# **Item 6.2**

#### 1.0 SUMMARY OF APPLICATION DETAILS

Ref: 19/04216/FUL

Location: 1 Higher Drive, Purley, CR8 2HP

Ward: Purley and Woodcote

Description: Demolition of existing detached house and erection of block of 9

residential flats with associated parking and landscaping.

Drawing Nos: 19047 E100 P1, 19047 P150 P6, 19047 P200 P6, 19047 P201 P4,

19047 P202 P3, 19047 P400, 19047 P450 P5, 19047 P451 P4, 19047

P160

Applicant: Hambridge Group Agent: Open Architecture

Case Officer: Sissi Yang

	1 bed	2 bed	3 bed
Existing			1
Proposed	3	5	1

All units are proposed for private sale

Number of car parking spaces	Number of cycle parking spaces
5	18

1. This application is being reported to committee because Cllr Simon Brew has made a representation in accordance with the Committee Consideration Criteria and requested Committee Consideration. Objections above the threshold in the Committee Consideration Criteria have also been received.

#### 2.0 RECOMMENDATION

- 2.1 That the Planning Committee resolve to GRANT planning permission
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### Conditions

- 1. Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2. Time limit of 3 years
- 3. Materials including external material to be submitted.

- 4. Details of refuse and cycle storage as submitted
- 5. Landscaping scheme including boundary treatments, tree replacement, biodiverse planting and communal and child play space to be submitted
- 6. Details of screenings at balconies to be submitted
- 7. Windows to be obscured
- 8. M4 (2) and (3).
- 9. Electronic charging points to be installed
- 10. Noise mitigation
- 11. A Construction Management Plan to be submitted
- 12. Condition survey, EVCP's and accessible parking bays to be submitted.
- 13. No piling carried out other than with assessment of impact on railway line
- 14. SUDs
- Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

#### **Informatives**

- 1) Community Infrastructure Levy
- 2) Code of practice for Construction Sites
- 3) Network Rail asset protection
- 4) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport
- 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.

#### 3.0 PROPOSAL AND LOCATION DETAILS

- 3.1 The proposal includes the following:
  - Demolition of existing detached house
  - Erection of 4 storey building to provide 9 flats (3 x 1b, 5 x 2b and 1x 3b)
  - Provision of private and communal external amenity space as well as children's play space

 Provision of 5 off-street spaces and associated internal refuse and cycle stores (figure1)



Figure 1. Proposed Site Plan

3.2 The scheme has been amended during the application process including:

- Design of planar walls, balconies and materials
- Positions of bins and cycle stores
- Car and pedestrian sightline displays were added

## Site and Surroundings

- 3.3 The site consists of a triangle shaped plot adjacent to the railway line on the south east side of Higher Drive, Purley. The land level slopes from south-west to north east. The application currently comprises a two storey detached property which is set back from the road. The building is rendered in white with tiled roof.
- 3.4 The surrounding area is residential in character comprising of detached and semidetached single and two storey dwellings and blocks of flats. The area is mixed in design terms with properties dating from the late Victorian era.
- 3.5 The application site is at risk of surface water flooding as identified by the Croydon Flood Maps. The site is not subject to a formal tree preservation order however it is noted that the site benefits from a number of established trees within the rear garden. The site is located within a PTAL3 area.

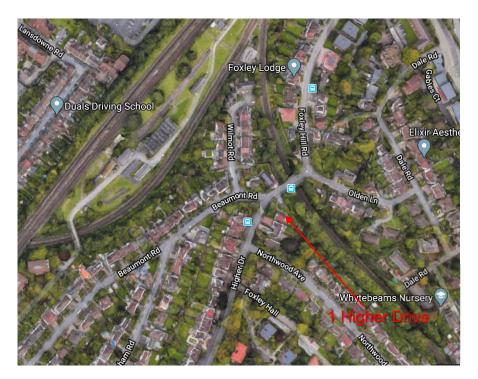


Figure 2: Aerial street view within the surrounding streetscene

# **Planning History**

- 3.6 The most relevant planning history associated with the site is noted below:
  - 19/02900/PRE: To demolish the existing house and to develop 9 residential flats
  - 14/01133/PRE: The construction of a new 2 bedroom house and formation of a new vehicular access, manoervering area and car parking for the existing house.

