6th March 2019 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
21	Land to rear of Lyon Close, Hove	BH2018/01738	Updated 5 year housing land supply Position The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes
89	Land at Varndean College, Surrenden Road, Brighton	BH2017/03676	for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
121	Westerman Complex, School Road, Hove	BH2018/02583	The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton &
173	Land at rear of 1-45 Wanderdown Road, Brighton	BH2018/01336	Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this
241	106, 108 & 110 Downs Valley Road, Brighton	BH2018/02558	situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
269	31 Ridgeside Avenue, Brighton	BH2018/01172	
285	23 Maldon Road, Brighton	BH2018/02805	
299	238 Elm Grove, Brighton	BH2018/02120	

24	I and to the recurst	DI 10040/04700	Change to details in the e400 Heads of Tarms
21	Land to the rear of	BH2018/01738	Change to details in the s106 Heads of Terms
	Lyon Close, Hove		In respect of the Sustainable Transport contribution of £125,000 the individual sums
			that are allocated to the proposed projects have been removed. These sums were
			estimates at this stage and the Council consider that with the complexities of these
			projects further flexibility is required when allocating monies to the various projects.
			A Sustainable Transport contribution of £125,000 towards the following
			off-site works to secure safe and inclusive access to and from the
			development and local amenities by sustainable forms of transport.
			Creating direct stepped access from the southern footway of Lyon
			Close, at the site boundary, to the path running along the eastern
			edge of the Artisan development and/or
			Pedestrian improvements along Lyon Close, including potentially and
			at its junction with Davigdor Road and the access to the retail park, to
			include inter alia:
			Introducing dropped kerbs with tactile paving to either side of
			the access to the retail park at its junction with Lyon Close;
			and/or
			- Tightening Lyon Close at its junction with Davigdor Rd and
			other works at this junction to slow turning vehicles and
			improve ease of crossing for pedestrians; and/or
			- Raising and/or widening and/or resurfacing the northern
			footway of Lyon Close, east of the junction with the access to
			the retail park, and/or removing existing bollards and/or
			introducing local loading restriction; and/or
			- Pedestrian crossing improvements on Davigdor Road to facilitate
			pedestrian access to local amenities, including, inter alia, St Ann's
			Well Gardens
			Changes to conditions
			Condition 1
			The development hereby permitted shall be carried out in accordance with the

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	A-SH-05-ZZ-004	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-003	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-002	D0-4	24 January 2019
Proposed Drawing	A-SH-05-ZZ-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-RF-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-07-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-06-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-05-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-04-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-03-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-02-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-01-001	D0-4	24 January 2019
Proposed Drawing	A-SH-03-00-001	D0-4	24 January 2019
Proposed Drawing	A-SH-02-ZZ-002	D0-2	24 January 2019
Proposed Drawing	185120-001	G	13 February 2019
Location Plan	A-SH-02-ZZ-001	D0-1	1 June 2018
Proposed Drawing	P11144-00-001-	D-01	31 January 2019
	GIL-0100		·
Proposed Drawing	A-SH-70-ZZ-001	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-002	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-003	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-006	S2-5	24 January 2019
Proposed Drawing	A-SH-70-ZZ-007	S2-2	24 January 2019
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Reason for change
This condition has been updated to correct an incorrect drawing number for the studio flat layouts.

Condition 3

The development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

Reason for change

Additional wording stating 'other than demolition works and works to trees' has been added to allow the applicant to proceed with these works without triggering the condition.

Condition 4

Residential Units A1.1, A1.7, D.0.1, D0.2, D1.6, D2.1, D2.6, as set out in the Area and Unit Schedule received 24th January 2019, shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

Reason for change

Altered wording provides more clarity as to the specific wheelchair units and will allow the development to come forward in a phased manner.

Condition 5

None of the residential units hereby approved shall be occupied until the refuse and recycling storage facilities indicated on the approved plans for the specific block that the residential unit is located within have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

Condition 6

None of the residential units hereby approved within blocks A – D (inclusive) shall be occupied until each unit as built, within the block where the unit is located, has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.

