

February 2017



Planning Statement

76 Fitzjohn's Avenue, Hampstead

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Executive Summary

This Planning Statement is submitted as part of a householder planning application for a basement development proposal at 76 Fitzjohn's Avenue in Hampstead. The proposals have been prepared on behalf of the homeowner, Mr Zain Naqi.

76 Fitzjohn's Avenue is ground plus 2 storey family dwelling house, located on the east side of Fitzjohn's Avenue. The site is bound to the east by Spring Path to the west by Fitzjohn's Avenue and to the north and south by neighbouring residential properties. The property is heavily screened from Fitzjohn's Avenue and Spring Path by existing boundary walls, fences and mature vegetation. The site is located within the Fitzjohn's Netherhall Conservation Area.

This application seeks to provide one additional basement level to the house, in order to provide approximately 104 sqm (GIA) of additional space plus 20 sqm of lightwells. One lightwell would be constructed in the front garden, with another lightwell to the rear. The basement floor will be accessed internal via a stair case from ground floor.

The proposals will not result in an adverse impact on the conservation area, as the proposals will be screened by the existing boundary wall, fences and mature vegetation.

The proposals have been designed carefully in order to ensure there is no adverse impact on neighbours. The accompanying Basement Impact Assessment demonstrates that the neighbouring buildings and relevant structures will be protected. The proposed lightwells are to be located immediately adjacent to the front and rear walls of the property. There will, therefore, be no adverse amenity impacts on neighbours.

As justified in this Planning Statement, it is our view that the proposal accords with the relevant national, regional and local policies and that under the relevant planning legislation, planning permission should be granted.

1 Introduction

Introduction

- 1.1 This Planning Statement has been prepared by JLL Planning, Development and Heritage (‘JLL’), and is submitted as part of a householder planning application for a basement development at 76 Fitzjohn’s Avenue. The proposals have been prepared on behalf of Mr Zain Naqi.
- 1.2 No. 76 Fitzjohn’s Avenue is a ground plus 2-storey, semi-detached dwelling house located within the Fitzjohn’s Netherhall Conservation Area.
- 1.3 This application seeks to provide one additional basement level below the house plus 2no. lightwells in the front and rear gardens.

Proposal

- 1.4 The proposed scheme seeks to create an additional 104 sqm of floorspace underneath the existing dwelling through the construction of a single storey basement, thereby optimising the opportunities within the curtilage of the site without comprising the character, function and integrity of the house, neighbouring buildings or the conservation area. The proposal incorporate approximately 20 sqm of lightwells to the front and rear garden.
- 1.5 Householder permission is sought for:

‘Creation of a single storey basement with lightwell to front and rear’

Background

- 1.6 This planning application has been submitted following pre-application discussions with the London Borough of Camden (‘LBC’). The pre-application response is shown in **Appendix 1**.

Contents

- 1.7 This Statement is set out as follows:
 - **Section 2** provides a description of the site and surrounding area, and, investigates the planning history records;
 - **Section 3** includes a summary of the relevant planning policies;
 - **Section 4** explains the proposals;
 - **Section 5** contains the justification for granting planning permission; and,
 - **Section 6** sets out the conclusions.

Consultant Reports

1.8 The following drawings and reports have been submitted and support the planning application:

- Planning Statement prepared by JLL;
- Planning Drawings by BB Partnership Architects;
- Design and Access Statement by BB Partnership Architects;
- Site Investigation and Basement Impact Assessment Report by GEA;
- Arboriculture Report by Tim Moya Associates; and,
- Energy Statement by Carnell Warren Associates;
- Environmental Noise and Plant Noise Assessment Report by Carnell Warren Associates; and,
- Construction Method Statement by Michael Brady Partnership.

2 Site, its surroundings and planning history

The Site

- 2.1 The site is located within the administrative boundary of LBC and comprises a single residential dwelling on a 0.083 acre (334.84 sqm) plot. Built in c.1930, this semi-detached property currently stands at ground plus 2-storeys high.
- 2.2 The site is bound to the north by No. 78 Fitzjohn's Avenue, to the east by Spring Path, to the south by No. 74 Fitzjohn's Avenue, and to the west by Fitzjohn's Avenue.
- 2.3 This four-bedroomed family dwelling is located on the east side of Fitzjohn's Avenue, from which vehicular and pedestrian access is gained. Additional pedestrian access is obtained to the rear of the property from Spring Path.
- 2.4 The site is located approximately 600m north east of Finchley Road and Frognal National Rail Station, providing access to London Overground services. Hampstead Underground Station is located approximately 530m to the north of the site. The closest bus stop is located approximately 60m to the south of the site, improving the site's wider accessibility. Accordingly, the site has an excellent public transport accessibility level ('PTAL') of 5, on a scale of 1-6, where 6b is the highest.
- 2.5 A search of the Environment Agency's Flood Map for Planning has confirmed that the site falls within Flood Zone 1 (low risk), which comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). All uses are considered appropriate in this zone.
- 2.6 76 Fitzjohn's Avenue is neither locally nor nationally listed. The site does, however, fall within the Fitzjohn's Netherhall Conservation Area.

The Surroundings

- 2.7 The wider area is largely residential in character, comprised of large, semi-detached and detached dwellings. There are a number of larger flatted dwelling houses north of the site on Fitzjohn's Avenue.
- 2.8 Hampstead District Centre is located approximately 500m north of the site, providing easy access to a range of shops and other services and facilities.
- 2.9 Hampstead Heath, a designated Metropolitan Park, is located approximately 1km to the north east of the site.

Planning History

- 2.10 An initial search of LBC's online planning history records has not identified any planning history for the site.
- 2.11 In the surrounding area, 72 Fitzjohn's Avenue had an application granted on 10 October 2010 for '*excavation of basement and creation of open front lightwell with staircase and two rear lightwells enclosed by grilles*' (ref: 2007/3542/P).

Pre-application discussion

- 2.12 A pre-application meeting with Officers from LBC was held on 11 July 2016. A copy of the response is appended to this Planning Statement (**Appendix 1**).
- 2.13 Officers confirmed that the proposed basement would be required to meet the criteria outlined in Policy CPG4 (Basements and Lightwells) to be acceptable in principle. To this end, this Planning Statement has assessed the proposals against the criteria listed in CPG4 and considers that the proposals adhere to CPG4 and are appropriate in principle.
- 2.14 In the pre-application response, Officers advised that the primary consideration of the proposed basement is the *“impact upon the design and character of the host property and surrounding location”*. The proposed lightwells are minimal in scale, and are located adjacent to the existing building. As such, officers considered that the proposed basement *“would be unlikely to unbalance the symmetry between semi-detached buildings and the lightwells are hidden from the street scene by the existing front boundary wall and mature vegetation providing screening”*. Therefore, the proposal was *“considered to be acceptable in conservation terms and in accordance with policy DP25 of the Development Plan”*.
- 2.15 In regards to neighbouring amenity, Officers considered that the basement extension was unlikely to result in significant harm to neighbouring amenity, pending the submission of a Basement Impact Assessment. A Basement Impact Assessment has been submitted with this application, confirming that there will be no adverse impact on neighbouring residents.
- 2.16 An Arboriculture Impact Assessment ('AIA') was requested by Officers as part of any forthcoming planning application for the basement. An AIA has been submitted in support of this planning application. The protection measures advised in the AIA will be adhered to, in order to protect the mature copper beech tree in the front garden.

3 The proposals

The proposal

- 3.1 This planning application seeks to create improved accommodation within the house, increasing useable space by approximately 104 sqm in the form of a single level basement (plus 20 sqm of lightwells). In line with planning policies, the proposed basement design is situated under the footprint of the host building, with only the lightwells extending out into the front and rear gardens.
- 3.2 The basement would provide the following:
- 2no. bedrooms with en-suites;
 - 1no. laundry room;
 - 1no. family room;
 - 1no. WC; and,
 - 1no. plant and pump room.

Proposed basement floor

- 3.3 The total depth of the basement would extend to 4m below the front and rear garden level.
- 3.4 The basement would have an internal height of 2.8m.
- 3.5 The basement sits below the footprint of the host building, with only the 2no. proposed lightwells extending into the front and rear gardens.
- 3.6 The front lightwell extends 2m into the front garden and is approximately 7m in width (14sqm). At ground floor level, the lightwell will be partially covered by a footpath to the front door; therefore, the exposed lightwell at ground floor level extends to 5m x 2m. The rear lightwell extends to approximately 3m x 1.6m. Both lightwells will be secured with grilles.

Proposed front and rear garden and arboricultural considerations

- 3.7 It is proposed to remove the existing 6m high palm tree from the front garden in order to facilitate the construction of the proposed basement. As noted within the AIA submitted in support of this application, this Category C (low quality) tree is not a significant feature in the street scene, nor is it typical of the local landscape features. It is proposed to replace this tree with another tree as part of the soft landscaping proposed.
- 3.8 The rear garden will also be softly landscaped.
- 3.9 The mature copper beech tree in the front garden is in good structural and physiological condition, and makes a significant contribution to the streetscape. As demonstrated within the AIA, a trial hole has revealed that the rooting area for this tree extends as far as and beyond the BS5837 theoretical root protection area. However, none of the roots found in the trial hole zone (in the proposed location of the front lightwell) were structural. In order to protect

this tree's remaining rooting environment, the front garden will be adequately protected during construction operations. The loss of a small proportion of roots is not considered to be significant.

Relationship with existing building

3.10 To facilitate the connection between the proposed basement level and the main building, the scheme includes one new internal staircase, linking the basement with the existing ground floor.

Construction and Demolition Management Plan

3.11 A Construction and Demolition Management Plan has been prepared by Michael Brady Partnership.

3.12 As detailed within the Plan, the proposed structural works will consist of the following:

- Excavating for and preparing a ramp from ground level to formation level at the front of the house;
- Installation of temporary supporting works beneath the front elevation;
- Construction of the side walls to the lightwell;
- Installation of lateral props between the house walls above ground floor level;
- Removal of ground floor construction;
- Sequenced construction of the retaining walls beneath the main house starting from the front and working down from ground floor;
- Pins to start at four or five locations reducing to one at completion; and,
- Arisings removed by conveyor to skips or wagons on the property's driveway.

3.13 As noted within this Plan, all reasonable efforts will be taken to reduce noise and vibration that result from construction works. The HSE's 'Vibration Levels by Tool Type' chart will be consulted and only those tools that produce acceptable levels used for any processes. The Site Foreman will manage the migration of noise outside the site curtilage by closing external doors.

3.14 In total, the construction process is expected to take 6 months.

Proposed plant

3.15 A condenser is proposed as part of this application, in order to provide air conditioning to the proposed basement. The condenser will be positioned in the front garden, adjacent to the existing car parking area. The closest sensitive window is located approximately 11m away at 78 Fitzjohn's Avenue.

3.16 A Noise Impact Assessment has been prepared by Hann Tucker Associates. As noted within this Assessment, the noise emissions from the proposed plant will exceed LBC's recommended criteria (noise levels at a point

1 metre external to sensitive facades shall be at least 5db(A) less than the existing background measurement) and will, therefore, require mitigation.

- 3.17 An acoustic enclosure offering at least 19dBA attenuation will be installed around the proposed condenser. The proposals will, therefore, meet the recommended criteria after mitigation is installed. A planning condition is suggested for this mitigation.

Energy and sustainability

- 3.18 An Energy Statement has been prepared by Carnell Warren Associates in support of this application.
- 3.19 The scheme has been designed in line with Building Regulations Part L, and emphasis will be placed on passive design to reduce CO2 emissions.
- 3.20 Demand reduction will be achieved by the employment of enhanced u-values for construction, detailing to ensure thermal bridging is eliminated and design and detailing to ensure the optimum air permeability is achieved.
- 3.21 Building service installation will employ the highest efficiency heat producing appliances with the lowest NOX ratings.

4 Relevant planning policy

4.1 This section provides an overview of national and local planning policies relating to the planning application, as well as other material considerations. It looks at factors relevant to the creation of new residential development through basement provision, including design issues.

The Development Plan

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Where there is a difference in policy, Section 38(5) requires that the most recently adopted policy takes precedence.

4.3 The statutory development plan which covers the site comprises:

- The London Plan (Consolidated with alterations since 2011, March 2016);
- LB Camden Core Strategy (2010); and,
- LB Camden Development Policies (2010).

4.4 The NPPF (2012), National Planning Practice Guidance (NPPG, 2014) are relevant material considerations, as are any supplementary planning documents (SPDs).

4.5 LBC are in the process of adopting a new local plan, to be known as the Camden Local Plan. On 24 June 2015, the Council submitted the Camden Local Plan and supporting documents to the Secretary of State for Communities and Local Government for examination. Public examination hearings took place during October 2016. Given the advance stage of this document's production, it is considered that the policies contained within it carry some weight for the purpose of decision-making in LBC.

Application site designations

4.6 LBC's adopted Proposals Map confirms that the site is subject to the following designations:

- Fitzjohn's Netherhall Conservation Area.

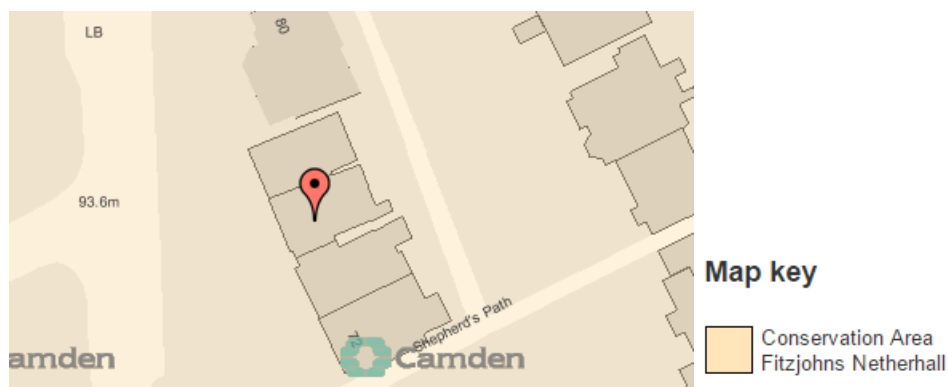


Figure 4.1: LBC proposals map

Source: LBC Policies map

4.7 The emerging Camden Local Plan also designates this site as within the Fitzjohn's Netherhall Conservation Area.

National Planning Guidance

NPPF (2012)

Design

4.8 Paragraph 56 requires great importance to be attached to the design of the built environment. Indeed, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Heritage

4.9 Paragraph 128 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset; importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

4.10 In determining applications, paragraph 131 requires local authorities to take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and,
- The desirability of new development making a positive contribution to local character and distinctiveness.

4.11 Where a proposed development will lead to substantial harm to a designated heritage assets, paragraph 133 directs local planning authorities to refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve sustainable public benefits that outweigh the harm or loss.

Energy and sustainability

4.12 At paragraph 95, the NPPF states that local planning authorities should support the move to a low carbon future. It adds that the requirements for the sustainability of local buildings should be set in a manner that is consistent with the Government's zero carbon buildings policy and that these requirements should adopt nationally described standards.

At paragraph 96, the NPPF states that local authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and,
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Regional Planning Policy

London Plan (2016)

Design

- 4.13 **Policy 3.5** (*Quality and Design of Housing Developments*) requires housing developments to be of the highest quality internally, externally and in relation to their wider context and to the wider environment, taking account of strategic policies.
- 4.14 Under **Policy 7.2** (*An Inclusive Environment*), the Mayor promotes world-class, high quality architecture and design and requires the highest standards of accessibility and inclusion. A design and access statement should be submitted with applications to demonstrate the above.
- 4.15 **Policy 7.3** (*Designing out Crime*) requires developments to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing.
- 4.16 **Policy 7.4** (*Local Character*) necessitates development to have regards to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features.
- 4.17 **Policy 7.6** (*Architecture*) expects architecture to make a positive contribution to a “*coherent public realm, street scape and wider cityscape*”.

Heritage

- 4.18 **Policy 7.8** (*Heritage Assets and Archaeology*) states that London's heritage assets and historic environment, including conservation areas, should have their significance enhanced and sustained and their positive role in place shaping should be taken into account in decision making. Developments should “identify, value, restore, re-use and incorporate heritage assets” where appropriate. Developments affecting heritage assets and their setting should conserve their form, scale, materials and architectural detail.

Energy and Sustainability

- 4.19 The Mayor encourages development to mitigate climate change and minimise carbon dioxide emissions (**Policies 5.1 – Climate Change Mitigation and 5.2 – Minimising Carbon Dioxide Emissions**).
- 4.20 Under **Policy 5.3** (*Sustainable design and construction*), the Mayor requires the highest standard of sustainable design and construction to be achieved. Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be clearly demonstrated within a design and access statement. It adds that developers should use best practice and appropriate mitigation measures to reduce the environmental impact of demolition and construction.
- 4.21 With regards to sustainable urban drainage systems (SUDS), **Policy 5.13** (*Sustainable drainage*) requires developments to utilise SUDS, unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Local Planning Guidance

LB Camden Core Strategy (2010)

- 4.22 Camden's Core Strategy sets out the key elements of the Council's planning vision and strategy for the borough. The relevant policies for the assessment of this application are set out below.

Managing the impact of growth and development

- 4.23 **Policy CS5** (*Managing the impact of growth and development*) seeks to proactively manage the impact of growth and development in Camden. This includes: delivering sustainable buildings; spaces of the highest quality; protecting and enhancing the Borough's environment and heritage assets; and, protecting and enhancing the amenity and quality of life of local communities.

Heritage

- 4.24 **Policy CS14** (*Promoting high quality places and conserving our heritage*) seeks to ensure that Camden's places and buildings are "attractive, safe and easy to use". This will be achieved by:
- Requiring development of the highest standard of design that respects local context and character;
 - Preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
 - Promoting high quality landscaping and works to streets and public spaces;
 - Seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible; and,
 - Protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views. Development

Energy and sustainability

- 4.25 **Policy CS13** (*Tackling climate change through promoting higher environmental standards*) requires all development to take measures to minimise the effects of, and adapt to, climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. This will be achieved by promoting the efficient use of land and buildings.

LB Camden Development Policies (2010)

- 4.26 The Camden Development Policies contributes towards the delivery of the Core Strategy by setting out detailed policies that the Council will use when determining applications for planning permission in the Borough. The relevant policies for the assessment of this application are set out below.

Basements

- 4.27 **Policy DP27** (*Basements and lightwells*) requires an assessment on drainage, flooding, groundwater conditions

and structural stability where appropriate. This includes requiring applicants to demonstrate by methodologies appropriate to the site that schemes:

- Maintain the structural stability of the building and neighbouring properties;
- Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- Avoid cumulative impacts upon structural stability or the water environment in the local area,
- Avoid cumulative impacts upon structural stability or the water environment in the local area;

4.28 In addition, **Policy DP27** will consider whether schemes:

- Harm the amenity of neighbours;
- Lead to the loss of open space or trees of townscape or amenity value;
- Provide satisfactory landscaping, including adequate soil depth;
- Harm the appearance or setting of the property or the established character of the surrounding area; and,
- Protect important archaeological remains.

4.29 The Council will not permit basement scheme which include habitable rooms and other sensitive uses in areas prone to flooding (**Policy DP27**).

4.30 With regards to lightwells, the Council will consider whether:

- The architectural character of the building is protected;
- The character and appearance of the surrounding area is harmed; and,
- The development results in the loss of more than 50% of the front garden or amenity area (**Policy DP27**).

Design

4.31 **Policy DP24** (*Securing high quality design*) requires all development to be of the highest standard of design. In addition, developments are expected to consider:

- The character, setting, context and the form and scale of neighbouring buildings;
- The character and proportions of the existing building, where alterations and extensions are proposed;
- The quality of materials to be used;
- The appropriate location for building services;
- Existing natural features (including trees); and,

- Accessibility.

4.32 With regards to impact on neighbouring amenity, **Policy DP26** (*Managing the impact of development on occupiers and neighbours*) seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity (including: visual privacy and overlooking, overshadowing out outlook, sunlight, daylight, noise and vibration, odour, fumes and dust).

Heritage

4.33 **Policy DP25** (*Conserving Camden's heritage*) seeks to main the character of Camden's conservation areas. In order to do this Council will:

- Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- Only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
- Not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
- Preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

Emerging Camden Local Plan

4.34 On 24 June 2016, LBC submitted the Camden Local Plan and supporting documents to the Secretary of State for Communities and Local Government for independent examination. Public examination hearings took place in October 2016.

4.35 The Camden Local Plan will set out the Council's planning policies and will replace both the current Core Strategy and Development Policies. Relevant policies are summarised below.

Basements

4.36 **Policy A5** (*Basements*) states that *"the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:*

- a) neighbouring properties;*
- b) the structural, ground, or water conditions of the area;*
- c) the character and amenity of the area;*
- d) the architectural character of the building; and,*

- e) *the significance of heritage assets.*

In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan.

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f) *not comprise of more than one storey;*
- g) *not be built under an existing basement;*
- h) *not exceed 50% of each garden within the property;*
- i) *be less than 1.5 times the footprint of the host building in area;*
- j) *extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;*
- k) *not extend into or underneath the garden further than 50% of the depth of the garden;*
- l) *be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and,*
- m) *avoid the loss of garden space or trees of townscape or amenity value.*

Exceptions to f. to k. above may be made on large comprehensively planned sites.

The Council will require applicants to demonstrate that proposals for basements:

- n) *maintain the structural stability of the building and neighbouring properties;*
- o) *avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- p) *do not harm the structural stability of the host building, neighbouring buildings or the water environment in the local area;*
- q) *avoid cumulative impacts;*
- r) *do not harm the amenity of neighbours;*
- s) *provide satisfactory landscaping, including adequate soil depth;*
- t) *do not harm the appearance or setting of the property or the established character of the surrounding area;*
- u) *protect important archaeological remains; and,*

- v) *do not prejudice the ability of the garden to support trees where they are part of the character of the area.*

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. We will generally require a Construction Management Plan for basement developments. Given the complex nature of basement development, the Council encourages developers to offer security for expenses for basement development to adjoining neighbours”.

Delivery and location of growth

- 4.37 **Policy G1** (*Delivery and location of growth*) seeks to promote the most efficient use of land and building in Camden by supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.

Design and protecting amenity

- 4.38 **Policy A1** (*Managing the impact of development*) seeks to protect the quality of life of occupiers and neighbours. This involves: seeking to ensure that the amenity of communities, occupiers and neighbours is protected; seeking to ensure that development contributes towards a strong and successful community by balancing the needs of development with the needs and characteristics of local areas and communities. Factors considered include visual privacy, impacts of construction, outlook, noise and vibration levels, and impact upon water and wastewater infrastructure.
- 4.39 **Policy D1** (*Design*) requires high quality design in developments. All new development should respect the local context and character, preserve or enhance the historic environment and heritage assets, is sustainable in design and construction and is sustainable and durable construction.

Trees

- 4.40 **Policy A3** (*Biodiversity*) requires development to protect and enhance sites of nature conservation and biodiversity. As part of this, the Council resists the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation. Trees which are retained will need to be protected during construction, in line with BS5837:2012.
- 4.41 Where significant trees are proposed to be lost, **Policy A3** expects replacement trees.

Heritage

- 4.42 **Policy D2** (*Heritage*) seeks to preserve and, where appropriate, enhance the Borough's heritage assets. In order to maintain the character of conservation areas, the Council will take into account conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The council will: require that development within conservation areas preserves or, where possible, enhances the character of appearance of the area; resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area; and, preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's heritage.

Camden Planning Guidance ('CPG') 4 – Basements and Lightwells (July 2015)

4.43 The guidance contained within CPG4 provides information on basement and light wells issues, including: planning and design considerations; assessing basements and Basement Impact Assessments' and, Impacts to neighbours from demolition and construction.

Planning and Design Considerations

4.44 The guidance seeks to ensure that that basement schemes:

- Do not cause undue harm to the amenity of neighbouring properties;
- Do not have a detrimental impact on the groundwater environment, including ponds and reservoirs;
- Do not have any effects on surface water run-off or ground floor permeability;
- Do not harm the recognised architectural character of buildings and surrounding area, including gardens and nearby trees, and that conservation area character is preserved or enhanced;
- Conserve the biodiversity value of the site;
- Achieve sustainable development; and,
- Do not place occupiers at risk or have any effects on the stability of bearing capacity of adjacent land generally.

Size of development

4.45 The Council's preferred approach is, therefore, for basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below ground level (paragraph 2.6). Larger schemes, including those extended beyond the footprint of the above ground building, will be expected to provide appropriate evidence to demonstrate to the Council's satisfaction that the development does not harm the built and natural environment or local amenity.

Conservation areas

4.46 In conservation areas, the Council will seek the submission of a management plan for demolition and/or construction where basement works are proposed in conservation areas.

Basement, walls, windows and doors

4.47 Any exposed area of basement development to the side or rear of building will be assessed against the guidance in CPG1 Design. In general, this expects any exposed area of basement to be: subordinate to the building being extended; respect the original design and proportions of the building, including its architectural period and style; and, retain a reasonable sized garden (paragraph 2.12).

4.48 In number, form, scale and pane size, basement windows should relate to the façade above. They should normally be aligned to the openings above and be of a size that is clearly subordinate to the higher level openings so as

not to compete with the character and the balance of the original building.

Trees, landscape and biodiversity

- 4.49 Sufficient margins should be left between the site boundaries and any basement construction to enable natural process to occur for vegetation to grow naturally. These margins should be wide enough to sustain growth and mature development of the characteristic tree species and vegetation of the area. The Council will seek to ensure that gardens maintain their biodiversity function for flora and fauna and that they are capable of continuing to contribute to the landscape character of an area so that this can be preserved or enhanced (paragraph 2.15).
- 4.50 Basement developments should provide an appropriate proportion of planted materials to allow for rain water to be absorbed and/or to compensate for the loss of biodiversity caused by the development. This will usually consist of a green roof or detention pond at the top of the underground structure. It will be expected that a minimum of 1m soil be provided above basement development that extends beyond the footprint of the building, to enable green planting and to mitigate the effect on infiltration capacity. The use of SUDS is sought in all basement proposals that extend beyond the footprint of the original building (paragraph 2.16).

Lightwells

- 4.51 Where visible lightwells are not part of the prevailing street scene, new lightwells should be discreet and not harm the architectural character of the building, or the character and appearance of the surrounding area, or the relationship between the building and the street (paragraph 2.19).
- 4.52 In plots with long gardens depths, lightwells can be concealed by landscaping and boundary treatments. In these situations, lightwells that are sensitively designed to maintain the integrity of the existing building may be acceptable, subject to other design requirements and environmental considerations (paragraph 2.20).
- 4.53 As set out in paragraph 2.22, excessively large lightwells will not be permitted in any garden space.

Basement Impact Assessments ('BIA')

- 4.54 Paragraphs 3.1 and 3.2 require all applications for basement extensions to be accompanied by a BIA. The purposes of a BIA is to enable the "*Council to assess whether any predicted damage to neighbouring properties and the water environment is acceptable or can be satisfactorily ameliorated by the developer*".
- 4.55 BIAs should consider [inter alia]: groundwater flow; land stability; surface flow; and, flooding.

Impacts to Neighbours from Demolition and Construction

- 4.56 All construction and demolition processes are expected to be in accordance with the Considerate Constructors Scheme standards.
- 4.57 The Council will generally require a construction management plan for basement developments to manage and mitigate the greater construction impacts of these schemes.

Camden Planning Guidance ('CPG') 1 – Design (July 2015)

- 4.58 CPG 1 provides information on all types of detailed design issues within the borough.

4.59 Good design is expected to:

- positively enhance the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views. This is particularly important in conservation areas;
- respect, and be sensitive to, natural and physical features, both on and off the site. Features to be considered include, but are not limited to: slope and topography, vegetation, biodiversity, habitats, waterways and drainage, wind, sunlight and shade, and local pollutant sources. Movement of earth to, from and around the site should be minimised to prevent flood risk, land instability and unnecessary transport of aggregates, especially by road; and,
- consider connectivity to, from, around and through the site for people using all modes of transport, including pedestrians, cyclists, wheelchair users, those with visual impairments, people with pushchairs, and motorised vehicles.

Camden Planning Guidance ('CPG') 6- Amenity (2011)

4.60 CPG 6 provides guidance on all types of amenity issues in Camden.

4.61 In regards to noise and vibration, developments are expected to reduce the noise emitted at its point of generation and containing noise generating equipment (e.g. by insulating buildings which house machinery and/or providing purpose-built barriers around the site). Consideration should also be given to ensuring an adequate distance between source and noise-sensitive buildings or areas and screening by natural barriers, building, or non-critical rooms in the development.

4.62 With regards to overlooking, privacy and outlook, CPG6 expects development to be designed to protect the privacy of both new and existing dwellings to a "reasonable degree" (paragraph 7.4).

4.63 Development proposals are expected to ensure that the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers (paragraph 7.9).

5 Justification for planning permission

5.1 Planning permission is sought for the provision of a single storey basement with 2no. lightwells.

5.2 It is considered that the key issues when determining this scheme are as follows:

- a) Compliance with subterranean development policy tests and guidance; and,
- b) Impact on the character and appearance of the building and conservation area.

a) Compliance with subterranean development policy tests

5.3 Local Policy DP27, Camden Planning Guidance 4 and emerging Policy A5 provide the criteria that basement development should meet. These are in turn addressed below.

Table 5.1: Compliance with the subterranean development policy tests of LBC’s Development Policies Policy DP27

Policy Test	Proposal	Compliance
DP27 a) Maintain the structural stability of the building and neighbouring properties.	A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, the proposal will maintain the structural stability of both the building and neighbouring properties.	✓
DP27 b) Avoid adversely affecting drainage and run-off or causing other damage to the water environment.	A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, the proposal will not adversely affect drainage and run-off, nor will it cause other damage to the water environment.	✓
DP27 c) Avoid cumulative impacts upon structural stability or the water environment in the local area.	A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, and as noted above, this proposal will not cause impacts upon structural stability or the water environment when considered cumulatively in the local environment.	✓

<p>DP27 d)</p> <p>Not harm the amenity of neighbours.</p>	<p>Careful consideration has been given to the impact of the proposal on the amenity of neighbours throughout the design process.</p> <p>Lightwells are to be located immediately adjacent to the host building of 76 Fitzjohn’s Avenue. There will no increased overlooking as a result of these proposals.</p> <p>A Basement Impact Assessment has been prepared in support of this application. As demonstrated within this Assessment, there will not be any harm to the structural stability of neighbouring buildings.</p>	<p>✓</p>
<p>DP27 e)</p> <p>Not lead to the loss of open space or trees of townscape or amenity value.</p>	<p>The proposal will result in the loss of a 6m palm tree from the front garden. As noted within the Arboricultural Impact Assessment, this Category C (low quality) tree does not contribute to the significance of the streetscape and is very low in amenity value.</p> <p>The loss of the tree will be mitigated by the planting of a replacement tree upon completion of the basement construction.</p> <p>During construction, adequate protection will be given to the copper beech tree located in the front garden, which is considered to have significant amenity and townscape value.</p>	<p>✓</p>
<p>DP27 f)</p> <p>Provide satisfactory landscaping, including landscaping, including adequate soil depth.</p>	<p>The proposal includes soft landscaping to front and rear garden.</p>	<p>✓</p>

<p>DP27 g)</p> <p>Harm the appearance or setting of the property or the established character of the surrounding area.</p>	<p>The property is heavily screened from both Fitzjohn’s Avenue and Spring Path by existing walls and fences. As such, it will not be possible to see the proposed lightwells from any public space. The proposal will not, therefore, result in harm to the established character of the surrounding area.</p> <p>Indeed, this is recognised in the pre-application letter from Officers, which states:</p> <p><i>“The proposed basement would be unlikely to unbalance the symmetry between the semi-detached buildings and lightwells are hidden from the street scene by the existing front boundary and mature vegetation providing screening to the front of the property. The proposed basement is, therefore, considered to be acceptable in conservation terms”.</i></p>	<p>✓</p>
<p>DP27 h)</p> <p>Protect important archaeological remains.</p>	<p>The site is not situated within an area of archaeological importance.</p>	<p>✓</p>
<p>DP27 i)</p> <p>Lightwells protect the architectural character of the building.</p>	<p>The proposed lightwells are to be located immediately adjacent to the host building in both the front and rear garden. It is considered that the proposed lightwells do not adversely impact on the architectural character of the building.</p>	<p>✓</p>
<p>DP27 j)</p> <p>Lightwells do not harm the character and appearance of the surrounding area.</p>	<p>The property is heavily screened from both Fitzjohn’s Avenue and Spring Path by existing walls, fences and mature vegetation. As such, it will not be possible to see the proposed lightwells from any public space. The proposal will not, therefore, result in harm to the established character of the surrounding area.</p>	<p>✓</p>
<p>SP27 k)</p> <p>The development does not result in the loss of more than 50% of the front garden.</p>	<p>The development will result in the loss of only 11% of the front garden.</p>	<p>✓</p>

5.4 The proposal is, therefore, in compliance with Policy DP25.

Table 5.2 Compliance with CPG 4 (Basements and Lightwells)

Policy Test	Proposal	Compliance
<p>Paragraph 2.6</p> <p>Prefers development to not extend beyond the footprint of the host building and to be no deeper than 1 storey below ground floor.</p>	<p>The proposed basement is located below the footprint of the host building. Only the proposed lightwells extend beyond the footprint of the host building.</p> <p>The proposed basement is only 1 storey below ground floor.</p>	<p>✓</p>
<p>Paragraph 2.11</p> <p>Requires the submission of a management plan for demolition and construction where basement works are proposed in conservation areas.</p>	<p>A Construction Management Plan has been submitted in support of this application.</p>	<p>✓</p>
<p>Paragraph 2.12</p> <p>Requires any exposed areas of basement to be subordinate to the building being extended, respect the original design of the building and retain a reasonable sized garden.</p>	<p>Careful consideration has been given to the relationship between the existing building and the proposed basement. The proposed basement has been located under the footprint of the host building, with only the lightwells extending into the garden.</p> <p>All materials will match that of the existing building, in order to respect the original design.</p> <p>The proposals will retain a front garden of approximately 82 sqm and a rear garden of approximately 54 sqm. We consider that this is a reasonable size garden to retain.</p>	<p>✓</p>

<p>Paragraph 2.14</p> <p>Requires basement windows to relate to the façade above in number form, scale and pane size.</p>	<p>The proposal has taken care to relate to fenestration of the façade above.</p> <p>To the front, there are 2no. proposed basement windows, to match the fenestration pattern above. The width of the basement windows on the front façade match the width of the existing ground floor living room window.</p> <p>To the rear, there is 1no. proposed basement window, which matches the width of the existing full height window situated above the proposed window at ground floor level.</p>	<p>✓</p>
<p>Paragraph 2.15</p> <p>Requires sufficient margins to be left between site boundaries and any basement to enable natural processes to occur for vegetation.</p>	<p>The proposal leaves a margin of 0.6m to the northern boundary and a minimum of 1m to the southern boundary.</p>	<p>✓</p>
<p>Paragraph 2.16</p> <p>Requires proposals to provide an appropriate proportion of planted materials. There should be a minimum of 1meter of soil above basement developments that extend under gardens.</p>	<p>The proposal does not extend below the garden.</p> <p>The front and rear garden will be softly landscaped.</p>	<p>✓</p>
<p>Paragraph 2.9</p> <p>Requires lightwells to be discreet.</p>	<p>The proposed lightwells are discreet, and located adjacent to the existing house.</p>	<p>✓</p>
<p>Paragraph 3.1 and 3.2</p> <p>Requires the submission of a satisfactory Basement Impact Assessment.</p>	<p>A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, there will be no adverse impacts on neighbouring properties or drainage as a result of this proposal.</p>	<p>✓</p>

5.5 The proposal is, therefore, in compliance with CPG 4.

Table 5.3 Compliance with emerging Local Plan policy A5

Policy Test	Proposal	Compliance
<p>Emerging Policy A5 a)</p> <p>Requires proposals to not cause harm to neighbouring properties.</p>	<p>Careful consideration has been given to the impact of the proposal on the amenity of neighbours throughout the design process.</p> <p>Lightwells are to be located immediately adjacent to the host building of 76 Fitzjohn’s Avenue. There will not be any worsening of overlooking as a result of these proposals.</p> <p>A Basement Impact Assessment has been prepared in support of this application. As demonstrated within this Assessment, there will not be any harm to the structural stability of neighbouring buildings.</p>	<p>✓</p>
<p>Emerging Policy A5 b)</p> <p>Requires proposals to not cause harm to the structural, ground or water conditions of the area.</p>	<p>A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, the proposal will maintain the structural stability of both the building and neighbouring properties.</p>	<p>✓</p>
<p>Emerging Policy A5 c)</p> <p>Requires proposals to not cause harm to the character and amenity of the area.</p>	<p>76 Fitzjohn’s Avenue is screened from the streetscape by a tall brick wall at the property boundary to Fitzjohn’s Avenue and Spring Bath and by mature vegetation. As such, it will not be possible to see the lightwells of the basement from public space. The proposal will not, therefore, cause harm to the character and amenity of the local area.</p> <p>Indeed, this is recognised in the pre-application letter from Officers, which states:</p> <p><i>“The proposed basement would be unlikely to unbalance the symmetry between the semi-detached buildings and lightwells are hidden from the street scene by the existing front boundary and mature vegetation providing screening to the front of the property. The proposed basement is, therefore, considered to be acceptable in conservation terms”.</i></p>	<p>✓</p>

<p>Emerging Policy A5 d)</p> <p>Requires proposals to not cause harm to the architectural character of the building.</p>	<p>The proposed lightwells are to be located immediately adjacent to the host building in both the front and rear garden. It is considered that the proposed lightwells do not adversely impact on the architectural character of the building.</p>	<p>✓</p>
<p>Emerging Policy A5 e)</p> <p>Requires proposals to not cause harm to the significance of heritage assets.</p>	<p>The site is located within the Fitzjohn’s Netherhall Conservation Area, a designated heritage asset.</p> <p>As stated above, the property is very well screened from the streetscape of Fitzjohn’s Avenue and Spring Path within the Fitzjohn’s Netherhall Conservation Area. As such, it will not be possible to see the proposals from public areas. There will not, therefore, any harm to the significance of the Fitzjohn’s Netherhall Conservation Area or any other heritage assets.</p>	<p>✓</p>
<p>Emerging Policy A5 f)</p> <p>Basement proposals should not comprise of more than one storey.</p>	<p>The proposals is for a single storey basement.</p>	<p>✓</p>
<p>Emerging Policy A5 g)</p> <p>Basement proposals should not be built under an existing building.</p>	<p>There is no existing basement at the property.</p>	<p>✓</p>
<p>Emerging Policy A5 h)</p> <p>Basement proposals should not exceed 50% of each garden within the property.</p>	<p>The development will result in the loss of only 11% of the front garden.</p>	<p>✓</p>
<p>Emerging Policy A5 i)</p> <p>Basement proposals should be less than 1.5 times the footprint of the host building.</p>	<p>The basement is located below the footprint of the existing building, with only the lightwells extending out into the front and rear garden. The proposals are, therefore, less than 1.5 times the footprint of the host building.</p>	<p>✓</p>
<p>Emerging Policy A5 j)</p> <p>Basements proposals that extend into the garden should not be further than 50% of the depth of the host building measured from the principle rear elevation.</p>	<p>The proposed basement is located below the footprint of the existing building, with only the lightwells extending out into the rear garden. The proposed lightwells extends 2m into the rear garden, significantly below the 50% maximum advocated in Policy A5 part J.</p>	<p>✓</p>

Emerging Policy A5 k) The proposed basement is located below the footprint of the existing building, with only the lightwells extending out into the rear garden. The proposed rear lightwell extend 2m into the rear garden, leaving 4.5m of the garden undeveloped. ✓

Basement proposals should not have extend into or underneath the garden further than 50% of the depth of the garden.

Emerging Policy A5 l) The proposed basement extends only below the footprint of the host building. 2no. lightwells will, however, extend beyond the footprint of the host building. Both lightwell openings are set back 0.6m from neighbouring property boundaries. ✓

Basement proposals should be set back from neighbouring property boundaries where it extends beyond the footprint of the host building.

Emerging Policy A5 m) The proposed basement will result in the loss of a small section of the front (approximately 12 sqm) and rear garden (approximately 5.1 sqm) in order to create the lightwells. The garden to be lost is located adjacent to the main building and is currently grassed and is, therefore, of low amenity value. ✓

Basement proposals should avoid the loss of garden space or trees of townscape or amenity value.

