

PART 6: Planning Applications for Decision**Item 6.6**

1 APPLICATION DETAILS

Ref: 16/02910/P

Location: Land R/O 57-63 Pollards Hill South, Norbury, London, SW16 4LR

Description: Demolition of the existing outbuilding; erection two bedroom detached bungalow with associated parking

Drawing Nos: OS map, A301, A303, A304, A305, A306

Applicant: Mr Inwood

Agent: Mr Umair

Case Officer: Toby Gethin

1.1 This application is being reported to committee because a ward councillor (Cllr Mansell) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed dormer bungalow would provide a single family dwelling house on a backland/back garden site.
- It would not be readily visible from the street and its appearance would not harm the character of the surrounding area.
- There would be no detrimental impact on the amenity of adjoining occupiers.
- The proposal would provide adequate living conditions for future occupiers.
- The proposal would not result in undue harm to the safety and efficiency of the adjoining highway network, and sufficient vehicle and cycle parking would be provided.
- Flood risk would not be increased as a result of the development.
- The proposal would not harm local ecology/birdlife to a significant degree.
- Adequate refuse storage and collection arrangements are proposed.

2 RECOMMENDATION

2.1 That the Committee resolve to GRANT planning permission.

2.2 That the Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. The development shall be carried out entirely in accordance with the approved drawings and other documents submitted with the application.
2. Removal of permitted development rights (no enlargement of the dwelling (including the erection or enlargement of a garage or any other building or enclosure within the curtilage of the dwelling) shall be carried out without the express permission of the Local Planning Authority).
3. Provision of full details of the external facing materials for approval in writing by the Council prior to commencement of above ground works.
4. Submission of a detailed landscaping plan (including boundary treatment) for approval in writing by the Council prior to occupation.

5. Provision and retention of the car parking area.
6. Provision of a demolition/construction logistics statement for approval in writing by the Council prior to commencement of development.
7. Provision of details of enclosed secure cycle storage for two cycles for approval in writing by the Council prior to occupation.
8. Any other planning condition(s) considered necessary by the Director of Planning.

Informatives

- 1) Removal of site notices
- 2) Community Infrastructure Levy
- 2) Any other informative(s) considered necessary by the Director of Planning

- 2.3 That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

3 PROPOSAL AND LOCATION DETAILS

Proposal

Full planning permission is sought for:

- 3.1 The proposal is for the erection of two-bed three-person detached bungalow. The existing outbuilding/garage on the site would be demolished to make way for the bungalow and parking area. Private amenity space would be provided to the rear of the bungalow.
- 3.2 The dwelling would be located on a backland site. It forms part of the rear garden of 61 Pollards Hill South.
- 3.3 One off-street parking space would be provided to the front, along with a refuse/recycling store and some soft landscaping. The off-street parking space would be accessed via an existing access track off Pollards Hill South. This access track does not form part of the application site but the applicant has confirmed that they have right of way over it.

Site and Surroundings

- 3.4 The host site contains a detached outbuilding (totalling approx. 24sqm), an area of open grass and two garden sheds. The outbuilding is currently used as storage, but it appears to have been built as a garage to accommodate a car.
- 3.5 The site is located to the rear of 57-63 Pollards Hill South. It has a frontage of approx. 7.9m along the access track (from the side of 57 Pollards Hill). The total depth of site depth is approx. 25.25m. The area of the site is approx. 206sqm.
- 3.6 The track provides access to the application site, 55a Pollards Hill South and an alleyway serving the rear of 59 and 59 Pollards Hill South.
- 3.7 The surrounding area is residential, predominantly comprising a mix of two-storey terraced and detached houses of a variety of architectural styles. There are however several single-storey buildings, including various outhouses and the existing garage

on the application site. There are residential dwellings in backland/back garden areas within close proximity to the site.

- 3.8 To the north of the application site are the rear gardens of 57-63 Pollards Hill South. To the west is the rear garden of 65 Pollards Hill South. To the south is the rear garden of 1 Tall Trees. To the east is the access track, with 55a Pollards Hill South is to the south-east of the application site.
- 3.9 The site is not in a Conservation Area and has no statutory designations or local listings. There are no TPOs on or adjacent to the site.

