REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	12.01.2011		
Application Number	W/10/03236/REM		
Site Address	Land Rear Of The Grange Ashton Road Hilperton Wiltshire		
Proposal	Application for reserved matters relating to 30 dwellings, garages, roads, associated works and open space pursuant to outline planning permission 05/00554/OUT		
Applicant	Abbey Developments Ltd		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	387626 158803		
Type of application	Reserved Matters		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Ernie Clark has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design bulk, height, general appearance
- * Environmental/highway impact
- * Car parking

"Further to my call-in request of 23rd October, I now specify the issues that concern me. I have also had issues raised with me regarding the 'enabling' outline permission which might be taken to the High Court for judicial review. Should this application be allowed to proceed before the 'legality' of the outcome, on which it is based, is confirmed?"

1. Purpose of Report

To consider the above application and to recommend that the reserved matters be approved.

Neighbourhood Responses:

Correspondence from 32 addresses has been received, generally objecting to the scheme.

Hilperton Parish Council Response: Objects.

2. Main Issues

The main issues to consider are:

- * Planning history and context including approval of access;
- * Siting;

- * Design;
- * External appearance; and
- * Landscaping

3. Site Description

The site which is outside, but on the edge of the Hilperton Conservation Area, is located on land to the south of The Grange. It adjoins a public footpath/bridleway on its western boundary with an existing residential development forming part of Paxcroft Mead to the south and east. The Paxcroft Mead development at this point is characterised generally by large detached, 'executive style' dwellings with a low density arrangement.

The site has an area of approximately 1.8 hectares comprising a developable area for housing of approximately 1 hectare, and public open space of approximately 0.8 hectares. The site is open grassland and slopes from the north down to the south of the site. It is enclosed by a mix of hedging and trees.

4. Relevant Planning History

01/01969/OUT - Residential development and associated roads, cycleway and open space – Refused on 01.04.2004 (Appeal dismissed on 22.12.2004)

05/00554/OUT - Residential development and associated roads, cycleway and open space – Permission on 14.04.2008

5. Proposal

This is a reserved matters application pursuant to the extant outline planning permission reference 05/00554/OUT which approved the scheme in principal and also the details of access. The reserved matters for which approval is being sought now are siting, design, external appearance, and landscaping.

The proposal is consistent with the outline approval with the dwellings sited to the south east of the site, adjoining the north-eastern and south-eastern site boundaries, with a swathe of open space provided around the development and forming an 'L' shape to the south-west and north-east.

The proposal has detailed the erection of 30 dwellings including 21 for sale on the open market and 9 as 'affordable housing' to be managed by a registered social landlord. This has been designed as 7 house types which includes; 8x five bedroom, 2.5-storey dwellings; 13x four bedroom, 2-storey dwellings; 4x three bedroom, 2-storey dwellings; and 5x two bedroom, 2-storey dwellings.

The 9 affordable housing units required under the terms of the outline planning permission have been sited in two groups, one at the south east corner of the site as 2 pairs of semi-detached dwellings (4 units) and another in the centre of the site as a pair of semi-detached dwellings and one terrace of 3 properties (5 units). All the market accommodation has been designed as detached dwellings, save for units 16 and 17 which are detached but linked by their garages.

The proposal includes garaging, parking and roads to service the development utilising the already approved access between 70 and 72 Lacock Gardens. There are 78 parking spaces proposed, including garaging and visitor spaces, which has been allocated as between 1 space per dwelling and 4 spaces per dwelling.

