

APPLICATION NO.	P18/S3069/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	10.9.2018
PARISH	SANDFORD
WARD MEMBER(S)	Sue Lawson
APPLICANT	Elder Kennedy Limited
SITE	Cabora Bassa Church Road Sandford-On-Thames, OX4 4XZ
PROPOSAL	The demolition of an existing one and a half storey detached property and the erection of 8 no. one bedroom flats. (As amended by drawing PP0030B indicating the width of the access road and removal of studies from the units accompanying letter from agent dated 18 October 2018 and amended by drawing 16113-PP0010 F removing planting from access drive and moving access further west accompanying letter form agent dated 4 January 2019.)
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is referred to the Planning Committee because the views of the Sandford on Thames Parish Council differ from the case officer's recommendation of approval.
- 1.2 The application site comprises a one and half storey chalet style dwelling known as Cabora Bassa. It is located within the built confines of the settlement and accessed via a shared driveway extending southward from Church Road which also serves the adjoining property Kiln House. Both properties are within generous plots with adequate parking areas in front of the buildings.

The building is not listed but is located within the Oxford Green Belt.

A plan identifying the site can be found at **Appendix 1** of this report.

2.0 **PROPOSAL**

- 2.1 The application seeks from the council full planning permission to demolish the existing building and replace it with a single building comprising 8 flats and associated parking and amenity space.
- 2.2 The application has been amended twice since it was submitted. The first amendment altered the internal layout to remove the studies in each of the 8 units and provided a plan indicating the width of the driveway. The second amendment removed the planting along the sides of the driveway and altered the access to the west.
- 2.3 Reduced copies of the plans accompanying the application is **attached** as Appendix 2 to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Sandford-on-Thames Parish Council** – Object to the development as originally submitted and amended for the following reasons;

- Over development of the site.
- Significant traffic generation from the development and increase from the existing situation.
- Poor visibility at the access.
- Concern about the appearance of the driveway with the removal of vegetation.
- Do not consider the proposal for 8 flats on a small plot to be either useful or desirable.

Neighbour Responses –

11 objections to the application as originally submitted covering the following issues;

- Traffic generation from so many properties from the existing access and narrow driveway.
- Insufficient parking provision on site.
- Concern about the position of the waste bins.
- Impact from noise to nearby properties from so many new units on the site.
- Overshadowing of Kiln House.
- Loss of privacy to Kiln House and 37, 39, 45, 47 and 53 Church Road.
- Out of keeping with the character of the area.
- Inappropriate development in the Green Belt.
- Over development of the site.
- There is no local need for smaller units.
- Flats are likely to be too expensive for young people.

9 objections (including two separate objections from the same person on different issues) to amendment 1 (which involves removal of studies and information on the width of the access)

- Concern about the bin storage.
- Insufficient width along the driveway for cars to pass.
- Loss of the semi rural character of the area from the works to the driveway.
- Issue of land ownership at the junction.
- Overdevelopment of the site.
- Concern over foul waste.
- Objection over the works at the verge.

5 objections to amendment 2 (alterations to the access)

- Concern about the vision from exiting cars from the junction.
- Any new planting will reduce the width of the driveway.
- Inadequate levels of parking.
- The development will harm the character of the area.
- Lack of renewable sources of energy.
- Refuse unlikely to be collected so far up the driveway.

County Archaeological Services - No objection.

Waste Management Officer - No objection to the amended plans and position of the bin storage.

Contaminated Land – No objection subject to conditions.

Highways Liaison Officer -

Countryside Officer - No objection.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S2096/PEM](#) – Pre-application advice (16/07/2018)

Demolition of the existing building and erection of a replacement building to accommodate 8 x 1 bed room apartments

[P17/S2939/LDP](#) – Certificate approved (10/01/2018)

Erection of a single storey rear extension; roof extension and insertion of a ground floor side window to the existing dwelling (as amended by drawing numbers 16113-PD01-D and 16113-PD02-D to reduce overall width of single storey extension received on 31 October 2017).

[P17/S4137/PDH](#) - Approved (21/12/2017)

Single storey extension to the rear of the existing dwellinghouse and an extension to the roof of the existing dwellinghouse.