Planning History

- 3.10 16/01132/P – Application withdrawn for Erection two bedroom detached bungalow with associated parking.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 Given the nature and location of the proposal, no statutory consultees were consulted regarding the application.

LOCAL REPRESENTATION

- 4.3 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 9 Objecting: 9 Supporting: 0

No of petitions received: 0

- 4.4 The following Councillors made representations:

- Councillor Mansell objected and referred the application to consideration by the Planning Committee.

- 4.5 The following issues were raised in representations that are material to the determination of the application, and unless stated otherwise are addressed in substance in the next section of this report:

- Backland development
- Over-sized/over-development and overcrowding
- Demolition of the existing outbuilding on the site has not been included in the application (Officer comment: the location plan submitted with the application clearly shows the existing building and the proposed site plan shows the replacement building; the Design and Access Statement does refer to the existing outbuilding; however, for clarity, the description of the proposal has also been amended in response to this concern so that it includes reference to the proposed demolition of the outbuilding)
- Height of roof

- Out of keeping/character
- Loss of green space
- Daylight/sunlight analysis refers to two flats, raising concern the development could be split into flats rather than a single family dwelling house (Officer comment: the applicant has amended the report as reference to two flats this was a typographical error)
- Harm amenity of adjoining occupiers (including privacy/overlooking, security, loss of light, reducing the area's open nature, noise disturbance)
- Inadequate living conditions (including insufficient external space, limited privacy and limited light/overshadowing due to the presence of existing trees)
- Harm rights of access and potential for obstruction (including to emergency services)
- Lack of parking
- Potential loss of shared (pedestrian) access way along back gardens of 57 & 59 Pollards Hill South (Officer comment: the shared access way does not form part of the application site [denoted by the red-line boundary on location plan] and the site plan (drawing number A306) shows more clearly that the access way would not be built on/affected by the proposal.
- Construction works harming the highway and verges
- Excess rainwater/flooding
- Harm to birdlife.

4.6 The following issues were raised in representations that are not material to the determination of the application:

- Rights of way/use of the lane owned by 55a Pollards Hill South (Officer comment: existing/future agreements of access is not a planning matter; however, the applicant has confirmed that they have a right of access).
- Laying mains services (including under the access track and therefore restricting access to no 55a) (Officer comment: this is not a planning matter).
- No site notices (Officer comment: this comment was received prior to the application being advertised by means of three site notices being displayed [on 30 June 2016] in the vicinity of the site).
- Subsidence issues and harm to surrounding buildings (Officer comment: this is covered by Building Regulations and is not a planning matter).
- House prices (Officer comment: this is not a planning matter).

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning issues raised by the application that the committee must consider are:

1. The principle of the development
2. The impact on the character and appearance of the surrounding area
3. Impact on the residential amenities of adjoining occupiers
4. Living conditions of future occupiers
5. The impact on parking and highway safety
6. Ecology
7. Flooding
8. Refuse/recycling

