

<b>2.9 REFERENCE NO - 19/502925/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation of conditions 14 (opening hours) and 15 (delivery hours) to application 15/510051/FULL to enable the laundry business to be able to operate more flexibly to meet customer needs and in a manner as prior to the fire in June 2013.		
<b>ADDRESS</b> Faversham Laundry 29 Ashford Road Faversham Kent ME13 8XN		
<b>RECOMMENDATION</b> Approval subject to conditions and the signing of a deed of variation to the S106 agreement signed pursuant to 15/510051/FULL		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed variations of the conditions 14 and 15 of planning permission reference 15/510051/FULL would not result in any harmful impact to neighbouring amenity, highways safety or nearby heritage assets.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Faversham Town Council Objection		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Richard Cope <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 17/10/2019		<b>PUBLICITY EXPIRY DATE</b> 29/07/19

**Planning History**

15/510051/FULL - Retrospective planning application for the retention of the existing laundry building in its as-built condition. Members will note that the decision notice is attached.  
Approved      Decision Date: 21.03.2019

SW/14/0582 - Variation to condition 30 (hours of operation) of approved SW/13/1075.  
Refused      Decision Date: 29.11.2016

SW/13/1075 - Reconstruction of industrial premises following demolition due to serious fire.  
Approved      Decision Date: 20.12.2013

SW/11/0951 - Extension of commercial yard for car parking with associated boundary treatment.  
Approved      Decision Date: 30.09.2011

SW/10/1162 - Extension of existing commercial yard and the erection of a retaining wall and a fence with proposed planting and hedging for provision of a car parking area  
Refused      Decision Date: 12.11.2010

SW/00/1064 - Erect single storey extension to laundry.  
Approved      Decision Date: 22.12.2000

Members will also note that there is currently an application ref 16/508602/OUT for up to 250 dwellings (with all matters other than access reserved for subsequent consideration) on the Preston Fields site located immediately to the east. Members resolved to approve the

development at the Planning Committee on 01/03/2018 subject to the signing of a suitably-worded Section 106 agreement, which is currently under negotiation.

On the land immediately to the north of the laundry site , adjoining 9 Ashford Road and Orchard Cottage (two grade II Listed buildings) Members should note that a small development of 9 houses is currently under construction ,granted permission in February 2018 under Ref 17/502521/FULL.

## **1. DESCRIPTION OF SITE**

- 1.1 The application site is Faversham Laundry Services, 29 Ashford Road in Faversham. It is located to the south of Canterbury Road and immediately to the east of Ashford Road. To the north it shares a common boundary with no. 1 Orchard Cottages (formerly known as 9 Canterbury Road). Orchard Cottage and no.1 Orchard Cottage lie to the north of the site and are listed buildings. To the west the site shares common boundary with 31, 33 and 35 Ashford Road, whilst to the south the site shares common boundary with no. 35 Ashford Road and a field. The residential gardens of no. 31 and 33 back onto the west elevation of the laundry building. The site adjoins the Faversham Conservation area, and is located within the countryside.
- 1.2 The application site has an irregular shape, and narrows in width towards the rear, and has an area of approximately 0.3614 ha (or 0.8930 acres). The site is accessed via an access track taken from Ashford Road, which runs along the northern (side) boundary of no. 31 Ashford Road. The plot is occupied by a rectangular shaped building that has its western elevation approximately 3m from common boundary with the rear garden of no. 31 and 33 Ashford Road. The southern elevation of the building is located approximately 2m from common boundary with no. 35, and an adjoining field. Along the northern boundary of the site there is a 4m acoustic fence, which reduces to a 1.8m high fence at the eastern end of the northern boundary, close to a cycle shelter and car park located to the rear of the laundry building. There are differences in land levels between the laundry site and adjoining neighbour to the north, with the adjoining land being at lower land levels than the laundry site.
- 1.3 The provision of the acoustic fencing and ivy planting along the northern boundary formed part of the proposals under 15/510051/FULL and is controlled by condition (8) of 15/510051/FULL
- 1.4 The original, purpose-built laundry building was demolished following a fire in June 2013 (which was not subject to a planning permission or any of the attendant restrictions on matters such as operating hours), and a new building was built following the grant of planning permission in December 2013 under ref SW/13/1075 for a replacement laundry building. The Laundry employs a total of 100 staff (50 at any one time), and the business received funding from the Government to help with its reconstruction.

