Committee Date: 3rd February 2021

**Reference:** 06/20/0113/F

Parish: Claydon Ward Officer: Mr R Tate Expiry Date: 31/3/21

**Applicant:** Mr B Smith

Proposal: New Dwelling on land at Plane Road

Site: Land at Plane Road, Gorleston, GREAT YARMOUTH, NR31 8EG

# 1. Background / History :-

- 1.1 The application is for the erection of a single, two-storey, two-bedroom dwelling on land on the corner of Plane Road and Beccles Road. The application site is irregular in shape and comprises a 1034m² area; the dwelling is proposed to be located in the northern portion of the site, immediately north of the existing terrace of dwellings. Parking will be provided off Cotoneaster Court.
- 1.2 The application site is located within the development limits of Gorleston. It is a relatively sustainable location, being within walking distance to the High Street and a range of other facilities and services.
- 1.3 The application site was sold by the Borough Council to the applicant in 2018.
- 1.4 The application site is located outside of Flood Zones 2 and 3.
- 1.5 There is no relevant planning history on the site.

# 2. Consultations :- All consultation responses received are available online or at the Town Hall during opening hours.

- 2.1 Neighbours 14 letters of objection were received as part of the consultation process. The issues raised are summarised below:
  - Loss of green spaces / recreation land;
  - Felling of tree on the site;
  - Application process taking place during COVID-19;
  - Parking provision will impact on views, prevent emergency access, create pollution and make it inaccessible to wheelchair users;
  - Loss of light to the terrace properties;

- Plane Road / Beccles Road junction is dangerous this will make it worse;
- Impact on school (both parking during pick up/drop off times and lollipop crossing);
- Loss of outlook/views;
- Tight boundaries:
- Issues with the applicant (price of land / profit / boundary disputes);
- Construction impact on night workers and those who work at home;
- Assurances that no planning permission would be granted;
- Loss of light;
- Are there restrictive covenants?
- Would need a dropped kerb;
- Dwelling lack any architectural merit;
- Overlooking onto 247 Beccles Road; and
- Damage to the plane trees.

Concerns about the applicant's behaviour are not a material planning consideration. It should also be noted however that the applicant has died since the application was submitted.

2.2 NCC Highways – whilst the proposal provides for off-street parking provision in accordance with current parking standards, it is remote from the dwelling and in practice I suspect may not be fully utilised resulting in parking being displaced onto the public highway. However, I am minded of the existing parking restrictions at the junction of Beccles Road with Plane Road and therefore do not consider the proposal, if approved, would give rise to unacceptable impact on highway safety, or the resulting cumulative impact on the road network would be severe.

As such, whilst raising no objection, I would recommend the following conditions be appended to any grant of permission your authority is minded to make.

SHC 14V – No part of the proposed structure for the steps (including the foundations) shall overhang or encroach upon highway land. Reason – In the interests of highway safety.

SHC 21 – Prior to the first occupation of the development hereby permitted the proposed access, on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.

2.3 Strategic Planning - The proposal seeks the erection of a new dwelling on a site which is understood to be previously undesignated recreation land which has since left Council control. The site also had a mature tree which was not subject to preservation order which has since been removed.

The proposed new dwelling and its curtilage takes up a small part of recreational land, which the remainder of will be retained. CS15 seeks the protection of community assets or green assets, with the site largely remaining as recreational space for the wider community and has limited value due to its size with only a small portion of the site being lost to residential development.

The proposal seeks the erection of a new dwelling in what is a broadly sustainable location which is within the main urban area of Gorleston and the proposal would be in conformity with the aims of policy CS2 of the Core Strategy. The proposal also would make a small contribution to CS3 and housing supply in the borough.

In relation to CS9 the proposal falls short. The parking is also significantly detached from the dwelling, whilst the provision meets that outlined in the Norfolk Parking Standards, however this would fall short of CS9 which while providing some distance away from the property may give rise to the opportunity for crime as well as being less convenient for future residents and inhibit future functionality.

2.4 Assistant Grounds Manager and Arboricultural Officer – I do not object to the development in regard to trees. I would however like to draw attention to the large NCC owned London Plane tree to the east side of the site; this tree needs to be protected through the development process as it has high value. This will require an Arboricultural Assessment to be undertaken and possibly moving the proposed dwelling to the west to clear the tree's CEZ.

After being reconsulted after the Arboricultural Assessment was produced the below comments were received:

The plan below looks suitable for the protection of the NCC trees during the development. This matter should be conditioned within the decision to ensure the tree's protection.

2.5 NETI – No objections on ecological grounds. Recommends securing gains for biodiversity (as outlined in the NPPF) – for example a sparrow terrace box or swift nest boxes. Bird boxes are inexpensive and easily attached during construction.

Also recommended the following informative:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a dense against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to be containing nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on the site during this period and has shown it is

absolutely certain that nesting birds are not present. Cut vegetation is to be either removed from the site or chipped. Piles of brash are not to be stored on the site as this provides the potential for nesting birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.

2.6 Councillor Bernard Williamson - I am writing as Ward Councillor for the Claydon Ward in Gorleston to represent many individual objections to the proposed development at Plane Road.

This area of land including the intended building plot and triangle of grass fronting the terrace of houses has been open space since the Shrublands estate was constructed in the late 1960s and early 1970s. The land has been maintained by the council since that date.

I wish to raise the following objections to this application:

- This is an area of open space crucial to the maintenance of the street scene. Any reduction of grassed area will be detrimental to the street scene.
- 2. Access to the plot will be via Cotoneaster and will involve the loss of some green area by the construction of two parking spaces in front of the first terraced house.
- 3. This development will have an adverse effect on the street scene both on Plane Road and Beccles Road.
- The extra access indicated from plane Road to the proposed property will
  create issues re the current plane trees on Plane Road. No extra access
  by the creation of paths should be allowed.
- 5. This area is near local schools. At drop off times it is highly congested and further development may lead to increased problems.

In the event of any development being permitted I also request that planners consider the maintenance of the open space of the triangle of grass. This may require commuted sum to be paid to the GYBC to ensure that the current standards are maintained.

#### 3 Local Policy:-

- 3.1 Local Policy Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):
- 3.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in

the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

- 3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it.
- 3.4 Saved Policy HOU07 Housing development within the defined settlement limits.
- 3.5 Saved Policy REC11 The Borough Council will refuse proposals which would erode the provision of amenity, open space or any other land which contributes positively to the community or street scene, as identified on the proposals map. where not identified proposals will be treated on their individual merits.

# 4 Core Strategy – Adopted 21st December 2015

- 4.1 Policy CS2: Achieving sustainable growth. This policy identifies the broad areas for growth, sets out the sustainable settlement hierarchy for the borough and two key allocations. Filby is identified as a Secondary Village and is expected to receive modest housing growth over the plan period due to its range of village facilities and access to key services.
- 4.2 Policy CS3: To ensure that new residential development in the borough meets the housing needs of local people, the Council and its partners will seek to:
  - a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (extract only):
- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- Ensuring the efficient use of land/sites including higher densities in appropriate locations
  - d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites.

- 4.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.
- 4.4 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species.
- 4.5 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)
  - e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures.
- 4.6 Policy CS15: Everyone should have access to services and opportunities that allow them to fulfil their potential and enjoy healthier, happier lives. The effective planning and delivery of community and green infrastructure is central to achieving this aim. As such, the Council will:
  - a) Resist the loss of important community facilities and/or green assets unless appropriate alternative provision of equivalent or better quality facilities is made in a location accessible to current and potential users or a detailed assessment clearly demonstrates there is no longer a need for the provision of the facility in the area.

#### 5 **Draft Local Plan Part 2**

5.1 The Great Yarmouth Local Plan Part 2 for examination on 31<sup>st</sup> July. As such the plan is now at a very advanced stage and therefore some policies of the plan can be given considerable weight in the determination of planning applications. Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The following policies of the plan have no unresolved objections to them and therefore can be given considerable weight:

### Policy A1: Amenity

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

- a. overlooking and loss of privacy;
- b. loss of light and overshadowing and flickering shadow;
- c. building and structures which are overbearing;
- d. nuisance, disturbance and loss of tranquillity from:
  - waste and clutter
  - intrusive lighting
  - visual movement
  - noise
  - poor air quality (including odours and dust); and
  - vibration.

Where adverse impacts are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate such impact will be expected to be incorporated in the development.

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this thorough a construction management plan covering such issues as hours of working, access routes and methods of construction.

# 6 National Policy:- National Planning Policy Framework (NPPF), February 2019

- 6.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 6.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 6.3 Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) **an economic objective** to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.4 Paragraph 48. Local planning authorities may give weight to relevant policies in emerging plans according to:
  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.5 Paragraph 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

- 6.6 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.7 Paragraph 170 (partial). Planning policies and decisions should contribute to and enhance the natural and local environment by:
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 6.8 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 6.9 Deliverable as defined by the National Planning Policy Framework: Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

#### 7 Local finance considerations:-

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money

for a local authority. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

# 8 Shadow Habitats Regulation Assessment

- 8.1 The applicant has submitted a shadow Habitat Regulations Assessment (HRA) template as drafted by Great Yarmouth Borough Council. It is confirmed that the shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2 Great Yarmouth Borough Council as competent authority agrees with the conclusions of this assessment. The impact of this development is in-combination with other projects and can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling) to ensure that there will be no adverse effects on the integrity of the internationally protected habitat sites.

