

Application ref: 2022/3963/P  
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Date: 20 December 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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Drawing and Planning Ltd  
Mercham House  
25-27 The Burroughs  
Hendon  
NW4 4AR  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted Subject to a Section 106 Legal Agreement**

Address:  
**4 Frognal Rise**  
**London**  
**NW3 6RD**

Proposal:

Erection of part two storey part first floor side and rear extension, excavation of a new basement level and front lightwell, alterations to front boundary wall and front forecourt area, including new bicycle and bin store all in connect with the existing single family dwellinghouse (Class C3 use).

Drawing Nos: LOC (Site location and viewpoints); P 001; P 002; P 003 A; P 011; P 012 A; P 013 A; P 014; P 015 A; Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016; Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan produced by Martin Dobson dated 5th June 2015; Construction Management Plan produced by Motion; Archaeological Assessment produced by Britannia dated January 2015

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of

three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

LOC (Site location and viewpoints); P 001; P 002; P 003 A; P 011; P 012 A; P 013 A; P 014; P 015 A; Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016; Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan produced by Martin Dobson dated 5th June 2015; Construction Management Plan produced by Motion; Archaeological Assessment produced by Britannia dated January 2015

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017 and NE2 of the Hampstead Neighbourhood Plan 2018.

- 5 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which has archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In order to minimise damage to the important archaeological remains which exist on this site, in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 6 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and BA1 of the Hsmptstead Neighbourhood Plan 2018.

- 7 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016 hereby approved.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017 and BA1 of

the Hampstead Neighbourhood Plan 2018.

- 8 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s) in accordance with the requirements of policies A1 and A3 of the Camden Local Plan 2017.

- 9 Full details in respect of the bicycle and bin store structure in the area indicated on the approved ground floor plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The structure shall be permanently retained and maintained thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies A1, D1, D2, CC5 and T1 of the Camden Local Plan 2017 and policies DH1, DH2 and TT4 of the Hampstead Neighbourhood Plan 2018.

- 10 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2 and TT4 of the Hampstead Neighbourhood Plan 2018.

- 11 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include:
1. scaled plans showing all existing and proposed vegetation and landscape features
  2. a schedule detailing species, sizes, and planting densities
  3. location, type and materials to be used for hard landscaping and boundary treatments
  4. specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
  5. details of any proposed earthworks including grading, mounding and other changes in ground levels.
  6. a management plan including an initial scheme of maintenance

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies A1 and A3 of the Camden Local Plan 2017.

## Informative(s):

### 1 Reasons for granting permission.

Planning permission was granted for the proposed works on 15/01/2019 (ref 2015/3525/P) but has not been implemented within the 3 year time period and the permission has now lapsed (expired on 15/01/2022). This application seeks permission for the same works. There have been no material changes in circumstances relating to the site context however the local planning policy has changed since the decision. The original permission was assessed under the Local Development Framework Core Strategy and Development Policies but had regard to the emerging Camden Local Plan which was in its final stages of its public examination. The Camden Local Plan was adopted in 2017 as well as updated Camden Planning Guidance in 2021. Since the 2015 permission the Hampstead Neighbourhood Plan (NP) has also been adopted (2018).

#### Design and heritage:

##### Creation of basement:

The proposed basement would manifest itself above ground by way of the side lightwell that is sloped leading down from the driveway. A pavement light would also be installed CPG4 (Basements and lightwells) recommends that any exposed areas of basement are subordinate to the host building; respect the original design and proportions of the building, including its architectural period and style; and retain a reasonable sized garden.

The lightwells are all relatively modest in size and it is considered that they would be subordinate to the host building. Furthermore, it is considered that the lightwells would be in keeping with the design of the host building and the proposal would retain a generous sized garden. The proposal is therefore considered to be acceptable in this respect.

##### Part two storey side and rear and part first floor rear extension

The proposed extensions at the side and rear would replace the existing single garage at the side of the host building. There is no objection to the loss of the existing garage, because it is a later addition to the building and it does not make a positive contribution to the character and appearance of the host building or the conservation area.

The new extensions would sit forwards of the existing garage front building line; however, they would still be set back considerably from the front elevation of the host building and would therefore appear subordinate to the original building.

##### Front elevation

In terms of the positioning, footprint, height, bulk, mass, overall form and materials of the proposed extension these are considered acceptable. However during the course of the application the Council's conservation officer raised concerns regarding the design of the proposed front elevation, in particular the detailed design in terms of fenestration pattern and balcony arrangement at ground and first floor levels that aimed to pick up on the ornate design of the

existing principal front facade. The design of the proposed windows, doors and balconies were considered to be too elaborate, bordering on fussy. The result was a side extension which over-competes with the principal features of the existing house, rather than being subservient.

The front elevation was therefore redesigned so that it would be more restrained and has a scale and level of detailed design which is subordinate as well as complementary to the host building. Balconies at the front of properties are not a predominant feature in this part of the Hampstead Conservation Area. The applicant has revised the scheme to remove the balcony on the front elevation at first floor level on the proposed two storey side extension and replace the double doors with full height window openings. A simpler design in terms of windows and doors has been incorporated into the revised drawings employing a square rather than round-arched opening. This gives an overall more restrained appearance and is considered acceptable.