## **2. PROPOSAL**

- 2.1 The application seeks to vary condition (14) (regarding opening hours) and condition (15) (regarding delivery hours) of planning consent 15/510051/FULL to enable the laundry business to be able to operate more flexibly to meet customer needs in a manner prior to the fire in 2013.

2.2 The existing conditions are as follows;

Condition (14): *'The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 8.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority.'*

*Reason: In the interests of the amenities of the area.'*

Condition (15): *'Deliveries (or other vehicle movements to and from the site) shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4am and 2.30pm on Bank Holidays; and no more than a total of four lorry movements shall take place between 4am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.'*

*Reason: In the interests of the amenities of the in full.'*

2.3 It is proposed to vary condition (14) as follows;

Condition (14): *'The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 10.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority, accept for a limited number of Sundays in July and August as agreed beforehand with the Local Planning Authority.'*

2.4 The proposed variation of condition (14) would allow the use of the premises to operate until 10.30pm on Bank Holidays, rather than 8.30pm as set out in the existing condition. The proposed variation would also allow the business to operate on a limited number of Sundays in July and August, the specific dates/number of Sundays would be agreed beforehand in writing with the Local Planning Authority. The current condition does not allow the business to operate on Sundays, other than for planned maintenance which would be agreed in writing by the Local Planning Authority.

2.5 It is proposed to vary condition (15) as follows;

Condition 15: *'Deliveries shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4.00am and 2.30pm on Bank Holidays; and no more than a total of five lorry movements shall take place between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.'*

2.6 The proposed variation of condition (15) is with regard to traffic movements to and from the site. With regard to lorries undertaking deliveries the condition currently restricts lorries to a total of four movements in the period between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day , the proposed variation would extend this to five movements.

2.7 The existing condition (15) also restricts 'deliveries (or other vehicle movements to and from the site) between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4am and 2.30pm on Bank Holidays'. The proposal seeks to remove the reference to 'or other vehicle movements to and from the site'

from the condition wording and is noted to allow staff to enter/exit the site outside of these times. The proposed variation would not alter when deliveries can take place.

### 3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.3614 ha	0.3614 ha	-
Approximate Ridge Height (m)	8.8m	8.8m	-
Approximate Eaves Height (m)	7.04m	7.04m	-
Approximate Depth (m)	68m	68m	-
Approximate Width (m)	28m	28m	-
No. of Storeys	2	2	-
Net Floor Area	-	-	-
Parking Spaces	26	26	-

### 4. PLANNING CONSTRAINTS

- 4.1 Adjacent to Faversham Conservation Area
- 4.2 There are listed buildings to the north of the site (Orchard cottages - and formerly known as nos.9 and 11 Ashford Road)
- 4.3 Countryside location as defined in the Swale Borough Local Plan “Bearing Fruits” 2031

### 5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 8 (sustainable development); 11 (the presumption in favour of sustainable development); 80-82 (building a strong, competitive economy); 127 and 130 (good design); 170 (enhance the natural and local environment); 180 (living conditions including noise); and 192 and 193 (impact on heritage assets) are relevant to this proposal
- 5.2 Swale Borough Local Plan “Bearing Fruits” 2031 – ST1 (sustainable development), ST2 (targets for homes and jobs), ST4 (meeting local plan development targets), CP2 (sustainable transport), DM6 (managing transport demand and impact), DM14 (general development criteria), DM32 (Development Involving Listed buildings), DM 33 (Development Affecting a Conservation Area), and DM34 (Archaeological sites).

### 6. LOCAL REPRESENTATIONS

- 6.1 One representation neither objecting nor supporting the application from a neighbour at 35 Ashford Road has been received. The content is summarised as follows:
  - Concerns regarding a condenser pipe (which the representation notes is an environmental issue rather than planning) are being actively resolved by the applicant. The condenser pipe makes a loud intermittent noise due to a fault and a solution is being looked into.
  - If not rectified, it would represent a harmful noise impact as it is close to bedroom window. As such, they raise no objection subject to a note that the condenser pipe issue is resolved within a 6-month timeframe.