The principle of the development

- 5.2 The Council primarily assesses planning applications against policies in the London Plan 2015, the Croydon Local Plan Strategic Policies 2013 (CLP1) and the Croydon Replacement Unitary Plan 2006 (2013 Saved Policies, as identified in appendix 4 of the CLP1). For convenience, the plans are respectively referred to as the London Plan, CLP1, and CRUDP in the sections below. Some objections referred to the Croydon Local Plan: Detailed Policies and Proposals (CLP2). Given CLP2 is still in an early draft form, the emerging policies hold no weight and are not material to this application.
- 5.3 In principle, new housing is supported by relevant policy in existing residential areas provided: there is no loss of protected uses; the form, siting, design and access arrangements are appropriate and of a high quality; and the development fits within the surrounding context and enhances local character.
- 5.4 Nationally and locally, there is a recognised need for new housing/accommodation. The London Plan states that *“London desperately needs more homes in order to promote opportunity and real choice for all Londoners, with a range of tenures”*. Subject to high quality design and a good standard of amenity for occupiers, the National Planning Policy Framework (NPPF) supports delivery of housing and a wide choice of homes.
- 5.5 It is important to note that the NPPF clearly excludes rear gardens from the definition of previously developed land. It states that *“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”*.
- 5.6 London Plan 2015 (para 3.34, within Policy 3.5) supports a presumption against development on back gardens with regards to local policies. The Mayor’s Housing SPG (2016) is also relevant to the principle of this proposal. It states, *“Infill opportunities within existing residential areas should be approached with sensitivity, whilst recognising the important role well-designed infill or small-scale development can play to meeting housing need”* and *“Proposals for well-designed, high quality new homes on sites suitable for infill development should be considered positively by boroughs, unless there are robust reasons to refuse development.”*
- 5.7 Turning to local policy, and with respect to the NPPF’s consideration of development in residential gardens (see paragraph 53), Saved Policy H5 of CRUDP sets out the Council’s approach to back land and back garden development. It states that *“residential development on back garden and backland sites will only be permitted where it respects the character and protects the amenity of adjoining residential areas”*.
- 5.8 In terms of the need for new housing, two local policies are particularly relevant. Policy SP2.2 of CLP1 requires the provision of a choice of housing for people in Croydon. It sets out that one way of doing this is *“concentrating development in the places with the most capacity to accommodate new homes whilst respecting the local distinctiveness of the places and protecting the borough’s physical and historic environment”*. Saved Policy H2 (Supply of Housing) of CRUDP states that *“housing development will be permitted within the existing built-up area provided this does not conflict with its aim of respecting the character of residential areas”*.

- 5.9 It is clear that there is a need for new homes both nationally and locally, and there is strong national and local policy support for new housing. The proposal would not result in the loss of a protected use and the principle of demolishing the existing outbuilding/garage is acceptable in land-use terms. However, the acceptability of the application is amongst other aspects subject to the proposal respecting local character and protecting the amenity of adjoining occupiers. The back land/back garden nature of the proposal serves to strengthen the need for it to respect local character and protect neighbour amenity.
- 5.10 The site is quite constrained and the bungalow would be built close to its north-western and south-eastern boundaries. It is noted that the building's height has been reduced from the previous (withdrawn) application (which had a ridge height of approx. 6.5m, whereas this application proposes a ridge height of approx. 5.5m). At approx. 66sqm, the proposed bungalow would equate to approx. 1/3 of the site's total area (totalling some 206sqm). Given this and that the building would be single-storey, it is considered that the proposal does not constitute over-development of the site. As the proposal is for a single new dwelling, the proposal does also not raise concerns about over-crowding of the surrounding area.
- 5.11 Concern has been raised in objections about the potential for the bungalow to accommodate living space in the roof void. It is considered that the reduced height (of approx. 1m compared to the previous application) has reduced this potential. Furthermore, in the event of an approval, a condition could be added to remove permitted development rights.
- 5.12 Given the recognised need for new housing, the proposal is in principle supported subject to compliance with other relevant policies, particularly character and neighbouring amenity.

The impact on the character and appearance of the surrounding area

- 5.13 Chapter 7 of the NPPF requires good design. Policy 7.1 of the London Plan states that the design of new buildings and the spaces around them should reinforce or enhance the character of the neighbourhood. Policy 7.4 seeks high quality design responsive to its surroundings and Policy 7.6 seeks high quality architecture and materials and design appropriate to its context. Policy SP4.1 of CLP1 requires development of a high quality which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape. CRUDP Saved Policy UD2 requires development proposals to reinforce and respect existing development patterns and plot and building frontage widths where they contribute to local character. Policy UD3 permits development proposals provided they respect the design, scale, height and proportions of surrounding buildings which play an important role in determining the character of a street. Paragraph 4.26 of Policy UD3 states that "*...respecting the layout, scale, massing, proportions, height and materials of surrounding buildings is of paramount importance...building on the best characteristics of the local area*". Saved Policy H2 allows housing development in built-up areas provided that it does not conflict with the aim of respecting the character of residential areas. Saved Policy H5 sets out that residential development on backland sites will only be permitted where it respects the character and protects the amenity of adjoining residential areas.
- 5.14 The single-storey bungalow would measure approx. 13.2m long and (at its maximum) approx. 6.7m wide. With a pitched roof, it would have a height to eaves and ridge of

approx. 2.7m and 5.5m respectively. The external walls would be brick and the roof would be tiled.

