

## Comment on Planning Application

### Application Details

**Application:** 21/2533/FUL

**Address:** Ellera Hall Site North Lane Depot and East Car Park Middle Lane Teddington

**Proposal:** Provision of new community centre on existing North Lane Depot, East Car Park site, together with demolition of existing community centre and provision of affordable housing on existing Ellera Hall site.

### Comments Made By

**Name:** Teddington Residents Association – Neighbours of Ellera Hall (TRANEH)

**Address:** n/a

### Comments

**Type of comment:** Object to the proposal

This submission is made by the committee of TRANEH on behalf of its members who are residents of Ellera Rd, Middle Lane, North Lane and Park Lane.

While improvements to Ellera Hall and the provision of affordable housing are supported these should be proportionate and appropriate. A better thought-out scheme with local residents' input should be proposed.

The LPA should reject this application for the reasons given below.

1. There is no Registered Social Landlord (RSL) to own and operate the proposed affordable housing. RSL schemes must satisfy strict design requirements in order for an RSL to get public funding. The Council has not produced the evidence to show that the appropriate arrangements are in place with an RSL.
2. There are numerous and significant design flaws that will mean substandard accommodation for potential occupiers and adverse effects to the amenity of neighbours in a number of ways.
3. The Richmond Design Review Panel set out written criticism in May 2021. It asked the Council to pause, review and reconsider this application, take on board the comments of the Panel and come back with a totally revamped scheme.
4. The design of the housing development is totally out of keeping with its surroundings and is inappropriate.
5. Proposals do not have a housing mix which is aligned with Council policy requiring 2/3-bedroomed family housing, the present proposal is mainly 1 bed flats.
6. In the Objective Assessment of the scheme carried out in April 2020 by an experienced firm of chartered town planners, Alsop Verrill Ltd, suggestions were made about an alternative scheme for the housing development in the form of houses in keeping with the scale and appearance of the

locality, the Buildings of Townscape Merit in particular. An FOI request showed that The Project Board of 4th May 2021 declined to take this into account when reviewing the project.

7. The manner of the Daylight and Sunlight Assessment has not been in compliance with professional norms.

8. Parking and transport issues have not been reasonably addressed and an out-of-date parking survey used.

9. The planning application includes misleading, incomplete and inconsistent reports.

10. The Council has pursued this application with insufficient objectivity and has disregarded its obligation to keep its roles as Landowner and Developer and Local Planning Authority (LPA) separate. It has shown bias and has behaved unreasonably, irrationally and disproportionately.

11. Richmond Council actively tries to protect the Buildings of Townscape Merit (BTM) in the Borough. It has not done so in this case. The Heritage Statement was produced in June 2021, long after the scheme was finalised in early May. Heritage considerations should have informed design and not vice versa. There are also factual errors in the report that call into question its validity.

12. Bats - Legislation demands that surveys of bat presence and activity and implications for their wellbeing be assessed properly - this has not happened as one of the 2 surveys that took place was during unseasonably cold and wet weather.

An Objective Assessment has already been submitted to the Council during the Engagement Exercise. We would like all the points made in it to be considered by the Council and the LPA as part of this Statutory Consultation Exercise. Copies are available on the Teddington Residents Association website. The links are;

<https://teddingtonresidents.uk/assets/pdf/community-centre-assessment.pdf>

<https://teddingtonresidents.uk/assets/pdf/housing-scheme-assessment.pdf>

In addition, we would like the comments made by Alsop Verrill Ltd on the planning application to also be taken into account. These can be found at;

<https://teddingtonresidents.uk/assets/pdf/planning-application-assessment.pdf>

Now that the LPA has had an opportunity to review the content of the documents submitted it will be aware of the deficiencies and should reject the application.

These points are now explained in detail with reference to specific planning policies.

## **1. Lack of RSL Statement**

The validation check list located at

[https://www.richmond.gov.uk/media/18491/local\\_validation\\_checklist\\_for\\_all\\_applications.pdf](https://www.richmond.gov.uk/media/18491/local_validation_checklist_for_all_applications.pdf)

states that an Affordable Housing Statement is required including:

- Statement confirming input from Registered Providers on suitability of scheme design, and their offers for the proposed affordable housing compliant with the Council’s approach to affordability of rent levels and shared ownership and taking account of the availability of all possible public grant funding

Section 6.2.7 of the Design and Access Statement is titled ‘Affordable Housing Statement’ has the following paragraph;