### 4. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of the development is acceptable given the residential character of the surrounding area.
- The design and appearance of the development is appropriate for its setting.
- The living conditions of adjoining occupiers would be protected from undue harm subject to conditions.
- The living standards of future occupiers are acceptable and Nationally Described Space Standard (NDSS) compliant.
- The protected trees are appropriately protected.
- The biodiversity is appropriately protected.
- The level of parking and impact upon highway safety is considered acceptable.
- Sustainability aspects can be controlled by conditions.

### 5.0 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

## Network Rail (statutory consultee)

5.2 No objection subject to conditions relating to access for maintenance and the safety of the railway [OFFICER COMMENT: Conditions have been recommended]

#### 6.0 LOCAL REPRESENTATION

- 6.1 The application has been publicised by 9 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours in response to notification and publicity of the application are as follows:
  - No of individual responses: 39 Objecting: 39 Supporting: 0 Comment: 0
- 6.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Objection	Officer comment			
Principle of development				
Loss of family home, change from dwelling house to flats	This is addressed in section 8.2 to 8.4 of this report.			
Design and appearance				
Harm to character of host property and surrounding area	This is addressed in section 8.5 to 8.13 of this report.			
Flat roof does not fit the area	This is addressed in section 8.5 to 8.13 of this report.			
Impact on amenities of neighbouring properties				
Impact on amenity in terms o overlooking, outlook and light	This is addressed in section 8.14 to 8.23 of this report.			
Noise, disturbance	This is addressed in section 8.14 to 8.23 of this report.			
Impact of the development on the future occupiers				

Overdevelopment	This is not a planning consideration.			
Insufficient amenity space and greer space	This is addressed in section 8.14 to 8.23 of this report.			
No floor to ceiling height shown	This is addressed in section 8.14 to 8.23 of this report.			
Trees and ecology				
Impact on ecology and trees	This is addressed in sections 8.31 to 8.33 of this report.			
No tree survey and Environmental Impact Assessment	This is addressed in sections 8.31 to 8.33 of this report.			
Highways and parking				
Insufficient parking provision and potential overspill	This is addressed in section 8.24 to 8.29 of this report.			
No parking survey				
Area should have been surveyed between 10-4 during the day for the Lambeth Parking Survey				
Impact on road safety	This is addressed in section 8.24 to 8.29 of this report.			
Other material considerations				
Impact on value of the nearby properties	It is not a planning consideration			
Local facilities and infrastructure	This is addressed in section 8.34 of this report.			

- 6.3 Cllr Simon Brew made representations on the grounds that:
  - The development is out of character with the area
  - No transport survey has been undertaken
- 6.4 Purley and Woodcote Residents Association object to this proposal on the following grounds:
  - Overdevelopment of the site in terms of size and scale.
  - The overdevelopment of the site also results in the proposed building being completely out of keeping with the locality and surrounding townscape, as a result of its massing, form, and overall appearance.
  - Insufficient amenity space for a development of the size proposed due to the intensive / over development of the site.
  - The intensity of development results in minimal and insufficient amenity space available for the likely number of occupiers of the development
  - Detrimental to the amenity of occupiers of adjoining properties. Given the size and scale of the proposed development the occupiers of neighbouring properties will suffer visual intrusion, increased noise and, for those adjacent to the proposed development, loss of privacy.
  - Inadequate car parking for a development of the size and scale proposed, resulting
    in additional on street parking, putting parking pressure on the surrounding area,
    and increasing traffic movements, so endangering road safety at this very busy
    junction.
  - Loss of a family home, whilst the proposed development would not contribute to providing family accommodation across the Borough.