Depth: 8m

Height: 4m

Height to eaves: 2.53m

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEN2 - Green Belt protection

CSQ3 - Design

CSR1 - Housing in villages

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C8 - Adverse affect on protected species

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

EP8 - Contaminated land

G2 - Protect district from adverse development

G5 – Best use of land/buildings in built up areas

GB4 - Openness of Green Belt maintained

H4 - Housing sites in towns and larger villages outside Green Belt

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2016 (SODG 2016)

Emerging Sandford on Thames Neighbourhood Plan –

The Parish Council are currently in the process of preparing their plan. However, at this stage the Plan cannot be afforded any weight in the determination of this current application.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues that need to be considered in relation to this proposal are;

- **The principle of the development in terms of housing policy.**
- **The principle of development in terms of the Green Belt and impact on openness.**
- **Housing Mix**
- **Design and impact on the character and appearance of the area.**
- **Neighbour impact.**
- **Access, parking and Highway Safety.**
- **Amenity space.**
- **Protected species.**
- **Impact on trees.**
- **Contamination.**
- **Community Infrastructure Levy.**

6.2 **The principle of the development in terms of housing policy.**

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires where regard is to be had to the Development Plan, applications for planning permission must be determined in accordance with the Plan unless materials considerations indicate otherwise.

6.3 SOCS policy CSR1 relates to the council's housing strategy in the districts villages. Policy CSR1 permits infill within villages subject to the size of the site or equivalent number of houses depending on whether the settlement is a defined within SOCS as a 'Larger', 'Smaller' or 'Other' village. CSR1 also states that proposals for redevelopment may be acceptable in all categories of settlement and will be considered on a case by case.

The application proposes the redevelopment of an existing developed site because there is an existing building on the site. Policy CSR1 does not restrict redevelopment to specific dwelling numbers in the same way as it does for infill development.

Sandford on Thames is defined as a 'Smaller Village' and if this was assessed as an infill site CSR1 would limit the number of dwellings to 5-6. The fact that Policy CSR1 does not limit the number of redevelopment sites does not mean that the number of units can automatically be greater than if it were an infill site. However, in this case Sandford is a 'Smaller Village' and lies in relatively close proximity to services and facilities offered by Oxford City. In addition, whilst this is a proposal for 8 units it is in fact a net gain of 7 units. This is only 1 unit greater than Policy CSR1 allows for infill development. I do not believe that this would be contrary to the overall housing strategy in the development plan and is compliant with Policy CSR1.

6.4 **The principle of development in terms of the Green Belt and impact on openness.**

Policy background –

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework (NPPF).

The advice contained within the NPPF is filtered down on a more local level within the district's development plan specifically SOCS policy CSEN2 and SOLP policy GB4 within the South Oxfordshire Local Plan 2011.

The five purposes of the Green Belt are;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.5 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 144 goes on to advise that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The assessment of the impact to the Green Belt is therefore a stepped process. Firstly, to establish whether the development falls within development that is not inappropriate in the Green Belt – if it is then its harmful, the second is to determine whether the development will harm openness - if it does then it is also harmful. If a development conflicts with either or both of these considerations then there must be very special circumstances to justify either of those two types of harm.

6.6 The NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) **limited infilling** or the partial or **complete redevelopment of previously developed land, whether redundant or in continuing use** (excluding temporary buildings), which would:

– **not have a greater impact on the openness of the Green Belt than the existing development;** or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

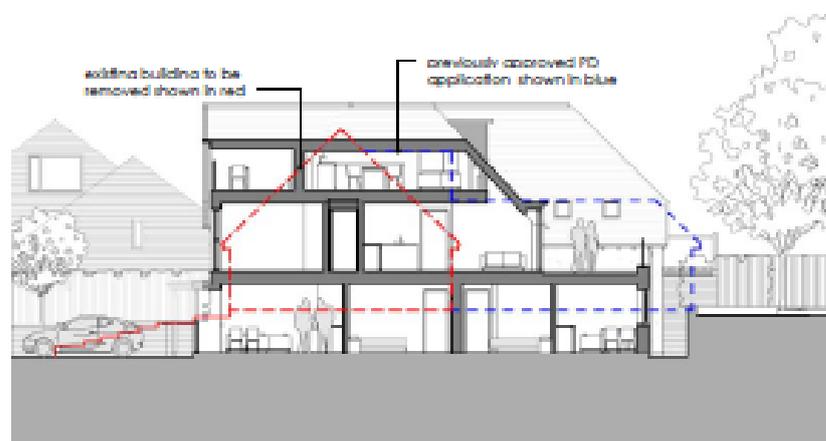
6.7 *Whether the development is considered inappropriate development and impact on openness-*

There are two exceptions to building in the Green Belt on the above list which could apply to this proposed development as shown in **d)** and **g)** as being either a replacement building or a redevelopment of the site. Both exceptions have caveats that they either cannot be materially larger than the building it replaces and have a greater impact on openness.

As highlighted above, the last bullet point states that **limited infilling and redevelopment** is not considered to be inappropriate in the Green Belt.