Condition 7

None of the new build residential units hereby approved within blocks A-D (inclusive) shall be occupied until each new build residential unit built, within the block where that unit is located, has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.

Condition 8

Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and

approved in writing by the Local Planning Authority. The photovoltaic array for each block shall then be installed in accordance with the approved details before occupation of any of the residential units within that block.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

Condition 10

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed in accordance with the approved details and maintained and operated in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.

Condition 14

Notwithstanding the plans hereby permitted, no development (other than demolition works and works to trees) shall take place until detailed drawings of the access road and pavements within the site for each of the four blocks and their respective land parcels have been submitted to and approved in writing by the Local Planning Authority. These shall include, but not be limited to, construction details covering the following:

- (i) Pavement design, including dropped kerbs and tactile paving
- (ii) Surface finishes
- (iii) Levels
- (iv) Drainage
- (v) Street lighting
- (vi) Street furniture

The works shall be designed to as near adoptable standards as is possible and be implemented for each block and its respective land parcel, other than the zone required for construction access, in accordance with the approved details before first occupation of any of the residential units located within each specific block. The works shall be implemented in their entirety prior to the occupation of Block D.

Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

Condition 18

Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, full details of the motor vehicle parking area and layout, including all electric vehicle charging points within the proposed car park, and details of disabled car parking provision for the occupants of, and visitors to the hereby permitted development shall have been submitted to and approved in writing by the Local Planning Authority. The facilities associated with each block shall be fully implemented and made available for use prior to the occupation of any of the residential or commercial units within the specific block where they are located and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 of the City Plan Part One and SPD14 Parking Standards.

Condition 19

Notwithstanding the plans hereby permitted, prior to first occupation of the development, full details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities for each block shall be fully implemented and made available for use prior to the first occupation of any of the residential or commercial units within the block that they are located and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided

and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Condition 26

No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for each block has been submitted to and approved in writing by the Local Planning Authority. The measures for each block shall be implemented in strict accordance with the approved details prior to the first occupation of any of the residential or commercial units within the block that they are located and shall thereafter be retained as such.

Reason: To safeguard the amenities of the future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Condition 30

The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of any of the residential units within Block D and shall be retained thereafter.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Condition 33

Notwithstanding the plans submitted no development above ground floor slab level of any part of the development hereby permitted with the application shall take place until a scheme for landscaping for the four blocks and their respective land parcels (A-D) is submitted to and approved in writing by the Local Planning Authority. The

approved landscaping scheme for each block and its respective land parcel, other than the zone required for construction access, shall be implemented in accordance with the approved details in the first planting season after completion of the development or before first occupation of any of the residential units within each specific block, whichever is the sooner. The entire landscaping scheme for the site shall be implemented in its entirety prior to the occupation of Block D. The scheme shall include the following:

- hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- ii. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- ii. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- existing and proposed boundary treatments to include type, position, design, dimensions and materials;
- details to achieve greening of the external north facing elevation of the metal podium wall and railings;
- vi. details of private demarcation treatments (screening or planting) in association with all residential units sited on the ground floor and at first floor level fronting onto the podium floor amenity areas,

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual

amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Reason for change

Conditions 4, 5, 6, 7, 8, 10, 14, 18, 18, 26, 30 and 33 have been revised in order to allow the scheme to be built out in phases as required.

Re-numbered conditions

The text from Condition 34 has now been added to condition 33 to form a single condition. Conditions 35 and 36 now become conditions 34 and 35.

New Condition

Condition 36

The development hereby permitted shall not commence (other than demolition works and works to trees) until full details of a Phasing Plan have been submitted and approved in writing by the Local Planning Authority. The development shall be built out in accordance with the Phasing Plan.

Reason: To ensure the development is constructed as proposed and the requirements of the planning conditions conform with the phasing of the development.

Additional Informatives:

Informative 11

The applicant is advised that in respect of the relevant conditions attached above, the details of Blocks A, B, C and D and their respective associated land parcels are as set out in Phasing Plan Diagrams for Ground and First Floor under Drawing Reference numbers 31964-00-ZZ-PP-A-3_601-006 and 31964-00-ZZ-PP-A-3_601-007 received on 1 March 2019.