## RELEVANT PLANNING POLICIES AND GUIDANCE

- 7.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2016, the Croydon Local Plan 2018 and the South London Waste Plan 2012.
- 7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in February 2019. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:
  - Promoting sustainable transport;
  - Delivering a wide choice of high quality homes;
  - Requiring good design.
- 7.3 The main policy considerations raised by the application that the Committee are required to consider are:

#### Consolidated London Plan 2016

3.3 Increasing housing supply

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.16 Waste net self sufficiency
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.21 Woodlands and trees

#### Croydon Local Plan 2018

- SP2 Homes
- SP6.3 Sustainable Design and Construction
- DM1 Housing choice for sustainable communities
- SP4 Urban Design and Local Character
- DM10 Design and character
- DM13 Refuse and recycling
- DM16 Promoting healthy communities
- DM18 Heritage assets and conservation
- SP6 Environment and Climate Change
- DM23 Development and construction
- DM25 Sustainable drainage systems and reducing floor risk
- SP7 Green Grid
- DM27 Biodiversity
- DM28 Trees
- SP8 Transport and communications
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

## There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG March 2016
- The Suburban Design Guide 2019

## **Emerging London Plan**

7.4 Whilst the emerging New London Plan is a material consideration, the weight afforded is down to the decision maker linked to the stage a plan has reached in its development. The Plan appears to be close to adoption. The Mayor's Intend to Publish version of the New London Plan has been responded to by the Secretary of State. Therefore, the New London Plan's weight has

increased following on from the publication of the Panel Report and the London Mayor's publication of the Intend to Publish New London Plan. The Planning Inspectors' Panel Report accepted the need for London to deliver 66,000 new homes per annum (significantly higher than existing adopted targets), but questioned the London Plan's ability to deliver the level of housing predicted on "small sites" with insufficient evidence having been presented to the Examination to give confidence that the targets were realistic and/or achievable. This conclusion resulted in the Panel Report recommending a reduction in London's and Croydon's "small sites" target.

- 7.5 The Mayor in his Intend to Publish New London Plan has accepted the reduced Croydon's overall 10 year net housing figures from 29,490 to 20,790 homes, with the "small sites" reduced from 15,110 to 6,470 homes. Crucially, the lower windfall housing target for Croydon (641 homes a year) is not dissimilar to but slightly larger the current adopted 2018 Croydon Local Plan target of 592 homes on windfall sites each year.
- 7.6 It is important to note that in the Intend to Publish New London Plan, that the overall housing target in the New London Plan would be 2,079 new homes per annum (2019 2029) compared with 1,645 in the Croydon Local Plan 2018. Therefore, even with the possible reduction in the overall New London Plan housing targets, assuming it is adopted, Croydon will be required to deliver more new homes than our current Croydon Local Plan 2018 and current London Plan (incorporating alterations 2016) targets.
- 7.7 For clarity, the Croydon Local Plan 2018, current London Plan (incorporating Iterations 2016) and South London Waste Plan 2012 remain the primary consideration when determining planning applications.
- 7.8 Policy 3.3 of the London Plan 2016 recognises the pressing need for more homes in London and Policy 3.8 states that Londoners should have a genuine choice of homes which meet their requirements for different sizes and types of dwellings in the highest quality environments. The impact of the draft London Plan is set out in paragraph 7.4 above.

#### 8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Planning Committee are required are as follows:
  - 1. Principle of development
  - 2. Townscape and visual impact
  - 3. Housing quality for future occupiers
  - 4. Residential amenity for neighbours
  - 5. Access and parking
  - 6. Sustainability and environment
  - 7. Trees and Biodiversity
  - 8. Other matters

### **Principle of Development**

8.2 The London Plan and Croydon Local Plan identify appropriate use of land as a material consideration to ensure that opportunities for development are recognised and housing supply optimised. Approximately 30% of future housing supply may be delivered by windfall sites which provide sensitive renewal and intensification of