Existing trees and hedgerows are shown as being retained on the site boundaries with the exception of those lost in order to provide for the approved access. Additional planting has been detailed in order to try and provide a suitable setting for the development. The proposed cycleway traverses the site from north-east to north-west within the area designated as public open space.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP3 Need for additional housing land

DP4 Towns and main settlements

DP7 Housing in towns and main settlements

HE7 Conservation areas

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas

C31a Design

C32 Landscaping

C38 Nuisance

H1 Further Housing Development Within Towns

H8a Land South of the Grange, Trowbridge

H24 New Housing Design

T11 Cycleways

U1a Foul Water Disposal

U2 Surface Water Disposal

Supplementary Planning Document – Residential Design Guide (2005)

Hilperton Village Design Statement (2005)

National Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS17: Planning for Open Space, Sport and Recreation

PPS25: Development and Flood Risk

7. Consultations

Hilperton Parish Council

04.11.2010

Hilperton Parish Council strongly objects to this application for the following reasons:-

- a) The application is contrary to the Inspector's views in a previous appeal decision, regarding density, style and over-development of the site
- b) The scale and mass of the proposed development is not considered acceptable. Reducing the density of the development would allow more parking space and would bring relief to Lacock Gardens
- c) The proposed houses will be incompatible with the design of neighbouring buildings
- d) There will be an unacceptable loss of trees and hedgerows, contrary to the survey of the site
- e) There are insufficient parking spaces and garaging
- f) There will be a loss of important wildlife habitats
- g) There is a very high risk of flooding in the area
- h) The proposed properties will overlook and dominate nearby buildings and cause conflict with the character of the area
- i) The proposed properties will have a poor relationship with nearby buildings
- j) The proposed road system will be inadequate and will prejudice highway safety, and the proposed access will not be suitable

I would also like to add that it is the view of the Parish Council that this site would benefit from a financial contribution from the developer rather than the provision of social housing.

At the planning committee meeting, thirty-two members of the public came to speak against this application. Local residents clearly have strong feelings about this proposal, for very rational reasons, and the Parish Council feels these should be considered carefully.

Highways

No objection subject to conditions.

Libraries and Heritage

No objections.

Education

No comments received.

Environment Agency

No objection.

Drainage Engineer

No comments received.

Wessex Water

No objections.

Wildlife Trust

No comments received.

Natural England

No comment to make.

Council's Ecologist

No objection.

Spatial Plans

No objection.

Housing

No objection.

Tree and Landscape Officer

No objection (subject to satisfactory confirmation of treatment to existing boundaries which are in a very poor condition).

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 3 December 2010.

Correspondence from 32 addresses (including 1 from Duncan Hames MP on behalf of one of his constituents) has been received, generally objecting. Additionally a petition with 15 signatures has been submitted. Summary of points raised:

- * Density and number of houses is too high;
- * Local facilities are already stretched/inadequate (including education, employment and leisure);
- * Anti-social behaviour is already a problem in the area;
- * There are other schemes with affordable smaller units negating the need here;
- * Design is out of keeping with the current style and layout of the area;
- * Insufficient parking:
- * Likely that cars will park on-street;
- * Increase in traffic would be dangerous to pedestrians and cyclists;
- * Field is liable to flooding and drainage problems affected existing property;

- * Harm to wildlife with a loss of protected hedgerows;
- Local opinion does not appear to be taken into account;
- * Affordable housing needs to be relocated (this is not a suitable location for affordable housing);
- Loss of value to property in Lacock Gardens:
- Trowbridge is nothing more than a building site;
- Paxcroft Mead is already too big and overcrowded;
- 2 & 3 bedroom properties are completely out of keeping;
- * The proposals are cramped:
- * Revised plans do not in any way answer local objections;
- * Accept that building on the land is inevitable, it is important to get the type of development right;
- Other land in the area could be used as an overspill parking area;
- * Is the current sewer system able to cope?
- * Harm to residential amenity from loss of light and privacy;
- * A further buffer on the eastern and southern boundary should be provided to separate it from existing property and to help drainage;
- * Too many houses leading to undue noise and fumes:
- * Loss of trees should be avoided and creation of a narrower access to the site made;
- * Questions the validity of the outline consent and that a Judicial Review may occur.
- * There is not likely to be the demand for this housing given the limited job opportunities and poor mortgage offers at present;
- * Harm to the setting of The Grange and conservation area;
- * Impact on protected species and in particular bats;
- Disruption during the construction phase;
- * Area was allocated for low density housing in the Paxcroft Mead Materplan;
- * A further or alternative access in the south west corner would be better;
- * Inadequate consultation and need to consider the "Big Society" agenda;
- * Rear access to plots 16 and 17 is a potential hang out and dangerous;
- Developer contributions required to the local community;
- * Will there be plans to be build more houses in the future;

9. Planning Considerations

9.1 Planning context and history

This site has been allocated within the local plan for development since 2004 under Policy H8a. This allocated the land in general terms for a developable area of 1 hectare to accommodate circa 35 dwellings (including affordable homes to meet the local need in accordance with Policy H2). A further area of 0.8 hectares was identified for open space.