## 2 Lightwell:

From a design perspective there is no objection to the front lightwell or pavement light, which will not be prominent from the street, as it will be of a modest size and set back from the road behind the landscaped front forecourt and boundary wall.

### Alterations to the front boundary:

The existing brick boundary wall is between 1.6m and 1.7m high and follows the slope of the road as it slopes down towards the junction with Froggnal. The boundary wall includes a timber vehicular entrance gate that is adjacent to the boundary with no. 22 Windmill Hill and a centralised pedestrian access gate providing access to the front door of the existing building. It is proposed to relocate the vehicular access gate to the other side of the boundary wall adjacent to the boundary with no. 2. Its size, height and detailed design would remain the same as the existing. The void created by the removal of the existing vehicular access way would be infilled by brick to match the existing boundary wall. These changes would not have an adverse impact on the character or appearance of the site when viewed from the street and would be considered acceptable. A condition requiring the materials to match the existing boundary materials would be attached to any permission.

### Cycle and bin store:

A new single storey hardwood enclosure would be located behind the front boundary wall to store bicycles and bin store. Due to its height it would be screened behind the boundary wall and would not be visible from the street. No elevation drawings or sections of the enclosure have been provided. A condition would be attached requiring the details to be submitted prior to the commencement of the relevant part of the works.

### Amenity:

The main properties that are likely to be affected by the proposal are nos. 22 Windmill Hill and 2 Froggnal Rise (the neighbouring properties). All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be adversely affected by the proposal in terms of their amenity.

#### Overlooking:

The two storey plus basement side extension would be located within 0.8m of the western side boundary with no. 22 Windmill Hill. The extension would be adjacent to the rear garden of this neighbouring property and would be approximately 11m from its rear elevation. There are no windows in the side elevation of the proposed two storey extension however there would be new windows on the rear elevation of the extension at first floor level. Oblique views into the first floor side/rear elevation of the neighbouring property may be possible through the existing mature tree belt on this boundary. However the separation distance between these windows is between 15m to 18m. Taking these factors into account it is considered that the proposal would not have an adverse impact on the amenity of this property in terms of overlooking.

The proposed first floor rear extension would be located with 1.6m of the boundary with the neighbouring property at no. 2. There are no windows in the side elevation of the extension so this element of the proposal would not have an adverse impact on the amenity of this property in terms of overlooking.

#### Daylight:

There is a separation distance of over 11m between the application property and the neighbouring property at no. 22 Windmill Hill. There is an existing row of mature trees along the western boundary that already cast shadow on the rear garden of no. 22 Windmill Hill during the morning. The proposal would not have an adverse impact on the amenity of no. 22 Windmill Street in terms of any loss of daylight.

The proposed first floor rear extension would be located 1.6m from the boundary with no 2 Frogna Rise. It would be constructed on the existing raised external patio area between the rear elevation of the house and the northern boundary facing towards Windmill Hill.

- 3 It would measure 2.2m in height to the eaves and, due to the gradient of the land sloping upwards from Frogna Rise to Windmill Hill, it would appear single storey in height. The extension would be located to the north of the neighbouring property at no. 2 and would be approximately 2.6m from the nearest window. It would not be considered to have a harmful impact on the daylight and would be considered acceptable.

There is an existing lattice brick wall separating the application site boundary and no. 2 at the rear. Due to the orientation of the properties at no. 2 and no. 4 the views from the first floor windows in the rear of no. 2 are directed towards Windmill Hill rather than towards the application site. The proposed first floor extension would not appear overbearing from the windows of the neighbouring property at no. 2.

Policy A5 states that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works (including the basement construction) and the nature of the application site, the Council will secure the submission of a Construction Management Plan (CMP) through a legal agreement (refer to Transport section below for further information).

Transport:

Car Parking:

As this is an extension to an existing house policy T2 does not strictly apply. Nevertheless, the proposal would include the removal of the off-street garage and one of the driveway spaces, with the driveway handed to the left hand side of the property and space for the parking of just one vehicle provided. This reduction in off-street parking is welcomed. Given the presence of double yellow lines outside the property, there would be no impact on on-street parking and the proposal is therefore acceptable in this regard.

Relocated access way:

The proposal would involve relocating the vehicular access to the property. This would be acceptable as it would not involve any changes to on-street parking bays directly adjacent to the property.

A sliding gate that would open inwards would be provided adjacent to the vehicular access to the site. This would be acceptable as it would not impede or obstruct pedestrian movement on the adjacent footway.

Cycle Parking:

The proposal would not create any additional residential dwellings. Therefore the cycle parking policy is not applicable here. However, the proposal would include cycle storage facilities in the front hardstanding area behind the existing vehicular access entrance that would be bricked up. The Council's Transport officer has reviewed the information and has advised that the two stores should be separated and that a steel cycle store be used enclosed in timber to provide a higher level of security. As already advised a condition would be attached requiring the details of the cycle and bin store to be submitted.