*‘Having sought and tested offers, Richmond Council has identified a local registered provider with an immediate access to the development site who have offices in the local area. They have assessed the proposals for compliance.’*

This statement does not confirm Richmond Council **has reached in principle agreement with** a local registered provider. Nor does it confirm the registered provider has assessed the proposals for compliance **satisfactorily and has confirmed its serious interest in buying the site and owning and operating the affordable housing.**

Homes owned and operated by Registered Social Landlords must comply with or exceed the standards laid down. If they do not, they do not get public funding, as is made plain by the London Housing Design Guide which is:

***primarily intended to inform housing developers, registered social landlords, architects and planning officers in London. All houses built on London Development Agency land and homes with funding from the London Homes and Community Agency are expected to meet the standards set within the guide.***

The requirements set out in the London Housing Design Guide became mandatory for funding from April 2012. The present proposal does not meet these guidelines so will not achieve public grant funding.

## 2. Design Flaws



Image from Daylight and Sunlight Report (Neighbouring Properties), Appendix I

The above image from planning documents shows the proposed developments are **overbearing** and an **overdevelopment** of existing sites. This leads to **privacy, light and noise issues**. As part of our submission, and to demonstrate these issues, we would like the LPA to view the video produced by residents showing a tour of 3-D Model of the proposal at; <https://youtu.be/jzaxUmHvu8c>



View from Building of Townscape Merit in Middle Lane showing overbearing hall and light blocked by Hall development at 8m



View from Elleray Road bedroom showing overbearing development and lack of privacy and noise impact of proposed terrace

For existing residents, the overdevelopment of the North Lane site means the proposed hall is less than 10m from Middle Lane properties reducing light into the cottage windows and is overbearing. This is shown in the above image from the residents 3-D model. Although this is a similar distance to the spacing between 13-15 Middle Lane and the end building of Elleray Rd (No 19) this separation distance happened in Victorian times and can in no way be compared to 21<sup>st</sup> century planning policy standards which requires a minimum separation for a wall without windows of 13.5m.

The proposed terrace is too close to Elleray Rd properties and it will cause Privacy and Noise issues to Elleray Rd residents which can be seen in the above image from the residents 3-D model.

For potential new residents the proposed flats are all minimum size, half have no private amenity space and those that do have shade gardens. Flats themselves are dark with 10% not meeting light standards as shown by the Light Survey Report and a further 25% being shaded by the tree canopy of a TPO Oak tree (and more as the tree develops). Many flats also have one of their windows obscured due to privacy issues further creating a sense of enclosure. Residents of the flats will be met by a brick wall as they enter the site;

**View faced by neighbours and residents when entering flat development**

<https://teddingtonresidents.uk/ellerayhall>



**Above - misleading 'White Algarve style' council image**

For the existing neighbours of the Ellera Hall site the proposed flats are overbearing and create privacy issues as shown in the following images;



View from North Lane Bedroom



View from Park Lane Dining and Kitchen area, with actual picture superimposed

Overall, many Council policies are not met and architects have accepted not all can be met in the choices made within the client's brief and the constrained nature of the site. The correct response to this position is that the Council (developer) should have i) reduced the proposed density to achieve its own policies before applying for planning or ii) evaluated other schemes such as a rebuild of the hall on the present site.

### **3. Richmond Design Review Panel Criticism Ignored**

The Richmond Design Review Panel set out written criticism in May 2021. It asked the Council to pause, review and reconsider this application, take on board the comments of the Panel and come back with a totally revamped scheme. The Project Board met on the 4th May without the Panel's

Report, receiving only an oral report from the Design Team. The Panel's letter is detailed and contains a lot of comparative information, that an oral report could not have included. The Report was received on the 19th May 2021. The Project Board did not reconvene to consider the report.

This report provides negative feedback on the design decisions. Specifically for the hall:

*"We question the 'barn' typology which is redolent of more rural locations. More analysis and a stronger narrative to justify this typological approach would be helpful. We questioned why the space in between the two gables is not being utilised and find this wasteful."*

and for the housing development:

*"We question the curved layout of the building form, which is in our view inefficient and creates awkward spaces internally. A granular / stepped layout could perhaps be explored. The angled windows on to the gardens appear contrived and we would encourage the team to explore further options so that glazed windows are evident as people enter the mews."*

The FOI response of 10th August 2021 LBR2021/075 shows that only some minor changes were made in response to the RDP's objective advice. There have been no significant changes to the proposed development following the findings of The Design Panel report – it has been effectively ignored.