Prior to the formal allocation of the site and the adoption of this local plan policy, an application in outline form for 30 dwellings was submitted in 2001. This was submitted and considered in light of the emerging 2004 local plan policy and despite an officer recommendation for permission was refused by the Council on the grounds that the cycleway links were not convenient, more than one access to the site should be created for the sake of neighbouring amenity and the concentration and design of affordable housing would fail to create a socially inclusive community. This matter was appealed in 2004 and an inspector dismissed this supporting based the third reason for refusal, but also draw criticism of the standard design types proposed considering that they failed to acknowledge the local vernacular.

Pursuant to the formal adoption of the current local plan's allocation of the site, and the 2004 dismissed appeal, a further outline planning application was submitted to the local planning authority in 2005. This sought merely to gain approval of the principal and the details of access; indicating the developable area, the open space, the cycleway route and the vehicular access. This was all in accordance with the local plan policy and was granted planning permission in 2008 following the development control manager being satisfied that a legal agreement had been entered into securing developer contributions. These developer contributions included a requirement for provision of affordable housing in accordance with Policy H2 of the West Wiltshire District Plan 1st Alteration (2004), provision of open space, contribution to public transport and contribution to public art.

It is within this context and pursuant to the extant planning permission from 2008 that this application for approval of reserved matters is now being submitted. It is stressed that the principle of the development is established and those matters cannot be reasonably revisited within the scope of this reserved matters application.

9.2 Access

As detailed above the access arrangements are not open for consideration within this application because they have already been approved in 2008 under reference 05/00554/OUT.

Suffice to state that this detailed scheme's access is in accordance with the outline approval. Furthermore it is in accordance within the local plan allocation details and has been an issue considered by a planning inspector in 2004 and found to be unobjectionable.

In addition the highway officers have raised no objection to the scheme following submission of revised plans to address detailed engineer issues on the parking provision. The Council's tree and landscape officer raises no objection to the loss of two trees in order to facilitate the access and there would be a substantial amount of new planting which would more than compensate for this loss.

9.3 Siting

This proposal details the siting of 30 dwellings and all the associated works in connection with this including garages, parking provision access roads and boundary treatments.

The affordable housing provision of 9 units has been split into two groups within the site and is mixed to be 6x semi-detached units and 3x terraced. These units have been sited in the south east corner of the site at the entrance to the development and in the centre of the site. They have dedicated frontage parking of either 1 or two allocated spaces and also have dedicated visitor parking. These properties benefit from their own enclosed private rear gardens.

It is considered positive that the affordable housing units have been split within the site as this is more in keeping with the government objective of mixing development with affordable social housing integrated into development. From the practical perspective of a registered social landlord carrying out maintenance to these properties it is necessary for them to be clustered in small groups and in this case two groups of 4 and 5 units is a suitable approach.

Furthermore it is considered a very positive approach to have some of the affordable houses sited at the entrance to the development. This helps integrate the units into the scheme, so rather than trying to hide or isolate affordable housing, it will be prominent upon entering the development. Indeed siting the second group of units in the heart of the development helps to create a sense of inclusion and integration.

In general terms the units have all been sited to avoid any significant levels of overlooking, both within the development, and to/from those properties which abut the site on the southern and eastern boundaries. Given the relative orientation and siting of the units on the southern boundaries of the site it means that no harm in terms of overbearing or loss of light would occur to those properties in Lacock Gardens. On the eastern boundaries of the site there are 3 existing properties abutting the application site and 6 new properties along this boundary are being proposed. 4 of these units are the relatively modest 2 storey affordable units and these would back onto an existing play area only. The two other units are the largest house type being proposed with a 2.5 storey scale. Despite their scale, given the siting and relative orientations of these units it is not considered that any harm would occur to neighbouring amenity.