The site contains an existing building and therefore its demolition and replacement with another building is not automatically an inappropriate form of development. However, the caveat is that the new building cannot have a greater impact on openness than the one it replaces or have a greater impact on openness than the existing development.

The plans accompanying the application show the existing building in comparison to the proposed building;



This shows that the new building is materially larger which will inevitably have a greater impact on openness than the existing building. The proposal is therefore inappropriate development and by definition harmful. In addition, as the new building is larger in overall volume than the existing building it will, in my opinion, have a greater impact on openness.

It is therefore necessary to consider whether there are any very special circumstances that would justify the identified harm.

6.8 *Whether there are very special circumstances?*

The NPPF says that where villages are included within the green belt, it has to be because they too contribute to its openness.

If there was no development on this site it would still have to the north, west and east i.e. it would be enclosed on three sides and on that basis it would meet the definition of infill development. The NPPF does not consider infill development to be an inappropriate form of development within a settlement. I give this some weight in considering the very special circumstances.

6.9 Regard must also be had to the fall-back position that is afforded to the applicants. They have established through applications P17/S4137/PDH and P17/S2939/LDP that under permitted development rights extensions to the rear of the building and to its roof would allow a considerable volume to be added to the existing building. It is therefore necessary to consider the impact on the Green Belt in the context of how the existing building would be if it was to be extended as shown in these applications. Looking again at the extract of the submitted drawing in section 6.7 of this report the extent of the building as it could be extended is shown as a combination of the two dotted lines. It is the difference between the extent of new volume versus the building as extended which is key.

6.10 What also must be weighed in the balance is the fact that the building is being lowered in the ground when compared to the existing building. This will reduce the impact on openness to some extent.

6.11 Weighing this all in the balance and taking into account that if the building were to be demolished and the site cleared of all buildings there would be no specific restriction on the size of the building(s) either as an infill plot or as extended, I have concluded that the overall impact on the openness of the Green Belt is acceptable.

6.12 **Housing Mix.**

The SOCS Policy CSH4 requires developments providing market housing to demonstrate an appropriate housing mix.

The Housing Needs Assessment (HNA) that the policy CSH4 was based has been updated by the SHMA 2014, which provided an updated assessment of the housing needs for the district.

It is important to note that the SHMA identifies that when applying the housing mix targets regard should be had to “the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.” This means that there will inevitably be some diversion from the SHMA targets.

The proposal is for eight one bed units which would not accord with the mix in the Strategic Housing Market Assessment (SHMA) as set out in the table below:

1 bed	2 bed	3 bed	4+ bed
6%	27%	43%	24%

- 6.13 The SHMA is not intended to be prescriptive and any mix is looked at in the context of the nature of the development, the characteristics of the site and the area.

Within a flatted development units of the sizes indicated in the SHMA is not always practical particularly in the context of a relatively smaller scale development. In this case smaller units are welcome given local provision is skewed to larger units.

6.14 **Design and impact on the character and appearance of the area.**

Policy CSQ3 of SOCS states that new development will be granted planning permission where it is of high quality and inclusive design which responds positively to and respects the character of the site and its surroundings and enhances local distinctiveness. This is echoed in Policy D1 and G2 of SOLP.

Policy H4 of SOLP which relates to housing in villages is permissive subject to a number of provisions which include the requirement that the development should be of a design in keeping with the surroundings and that the character of the area is not adversely affected.

- 6.15 In this case the building's bulk, mass and height has been kept to a minimum with the part of the first floor and the second floor wholly contained within the roof space. In addition, traditional hipped and half hipped roofs have been employed to reduce the building's overall mass.

- 6.16 The use of red brick for the wall and slate for the roof reflects a palette of materials which are in keeping with the character of the area.

- 6.17 The building is set back from main road down an extent of private driveway. Views from Church Road will be limited and from a distance. When viewed down the access it will be more prominent than the existing building. However, the design and scale of the building will not cause any material harm to the wider character of the area. Views will be possible to some extent from the south west and the public footpath but again this will be some distance away and the building would be seen in the context of surrounding built form.

The parking for the site at the front of the building is contained wholly outside of public views in an area of the site already covered to a significant extent in hardstanding for parking at the existing property.

There is amenity space at the rear which provides for a landscaped setting to the building and a condition requiring details of planting and landscaping for the council's approval.

The bin storage is located on the driveway and is located 25 metres from the highway which is the maximum distance acceptable for refuse bins to be located. The council's Waste Team have considered the plans and have no objection.

Overall, I conclude that the building whilst larger than the existing is of scale and character that does not result in a harmful impact on the wider visual amenity of the area. It accords with Policies CSQ3, D1 and H4.

