

4.6 20/02312/FUL Date expired 21 October 2020

Proposal: Replace timber fence with metal fence incorporating gate. Erection of an 8m high CCTV column with a maximum of 5 cameras, and fitted with anti-climb spikes.

Location: Land East Of 17 Romani Way, Hever Road, Edenbridge
KENT TN8 5NQ

Ward(s): Edenbridge South & West

Item for decision

This application is being reported to the Development Control Committee as the applicant is Sevenoaks District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) Prior to the erection of the column hereby permitted further details the column external finish/colour shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

2) When the CCTV column is no longer required or in use, the column and any resultant materials from its removal shall be removed from the land.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1 unnumbered 1:1250 scaled location plan, 1 unnumbered 1:200 scaled block plan, PROPOSED FRONT ELEVATION, PROPOSED SIDE ELEVATION, PROPOSED REAR ELEVATION, PROPOSED SIDE ELEVATIONS OF FENCING

For the avoidance of doubt and in the interests of proper planning.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises small compound area that forms part of an existing Council operated Traveller site. The compound, that is enclosed by palisade fencing fronts onto the junction of Hever Road and Romani Way. Within the compound is a small storage building.
- 2 The site is located within the designated Metropolitan Green Belt.

Description of proposal

- 3 The application proposes the installation of an 8m high column with 5 fixed, close circuit television (CCTV) cameras within an existing compound area adjacent to the junction of Romani Way and Hever Road.
- 4 The 3m high palisade fencing has recently been erected.
- 5 The purpose of the CCTV cameras is to provide an extension to the Council's CCTV network and will provide vital coverage of an area that in the past blighted by fly-tipping and anti-social behaviour and will act as a deterrent for the benefit of the local community.
- 6 Occupants within Romani Way have been notified of the development by the Council.

Relevant planning history

- 7 08/01242 - Six Caravan Pitches on existing Caravan Site and associated works/facilities (including revision to 3 pitches and associated works already approved under reference SE/06/02494/FUL) - GRANTED
- 8 06/02494 - Provision of 3 additional pitches on existing gypsy caravan site (from 12 to 15 pitches) - GRANTED
- 9 86/02062 - Retention of use of land for encampment for Gypsies - GRANTED
- 10 78/01778 - The continued use of land as an encampment for Gypsies for seven years - GRANTED

Policies

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of New Development and Conservation
- 13 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles

Constraints

- 14 The site lies within the following constraints -
 - Metropolitan Green Belt

Consultations

- 15 Edenbridge Parish Council - Supports the application
- 16 KCC Public Right of Way Officer - Supports the application

“Public Right of Way Footpath SR625 runs from Hever Road to Lydens Lane to the east of this site and the area has suffered from flytipping and the illegal use of quad bikes and trespass for many years. It is to be hoped that the installation of this CCTV and monitoring of the images will provide evidence and help to prevent and control this anti-social behaviour suffered by local landowners, residents and the public.”

Representations

- 17 One representation of support received

Chief Planning Officer’s appraisal

- 18 The main planning consideration is:
 - Impact on the Green Belt and character and appearance of the area

Background

- 19 It is considered that the recently installed works to enclose the existing compound area with a 3m high palisade fencing constitutes as works not requiring planning permission, as the works to create an enclosure can be done by a Local Authority as permitted development under Schedule Two, Part 12, Class A of the Town and Country Planning (General Permitted

Development) (England) Order 2015 as amended. Therefore, it is not considered to assess the planning merits of this part of the proposal.

- 20 In terms of installation of CCTV cameras can be installed without the need for planning permission. There are Permitted Development Rights available for cameras fixed to a building (Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, Schedule 2 Part 2 Class F) subject to limitations on appearance, number and heritage impact. There are limitations on the number of cameras and how they are fixed to a building; a condition requiring cameras to be sited so as to minimise effect on the external appearance of the building; and that the camera is removed as soon as reasonably practicable after it is no longer required. The limitations on permitted development rights concern themselves with the appearance of the camera installation and not what the system is viewing or monitoring. However, permitted development rights do not extend to freestanding or pole mounted CCTV cameras except for Crown rights for the purpose of national security (Part 19, Class S).
- 21 The proposed pole mounted cameras does not benefit from permitted development rights and requires express planning permission. The application should be determined in consideration of the policies of the Development Plan and having regard to any material considerations.
- 22 Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning decisions should aim to create safe and accessible environments where crime, and disorder and the fear of crime, do not undermine quality of life or community cohesion. A core planning principle is to help improve health, social and cultural wellbeing for all and deliver sufficient community facilities to meet local needs.