- existing residential areas and play an important role in meeting demand in the capital, helping to address overcrowding and affordability issues.
- 8.3 The site is located within an existing residential area and as such, providing that the proposal respects the character and appearance of the surrounding area and there are no other material impacts, a residential scheme such as this is in principle supported.
- 8.4 Policies aim for there to be no loss of 3 bedroom homes as originally built, homes under 130m² and that 30% of homes should be family homes (including 2 bed 4 person homes). The existing building comprises three bedrooms as originally built and the existing floor area is greater than 130m². The scheme proposes 9 family units (1 x 3 bedroom, 6 person unit, 2 x 2 bedroom, 4 person units, 3 x 2 bedroom, 3 person units and 3 x 1 bedroom, 2 person units) which exceeds 30%, so there is a net uplift in family homes.

### **Townscape and Visual Impact**

- 8.5 The existing dwelling is not statutorily or locally listed and therefore there is no objection to its demolition.
- 8.6 The National Planning Policy Framework (NPPF) attaches great weight to the importance of design in the built environment. Policy 3.5 of the London Plan (2016) requires housing development to be of the highest quality and Policies 7.1, 7.4 and 7.6 state that development should make a positive contribution to the local character and should incorporate the highest quality materials and design appropriate to its context. Policy SP4 and DM10 of the Croydon Local Plan (2018) reinforce these policies by confirming that the Council will require development to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of the relevant places of Croydon.
- 8.7 The Suburban Design Guide 2019 sets out three approaches to character which are 'innovative and original', 'contemporary reinterpretation' and 'sympathetic and faithful'. The proposal is considered to fall in category of 'innovative and original' design. It would include demolition of existing two storey property and erection of four storey building with flat roof and insert balconies. There is a roof terrace at west elevation at third floor level. The third floor level structure is set back from the main elevations of lower floor levels.
- 8.8 Figure 3 below shows that in the surrounding area there are a number of flat roof developments that sit within the area. The local character is therefore partly formed by flat roof buildings that are scattered throughout the local residential area. 1 Higher Drive is suited to the incorporation of a contemporary flat roofed building due to its unique position at the bottom of the road, and its proximity to the adjacent railway effectively makes the site a corner plot which can support a contemporary design. The overall mass and bulk is reduced by the incorporation of the setback third floor.



Figure 3: Flat Roofed Buildings in Surrounding Area

- 8.9 The surrounding area is residential in character comprising of detached and semidetached single and two storey dwellings and blocks of flats. The area is mixed in design terms with properties dating from the late Victorian era. The existing character of details and materials of the local area includes brick, rendering and tiled roofs. The site is next to railway and at corner.
- 8.10 The building's design follows a planar approach, with the key elevations forming a series of planes which express the built form of the proposal and respond to the sites context by giving good views to the side over the railway line. The series of planes established by the planes in the elevation give the building some interest, with the larger elements broken down with detailing, colour and perforation. The balconies would be insert and would not protrude beyond the side walls. The proposed different brickwork colours and detailing on each elevation also bring the building down into a scale and form that provide visual interest and relates more closely to the domestic scale of the surrounding area. The breaking down of the building mass creates a more plausible relationship with the surrounding buildings and reflects the scale and bulk of other buildings along the streetscape.
- 8.11 The planar walls also provide acoustic benefits from oblique road and railways noise that enhance the quality of the building massing balconies and terraces. Each facade would include variations in parapet height and cladding materials which reduces and changes the appearance of the building. All external material will be controlled via a condition.

8.12 The proposal would also provide a focal point at the corner land fronting to the railway line. The location of the balconies is designed to allow future occupiers to look onto their own rear garden rather than out to neighbouring gardens, making use of the sloping site to provide views to its west.



Figure 4: Proposed Front (West) Elevation



Figure 5: Proposed Rear (East) Elevation

- 8.13 The proposed scheme includes the remodeling of the current ground levels with retaining walls to the front garden areas to incorporate 5 parking bays utilising permeable road surfaces. The refuse/bin storage and bicycle storage will be internal and located at front of the building. To the front of the building, existing access routes will be removed. There will also be soft boundary treatment at the front. The scheme utilises the existing topography of the site and retains much of the levels to the west of the site including the trees fronting the site boundary. The area will be leveled from the road to the front entrance of the building and to the level access at the west side of the site. The site includes communal and children's play space to the rear. Planted boundaries/hedging would be retained/reinstated to the front boundary with planter beds located throughout the scheme to provide visual amenity. Private ground floor terraces are separated from shared routes by planters.
- 8.14 Overall the scheme is considered to be a sensitive intensification of the site which makes the best use of the site, creates a homogenous development, which is of an appropriate scale and is of a high quality design. It is considered that this application would be acceptable subject to conditions.

## **Housing Quality for Future Occupiers**

8.15 The applicant submitted a proposed section drawing showing internal floor to ceiling height during the course of the application. All the units would comply with requirements set out by the Nationally Described Space Standards (NDSS) in relation to units, internal floor areas and floor to ceiling heights. All units would be afforded sufficient private external amenity space. A child play space and communal garden space are shown to be provided which can be secured by condition. All units would be dual aspect. Windows at front and rear elevation of units 1, 4 and 7 will be

- obscured to address overlooking issue to adjoining properties. Conditions are recommended to secure this.
- 8.16 The proposed building would have internal access through the side path to the communal area as well as externally around the building. The block plan has indicated a landscaping scheme to ensure that there is a clear definition between private and communal spaces. The potential overlooking issue to windows to northern side at ground floor level are protected by the planting. A detailed landscaping scheme will be secured by condition.
- 8.17 In terms of accessibility, a lift to all floor levels is proposed and M4 (2) level access to front and rear communal space would be provided to all units at the north side which will be secured by condition. Units 6 and 9 would meet M4 (3) for wheelchair users which will be secured by condition.
- 8.17 As the site is close to a railway, Council's Environmental Health Team was consulted. Environmental Health Officer raised no objection and advised that the applicant should follow the recommendations of the Acoustic Assessment by Able Acoustics Ltd dated September 2019 (Report No. P1362/02), in relation to noise mitigation measures. A condition will be added to secure the details.
- 8.18 Overall the development is considered to result in a high quality development including adequate family units it is provided acceptable private/communal amenities and capacity to provide child playspace which provide a good standard of accommodation for future occupiers.

## **Residential Amenity for Neighbours**

8.19 The property that has the potential to be most affected is the adjoining property 3 Higher Drive. 2 and 4 Higher Drive and 2 Beaumont Road are located opposite on Higher Drive and Beaumont Road. Figure 6 below indicates locations of the neighboring properties.



Figure 6: Existing Site Location Plan with neighbouring properties

## 2 & 4 Higher Drive and 2 Beaumont Road

8.20 There would be an approximate separation of more than 20 metres between the proposal and the front/side elevation of these adjoining occupiers. Owing to this separation between the built forms and landscaping, overall the proposal is not considered to impact upon the amenities of these adjoining occupiers.

## 3 Higher Drive

8.23 The proposal will protrude beyond the rear wall of no.3 and it will pass 45 degree rule of thumb in plan and elevation. There are 5 side windows at north elevation of no.3, none of which are sole habitable room windows. Further the proposal will be located to the north side to no.3. Therefore the proposal would not have significantly impact on sunlight, daylight and outlook to this occupier. In terms of privacy, proposed screenings of balconies at south elevation should be 1.7m high and the details will be secured by condition. Overall the proposal is not considered to detrimentally impact the amenities of this neighbouring property.