- 5.15 The surrounding area predominantly consists of two-storey terraced and detached houses. However, there are several single-storey buildings, including various outhouses and the existing outbuilding/garage on the site. The area appears to have had some in-fill developments constructed after the original area was developed (including closest row of terraced houses on Pollards Hill South).
- 5.16 The previously withdrawn application raised concerns about the proposed building's height and its top-heavy appearance. This application has been amended so that the proposed building would have a lower height. These amendments have resolved the previous concerns, with the proposal now not appearing to be top heavy and being more in-proportion to a single-storey bungalow.
- 5.17 The proposal would not be particularly visible from the streetscene. Being single-storey and with a traditional appearance (of brick and tiles), it is considered that the proposal would be of an acceptable scale and massing and would sufficiently respect and not dominate or harm its surroundings. The proposal would result in a more built form on the site and reduce the amount of open space in the application site. However, the dwelling would equate to approx. 1/3 of the site's total area and there would be open space to the front and back of the building. The application does also not propose to remove any trees adjacent to the subject site and sufficient garden space (similar to 63 and 57-59 Pollards Hill South) would remain for the donor property. It is therefore considered that the proposal is acceptable with regards to its design and appearance and that it would not harm the visual amenity or character of the area.
- 5.18 The scale and design of the proposal is considered suitable and appropriate to its context. The proposal is not considered to have a detrimental effect on the character of the building and visual amenity of the surrounding area. However, to ensure a high-quality finish, it is recommended that full details of the external facing materials are secured by a pre-commencement planning condition.

Impact on the residential amenities of adjoining occupiers

- 5.19 CRUDP Saved Policy UD8 states that regard should be had to protecting residential amenities, including protecting adjoining and nearby occupiers from loss of privacy, loss of light and sunlight, loss of outlook, and adverse visual intrusion. Policy 7.6 of the London Plan states that proposed developments should "*not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings*". London Plan Policy 7.15 *Reducing Noise* and CRUDP Saved Policy 2013 EP1 *Control of Potentially Polluting Uses* seeks to protect residents from pollution associated with new development, such as increased noise and disturbance. Part C of Policy SP4.2 of CLP1 also requires development to enhance social cohesion and well-being.
- 5.20 The principle residential dwellings that could be affected by the proposal are 57-63 and 55a Pollards Hill South. Other properties to the west and south (the rear garden of 65 Pollards Hill South and the rear garden of 1 Tall Trees respectively) could also be affected.

5.21 It is considered that the proposal would not harm the amenity of adjoining occupiers through loss of light, visual intrusion or loss of privacy/overlooking/security for the following reasons:

- There would be a separation distance of over 20m between the backs of nos. 57-63 and the proposed bungalow's north-western elevation;
- The bungalow would be set-back from the front of the application site and would not look directly towards the entrance to no. 55a or its garage (which it is understood is used for residential purposes);
- The bungalow would be a single-storey;
- There is limited glazing on the bungalow's north-western elevation; and
- Landscaping and boundary treatment between the application site and adjoining properties (and their gardens) would prevent overlooking into neighbours' gardens and ground-floor rooms.

5.22 The lowered roof height (compared to the previous application) reduces concerns about the potential for occupiers of the bungalow to extend into the roofspace (with e.g. the addition of dormers) in the future. Extending into the roofspace could raise issues regarding privacy/overlooking to adjoining properties. It is therefore considered that a planning condition should be added to remove permitted development rights. This would prevent the bungalow from being extended without the need for full planning permission.

