landscaping scheme.

- 4.10.5 A total of 46 Parking bays are now proposed as part of this application which includes disabled vehicle parking spaces and one being a space designed for ambulances. Covered cycle parking and a mobility store will be provided in close proximity to the site entrance
- 4.10.6 A transport statement has been provided as part of the application submission and the proposal reviewed by Leicestershire County council who have reviewed the amended application and have concluded that the proposal will have no impact on the public highway and advise approval subject to conditions and contributions.
- 4.10.7 Given the above advice and with the recommended conditions attached to any grant of planning permission, it is considered that the proposal would comply with the overall aims of Policies D1 and IN2 and would be acceptable from a Highway safety perspective.

4.11 Ecology

4.11.1 A preliminary ecological appraisal has been submitted as part of this application and reviewed by Leicestershire County Council as the specialists within this area, the County Council have recommended conditions to be attached to any permission granted these are as follows

- The recommendations in the bat report (Brindle & Green, October 2020: Section 7).
- The recommendations regarding reptiles in the ecology report (Brindle & Green, March 2020: Section 7.4).
- Installation of min. 3 groups of swift boxes/bricks in suitable positions on proposed buildings.

4.11.2 The following is an extract from the submitted ecological appraisal highlighting the ecological issues recommended for further consideration as a result of the initial investigation

Ecological Consideration	Recommendations	Timing
Breeding birds	Reasonable avoidance measures	April – June – Four visits
Roosting bats	Seven moderate suitability trees should be subject to two further surveys each to ascertain the presence or absence of roosting bats. Seven low suitability trees should be subject to reasonable avoidance measures should any of these trees be subject to removal	May-September Before development
Foraging and commuting bats	Full suite of transect surveys	May – September – Four visits
Reptiles	Reasonable avoidance measures.	Year Round

4.11.3 A phase 1 habitat survey was undertaken of the site to establish the presence and distribution of habitat types within the site and potential ecological constraints to development. The survey was extended to note the potential for habitats on site to support protected and/or notable species and for evidence of any such species. Hedgerows on site were assessed following the Hedgerow Survey Handbook (DEFRA 2007).

4.11.4 A note to the applicant should permission be granted has also been suggested stating the following

I would like to draw the Applicants attention to the other recommendations in the ecology report (Brindle & Green, March 2020: Section 7.1). in addition, as swifts are known to be present in the area, if works affecting the building are to take place during the bird-nesting season (March to July inclusive) then the building should be checked for nests prior to commencement. If any nests are found during the works, an appropriately qualified ecologist should be consulted. Netting to prevent bird nesting may only be done with prior approval of the LPA.

4.11.5 Following the submission of revised drawings, further consultation was undertaken with LCC Ecology who concluded that their position had not changed and whilst further information was required with regards to full details, LCC Ecology are happy for the additional information to be subject to planning conditions. The Local Planning Authority are satisfied that the Preliminary Ecological Survey undertaken includes a competent assessment of the site, along with a robust survey of existing habitat types and the conditions suggested would ensure that appropriate measures are put in place to mitigate harm to species on site and consider the proposal acceptable on this basis.

4.12 **Flood Risk/Drainage**

4.12.1 A drainage strategy has been submitted as part of the planning application, the conclusion of which is included below

“Mewies Engineering consultants Ltd (M-EC) has undertaken a Flood Risk Assessment as part of the application for a care development at Pera Business Park, Nottingham Road, Melton Mowbray. This assessment has been undertaken to ascertain the constraints of the development to the site and to assess the impact of the design, with respect to flood risk.

- All development is located within Flood Zone 1 and is therefore compatible with a “more vulnerable” development in line with policy guidance.
- The site is at very low risk from surface water flooding.
- The risk of flooding from all other sources is low.
- Surface water runoff generated at the site will be conveyed and stored within the proposed geo-cellular tanks on site. Surface water stored within the proposed geo-cellular tanks will discharge into the existing 525mm surface water sewer sough of the site at a Greenfield QBAR rate of 4.6l/s via a swale and attenuation basin.
- A total storage volume of 270.00m³ will be available within the proposed geo-cellular tanks to manage flows generated for events up to and including the 1 in 100 year plus 40% climate change storm.
- In addition to the geo-cellular tanks, there will be permeable paving, an attenuation basin and swale on site which will provide surface water treatment and minor additional storage.

- The disposal of foul water from the site will be via a new proposed connection into the existing 300mm combined sewer within Nottingham Road upstream, of manhole 9501. Given the site levels, a gravity connection can be achieved to the new proposed manhole connection”.

4.12.2 The drainage strategy has been reviewed by both Severn Trent and the Lead Local Flood Authority, Severn Trent have commented that a formal section 106 sewer connection approval will be required and that due to the size of this development a sewer modelling study is required to determine the impact this development will have on the existing system and if flows can be accommodated.

4.12.3 In response to the comments of Severn Trent, the applicant has already made contact with Severn Trent relating to outfalls which did flag that sewer modelling would be required. The applicants are accepting of a condition requiring the modelling exercise to be undertaken and if this flags that improvements to the foul network are required, then they are understanding that a connection won't be available until works are undertaken and capacity is made available.

4.12.4 Section 106 of the Water Industry Act 1991 provides and governs the right to communicate with public sewers and subject to the provisions of the legislation an owner/occupier of a premises or the owner of any private sewer which drains premises shall be entitled to have his drains or sewers communicate with the public sewer of any sewerage undertaken and thereby to discharge foul water and surface water from those premises or that private sewer.

4.12.5 The drainage strategy provided, and the proposed features highlighted above aligns with the requirements of Policy EN12 – Sustainable Drainage Systems which requires major developments to demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding allowing for climate change effects.

4.12.6 Accordingly subject to the inclusion of conditions the proposal is considered acceptable and will not increase flood risk and will manage surface water through the strategy submitted.

5 Consultation & Feedback

5.1 A site notice was posted on 25 May 2021 and advertised in The Melton Times, 3 letters of objection have been received from 3 separate households and one neutral letter. Details are contained within Appendix B

6 Financial Implications

6.1 No financial implications have been identified

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No legal or governance issues have been identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 None applicable to this application.

9 Appendices

Appendix A Consultation Replies Summary

Appendix B Summary of representations received

Appendix C Recommended Conditions

Appendix D Applicable Development Plan Policies

Report Author:	Louise Parker , Planning Development Manager
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