There are no houses proposed on the western and northern margins of this site as that remains public open space. Siting the development within the 'developable area' not only means the plans accord with the outline planning permission but also means that any impact on the setting of the conservation area to the north is minimised.

The siting of the development includes the provision of 78 parking and garaging spaces for 30 dwellings. This is well above the maximum requirements of the Council, however it is considered to strike a reasonable balance between policy and local objections over eth lack of parking provision. It is noted that several of the largest dwellings are sufficient space for up to 4 vehicles and the smallest

2 bedroom units have 1 space and nearby visitor parking. This is considered to be a reasonable approach and unobjectionable.

9.3 External appearance

In terms of the visual impression of the proposals the scheme has been set out in a contemporary manner. Key visual points in the development have been suitably treated with planting or details on buildings. Buildings have been staggered and have varied design in order to add to the overall interest of the street scenes which will be created. These will broadly be in keeping with the developments of Paxcroft Mead, albeit of a higher density.

It is acknowledged that the developments to the south and east of the site are lower density than is being proposed here. These were allocated in the Paxcroft Mean Masterplan as low density; however this site is not actually part of the Paxcroft Mead allocation and is a separate allocation in the 2004 plan. This site was allocated in the 2004 plan under Policy H8a for 35 dwellings and PPS3 on housing does require an efficient use of land to be made. This scheme has a reduced density of development compared to the site's allocation in the local plan. This is considered to reflects the recent changes to PPS3 which eliminated the minimum housing density requirements. A balance between planning requirements needs to be had in regards to density and it is considered that the provision of 30 dwellings, including 9 affordable units, is a pragmatic approach. Whilst it does not exactly replicate the low density of Lacock Gardens or the purely detached and executive style housing, this proposal meets the objectives of Policy H8a in providing a mixed tenure residential scheme with a variety of housing types to meet the local needs.

The proposals have been submitted with details of materials. These state the use of red/orange multi brick and cream render to the walls and brown profiled concrete tiles and reconstructed grey slate to the roofs. Properties will have reconstructed stone details including sills and keystone heads. Whilst this is not particularly exemplar in quality it is in keeping with the Paxcroft Mead development generally. Furthermore although this is a separately allocated site and not part of the overall Paxcroft development, in reality (largely due to its access point and the open space provision) it relates better to this new housing estate than the older historic development to the north. The external appearance of the development addresses the balance between being in keeping with surrounding development and more recent planning objectives of creating mixed and inclusive communities with affordable housing integrated into developments.

9.4 Design

The built-form of the proposals has a design which is very contemporary. There are 7 different house types being proposed which all are well proportioned and unobjectionable. This scheme has largely detached dwellings which are perfectly in keeping with the executive homes of Lacock Gardens; albeit not exact replicas there is no requirement for them to be as this development will form its own street scene and is not viewed in the context of Lacock Gardens.

It is for this reason that the linked-detached, semi-detached and terraced properties in the proposals are not objectionable. They will not be viewed as part of Lacock Gardens and this scheme will create its own street scene. An objective of new development is that a variety of designs are employed and this scheme will create a range of 7 different housing types over 2 and 2.5 storeys which will create an interesting and varied street scene.

The affordable housing has been better integrated into the proposals compared to the scheme which was dismissed at appeal in 2004 and this offers a variety and interest to the design of the scheme. To this extent the treatment of affordable housing in the proposals, including introducing it at prominent points in the street scene, would create a mixed and interesting street scene.

A inspector's criticism at appeal in 2004 of an earlier scheme was that the local vernacular of Hilperton had not been incorporated into the scheme and that the design quality was very standard. It is acknowledged that this scheme has incorporated the applicant's 'standard' house types to create this new development. However that in itself is not necessarily tantamount to demonstrable harm. The proposals have to be viewed in context including on the ground considerations, policy considerations and wider economic considerations. To create bespoke housing development on this site and in the current economic climate is not considered to be realistic. The context of the development is largely taken from the approach, which by vehicles, would always be via new housing development with

standard house types of the time. The housing development does not relate directly with the historic core of Hilperton, indeed it is intentionally separated from the conservation area by a buffer of open space. It is in this context that the design of the scheme and housing is considered to be acceptable as although of a 'standard' developer type it is well proportioned and suitable to its context.