## 7. CONSULTATIONS

7.1 Faversham Town Council object (23/07/2019) for the following reasons;

*1) The original reasons for the restrictions to opening hours still stand,*

*2) Additional housing is planned in the vicinity and the future residents of these properties need protecting.*

*3) Planning for Preston Fields is still undecided. If planning permission is granted, the entire laundry would be surrounded by residential properties. This is predominantly a residential area not industrial.*

7.2 KCC Highways and Transportation (21.06.2019) advise that this development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

7.3 Mid Kent Environmental Protection (08/07/2019) raise no objection to the application. The proposal would be for a minor variation to the existing planning conditions that will facilitate a more flexible working of the business. In view of the previously required noise mitigation works including the provision of an acoustic grade fence on the northern boundary of the site, no objection is raised.

## 8. BACKGROUND PAPERS AND PLANS

8.1 The application has been supported by an application form and Planning Statement.

## 9. APPRAISAL

9.1 The main considerations in the determination of this planning application are the impact on the surrounding residential amenity, highway implications, and the impact on the setting of the listed buildings and the special character of the conservation area. The principle of development has been established under planning consent 15/510051/FULL, and the proposal seeks to vary two planning conditions of this consent.

### **Residential Amenity**

9.2 As part of the previous application measures were included to ensure the impact upon neighbouring properties was minimised. This included insulation of the external walls and roof to minimise noise emissions from the building, ventilation and flues which were carefully designed to minimise noise impact on neighbours. A 4m high acoustic fence (which decreases to 1.8m high at rear end of the site) along the common boundary with neighbours at Orchard Cottages (formerly known as 9 and 11 Ashford Road) was required by condition, and it was considered that an acoustic fence of this height is sufficient to reduce the noise breakout and deflect a significant amount of the noise. This acoustic fence is now in place as per the requirements of condition 8 of 15/510051/FULL. As outlined within the report for this application, the Environmental Protection Team Leader confirmed that these measures were acceptable.

- 9.3 The previous application concluded that the main reasons of objection had been overcome, (these mainly being the noise impact suffered by neighbours as a result of operations within the building, and vehicles going in and out of the site) from the sound insulation measures, acoustic fence and hours of operation, and as such it was considered that any noise impact that may be caused to neighbours (Orchard Cottages - nos. 9 and 11 Ashford Road in particular) would be mitigated to acceptable levels and will not harm the living conditions of these neighbouring properties.
- 9.4 It must therefore be considered whether the proposed variation to conditions (14) and (15) would result in any significant harmful impact to neighbouring properties.
- 9.5 The proposed variation of condition (14) would extend the use of the premises by a further two hours until 10.30pm on Bank Holidays and would bring it in line with the hours of use on weekdays. The proposed variation of condition (14) would also allow the use of the business on a limited numbers of Sundays in July and August which would have to be agreed beforehand with the Local Planning Authority. The supporting information notes that there is demand for longer opening hours on Bank Holidays as these are often the busiest times for the laundry businesses. The supporting information also notes that use of the business on a Sunday would be as a contingency measure for example in the event of a mechanical break-down/power failure at the Laundry or event beyond the control of the laundry. It is proposed that in the event Sunday working is necessary in July/August then the company would give written notice to the Council in advance as far as reasonably practicable and this would need to be agreed by the Local Planning Authority.
- 9.6 With regard to the impact upon neighbouring properties, it is considered that the existing noise mitigation measures including the insulation and acoustic fencing are sufficient to ensure neighbours maintain a suitable level of residential amenity. As such, the increased length of operation by two hours on Bank Holidays and limited Sunday use as a contingency measure are not considered to have a harmful impact upon neighbouring properties. It should be noted that Mid Kent Environmental Protection raise no objection to the minor variation to the existing planning conditions taking into account the previously required noise mitigation works.
- 9.7 The proposed variation of condition (15) would allow the increase in the number of lorry movements from four to five in the period between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. The supporting information outlines this is required because on three days a fortnight, the laundry requires the use of a fifth delivery goods vehicle to service channel port ferries and therefore requires the flexibility to accommodate this. The proposal would not alter the part of the condition which limits the timing of lorry movements. Taking this into account, and the existing mitigation measures such as the acoustic fence it is not considered that this minor variation of condition (15) would materially harm neighbouring properties.
- 9.8 The other part of the proposed variation of condition (15) would allow vehicular movements (other than deliveries and lorries which would remain controlled) to and from the site outside of the times in the condition. This is primarily to enable staff to be able to enter/exit the site when the business is in use, but falls outside of the delivery times. For example the hours of operation for the laundry are 7 am to 4.30 pm on Saturdays, and the current condition restricts vehicular movements between 4am to 12:00 noon on Saturdays, therefore laundry staff could not leave the site in a vehicle