5.23 The creation of an additional residential unit would result in some increased noise and disturbance. However, given the built up nature of the area and that the bungalow would be detached, it is not considered that the proposal would result in a significant increase in noise and disturbance. Given the small scale nature of the proposal, it is also considered that any noise and disturbance from use of the access track would be limited and would not adversely impact neighbouring occupiers.

Living conditions of future occupiers

5.24 Policy SP2.6 of CLP1 states: '*The Council will seek to ensure that new homes in Croydon meet the needs of residents over a lifetime and contribute to sustainable communities with the borough.* The Policy states that all new homes should meet the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance (SPG, 2016). London Plan Policy 7.6 states that buildings and structures should provide high quality indoor and outdoor spaces and integrate well with surrounding streets and open spaces. The London Plan 2015 (including Minor Alterations to the London Plan 2016), the Mayor's Housing SPG 2016 and the Department for Communities and Local Government's Technical Housing Standards (Nationally Described Space Standard, March 2015) set out minimum space standards for dwellings of different sizes.

5.25 The bungalow would have an internal floor area of approx. 66sqm. This exceeds the minimum of 61sqm required for a two-bed three-person dwelling. The bedroom and living room sizes are also all acceptable with regards to guidance and recommended sizes. The proposal would also be built according to Lifetime homes principles, including being wheelchair accessible/adaptable.

5.26 A daylight/sunlight analysis was submitted with the application (and subsequently amended to correct the typographical errors identified in the objections received). The daylight/sunlight report was considered necessary given the proximity of existing

trees (neighbouring the application site) and the resulting potential for shading to the new bungalow. Using established Building Research Establishment (BRE) guidelines and taking account of the site's context, the daylight/sunlight study concludes that: the bungalow would receive good levels of natural light; and average daylight factors for all rooms would be above BRE recommended levels.

- 5.27 Given the conclusions of the daylight/sunlight analysis and that the bungalow would be dual aspect, it is considered that, despite the surrounding trees, future occupiers would receive sufficient natural light and sunlight.
- 5.28 At approx. 40sqm, the rear amenity area would provide sufficient outdoor space (well in excess of the London Plan's minimum private amenity area standards) for future occupiers.
- 5.29 To ensure adequate privacy and a well-designed outdoor area for future occupiers, it is considered that a landscaping plan (to include details of existing and proposed soft landscaping and boundary treatment) should be secured by condition.

The impact on parking and highway safety

- 5.30 CLP1 Policy SP8.17 states that outside high PTAL areas the Council will apply the standards as set out in the London Plan. CRUDP Saved Policy UD13 states that car parking must be designed as an integral part of a scheme and should be safe, secure, efficient and well designed. Saved Policy T2 states that planning permission will only be granted where the traffic generated by a development can be satisfactorily accommodated on nearby roads. Saved Policy T4 seeks the provision of cycle parking facilities and Saved Policy T8 compliance with the relevant car parking standards. London Plan 2015 Policy 6.3 (Assessing Effects of Development on Transport Capacity) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. It sets out that development should not adversely affect safety on the transport network. Policy 6.13 states that a balance needs to be struck between promoting new development and preventing excessive car parking provision.
- 5.31 The subject site is in an area with a PTAL accessibility rating of 1b (on a scale of 1a - 6b, where 6b is the most accessible), as indicated on maps produced by TfL. The site is therefore considered to have a poor level of accessibility to public transport.
- 5.32 The proposal would include off-street parking for one vehicle and cycle parking (details regarding the provision of an enclosed cycle store for two cycles would be secured by condition).
- 5.33 Given the site's low PTAL rating, the level of parking provision proposed is considered necessary and acceptable. The parking area provided is considered adequate. The site and car parking area would be accessed via an existing access road which the applicant has a right of way over. It is considered that the addition of one car will not impact on the use of this access and the bungalow and associated parking area would not obstruct the track. Vehicles, including emergency services, using the access track would therefore not be impeded by the proposal. It is considered that additional trip generation from the proposal would be negligible and highway safety would not be harmed.