9.5 Landscaping

The proposals involve the urbanising of what is currently a grass field; this cannot be denied. However approximately 40% of the site would remain as grassland in the public open space.

The proposals would result in the loss of a small amount of hedgerow and 2 large trees to facilitate the approved access to the site; this again cannot be denied. However the proposals would provide a substantial amount of new landscaping to the site with several substantial and large trees being planted, especially on the northern edge of the developable area. In addition the developable area would be separated from the public open space by the provision of a mixed indigenous hedge.

In addition the built form of the 'developable area' has proportionate soft landscaping to create a development that has a sense of maturity and is a desirable place to live. This is generally limited to the open frontages of the proposals, and the private rear gardens have been indicated as lawned gardens with occasional trees. This leaves the rear gardens to be treated as future occupiers see fit, although some will have trees already planted prior to occupation.

The proposals have been commented on by the Council's tree and landscape officer who raises no objection to the details in principal. He ahs requested some further details in regards to the treatment of the existing boundaries to the application site because these are in a "very poor condition". It is expected that the hedges will need to be cleared of bramble with additional planting to fill in resultant gaps.

Furthermore the Council's ecologist raises no objection; it is noted that the additional landscaping proposed presents good opportunities for new habitat including nesting birds which accords with PPS9 objectives. Further the developer has provide details of bat boxes which will be erected within existing trees to the western boundary. The Council's ecologist has approved these.

9.6 Other matters

Drainage for the site is an issue that has been raised in the public consultation process. A detailed assessment of this matter has been submitted to accompany the application in light of these local concerns. This information would have been a requirement under conditions (such matters are handled under delegated powers to officers though). In light of that information the application has been subject to wider consultation and raised no objection from Wessex Water or the Environment Agency. The details are therefore considered acceptable in this regard.

Wessex Water has confirmed that their infrastructure has sufficient capacity to cope with the proposals.

The recent announcements in regards to the Localism Bill have been given some consideration. This is still at a very early stage and whilst it is quite clear that the government intentions are to devolve power to a local level and reform the planning system, at this time the details of how this will work in practice are unavailable. Moreover there has been no reform in the planning legislation. Therefore it is not considered to be material to the determination of this application. This conclusion should not be read to mean that local views have not been considered in this matter. On the contrary the public consultation is a key part of the planning process and any views are given consideration in light of the planning policy and all other material considerations.

The Hilperton Design Statement makes no explicit reference to the development which should occur on this land. It provides general guidance regarding new development proposals but for the reasons detailed above it is considered that this site relates more to the Paxcroft Mead development than the historic core of the village.

The affordable housing on this site was a matter for consideration at outline stage and is not material at this reserved matters stage. However in more constructive response to points on this, affordable

housing needs to be provided in a variety of locations, including in villages and is not to be limited to town centre locations.

The normal consultations were carried out on this proposal including letters to adjoining property, 2x site notices and an advert in the Wiltshire Times. In additional information on the application has been available on-line. This all accords with the Council's adopted Statement of Community Involvement.

In regards to planning conditions, it is usual practise that conditions are imposed at the outline stage in order to control development. The conditions imposed on the outline approval 05/00554/OUT are therefore still relevant. However it is reasonable to add conditions if they are relevant to the information submitted at reserved matters stage. The highways officer has request conditions and these have been suggested where they are deemed appropriate. One informative on a matter raised by Wessex Water is also considered prudent and an additional one in regards to protected species would also be prudent and helpful. Otherwise no further conditions or informatives are reasonable or necessary.

Finally the issue of a potential judicial review on the extant planning permission has been highlighted. No judicial review has been lodged on this planning permission (05/00554/OUT) and furthermore it is not considered to be a material consideration in the determination of this reserved matters case. The proposals need to be considered on the relevant circumstances pertaining at the time and in this instance there is extant outline permission.