Managing the impacts of construction on the surrounding highway network:

The Council needs to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A Construction Management Plan (CMP) and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 by means of a s106 legal agreement. This would help to ensure that any impact on the operation of the local highway network or neighbouring amenity is mitigated.

- 4 In order to minimise traffic congestion and road safety issues during development works, construction vehicle movements would generally be acceptable between 9.30am and 4.30pm on Monday to Friday and between 8.00am and 1.00pm on Saturdays. However, as there is a school in the vicinity of the site or on the proposed access and/or egress routes, then construction vehicle movements would need to be further restricted to between 9.30am and 3.00pm.

Highway and Public Realm Improvements directly adjacent to the site:



Due to the scope and nature of the works the footway directly adjacent to the site could be damaged significantly as a direct result of the proposed works. In addition, a new crossover would have to be created and the existing crossover would become redundant and need to be removed. A financial contribution of £8,914.18 would be required for highway works and this would be secured by s106 legal agreement.

#### Trees and landscaping:

The proposal would include the removal of an existing birch tree (T12) that is located immediately behind the front boundary wall. The birch has been identified in the arboricultural report as a category C tree of low value that requires removal as it is damaging the front boundary wall. A replacement tree would be planted in a similar location but set further back from the boundary wall. The remainder of the trees would be retained and protected during any development. It is considered that a replacement tree, would also contribute positively to the character and appearance of the application site and it would also be visible from Frogna Rise and so would maintain the leafy verdant character of this part of the conservation area. A condition would ensure that the replacement tree is planted by not later than the end of the planting season following completion of the works.

The Council's Tree Officer reviewed the information as part of the 2015 permission and advised that the report shows that the potential effects on trees have been considered and are likely to be minimal due to the presence of the existing building's foundations (including the garage) and the garden retaining wall in the rear garden that have acted as a root barrier due to their depths. A condition would be attached to any permission requiring tree protection details to be submitted as well as a landscaping plan to illustrate the regrading of the front part of the site.

#### Energy, sustainability and water:

##### Sustainability and Water:

The front forecourt is currently covered in impervious paving hardstanding. The proposal would include its replacement with porous paving slabs. This would help to reduce surface water run-off in line with policy CC3 and would be considered acceptable.

The proposal would also include the installation of a surface water recycling storage tank within the void of the existing garage structure below the garden. This will capture rainwater runoff from the roofs of the newly extended house and will be used in garden watering which is welcomed.

A condition would be attached to ensure that development will be capable of achieving a maximum internal water use of 110 litres a day (plus an additional 5 litres for external water use).

#### 5 Basement:

The proposed basement would be single storey in height at 3m. It would 1.5 times the footprint of the host building in area (excluding the lightwells). The proposed basement would not take up more than 50% of the front or rear garden. It would be set back from the neighbouring property at no. 22 Windmill

Hill but would extend up to the boundary with the neighbouring property at no. 2 Frogna Rise. The existing house extends up to the eastern boundary with no. 2 so there is currently no potential for planting along this boundary. A tarmac drive is located to the west of the existing dwelling. The proposed basement excavation would not result in the loss of garden space or trees of amenity value. The proposal would comply with all the criteria f to m of policy A5 and policy BA1 of the Hampstead NP is considered acceptable in terms of its size and scale.

A basement impact assessment was submitted in support of the application to address the basement excavation works as part of the 2015 application. This was reviewed by the Council's external auditors (Campbell Reith) and was considered acceptable subject to the submission of a Basement Construction Plan (BCP) for the final ground movement and building damage assessment to be provided. This was secured by legal agreement. Given that there has been no change in site context or site constraints a re-audit of the BIA was not considered necessary. The proposed basement works would be considered acceptable. The submission of the BCP would still be considered necessary and this would be secured by s106 legal agreement.

#### Archaeology:

The proposed development lies within the Hampstead Archaeological Priority Area which reflects its location within the medieval/post-medieval village. The applicant commissioned an Archaeological Desk-Based Assessment (Britannia Archaeology Ltd, January 2015) as part of the 2015 permission and has been resubmitted as part of this application. The assessment highlights that the site has a moderate to high potential for mid-18th to early 20th century remains associated with the former Frogna Rise Villa. Medieval settlement features have also been recorded 30m to the south and although the submitted document suggests that the potential for archaeological remains which pre-date the 18th century is low, the potential for medieval remains to lie within the application site should not be ruled out. Greater London Archaeological Advisory Service (GLAAS) has been consulted on the application. They have confirmed that a condition should be attached to any permission to require a two stage archaeological written scheme of investigation to be carried out prior to demolition or any development commencing on site. This would be secured by condition.

Special regard has been attached to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objection/comments have been received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A2, A3, A4, A5, D1, D2, CC3, CC5, T1 and T2 of the Camden Local Plan 2017, policies DH1, DH2, NE2, NE4, BA1, BA2, BA3, TT4 of the Hampstead Neighbourhood Plan 2018 and policies in the London Plan 2021, relevant paragraphs of the National Policy Framework 2021.

- 6 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 7 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 9 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 10 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 11 Your attention is drawn to the fact that there is a separate legal agreement with

the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer