

ITEM 4.3

Application: 2023/1392

Location: Street Sign In Front Of Pharmacy, Pollards Oak Road, Hurst Green, RH8 0JP

Proposal: Installation of 2no 6 metre and 1no 5 metre CCTV camera columns for District and Parish CCTV scheme.

Ward: Oxted South

Decision Level: Planning Committee

Constraints – Biggin Hill Safeguarding, TDC legal land terrier 11/13, Railway Line(s) within 30m, Road Local D - Pollards Oak Road, Risk of Flooding from Surface Water – 1000, Urban Area(s)

RECOMMENDATION: **PERMIT subject to conditions**

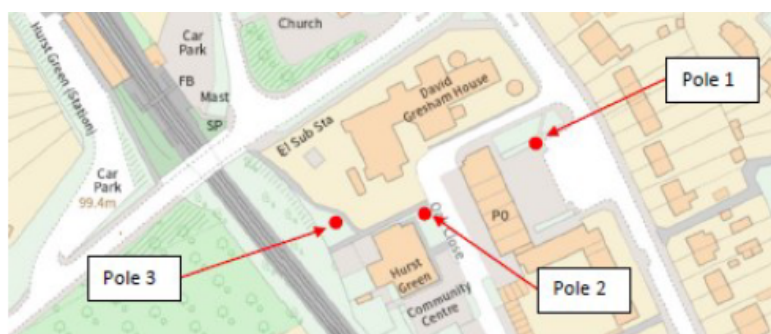
1. This application is reported to Committee as it is Council owned land.

Summary

2. Planning permission is sought for the erection of 3No. CCTV camera columns each to house a CCTV camera. The proposal would not result in an adverse impact upon the character and appearance of the surrounding area and would not harm neighbouring amenity. As such, it is recommended that this application is approved.

Site Description

3. The CCTV cameras and poles are proposed in three locations. Pole 1 is to be located in front of the pharmacy in Pollards Oak Road, Pole 2 would be in the grass verge to the left of the footpath from Oak Close to Greenhurst Lane towards the north eastern corner of the Community Centre and Pole 3 would be in the grass verge to the left of the footpath from Oak Close to Green Hurst Lane towards the north western corner of the Community Centre as shown below:



Relevant History

4. No relevant history.

Key Issues

5. The site lies within an urban area of Hurst Green where the principle of development is acceptable. The key issues are whether the proposal would

have a negative impact upon the neighbouring premises and the character and appearance of the site and surrounding area.

Proposal

6. Planning permission is sought for 2no. 6 metre and 1no. 5 metre CCTV columns and cameras for District and Parish CCTV scheme.

Development Plan Policy

7. Tandridge District Core Strategy 2008 – Policies CSP1, CSP18,
8. Tandridge Local Plan: Part 1 – Detailed Policies 2014 – Policies DP1, DP7,
9. Emerging local plan – Not applicable.
10. Woldingham Neighbourhood Plan 2016 – Not applicable.
11. Limpsfield Neighbourhood Plan 2019 – Not applicable.
12. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable.

National Advice

13. National Planning Policy Framework (NPPF) (2023)
14. Planning Practice Guidance (PPG)
15. National Design Guide (2019)

Consultation Responses

16. As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the Highway Authority were not consulted on this application.
17. Oxted Parish Council - The Parish Council is the applicant and fully supportive of the application.

Public Representations/Comments

18. Third Party Comments – none received.

Assessment

19. Procedural note
The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 225 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.

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 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).

The proposed CCTV cameras do 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.

Non-domestic operators of CCTV systems will need to abide by a framework of other legislative and regulatory provisions. These include:

- The Data Protection Act 1998
- Freedom of Information Act
- Protection of Freedoms Act 2012
- Surveillance Camera Code of Practice (and Surveillance Camera Commissioner)
- Human Rights Act

The Surveillance Camera Code of Practice includes 12 guiding principles for the use of CCTV systems. The applicant will need to have due regard to the surveillance camera code and ensure the CCTV cameras are operated in a compliant manner.

20. Location and principle of development

The application site lies within an Urban Area within which Core Strategy Policy CSP1 identifies that development will take place to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel services is minimised. The principle of new development would be acceptable provided that it would meet the relevant criteria regarding its design and appearance as assessed below. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle to the location of the development and Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

21. Character and appearance

Policy CSP18 of the Core Strategy requires new development to be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

Policy DP7 of the Local Plan provides the Council's general policy for new development and requires proposals to respect and contribute to

distinctiveness of the area in which it is located and to have a complementary building design and materials.

The surrounding area is mainly residential in nature with a small parade of retail properties with residential properties above, to the west of Pollards Oak Road and the Community Centre to the west (rear) of these buildings. The supporting information confirms that these CCTV cameras will assist in the reduction of crime and enhance public safety. The design of the proposed lighting columns is fairly typical of a street lighting column with heights above ground level of 5m and 6m respectively. Whilst the proposed pole to the front of the existing pharmacy would be visible from within the street scene, it is in keeping with the nature of surrounding lamp posts and other street furniture in the area. The applicant considers the proposed pole and camera to be a proportionate response to residents safeguarding needs.

For the above reasons, it is considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

22. Impact on neighbouring amenity

Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic, and any other adverse effect.

Policy DP7 part (6) states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance. Part (7) of Policy DP7 states that proposals should not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect.

Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.

Pole 1 is proposed to replace an existing parking sign which is located to the front of the retail premises which is close to an existing streetlamp within this frontage. Poles 2 and 3 are proposed to be located to the southern side of the footpath which runs between the Community Centre and David Gresham House. However, it is not considered that, given their design and nature, these poles and CCTV cameras would have a harmful impact upon neighbouring amenity.

For the reasons above, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy.

23. Conclusion

The proposed poles and CCTV cameras are not considered to harm the character of the surrounding area and would not result in significant harm to the amenity of neighbouring properties. As such it is recommended that this application is approved.

24. The proposal is in accordance with the aims and objectives of the NPPF and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
25. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

PERMIT subject to conditions

Conditions:

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered 29454-1, 28346-1, block plan and red-edged site plan received on 15th November 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The applicant is advised that they will need to fully comply with the requirements of the General Data Protection Regulations and the Data

Protection Act, and the CCTV cameras should be installed so that privacy intrusion for the occupiers of adjacent properties is minimised.

3. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP7, and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.
4. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.