#### **4. The design of the housing development is totally out of keeping with its surroundings and is inappropriate.**

The proposed residential development is set amongst Buildings of Townscape Merit.

#### ***4. The Council's Approach to Buildings of Townscape Merit***

*It is hoped that by drawing attention to the historic, architectural and townscape interest of such buildings and structures, owners and others will regard them more carefully when considering any proposals for alteration, extension or replacement. The removal of original or characteristic features, or the introduction of unsympathetic windows, doors or materials can not only destroy the visual quality of one building but erode the entire character and interest of an area. Many Buildings of Townscape Merit play a crucial role in the character of local areas. The sympathetic maintenance and adaptation of these buildings can preserve and indeed increase the attractiveness of an area.*

The housing development is higher than any of the existing Townscape Merit buildings. At the front it is a modern block set between 2 buildings of Townscape Merit built in the early 1800s.



**No Local Housing Style is anything like the block of flats being proposed – Middle Lane**

- Council Townscape Merit policy - ‘as far as possible treating proposals for works to or close to them as if they were listed buildings’



Modern Blocks

No matching of windows



Middle Lane (built around 1800)  
- Townscape Merit Cottages for a reason

At the back the proposed flat architecture is like nothing in the surrounding area, looking like an institutional building rather something in keeping with BTMs. The surrounding roads have house designs which range from 1800’s cottages, Victorian terraces and where new housing has infilled an old pub site this has been kept in keeping (and also provided off street parking). The Design Review Panel recommended an assessment be made regarding the heritage of the existing Elleray Hall to inform the design, this has not been done, and the subsequent design shows the lack of empathy.

**No Local Housing Style resembles proposed block of flats**

- The site is surrounded by 11 houses with Townscape Merit (TM) classification



Park Lane TM houses



North Lane New Development  
(in keeping with local style and with car parking)



Middle Lane TM houses



Elleray Rd

The consequence in planning policy terms is that the proposal would be contrary to Local Plan Policy **LP1: Local Character and Design Quality** (selected relevant text);

*A. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

*To ensure development respects, contributes to and enhances the local environment and character the following will be considered when assessing the proposals;*

- 1. Compatibility with local character including the relationship to existing townscape, development patterns;*
- 3. Layout, siting and access*
- 4. Space between buildings*

## **5. Inappropriate housing mix**

Policy says 'Development should generally provide family sized accommodation, except within the five main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. The housing mix should be appropriate to the site's specific location.'

The site is located outside the designated Teddington Town Centre, and the prevailing character is that of family housing. The mix of 14 one-bedroom units and 2 two-bedroom units is, therefore, considered inappropriate. The only two-bedroom flats have no private amenity space.

The proposal fails the Council's policy to provide 2&3 bed roomed affordable family homes. The proposal should be rejected on this planning basis.

The idea that that older or elderly people might downsize to these flats is hopeful; the site maybe attractive as close to Broad Street but this has to be put against the unattractiveness of the units; Less people would want to downsize to a 1 bedroomed flat (from 2 or 3), less people still would want to move to a location where car use is restricted, less people would want to have a minimum size flat of 50sqm, less people would want a flat without any private amenity space or if it has a garden, to be very shaded. Older people are also unlikely to want to be in an accommodation block with younger people working many different hours including potential shifts and could be noisier etc. These considerations suggest the numbers that might down size are likely to be very low. The numbers that might down size can only be a view and cannot be proven, and therefore cannot be used to justify the provision of the single bedroom units and so the proposed mix fails the policy requirement.

## **6. Alternative Scheme for Housing Development**

An Objective Assessment of the scheme carried out in April 2020 by an experienced firm of chartered town planners, Alsop Verrill Ltd, made suggestions about an alternative scheme for the housing development in the form of houses in keeping with the scale and appearance of the locality. An FOI request showed that The Project Board of 4th May 2021 declined to take this into account when reviewing the project. As the minor adjustments made since the engagement exercise do not address the key planning issues, the proposal made in April is still relevant and needs to be considered;



## Suggestion

We are aware of an outline planning permission for 3 two-storey houses with integral gardens that was granted in 1969. It is assumed that they occupied the space between Nos.15 and 21 Middle Lane. Whilst no further details of this scheme are available, we consider in the light of our findings that a building arrangement along these lines would be much more appropriate to the site of Elleray Hall.