Informative 12

In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton &

Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

Informative 13

The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

Informative 14

The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the

benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of the obligation.

Further neighbour representations

Fifty nine (59) further neighbour letters have been received <u>objecting</u> to the report. A representation has raised a concern in respect of the validity of the submitted Viability Assessment and DVS review of the Viability Assessment. The representation asserts that the scheme is likely to be more viable than has been set out in the documentation.

Officer Response

The DVS has independently reviewed the applicant's Viability Assessment and their findings are set out in the DVS report and addendum. The LPA is satisfied that the review is an independent and accurate assessment of the submitted viability information.

No further grounds of objection have been raised that have not been previously raised. These are all set out in the committee report. All of the issues raised have been fully considered.

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			 One (1) letter of <u>support</u> has been received for the following grounds: The proposed new homes that will be provided in a high quality mid-rise development are welcomed. Much improved on the current sheds. The central location is also great for sustainability as car ownership will not be the only practical way for residents to get around - walking cycling and public transport will be realistic solutions.
89	Varndean College, Surrenden Road, Brighton	BH2017/03676	Representations objecting to the proposals from Councillors Nick Taylor, Ann Norman & Ken Norman and Lee Wares & Geoffrey Theobald are attached. Additional Transport Informatives: 9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate. 10. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the

			applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
			11. The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of the condition.
			Further neighbour representations Three (3) further neighbour letters objecting on the grounds set out within the original objections received. The issues raised are covered in the committee report.
221	Varndean College, Surrenden Road,	BH2017/04102	Further neighbour representation One (1) further neighbour letter objecting on the grounds set out within the original
	Brighton		objections received. The issues raised are covered in the committee report.

241	106, 108 &110 Downs Valley Road, Brighton	BH2018/02558	Councillor Representations: Representations supporting the application from Cllr Mears are attached. Other representations: Representation supporting the application from Woodingdean Labour Party.
259	38A Upper Gardner Street, Brighton	BH2018/03870	Delete Condition 2. The standard time condition is removed as the application is part retrospective, description amended to include part retrospective.
285	23 Maldon Road, Brighton	BH2018/02805	Comment from Council's Arboriculturist - Having looked at the photos of the small garden at the rear and front there is nothing of any arboricultural value within the proposed site that would be worthy of further retention by a tree preservation order and it would be over onerous to insist that any of them were protected by tree protection fencing. However, there is a street tree outside of the property that I would have concerns
			about its condition during any development. This is due to damage from deliveries, storage, and general construction activity that spills onto the public highway. Would suggest that a tree protection condition for this tree is used.
			Additional condition; No development shall commence until tree protection for the highway Tree located at the front of the site on Maldon Road, which will be retained, have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The tree protection shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the tree protection. Reason: As this matter is fundamental to protecting the highway tree adjacent to the site, which is to be retained, during construction works, in the interest if the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and

			SPD06:Trees and Development Sites.
			Additional Comments from Transport following receipt of Parking Survey Unfortunately the parking survey information does not comply with the industry standard Lambeth Methodology as it was carried out over a weekend (Saturday 5 and Sunday 6 January 2019) and in a week that contained a public holiday (Tuesday 1 January 2019) and a week that was in or preceding or after a school holiday (Friday 21 December 2018 to Monday 7 January 2019) therefore the request for the car free condition and informative should remain in the officers report.
			It should also be noted that the applicant did offer the following in paragraph 6.12 of the submitted report:
			"We recommend that the conditions are not included but replaced with conditions to limit the access to only two resident parking permits per property and the provision of a Travel Plan welcome pack"
			However the Local Planning Authority can only prevent parking permits being obtained by a property via the registered address rather than by the number of permits to a property and also do not feel that it is necessary or reasonable to apply a travel plan condition to a development of this small scale, that is two new dwellings.
337	15 Osmond Gardens, Hove	BH2018/01937	Additional Condition No extension, enlargement or other alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. Reason: The Local Planning Authority considers that further development could

	cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).