6.18 **Neighbour impact.**

Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is oppressive and overbearing.

6.19 The impact of the development varies from property to property. I have taken each property in turn which I consider to be the most affected by the development.

6.20 *Kiln House* –

This is the most affected property give its proximity to the application site. The main impact will come from the height, mass and depth on the shared boundary between the two properties. Kiln House has a living room window directly adjacent to the boundary. On the basis of the existing situation the mass and bulk would be considered oppressive and overbearing in my view. However, there are mitigating factors in my opinion.

Firstly, the starting point for consideration is not the existing situation but rather how the building could be lawfully be extended. As established in the lawful development certificate and larger homes extension prior approval application a significant extent of built form can be erected along the boundary creating a similar impact both in terms of oppressiveness and loss of light. This is lustrated to an extent in the supporting visuals accompanying the application as set out below;

Proposed Development -



Permitted Development Extension



Whilst this is only indicative it shows that the permitted development extension would be longer than the proposed building but the proposed would be higher and shorter.

Having been to the site and viewed for myself the site from the affected living room window I have concluded that the proposed building will not give rise to such an oppressive or overbearing impact that it would be unneighbourly. In reaching this view I have had regard to the fact that there are full height double doors at a 90 degree angle to the window looking along the boundary with the application provision light and openness to the room. In addition, the extent of garden for Kiln House is significantly larger and open to the east which is that rooms main outlook. Coupled with the use of

the hipped roof and lowering in to the ground I am satisfied that this would not be materially harmful.

In terms of overlooking the roof lights shown in the illustrative drawing above these are of a height that would not allow for views out. This will be the subject of a condition that requires them to be at least 1.7 metres above floor level and retained as such. In addition, there is a balcony which is to include a privacy screen. As long as this is provided it will ensure that there will be no material overlooking. A planning condition is proposed to ensure that this provided prior to the building being occupied and thereafter retained. Overall the impact to Kiln House is in my view acceptable.

6.21 *49 and 51 Church Road -*

These two properties are located to the west of the site and their rear elevations face toward the side boundary and elevation of the application site and building.

In terms of number 49 the impact will be from the height and depth of the building due to it extending along the full extent of the rear boundary. In my view the distance between the rear of those buildings and the side of the new building in conjunction with the slope of the roofs and lowered height is sufficient to reduce the impact to an acceptable degree.

The balcony on the rear the boundary also includes a privacy screen and again this can be ensured through the previously suggested condition. The remaining views from the balcony would be at most oblique across the rear most part of the garden of number 49 and will not cause any material harm.

6.22 *Bassimer and 37 Church Road –*

Bassimer is a two-storey detached recently built dwelling to the north and in front of the proposed building. 37 Church Road is to the north east. The owners of both properties are concerned about the impact of the first-floor windows looking toward their properties. The distance between the proposed first floor windows and Bassimer is in the order of 53 metres where as it is 40 metres to 367 Church Road. There are existing trees currently screening views. However, the council's minimum first floor window to window distance is 25 metres and, in the event, that the trees should be removed in the future they would still be of a sufficient distance that the level of overlooking would not be materially harmful.

6.23 *47 and 45 and 39 Church Road –*

47 and 45 have rear boundaries which adjoining the western side boundary of the application site and will be adjacent to the parking area and driveway.

39 Church Road front to the north and its eastern side boundary adjoins a larger extent of the driveway.

In terms of overlooking of 45 and 47 these will be oblique views across the rear of the gardens rather than looking directly in to the houses of those properties. In my view this is not materially harmful. The remaining impact to those properties and number 39 will be from the noise generated by vehicles going up

and down the driveway. I have considered this but concluded the level and frequency of use and the level of noise over and above the existing situation does not amount to a level of harm that would justify a refusal of planning permission.

6.24 Access, parking and Highway Safety.

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.25 In respect of parking provision one space is provided per unit. This is in line with the Council's standards set out in Appendix 5 of SOLP. In addition, two visitor spaces are required for which there is no specified requirement in the council's maximum parking standards in SOLP. In conjunction with the proposed condition that requires the parking and manoeuvring areas to be provided in accordance with the approved layout plan and thereafter retained the Highway Authority has no objection.
- 6.26 The width of the access driveway to serve the new properties and the existing Kiln House has been the subject of local concern and discussion with the applicant and their agent. The plans were amended to increase the width of the driveway in order to allow two cars to pass when leaving or entering the site. The only exception to this measurement is where the width slightly reduces to accommodate bin storage. The Highway Officer has assessed this carefully and concluded the arrangement is acceptable.
- 6.27 The most recent amendment to the plans was made to address the concerns of the Highway Officer and those of local objectors in respect of the vision for vehicles exiting the site. This has involved the removal of the hedge along the western boundary (so that there is no shyness when cars are travelling along the driveway) and moving the access further west away from the eastern boundary. The Highway Officer is satisfied that these changes allow for adequate vision and width for vehicles to exit and enter in a safe manner without causing severe harm to the safety and convenience of the users of the public highway. A condition is proposed that requires the vision splays shown on the plan to be provided prior to the development being occupied and thereafter retained.