This would help overcome the issues identified within this assessment, namely:

- Reduce the mass and bulk of the proposed building and the negative implications of this for neighbouring residents.
- Enable adequate provision of car parking

It would be possible for flats to be provided within a building that looks like a house. Alternatively, 4 family houses arranged as two semi-detached buildings together with another building with 3 smaller flats (2 bedroom / wheelchair accessible on the ground floor plus 2 one-bedroom flats above). This would enable the provision of 7 units, with a better mix of units whilst reducing the overall impact of the scheme upon the neighbouring residents to an acceptable level. This could ultimately provide for up to 7 units through the following broad arrangement:

- Block 1: 2 x 3-bedroom semi-detached houses with dedicated garden
- Block 2: 2 x 3-bedroom semi-detached houses with dedicated gardens
- Block 3: 1 x 2 bedroom / wheelchair accessible flats on ground floor with 2 x 1-bedroom flats on the first floor

This potential arrangement could be configured in various ways. Two illustrative layouts are shown below. We put these suggestions forward for investigation and testing. These reflect our view that two storeys are appropriate to a reduced footprint on the front part of the site, as this is consistent with the prevailing urban grain.



## **7. The Daylight and Sunlight Assessment has not been produced in compliance with professional norms.**

We question the validity of the Daylight and Sunlight Assessment for several reasons;

Permission should have been sought and obtained for assessments of the positions and dimensions of rooms and windows, in order to inform the Daylight and Sunlight Assessment, rather than rely only on desk-top assessment.

The Applicant (Council) has had to remove images from its website of the back of local resident's properties that had been collected and stored. These had been obtained by intruding on residents' privacy. The Council did not have a valid reason or a legal basis for collecting these images in this manner. It is therefore in breach of its GDPR obligations through photographs being taken of and into residents' houses and gardens without permission.

There are factual inaccuracies in the location of windows referenced in the report - for example, it states that 23 Middle Lane has a small extension to the rear, when it does not (Windows 116-119 inclusive).

## **8. Parking Issues**

Adequacy of Parking – The development is in a PTAL3 zoned area. There is only one car parking space (for a disabled user) being provided in the proposed development of 16 flats potentially accommodating 30-35 people. There is a CPZ being introduced into the surrounding roads and none of the new residents will be eligible to apply for parking permits. Elleray Road is a small road which already has a CPZ in place and suffers from parking congestion. Middle Lane in parts is single file traffic and has double yellow lines. This will not encourage anyone to downsize from existing larger accommodation which is a stated aim of the flat development.

Council policy states that;

*'3. Car free housing developments may be appropriate in locations with high public transport accessibility, such as areas with a PTAL of 5 or 6, subject to*

*a. The provision of disabled parking;*

*b. Appropriate servicing arrangements; and*

*c. Demonstrating that proper controls can be put in place to ensure that the proposal will not contribute to on-street parking stress in the locality;'*

The local plan states that *'Developers may only provide fewer parking spaces, including car free schemes, if they can demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability, amenity, street scene, road safety or emergency access in the surrounding area, as a result of the generation of unacceptable overspill of on-street parking in the vicinity. In general, it is expected that in PTAL areas of 0-3 the standards should be met.'*

Council policy does not allow a PTAL3 zoned development to be car free. This was emphasised by the Council's recent refusal of the Bagnalls site (Udney Park Rd) development which is also in a PTAL3 zone. The developers took the Council's decision to The Planning Inspectorate who also made

the following assessment of the lack of parking spaces provided (from the appeal decision APP/L5810/W/20/3256402) section 18-20;

#### *Parking Arrangements*

*18. The appeal site is located within an area with a PTAL score of 3 and therefore despite the proximity of the site to services and facilities in the adjacent commercial area, it would be expected that the appeal proposal would require off-street car parking. A transport survey has not been provided and some time has elapsed since the submitted parking survey was undertaken and therefore it cannot be relied upon.*

*19. Given the number of apartments proposed, the extent of the built footprint and layout relative to the site area, the level of on-site car parking proposed as part of the layout would fall significantly short of that required by Policy LP45 of the Local Plan. Although an insufficient number of disabled parking bays have been proposed, these could necessarily be secured by the imposition of a planning condition which would meet the prescribed tests. However, this would reduce the availability of other on-site parking spaces that are proposed.*

*20. A unilateral undertaking has been submitted as a means to secure a car pool club and restrict car parking permits for future residents. Nonetheless, the submitted evidence does not demonstrate that the measures proposed would adequately safeguard against an overspill of car parking into the surrounding streets from arising as a consequence of the traffic that would be generated from the appeal proposal. Neither has it been demonstrated that this would not be harmful to the capacity of the local road network in terms of the safety of its users.*

The Elleray Hall and flat development proposal should be refused in a similar way to the private developer's proposals of the old Bagnalls site in Udney Park Rd.