Impact on the Green Belt and character and appearance of the area

- 23 Paragraph 143 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 24 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 25 Policies SP1, LO8 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 26 Firstly it is considered that the proposed development would constitute as and engineering operation and considered appropriate development in accordance with paragraph 146 of the NPPF.
- 27 It is considered that due to the nature, design and scale of the proposal the scheme would have a minimal impact upon the openness of the Green Belt. The CCTV column would be seen against the backdrop of this existing built

form of the Traveller site together with other street furniture and lighting columns that can be found within the locality, it would not appear as an alien/prominent feature in this regard. No external finish of the column has not been stated, however this can be secured by condition. In addition, when the column is no longer required, the development can be easily reversed and the land restored and this can be secured by planning condition.

- 28 Overall, the proposed scheme is considered to be acceptable in terms of the character and appearance of the area and would not be of a design or scale that would appear visually intrusive or prominent within the street scene or wider landscape. Therefore, the scheme is not considered cause harm to the character and appearance of the area and to the openness of the Green Belt. This development would accord with Policies SP1, LO8 of the Core Strategy, Policy EN1 of the ADMP and the aims and objectives of the NPPF.

Other issues

- 29 It is considered that the proposed development would not have an impact upon the existing visibility splays on the junction of Romani Way and Hever Road.
- 30 The deterrence of alleviating anti-social behaviour and crime is a material planning consideration. Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning decisions should aim to create safe and accessible environments where crime, and disorder and the fear of crime, do not undermine quality of life or community cohesion. A core planning principle to help improve health, social and cultural wellbeing for all and deliver sufficient community facilities to meet local needs.
- 31 The supporting statement accompanying the application states that the camera system would allow further monitoring of the area to deter anti-social behaviour and crime.
- 32 Such systems are commonplace in commercial and mixed-use settings and may not always require planning permission if erected as permitted development. The principle of a CCTV cameras at this site is considered to accord with the aims of NPPF Paragraph 127 by providing a safe environment, and came about following incidents of anti-social behaviour and crime within this part of Edenbridge.
- 33 As the highway is part of the public realm, members of the public generally expect and are acceptable of security surveillance, although privacy expectations do vary. Operators of CCTV systems need to abide by a framework of other legislative and regulatory provisions. These include:
- General Data Protection Regulation 2018
 - Data Protection Act 2018
 - Freedom of Information Act 2000
 - Protection of Freedoms Act 2012
 - Surveillance Camera Code of Practice (and Surveillance Camera Commissioner)
 - Human Rights Act

- 34 Members of the public have a right at any time to request a copy of the image from the Council under the Data Protection Act and/or the Freedom of Information Act should they wish to satisfy themselves that the camera is being correctly operated thereafter. Such requests are subject to any exemption to that right which might apply under the relevant legislation.
- 35 Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the direction and range of view of the CCTV cameras. It has been confirmed that the CCTV cameras will be fixed and that any private areas of the occupant's pitches within Romani Way are not shown within the CCTV cameras field of view in accordance with the guidance issued by the Surveillance Camera Commissioner. It is not considered that the Human Rights of the occupants of Romani Way would be unduly affected by this proposal. However, it is recognised that a loss of privacy to neighbouring occupiers through incorrect installation, adjustment or operation. This potential impact needs to be balanced against the wider benefits the proposal would provide in deterring anti-social behaviour and crime while safeguarding the privacy of neighbouring occupants. In this instance, the benefits of the installation of CCTV in this area, outweighs the potential impact upon the possible loss of privacy to occupants of Romani Way and any intermittent loss of privacy that may occur would be rectified in accordance the principles of the code of practice.

Conclusion

- 36 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 37 It is therefore recommended that this application is Granted.