between 12:00-16.30. It is considered that the removal of this wording of the condition is a pragmatic approach to ensure staff can park within the staff car park, and not on the public highway. It is considered that as deliveries and lorries would remain controlled by the condition and the existing noise mitigation measures in place, that neighbours would not be unduly harmed from vehicular movements to the site. It should be noted that Mid Kent Environmental Protection raise no objection to the minor variation to the existing planning conditions taking into account the previously required noise mitigation works.

9.9 Therefore taking into account the above, it is considered that the proposed variation of conditions (14) and (15) would not result in any significant harmful increase in terms of noise and disturbance than existing, which was noted to have an acceptable impact upon neighbouring properties. As such, it is considered that the impact on neighbouring properties is acceptable.

9.10 A neighbouring property has raised a concern about a faulty condenser pipe which controls steam. Steam venting does not fall within the planning remit and the neighbour representation notes that this is an Environmental Health consideration and it would be covered by the Environmental Protection Act 1990. An informative will be included in the event of an approval reminding the applicant to address this neighbouring concern.

#### **Highways Impact**

9.11 The proposed variation of conditions (14) and (15) would not alter the existing access arrangements and the previous report outlines the existing access is acceptable and sight lines for vehicles leaving and entering the site are standard. There is existing car parking at the rear of the site including a turning area, and a cycle shelter controlled by condition. It is not considered that the variation of conditions would result in a significant increase in vehicular movements to the site and would allow for flexible working arrangements for the laundry rather than an expansion of the business. As such there is no objection to the variation of conditions of highways grounds.

#### **Design, Visual Impact and Impact on the setting of the listed buildings and conservation area.**

9.12 The site lies in a sensitive location adjacent to the boundary of the designated Faversham Conservation area and is within the setting of two grade II listed properties (Orchard Cottages). It is therefore important to consider whether the proposed variation of conditions would have a detrimental impact on these heritage assets.

9.13 The previous approval included a screen to minimise the visual impact of the laundry building. As such an acoustic fence with ivy planting on the northern side was agreed to create a living fence details of which were secured by both a planning condition and legal agreement to secure the provision of the acoustic fence and ivy planting, and to guarantee access across third party land to allow regular maintenance of the fencing and planting. This living-green acoustic fence has been erected, and will be controlled through planning conditions and a deed of variation for the legal agreement.

9.14 The Conservation and Design Manager has raised no objection to the proposal. It is considered that the proposed variation in conditions is minor and the difference in

proposed operating times and intensity is not significantly different. As such the Conservation and Design Manager considers the proposal would result in only a very marginal decrease in the planned re-created orchard setting for the listed buildings to the north of the site (Orchard Cottages), within that part of the Faversham Conservation in which they sit. Therefore it is not considered the variation in condition would result in any harm in terms of visual impact, and would not result in a harmful impact on the setting of listed buildings or conservation area.

## **10. CONCLUSION**

- 10.1 The application site is an established employment site occupied by the Faversham Laundry business for a long time, and certainly prior to the creation of the planning system (the Town and Country Planning Act in 1947). The proposed variations of condition (14) and (15) are proposed to enable the laundry business to be able to operate more flexibly to meet customer needs and in a manner prior to the fire in June 2013.
- 10.2 The noise insulation of the building was improved during the previous application, and an acoustic fence has been erected to further ameliorate noise from activities associated with this site. The previous application concluded that the hours of operations, vehicular movements and noise mitigation measures ensured there would not be any significant harm to neighbouring properties. The proposed variations in terms of opening hours and delivery arrangements are minor in nature, and taking into account the existing noise mitigation measures it is not considered that these variations would materially harm neighbouring properties.
- 10.3 Nor are the minor variations considered to cause any harm in terms of highways impact or impact upon listed buildings and the conservation area.
- 10.4 The previous application was approved subject to the completion of a Legal Agreement to secure the provision and future maintenance of the acoustic fence and ivy planting, and subject to conditions. It is considered that a deed of variation of the existing S.106 legal agreement (signed pursuant to 15/150051/FULL) will also be required to reflect the new planning consent to ensure the future maintenance of the acoustic fence and ivy planting.
- 10.5 The proposed variation of conditions (14) and (15) would in effect create a new planning permission. As such the relevant conditions of the previous approval 15/510051/FULL will be carried over to this new consent.