### **Access and Parking**

- 8.24 The site has a PTAL of 3 which is considered moderate. The Draft London Plan states up to 0.75 spaces/unit in this PTAL in outer London which is 7 parking spaces on site. 5 off street parking spaces are provided for the flats.
- 8.25 The applicant conducted a parking stress test to establish whether overspill parking may be accommodated on street. There are 132 parking spaces in the surveyed areas which were occupied by on average 66 vehicles, which results in a parking stress of 52%, although there are some areas within the survey area with a higher stress level than this. Overspill from the site at a worst case would be 4 cars on a 1:1 car/unit ratio, which would not have an adverse impact on on-street parking itself.
- 8.26 Analysis of other approvals in the area suggest that 3 approved developments may interact in terms of likely parking generation. This generates 16 overspill vehicles which is considered not detrimental to parking levels and considered with overspill parking from the development would be significantly below a high level of on-street parking stress.
- 8.26 Concerns are raised about highway safety of the road. The applicant submitted visibility splays for vehicle and pedestrians sightlines which is considered acceptable. Condition will be secured to show boundary treatment and landscaping. There will be additional traffic as the result of the proposal, however this is not considered unacceptable given its scale. Conditions will be added to include a construction management plan, condition survey of the adjacent public highway, EVCP's to Croydon Local Plan standards and accessible parking bays.
- 8.27 18 proposed cycle storage facilities would comply with the London Plan. The cycles would be stored internally to the front of the building. This will be conditioned.
- 8.28 The refuse/recycling store is located internally to the front of the building. Refuse/recycling storage is provided with the last receptacle at 20m from the public road and it will be within 30m from front entrance of the building which is acceptable. The proposed location of refuse stores is considered acceptable which will have 2,400 ltrs in total which would meet Council's requirements for 9 units. This will be conditioned.
- 8.29 Network Rail was consulted and it was advised that actions must not be done during construction and after completion of works on site. Requirements were also raised for the safe operation of the railway and the protection of Network Rail's adjoining land. This will be added to informative.

## **Environment and sustainability**

- 8.30 Concerns were raised that there should be Environmental Impact Assessment. Given the scale and the nature of the proposal, it is considered unnecessary.
- 8.31 The applicant has submitted a Flood Risk Assessment (FRA) which has reviewed the existing on-site scenario and proposed a number of mitigation methods. These include water butts installation, soakaway (subject to a satisfactory permeability test

- being carried out.) and permeable paving materials. A condition will be attached to secure this.
- 8.32 The applicant submitted an Energy Statement with details showing that proposed energy efficiency measures would exceed the 19% carbon reduction target. Details have also been provided within this report of how the potable water consumption of the development could be reduced below 110 litres per person per day.

#### **Trees**

- 8.31 There are 1 on site trees in the front and 3 off site trees at the back of the site which include categories B and C.
- 8.32 The applicant has submitted an Arboricultural Impact Assessment which confirms that 4 trees will be retained. Tree protection barriers will be installed. It is noted that a mature tree in the middle front of the site was removed before the application was submitted. The Council's Tree Officer was consulted and has advised that the removed tree needs to be replaced within the new landscaping scheme. This will be conditioned.

### **Biodiversity**

8.33 The applicant submitted Ecological Appraisal (9th August 2019) with Phase I Habitat Survey. The Appraisal states that none of the habitat types are regarded as uncommon on a national, regional or local scale of abundance. The mature trees will be retained, representing the only features of ecological significance within the Site. The remaining habitat types are common, widespread and easily re-creatable and their loss is of no ecological consequence. No protected species will be affected by the proposed re-development other than there is a potential to harm breeding birds. As breeding and foraging birds will be anticipated during the breeding season that runs between mid-March and the end of August each year, it is recommended that any subsequent demolition or shrub clearance should be restricted to the autumn and winter months. The wording of the proposed landscaping condition will secure some biodiverse planting is secured.

#### Other matters

8.34 Representations have raised concerns that local services will be unable to cope with additional residents moving into the area and the impact on local infrastructure. The development will be liable for a charge under the Community Infrastructure Levy (CIL). This payment will contribute to delivering infrastructure to support the development of the Borough.

#### Conclusion

8.35 The principle of development is considered acceptable within this area. The design of the scheme is of an acceptable standard and would not harm the visual amenities of the area or adjoining occupiers. The proposed impact on the highway network and parking provision is acceptable, having taken into consideration the existing situation

within the surrounding area and its location. The proposal is therefore overall considered to be accordance with the relevant polices.

8.36 All other relevant policies and considerations, including equalities, have been taken into account.