9.7 Conclusion

Whilst it is acknowledged that there are public objections to the scheme it is necessary to limit consideration to the reserved matters only. This is not an application for planning permission; it is merely seeking to gain approval of the outstanding details pursuant to the permission obtained.

The details of siting, external appearance, design and landscaping are all considered to be acceptable for the detailed reasons above. As such this application is recommended for approval.

Recommendation: Approval

For the following reason(s):

The details submitted to satisfy the reserved matters of planning permission reference 05/00554/OUT are satisfactory and the development would result in no harm to any material planning interests.

Subject to the following condition(s):

No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

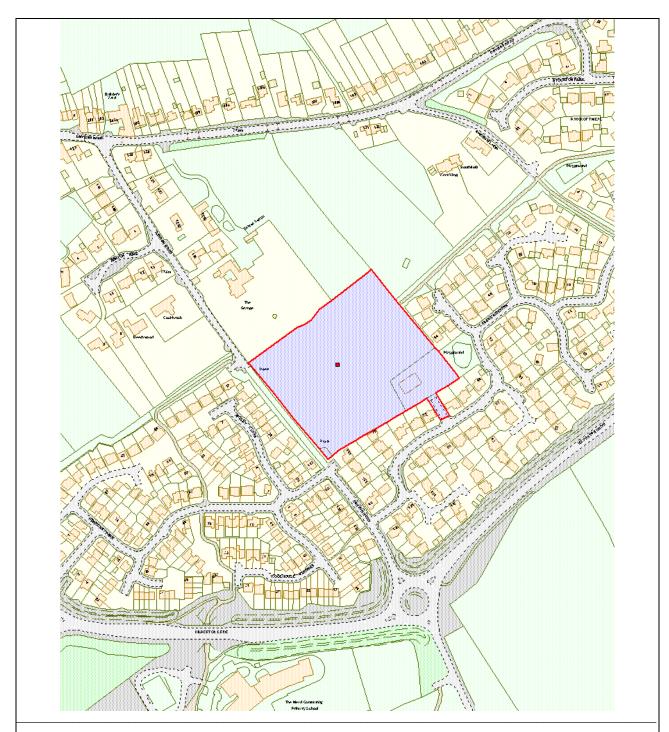
- No part of the development hereby approved shall be first occupied until parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. These area shall be maintained and remain available for this use at all times thereafter.
 - REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.
- 4 Any garage doors installed at any time in the garage(s) hereby permitted shall be fitted so that its leading edge does not project forward of the leading wall of that garage.
 - REASON: In the interests of highway safety and convenience.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

Informative(s):

- The developer is advised to contact Wessex Water regarding connection to their systems and the potential implications of the Flood and Water Management Act 2010 on their proposals. Wessex Water can be contacted on 01225 526000.
- The developer is advised that the approval of these reserved matters does not absolve them of other statutory requirements under the Wildlife and Countryside Act 1981 in connection with protected species which may be present on the site.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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RELEVANT APPLICATION PLANS

Drawing: 1378-150 received on 09.10.2010
Drawing: 1378-152 received on 09.10.2010
Drawing: 1378-155 received on 09.10.2010
Drawing: 1378-156 A received on 10.11.2010
Drawing: 1378-157 A received on 10.11.2010
Drawing: 1378-159 received on 09.10.2010
Drawing: 1378-160 received on 09.10.2010
Drawing: 1378-161 A received on 10.11.2010
Drawing: 1378-162 received on 09.10.2010
Drawing: 1378-163 received on 09.10.2010

Drawing: 1378-151 B received on 13.12.2010

Drawing: BAT BOX LOCATION PLAN received on 12.10.2010

Drawing: ABBEY17443-01 received on 12.10.2010 Drawing: 3015/SK01 A received on 09.10.2010

Drawing: ABBEY17443-11 Sheet 1 received on 15.12.2010 Drawing: ABBEY17443-11 Sheet 2 received on 15.12.2010

Drawing: 1378-154 A received on 15.12.2010