#### 9 Assessment

# **Development Plan Policy**

- 9.1 The application site is located within the development limits of Gorleston, which according to Core Policy CS02, is classified as a Main Town which are expected to account for approximately 35% of new development within the Borough.
- 9.2 The site is considered to be located in a highly sustainable location, being within 1km of Gorleston High Street and within walking distance of shops and other amenities. Consequently, the application is considered to comply with Core Policy CS02.
- 9.3 The proposed dwelling is located on a parcel of green space on the junction of Plane Road and Beccles Road. The land is not designated within the Core Strategy as an area of Open Amenity Space. As such, in accordance with Saved Policy REC11 the application should be identified on its individual merits. The application site also includes a triangular piece of grassed area in front of the terraced properties on Plane Road, before the applicant passed away, this was maintained by the applicant.

#### Design

- 9.5 The area is primarily residential, with there being a mix of dwellings, both terrace and detached, within the immediate area. Plane Road itself is verdant in character with trees lining both sides of the road.
- 9.6 The dwelling will be positioned to the north of the existing row of terrace properties, appearing to continue the line of the terrace and leaving approximately 7 metres of open space to Beccles Road; it will have a footprint of 9.103 metres by 5.390 metres. The proposal has been revised and the proposed dwelling now has a hipped roof with a ridge height of 7.13 metres. This is equal to the height of the adjacent terrace and the hipped roof ensures that the dwelling is not dominant in the street scene.
- 9.7 In terms of the proposed dwelling, it will use facing brickwork on the ground floor with hardieplank cladding on the upper floor. It is proposed to use roof slates and white U-PVC windows. When considering the wide variety of materials within the local area, the materials proposed are deemed acceptable. Due to the positioning of the property between Beccles Road and Plane Road the property will have active facades fronting both highways.

# Impact on ecology

- 9.8 The N.P.P.F; The Conservation of Habitats and Species Regulations 2017, and Core strategy Policy CS11/Natura2000 Monitoring and Mitigation Strategy, establishes a strict regime for consideration of the impact of a development on both protected species and wildlife habitats.
- 9.9 There are 3 separate issues to consider in relation to the above legislation and policy and the current proposal, being the ecology of the site itself, any recreational pressures on Natura2000 sites and impact on protected species offsite.
- 9.10 The Natural Environment Team (NETI) at Norfolk County Council have responded to the application with no objections on ecology grounds; however, they have recommended that there are opportunities to incorporate nesting boxes on site, in either the form of a swift terrace box or swift nest boxes, to mitigate the loss of the felled tree. These can be conditioned. They have also recommended a nesting bird informative to make the applicant aware of the potential for wild birds nest.
- 9.11 The required HMMS payment of £110 has been made. As the application site is located within the Green 2.5km to 5km Indicative Habitat Impact Zone, the applicant has filled in the shadow HRA which has been deemed appropriate.

NETI have provided an Appropriate Assessment, although this has not been proceeded with as this information was already included within the shadow HRA.

#### Trees

- 9.12 There was a semi-mature tree located on the site; however, after the applicant obtained ownership of the plot this tree was felled. A number of objections note that this tree was felled without permission although this tree did not have a tree preservation order and therefore did not require permission to be felled. After the land left the ownership of the Borough-Council, the Council lost control over the tree.
- 9.13 Another concern that was raised noted that the plane trees on Plane Road may be impacted by the development and the creation of a pedestrian access to the site. The applicant has provided an arboricultural assessment at the request of the Arboricultural Officer. The arboricultural assessment provides mitigation measures, including CEZ and methods of additional protection, that the Arboricultural Officer confirmed are suitable for the protection of the plane trees during the development.

# Parking and Highway Safety

- 9.14 The proposed development provides two parking spaces per dwelling which is in line with the level of parking normally associated with this type of dwelling. The parking is somewhat detached from the dwelling and both the Highways Officer and Strategic Planning raised concerns about this.
- 9.15 Whilst the provision meets that outlined in the Norfolk Parking Standards, however this would fall short of CS9 which while providing some distance away from the property may give rise to the opportunity for crime as well as being less convenient for future residents and inhibit future functionality. However, on balance, when considering the parking restrictions on the junction of Plane Road and Beccles Road and the existing on-street parking it is not considered that the parking provision is unacceptable.
- 9.16 Neighbours have objected to the parking spaces which will be located 9 metres from the eastern elevation of 12 Plane Road, stating that it will be a car park, have adverse impacts on the health of residents at 10 and 12 Plane Road and would have impact on their view. It is not considered that two parking spaces amounts to a car park and it should be noted that when the site visit was conducted there was car parked in this area.
- 9.17 Neighbours have also raised concerns that the parking would have an adverse impact on the accessibility of their properties for disabled residents and that the