The proposal will also result in the loss of a 6m tall palm tree from the front garden. As noted within the Arboricultural Impact Assessment submitted in support of this application, this tree is of low amenity and biodiversity. It is proposed to replace this tree with a higher quality specimen. Therefore, the proposal is accordance with emerging Policy A5 part M.

Emerging Policy A5 n) A Basement Impact Assessment has be submitted in support of this application. As demonstrated within this Assessment, the proposals will maintain the structural stability of neighbouring properties. ✓

Basement proposals should maintain the structural stability of the building and neighbouring properties.

Emerging Policy A5 o) A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, the proposals will not adversely affect drainage, run-off or other damage to the water environment. ✓

Basement proposals should avoid adversely affecting drainage and run-off causing other damage to the water environment.

<p>Emerging Policy A5 p)</p> <p>Basement proposals should not harm the structural stability of the host building, neighbouring building or the water environment in the local area.</p>	<p>A Basement Impact Assessment has been submitted in support of this application. As demonstrated within this Assessment, the proposals will not harm the structural stability of the host building, neighbouring building or the water environment in the local area.</p>	<p>✓</p>
<p>Emerging Policy A5 q)</p> <p>Basement proposals should avoid cumulative impacts.</p>	<p>As demonstrated within the accompanying Basement Impact Assessment, the proposals will avoid any adverse cumulative impacts.</p>	<p>✓</p>
<p>Emerging Policy A5 r)</p> <p>Basement proposals should not cause harm to the amenity of neighbours.</p>	<p>Careful consideration has been given to the impact of the proposal on the amenity of neighbours throughout the design process.</p> <p>Lightwells are to be located immediately adjacent to the host building of 76 Fitzjohn’s Avenue. There will not be any worsening of overlooking as a result of these proposals.</p> <p>A Basement Impact Assessment has been prepared in support of this application. As demonstrated within this Assessment, there will not be any harm to the structural stability of neighbouring buildings.</p>	<p>✓</p>
<p>Emerging Policy A5 s)</p> <p>Basement proposals should provide satisfactory landscaping, including adequate soil depth.</p>	<p>The proposal includes soft landscaping to the front and rear.</p>	<p>✓</p>

<p>Emerging Policy A5 t)</p> <p>Basement proposals should not cause harm to the appearance or setting of the property or the established character of the surrounding area.</p>	<p>76 Fitzjohn’s Avenue is screened from the streetscape by a tall brick wall at the property boundary to Fitzjohn’s Avenue and Spring Bath and by mature vegetation. As such, it will not be possible to see the lightwells of the basement from public space. The proposal will not, therefore, cause harm to the character and amenity of the local area.</p> <p>Indeed, this is recognised in the pre-application letter from Officers, which states:</p> <p><i>“The proposed basement would be unlikely to balance the symmetry between the semi-detached buildings and lightwells are hidden from the street scene by the existing front boundary and mature vegetation providing screening to the front of the property. The proposed basement is, therefore, considered to be acceptable in conservation terms”.</i></p>	<p>✓</p>
<p>Emerging Policy A5 u)</p> <p>Basement proposals should protect important archaeological remains.</p>	<p>The site is not situated within an area of archaeological importance.</p>	<p>✓</p>
<p>Emerging Policy A5 v)</p> <p>Basement proposals should not prejudice the ability of the garden to support trees where they are part of the character of the area.</p>	<p>The proposals will not prejudice the ability of the garden to support trees which are part of the character of the area. As demonstrated within the Arboricultural Impact Assessment submitted in support of this application, the proposals will not harm the mature copper beech tree in the front garden.</p>	<p>✓</p>

5.6 The proposal is, therefore, in compliance with Emerging Policy A5.

b) Impact on the character and appearance of the building and the Fitzjohn’s Netherhall Conservation Area.

5.7 The construction of the basement will have a very limited impact on the Fitzjohn’s Netherhall Conservation Area, as the majority of works will occur below ground.

5.8 The existing building is heavily screened from Fitzjohn’s Avenue and Spring Path by existing boundary walls, fences and mature vegetation. As such, the proposed lightwells will not be visible from either Fitzjohn’s Avenue or Spring Path.

5.9 The proposed lightwells will be screened from neighbouring properties by existing mature vegetation.

5.10 The proposals will not, therefore, have an adverse impact on the appearance of the building or Fitzjohn’s

Netherhall Conservation Area. The proposal is in accordance with NPPF paragraphs 56, 64, 128, 131 and 133, London Plan policy 7.8 and local policy DP25 and emerging policy D2.

6 Conclusions

- 6.1 76 Fitzjohn's Avenue is a single dwelling house located within the London Borough of Camden.
- 6.2 This proposal seeks to create a single storey basement below the existing building, along with two lightwells which would extend into the front and rear gardens. The proposal would provide approximately 104 sqm of additional floorspace at basement level (plus 20 sqm of lightwells to the front and rear garden)
- 6.3 The proposed basement and accompanying lightwells will not have an adverse impact on the Fitzjohn's Netherhall Conservation Area, neighbouring amenity, structural stability of either the host building or neighbouring buildings, trees or drainage.
- 6.4 Overall, the proposals are acceptable as they comply with the principles of the NPPF, London Plan policies 3.5, 5.1, 5.2, 5.3, 5.13, 7.2, 7.3, 7.4, 7.6 and 7.8 and local policies CS5, CS14, CS13, DP27, DP26, DP27, A3, A5, D1, D2 and G1, and CPGs 1, 4 and 6.



JLL offices**Jeff Field**

Chairman
Planning, Development and
Heritage
London
0207 852 4742
Jeff.Field@eu.jll.com

JLL offices**Emma Thorpe**

Graduate Planning Consultant
Planning, Development and
Heritage
London
020 7399 5020
Emma.Thorpe@eu.jll.com

jll.com

Jones Lang LaSalle

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