No valid justification for the closure of the North Lane East car park has been put forward - The reports submitted as part of the application regarding Transport and Parking are misleading, inaccurate and the survey data used out of date. The parking survey was undertaken before around 10 spaces were removed from St Mary's Avenue. With the reduction of parking in St Mary's Avenue and the aim to increase use of the new Elleray Hall, the North Lane West / Tesco car park will become stressed. Detailed analysis has been provided in residents submissions.

The introduction of new CPZs has not been properly taken into account, assertions have been made which cannot be validated. A new parking survey is needed after CPZ's are introduced.

## **9. Reports Accuracy and Consistency**

Throughout the application there is a lack of due care and attention with individual reports being inconsistent with each other. The whole application appears to be rushed. It is also not clear the Re-provision team have the resource to make sure the detail in the planning documents is correct and aligned.

For example, the construction report for the flat construction report states;

*6.5 Provided that a basement level will not be built for the development, it's expected that a low volume of spoil and waste will be generated by the demolition and excavation works.*

While the Design and Access statement's plan is to reduce ground levels over large parts of the site involving high volumes of earth disposal.

The Geotechnical Report has identified contaminated earth 'in excess of assessment criteria for the protection of human health within a "residential with plant uptake" scenario.' This new information

has led to the recommendation to cover contaminated soil with 450mm of new topsoil. But as site levels cannot be raised this will involve more soil removal, associated costs and lorry movements.

Tree root protection zones are also inconsistent between the Arboricultural Impact Assessment Report and The Construction report.

In planning statement it states *'2.11 Additionally neither the site nor its immediate surroundings is located within Flood Zones 2 or 3, but a horse chestnut tree within the garden of no. 27 Waterloo Road is the subject of a Tree Preservation Order (ref. 69/T6), with that tree located adjacent to the access which runs to the south-west of the application site.'* There is no such road near Elleray Hall. And in the Heritage Report new roads are also invented; *'3.6 The western Site boundary is defined by North Lane, and to the north it shares a boundary with nos. 21 to 17 Long Lane.'* Again no such Long Lane exists near Elleray Hall.

In addition to the invention of new roads The Heritage Report has numerous factual errors and makes many assertions which are addressed in section 10 below. The Ecological Survey Report has also been rushed and a planned bat survey not undertaken.

## 10. Consultation

Overall, the Council has pursued this application with insufficient objectivity and has disregarded its obligation to keep its roles as Landowner and Developer and Local Planning Authority separate. It has shown bias and has behaved unreasonably, irrationally and disproportionately. Throughout the Council has cut corners on engagement and consultation. The only online engagement meetings were at the height of the pandemic, with consultation documents placed on the planning website hours beforehand. The planning application was published on the 9th August in the school holidays.

## 11. Heritage Report

Richmond Council actively tries to protect the BTM in the Borough. It has not done so in this case. The Heritage Statement was produced in June 2021, long after the scheme was finalised in early May. The Heritage Assessment was requested by the Richmond Design Panel to inform design choices by understanding the heritage of the current hall and surrounding area. Heritage considerations should have informed design and not vice versa. There is no Heritage Assessment of the current hall in the report and there are also factual errors and assertions in the report that call into question its validity.

**Legislation Policy and Guidance** - There does not appear to be any mention of *'RuT Supplementary Planning Document Buildings of Townscape Merit Adopted May 2015'*

This document states that *'Indeed the Council will endeavour to protect the character and setting of all Buildings of Townscape Merit through negotiation of a sympathetic scheme, as far as possible treating proposals for works to or close to them as if they were listed buildings.'*

So, in Section 3 of the report the BTM should have been considered as if they were listed buildings. This however has not happened.

The following are some examples (*in blue italics*) of factual errors and assertions made in the report;

*'Site 1 is 0.1ha and comprises an overflow car park and the site of a now demolished depot surrounded by hoardings. It detracts from the townscape quality of the local area today'* The reason the site detracts from the townscape quality of the area is because of neglect by the Council over the last 30 years with local residents complaining about the site's appearance and the anti-social

behaviour including drug dealing, the unsightly hoarding and the lack of visibility of the car parking facility from the road. Justifying the closure of the NL(E) because of Council neglect is not appropriate.

*'3.6 The western Site boundary is defined by North Lane, and to the north it shares a boundary with nos. 21 to 17 Long Lane.'* As previously noted, there is no Long Lane in the area.