- parking spaces would hinder access for emergency vehicles. It is not considered that the parking area would have a significant impact on these factors. There is a footpath leading besides 14 Plane Road and there is a 2.5 metre gap between the proposed parking spaces and the pathway.
- 9.18 Concerns about the impact upon the school traffic and the lollipop crossing to Wroughton Infant School were raised as part of the public consultation period. Norfolk County Council's Highways Authority did not consider that there would be an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe.
- 9.19 Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' In this case, it is not considered that the proposal represents a severe highway danger and therefore complies with the NPPF guidance and Core Policy CS09 E. By virtue of the position of the dwelling, it is unlikely to have an impact on the driveway of 247 Beccles Road.

# Levels of Amenity

- 9.20 The dwelling will have a total internal gross floor area of 80.6 sqm which exceeds the minimum requirement of 79sqm outlined in the Technical housing standards nationally described space standard for a two-bedroom, four-person, two storey dwelling. The two bedrooms exceed the minimum floor area requirement of 11.5sqm, at 15.3sqm and 13.4sqm respectively.
- 9.21 The dwelling will have a private outside garden (39 sqm) which provides a similar amount of outdoor amenity space to other dwellings in the area. It is proposed to screen this from the highways by a masonry wall to the boundary. The level of outdoor amenity space will be sizeable enough to accommodate the outdoor activities associated with a dwelling of this size and location.
- 9.22 The dwelling is located to the northern end of the line of terraces and does not sit in front of the existing houses. The proposed dwelling will be located to the north east of 247 Beccles Road. Consequently, it is considered that there will not be a significant increase in overshadowing or the amount of light reaching those dwellings.
- 9.23 Concerns were raised by the occupants of 247 Beccles Road that the property would overlook into their living room window, encroaching on their privacy. Due to the positioning of the windows, it is considered that the angle from the upstairs bedroom window would be too obscure to result in overlooking into the downstairs living area. Moreover, by virtue of the position of the dwelling in

- relation to 247 Beccles Road (to the north east), no significant overshadowing would occur.
- 9.24 Neighbours have noted that the loss of some of the green space on the corner of Plane Road and Beccles Road would result in the loss of a view and loss of outlook. The proposals still retain a 7-metre gap to the junction from the wall of the proposed dwelling and it is not considered that there would be a significant change in outlook for dwellings on the opposite side of Beccles Road.

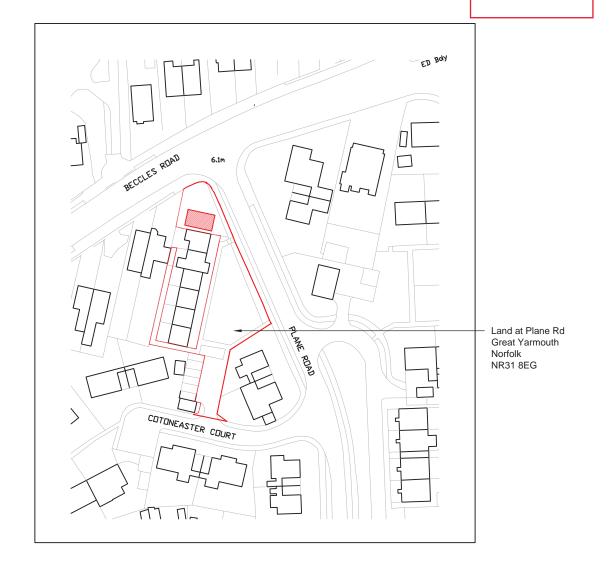
#### 10 RECOMMENDATION:-

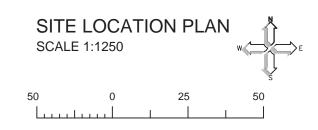
- 10.1 **Approve** the application is in a sustainable location and provides a minor contribution to the Borough's housing supply, outweighing the potential harms demonstrated.
  - 3 year time condition
  - In accordance with plans
  - No overhanging onto the highway
  - Access / parking area to be surfaced levelled and drained
  - Tree protection measures
  - Bird boxes

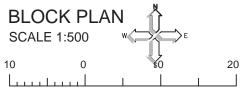


House footprint increased

Revisions







ALL DIMENSIONS TO BE CHECKED ON-SITE PRIOR TO CONSTRUCTION WORKS. 06.03.20

Rev.

Date

# SIMON GOODSELL

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Client Mr Barry Smith

Job Title Land at Plane Rd **Great Yarmouth** Norfolk

NR31 8EG

Drawing Title SITE LOCATION

& BLOCK PLAN

Scale AS SHOWN	
Date 6-Mar-20	Drawn By SWG

Drawing No

207-P-03-A

