

Committee	PLANNING COMMITTEE C	
Report Title	ENTRANCE OF SEYMOUR GARDENS, LONDON, SE4 2DN	
Ward	TELEGRAPH HILL	
Contributors	Russell Brown	
Class	PART 1	24th September 2015

<u>Reg. Nos.</u>	DC/14/90303
<u>Application dated</u>	18.12.2014
<u>Applicant</u>	Seymour Gardens Management Company
<u>Proposal</u>	The installation of two fixed 1080P ip CCTV cameras on a 4m high black galvanised steel pole pointing in both directions at the entrance to Seymour Gardens, SE4.
<u>Applicant's Plan Nos.</u>	CCTV Pole Diagram & Camera Dimensions; Photo of CCTV Camera (Received 23rd December 2014); Proposed Location of CCTV Cameras (Received 30th January 2015); GA_00 Rev B; GE 01 Rev B; 3D_01 Rev A (Received 7th July 2015)
<u>Background Papers</u>	(1) Case File DE/483/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan (March 2015)
<u>Designation</u>	N/A
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is on the grass verge to the north side of a road leading into a residential estate of 52 two storey houses (nine of which have been converted into flats) and two blocks of flats containing 16 flats each, that comprise Seymour Gardens. The estate was built circa 1989 and is pleasantly landscaped. The houses are brick built, with red brick lintel above brown uPVC casement windows with some painted white at first floor level. A number of the properties have front porches or a roof covering the front door entrance. Each property has its own parking space and there are also limited visitor parking bays.
- 1.2 To the north is the railway embankment, to the south St Asaph Road, to the east John Stainer Community Primary School and to the west Avignon Road where there is sole access to Seymour Gardens.
- 1.3 The site is within 20 metres of the Telegraph Hill Conservation Area and the accompanying Article 4 Direction. The site is not listed, nor in the vicinity of a listed building.

2.0 Relevant Planning History

2.1 No planning history.

3.0 Current Planning Application

The Proposal

3.1 The current application is for the installation of two fixed 1080P ip CCTV cameras on 4m high black galvanised steel poles pointing in both directions at the entrance to Seymour Gardens, SE4.

3.2 The reason given by the applicant (whose company manages Seymour Gardens) for the proposed installation of CCTV cameras is to protect property and increase the security of the estate.

4.0 Consultation

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 A site notice was displayed and one letter was sent to the closest residents.

Written Responses received from Local Residents

4.3 Four objections and one letter of support were received from local residents. The concerns raised relate to the area not suffering from crime, invasion of privacy, civil liberties, the use of and access to the footage filmed, the cost implication on the service charge for the estate, impact on privacy and no consultation on the part of the applicant / management company.

4.4 The support e-mail stated that the CCTV camera would prevent crime, and mentioned fly tipping that takes place on St Asaph Road.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham

Development Management Plan

5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 30 Urban design and local character
DM Policy 35 Public realm

6.0 Planning Considerations

6.1 The relevant planning considerations are the impact of the proposed CCTV camera on the public realm, whether its location is acceptable and its effect on the amenity of neighbouring properties.

Impact on Public Realm and Location

6.2 Core Strategy Policy 15 High quality design for Lewisham states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

6.3 DM Policy 30 Urban design and local character states that the Council requires all development proposals to achieve a high standard of design.

6.4 Part 1 of DM Policy 35 Public realm advises that street furniture is required to be well designed, use high quality materials, harmonise with the street scene and be sited to minimise visual clutter.

6.5 The CCTV cameras would be a modern and visible addition to the streetscape. The cameras, whilst of no design merit would be fixed to relatively slender poles and are not considered to be features that would negatively impact on the existing quality of the public realm.

6.6 The proposed location opposite the pedestrian footpath would not result in excessive visual clutter.

6.7 The proposed location of the CCTV is close to, but would not be visible from Brockley Conservation Area, although they would be visible from Seymour Gardens and Avignon Road. Officers do not feel that this addition would appear notably incongruous or result in demonstrable harm.

6.8 Officers consequently feel that the proposed CCTV cameras would be acceptable in terms of their location and visual impact and therefore the scheme adheres to Core Strategy Policy 15 and DM Policies 30 and 35.

Impact on Adjoining Properties

6.9 The main impact of the proposed CCTV cameras would be on the closest residential property, which is no. 1 Seymour Gardens. The main issue considered to be of relevance in terms of neighbouring amenity to no. 1 is privacy.

- 6.10 With regards to privacy issues the cameras would be located on a pole 4 metres in height from ground level. The cameras are to be fixed and positioned to point towards the residential estate entrance and into the estate. The cameras would be directed at the public areas of the estate and would not include any property or window within the filming scope. Therefore, it would not give rise to any invasion of privacy into the properties themselves.
- 6.11 The applicant has provided photo montages of the proposed viewing range of the cameras. This demonstrates that no windows or front doors would be included within the area that would be monitored. Officers consider that this should be controlled through condition as it is necessary to protect residential privacy.
- 6.12 The rest of the street would not be materially affected by the proposal and there are no other properties at the entrance to Seymour Gardens. However, it is noted that the proposal would add to the amount of surveillance of the local area.

Other issues raised during consultation

- 6.13 Objections received stated that there is no need for CCTV cameras in the proposed location due to lack of crime and also raised concerns about the cost implication on the service charges for the estate. However, Officers can only consider valid planning considerations and these are not material considerations.

Equalities Considerations

- 6.14 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.15 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.16 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.17 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but

nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 6.18 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.19 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.20 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015) and the National Planning Policy Framework (2012).
- 8.0 On balance it is considered that the location of the CCTV cameras is acceptable, it would not harm the public realm and any impact on neighbouring amenity could be controlled be condition.
- 9.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:
- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: CCTV Pole Diagram & Camera Dimensions; Photo of CCTV Camera (Received 23rd December 2014); Proposed Location of CCTV Cameras (Received 30th January 2015); GA_00 Rev B; GE 01 Rev B; 3D_01 Rev A (Received 7th July 2015)

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- 3) The cameras shall be fixed in accordance with drawings GA00 Rev B and GE 01 Rev B and shall be retained in perpetuity.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.