Whilst it is appreciated that there is serious local concern on highway safety grounds, this scheme has been the subject of careful scrutiny. The amendments have addressed the Highway Authority's concerns and they have no technical objections to this development on highway safety grounds.

6.28 Amenity space.

Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development. For a 1 bedroom unit the property the South Oxfordshire Design Guide advises that a private amenity area should be provided of 35 square metres. For a flat or apartment type development this could be a communal area for the enjoyment of residents.

In this case Unit 1, 2, 3 and 4 have access to their own private amenity space in the form of a balcony space or area around the building. The remaining space 195 square metres is provided for the rest of the units. The overall amount of amenity space is 269 square metres. Recent appeal decisions have not supported the strict imposition of the recommended amenity space figures in the Design Guide when a development clearly provides for some useable and reasonable amenity space. I have concluded the provision is acceptable and appropriate for a scheme of small units.

6.29 Protected species.

Policy C8 of SOCS relates to protected species and states that development that would have an adverse effect on a site supporting a specially protected species will not be permitted unless damage to the ecological interest can be prevented through the use of planning conditions or obligations.

The Council's Ecologist has visited the site to make their own assessment of the impact of the development and from that did not find any evidence of bat habitation in the dwelling. They have concluded that there would no significant ecological impacts from the development. They have however suggested that an informative is placed on the decision notice that draws the applicant's attention to the possibility that bats could be using the roof space and stating their responsibilities and providing advice.

6.30 Impact on trees.

None of the trees within the site are protected by virtue of either a tree preservation order or by being within a conservation area.

The application has been accompanied by a Tree Survey Survey which considers the impact on trees within and outside of the site which is considered to be acceptable. The planning condition that requires the development to be carried out in accordance with the approved plans also stipulates that it shall be carried out in accordance with the supporting information such as the tree survey which stipulates tree protection measures.

6.31 Contamination.

Policy EP8 of SOCS states that development on contaminated land will not be permitted unless the contamination is effectively treated by the developer to prevent any harm to human health and wider environment.

The site has historically been occupied by 'old sand pits' and it is unknown if they were infilled and if so the nature of the infill material. Residential developments are also regarded as a particularly sensitive use to any land contamination.

6.32 The environmental search report and questionnaire are not considered sufficient to meet the requirements of a Phase 1 report as specified in planning condition that has been requested by the Councils Contaminated Land Officer. Whilst the submitted documents accompanying the application may contribute useful factual information about the site they do not include certain information that would be expected within a Phase 1 Desk Study report such as a conceptual site model and preliminary risk assessment establishing how the development, future occupants or the environment could be impacted by any contamination associated with the former sand pits.

To ensure that the risk from any land contamination is addressed in accordance with the Policy EP8 planning conditions are proposed as part this recommendation requiring appropriate investigation and mitigation.

6.33 Community Infrastructure Levy.

The development is CIL liable and based on the floor space being provided would amount to £55,657.09.

7.0 CONCLUSION

7.1 The proposed development makes efficient use of the land available and would provide 8 smaller units. The lowered height of the building and the fall-back position contribute to the very special circumstances in terms of the Green Belt that would support a development that would have a greater impact on openness than the existing building. Adequate levels of parking have been shown and the amended scheme ensures the access arrangements and vision splays would be of an appropriate standard. Subject to the attached conditions the proposal accords with the relevant development plan policies.

8.0 RECOMMENDATION:

8.1 **That planning permission is granted subject to the following conditions:**

- 8.2
1. **Commencement within three years - full planning permission.**
 2. **Approved plans.**
 3. **Schedule of materials.**
 4. **Contaminated land (preliminary risk assessment).**
 5. **Contaminated land - remediation strategy.**
 6. **Rooflights (specified cill level).**
 7. **Prevention of overlooking – privacy screen.**
 8. **Landscaping scheme (trees and shrubs only).**
 9. **Vehicular access to Oxfordshire County Council specification.**
 10. **Vision splay protection.**
 11. **Parking and manoeuvring areas retained.**
 12. **Levels to be agreed.**

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