## **11. RECOMMENDATION**

GRANT Subject to the signing of a deed of variation of the Legal Agreement (signed pursuant to 15/150051/FULL) to secure the provision and maintenance of the acoustic fence and ivy planting, access to third party and for maintenance, and to the following conditions:

### **CONDITIONS to include**

1. The development hereby approved shall be carried out and maintained in accordance with the following:
  - INF/3540/3 C (elevation drawing), and amended drawing nos. INF - 3540-2



Rev D (boundary treatment); INF-3540-1 Rev C (site plan)

- Brochure of Jakoustic barrier,
- Ivy Planting and maintenance schedule,
- Acoustic Report prepared by Sharps Gayler and dated 10 February 2017,
- Drainage details received by the Council on 17.01.20.17.

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

2. The external finishing materials incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenity and the special character and appearance of the Faversham conservation area and the setting of the listed building.

3. The renewable sustainable techniques (as specified on elevation drawing no. INF/3540/3 C - elevation drawing), hereby incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development

4. All mechanical ventilation system incorporated into the development shall be maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity

5. All dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be as incorporated into the development and shall be maintained in accordance with the approved details

Reason: To safeguard the amenities of nearby residential properties

6. The method of disposal of foul and surface waters incorporated into the development shall be maintained in accordance with the approved details.

Reason: In order to prevent pollution of water supplies

7. The scheme of soundproofing incorporated into the construction of the building shall be maintained as approved

Reason: In the interests of local amenity

8. The acoustic fence and ivy planting shall be carried out in accordance with the details specified on amended drawing nos. INF - 3540-2 Rev D (boundary treatment) and INF-3540-1 Rev C (site plan), and shall be maintained in accordance with the approved maintenance schedule (JB Landscape letter dated 14/2/17).

Reason: In the interests of the visual amenities of the area

9. Upon completion of the approved landscaping scheme (as detailed on amended

drawing no. INF/3540/1 rev C and elsewhere, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

10. Notwithstanding the landscaping detail shown on amended drawing no. INF/3540/1 rev C and elsewhere, a landscaping scheme for the car parking area shall be submitted to and approved in writing within 1 month from the date of this planning permission, and the scheme shall be implemented within 1 month from the date of approval of such detail. Any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

11. The floodlighting, security lighting and external lighting installed or operated at the site, shall be maintained in accordance with the approved details (specified on INF/3540/3 C (elevation drawing)).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

12. The area shown on the submitted site plan for loading, off-loading and vehicle parking space shall be maintained as approved and no permanent development shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate space for the loading, offloading and parking of vehicles is likely to lead to parking inconvenience to other road users and be detrimental to highway safety and amenity.

13. The cycle shelters hereby approved shall be maintained in accordance with the approved details.

Reason: In the interests of ensuring that proper provision is made for cycle parking.

14. The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 10.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority, accept for a limited number of Sundays in July and August as agreed beforehand with the Local Planning Authority.

Reason: In the interests of the amenities of the area.

15. Deliveries shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4.00am and 2.30pm on Bank

Holidays; and no more than a total of five lorry movements shall take place between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.

Reason: In the interests of the amenities of the area.

16. The roller shutter doors shall be kept closed except for when vehicles need to pass in or out of the building.

Reason: In the interests of the amenities of the area

### **INFORMATIVES**

1. The applicant is reminded of the requirement to comply with conditions 4 and 5 of this consent. Steam venting falls outside the planning remit, but is covered by Environmental Health legislation, and the applicant should ensure any faulty equipment is fixed and thereafter maintained.

### **The Council's approach to the application**



In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



	<b>19/502925/FULL Faversham Laundry 29 Ashford Road Faversham Kent ME13 8XN</b>	 © Astun Technology Ltd
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