*'To the east the Site abuts the rear boundaries of the rear gardens of nos. 16 to 26 (even) Ellera Road'* It is numbers 14 to 26 not 16 to 26. Similar errors appear through the report suggesting a lack of attention to detail.

Reference is made to Middle Lane and the views that it affords to the rear of buildings along Broad Street, *'Middle Lane is a rear lane behind Broad Street and is interesting as glimpses of the rear of properties can be gained. Historically the lane accessed workshops to the rear of properties, with one such workshop still in existence, now utilised as a vehicle repair business which is an interesting survivor of the area.'* This is incorrect and suggests poor local knowledge. The garage was developed into Dells Close many years ago. The buildings are an example of a development sympathetic to the local architecture.

*'It provides poor quality out-dated facilities today, both internally and in respect of the external space.'* The reason for this is due to systematic underinvestment and neglect by the Council over the last 30-50 years.

*'The Council have stated in preapplication advice that 'there is no objection to the loss of the existing building...'* This is inaccurate. There has been considerable opposition to the loss of the building. It appears to be structurally sound and there is no reason why a refurbishment could not have been carried out for far less than the cost of the new hall.

*'3.31 Listed Buildings'* Despite the Council policy to treat BTM as listed buildings no reference is made in this section to the BTM affected as if they are listed buildings.

*'3.32 Nos. 13 & 15, and 21 to 27 (odd) Middle Lane were designated BTMs on 5 September 1983. These buildings all lie at the western end of Middle Lane next to the two Sites. These are mid C19th semidetached 2 storeys high cottages...'* This is inaccurate and because of this the remaining parts of the report relating to these properties is inaccurate and the views and conclusions drawn cannot be relied upon. These cottages were built around 1800 and are unique buildings in the area and may well be unique on a much wider basis. See *The History of Middle Lane Teddington* by PA Ching September 2000. It is unclear why the author has not consulted this most relevant of documents on the most impacted BTMs and also the Council has not listed these buildings. The author has clearly not properly researched this matter. This report lacks credibility and all the heritage value judgements made in it cannot be relied on.

*'4.9 The Proposed Development is wholly in keeping with the character and appearance of the local area, including the nearby BTMs and conservation areas. The scale, massing and detailed design of all elements are sympathetic to their context and complement the scale and materials of the nearby BTMs. The scheme represents a sensitive approach to providing new homes and enhanced community facilities, as encouraged by national planning policy.'* This conclusion is simply not supported by evidence presented in section 4 above. The reports section's 4.12-4.18 have similar issues.



Given the number of mistakes and inaccuracies that there are in the report it cannot be relied upon and is fatally flawed. It is a biased and not an independent assessment. It needs to be withdrawn. A new report should be commissioned that avoids this obvious bias and properly considers the subject and includes a heritage assessment of the hall as well.

## 12. Bats / Ecology Report

Planning regulations state;

*All bat species are listed under Annex IV (and certain species also under Annex II) of the European Union's Council Directive 92/43/EEC (The Habitats Directive), and are given UK protected status by Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Bats and their roosts also receive protection from disturbance from by the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This protection extends to both the species and roost sites. It is an offence to kill, injure, capture, possess or otherwise disturb bats. Bat roosts are protected at all times of the year (making it an offence to damage, destroy or obstruct access to bat roosts), regardless of whether bats are present at the time.*

Bats use the area around Elleray Hall, it provides a dark area and are regularly recorded feeding during the summer months. The presence of 5 species has been recorded and Bat activity has been detected from 3 different residents gardens surrounding the Elleray Hall site.

The Ecology Report designates the current building to be of 'moderate suitability for bat habitat'. This is not surprising as it is 110yrs old and could provide ideal roosts. However, the report states that the roof area has not been accessed to investigate whether there is evidence of bats in the roof due to safety concerns (potential presence of asbestos).

The Council's consultants carried out two surveys one on the 20th May and one on the 2nd July 2021. It is stated in the report that the first visit was in May, when it was unseasonably cold and wet and no bats were sighted. The second survey found bat activity in early July. Only conducting 1 survey at an appropriate time was recognised by the Reprovision Team as being unsound and a further survey planned. This has not happened and the original report, with a survey at the unsuitable time in May has been submitted in the planning documents. The report is therefore deficient in conducting the surveys at a suitable time. The planning application should be rejected on this basis. The issues around the bat habitat are shown in the following images where a new flat block would destroy the feeding habitat.



Submitted by TRANEH 9<sup>th</sup> September 2021