- 5.34 Concern has been raised in objections about the demolition of the existing outbuilding resulting in a loss of parking space in the area. The proposal incorporates one off-street parking space for the new dwelling and it is understood that the owners use the outbuilding for storage. Whilst it appears that the outbuilding could be used as a garage, for the above reasons it is considered that the proposal would not harm existing levels of parking or result in a significant change to parking demand in the area.
- 5.35 Given the backland location, it is considered that a Demolition/Construction Logistic Plan should be secured by condition. Amongst other aspects, this would also cover the concerns raised in objections with regards to avoiding demolition and construction works from obstructing access, disturbing neighbouring occupiers through the carrying out of noisy works at unsocial hours and harming the highway and verges.

Ecology

- 5.36 Concerns have been raised about the proposal's impact on birdlife. Policy SP7.4 of CLP1 sets out that the Council's approach to maintaining and enhancing biodiversity across the borough. Saved Policy H5 of CRUDP requires the needs of wildlife to be taken into account when considering proposals in backland/back garden sites. Policy 7.19 of the London Plan 2015 is also relevant.
- 5.37 The site of the proposed bungalow is currently predominantly grass. It is therefore considered that the site does not provide important or high quality wildlife habitat.
- 5.38 The application does not propose the removal of existing trees on or near the proposed dwelling and there is some existing mature landscaping in the gardens of adjoining properties. As the site does not provide high quality wildlife habitat and a landscaping scheme could secure some additional soft landscaping on the site, it is considered that the proposal would not harm local ecology/birdlife.

Flooding

- 5.39 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy SP6 (Environment and Climate Change) of CLP1 sets out the Council's approach to flooding. It identifies that Croydon is ranked the 4th settlement in England most susceptible to surface water flooding. The policy requires: Flood Risk Assessments to be submitted for major developments, with proposals in Flood Zones 2 and 3 providing site-specific information proportionate to the degree of flood risk posed to and by the development; and all development to utilise sustainable drainage to reduce surface water run-off.
- 5.40 Objections have raised concerns about surface water flooding and the development increasing flood risk. The proposal would result in an increase in the site's built form, with the dwelling's footprint being approx. 1/3 of the site and parking introducing some hardstanding. This would reduce infiltration and increase rainwater runoff, although the landscaping condition would require the hardstanding parking area to be permeable.
- 5.41 The proposal site is not within a statutory identified flood risk zone. As the application is for a single dwelling, it is not a 'major' application and therefore a Flood Risk

Assessment is not required. The Environment Agency identifies the site as having a 'very low chance of flooding from rivers or the sea' (less than 1 in 1000), that 'reservoir flooding is extremely unlikely to happen', and having a 'very low chance of flooding from surface water'. When reviewing the Environment Agency's database, it was noted that there are some locations in the surrounding area which do have a higher chance of flooding from surface water.

- 5.42 It is considered that the proposal incorporates sufficient forms of drainage which will reduce surface water run-off and will avoid increasing the risk of local flooding for the following reasons: the site is not identified as being within a flood risk zone; Environment Agency information indicates that the site and immediate surrounding area have a very low chance of flooding from various sources; the landscaping scheme to be secured by condition will ensure the hardstanding parking area is permeable; and the garden and soft landscaping would provide natural drainage for the site.

Refuse/recycling

- 5.43 Saved Policy UD15 of CRUDP states that "new development...will only be permitted if it provides temporary storage space for refuse which is generated by the development and which is adequately screened and conveniently located." The proposal includes the provision of a refuse/recycling store sufficient to provide for the proposed bungalow. It would be located to the front of the proposed dwelling. This is considered acceptable subject to a condition securing details of the store (confirming that it would be fully enclosed and materials would be appropriate) and collection arrangements (as the site is over 20m from the highway).

Other Planning Issues

- 5.44 CRUDP Saved Policy NC4 seeks to protect valued trees. There are no Preserved Trees (TPOs) on or adjacent to the site and the Council's Tree Officer raises no arboriculture objection to the proposed development. Whilst this is a civil matter, the applicant should be mindful of the potential close proximity of tree roots to the proposed building given the proximity of some mature trees situated close to the site boundary.

Conclusions

- 5.45 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.