Background papers

Site and block plan

Contact Officer(s): Sean Mitchell 01732 227000

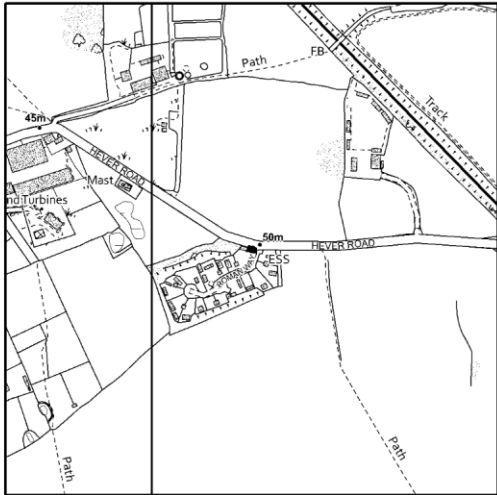
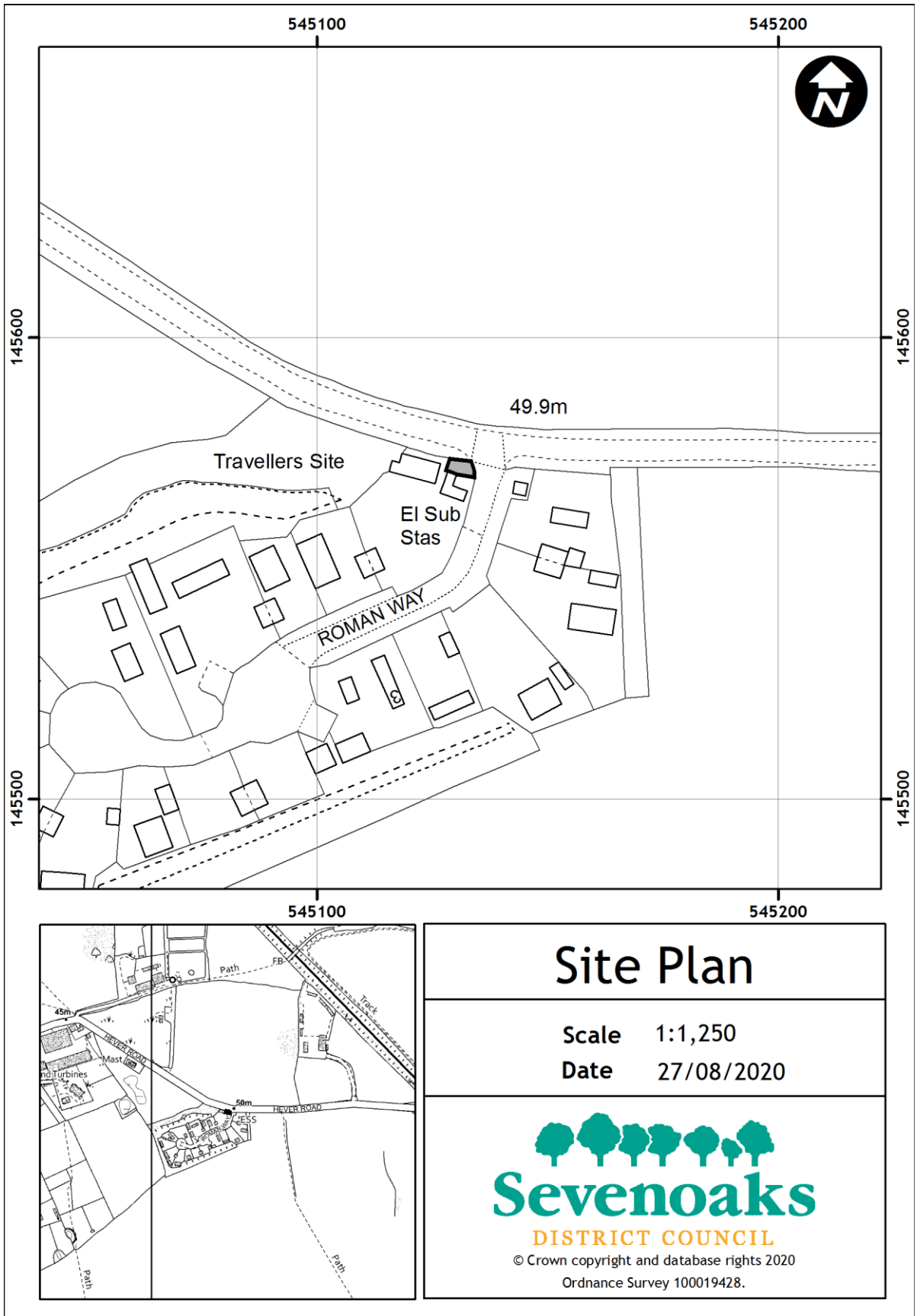
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEYKCEBK0L000>



Site Plan

Scale 1:1,250

Date 27/08/2020



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Ordnance Survey 100019428.

BLOCK PLAN

