

**Location**                      **Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ**

**Reference:**                      **17/4434/FUL**                      Received: 11th July 2017  
Accepted: 21st September 2017

Ward:                              East Barnet                              Expiry 16th November 2017

Applicant:                      Mr Costas Christou

Proposal:                      Installation of 2no. 5m high LED lighting columns with 2no. CCTV cameras on each column (Retrospective Application)

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out and retained in accordance with the following approved plans: Drawing no. 928/1001 Rev.A, 928/1002 Rev.A, 928/1003,

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2     The CCTV Cameras shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:

i) within three months of the date of this decision, evidence shall be submitted to the Local Planning Authority and approved in writing showing that a physical mechanism has been installed to prevent the CCTV cameras from overlooking the neighbouring residential properties at Crescent Rise and St Wilfrids Road and shall be permanently retained as such thereafter.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Reason: To protect the amenities of the occupants of neighbouring residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site contains a six storey building fronting East Barnet Road, which has recently been converted into flats. This application relates to land to the rear of that building, which contains single storey flat roofed garage blocks (21 in total). The site does not fall within a designated conservation area or a listed building.

### **2. Site History**

B/02948/14: Change of use from B1 office to C3 residential (30 Units). Prior Approval Required and Approved.

15/02019/FUL: Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2no. new entrance doors and canopies following removal of 2no. existing glass entrance foyers. Approved July 2015.

16/2425/FUL: Ground floor rear extension at left flank elevation with parking provisions at roof level, creation of basement level at right flank elevation to create the formation of a 475sqm commercial unit (Class D2 use) at ground floor level with associated shop front installation, reconfiguration of parking, refuse and bicycle stores. Approved January 2017.

17/1111/FUL: Construction of additional storey to provide 4no self-contained flats. Associated parking and cycle storage. Approved at Chipping Barnet Area Planning Committee October 2017.

### **3. Proposal**

The application seeks retrospective planning permission for the two existing 5 metre high lighting columns which contain Close Circuit Television (CCTV) cameras (two per column). The cameras are directed towards a row of 12 garages, of which six are within the applicant's ownership.

The dome-type CCTV cameras are to be fitted with a film to prevent 360 degree views, and therefore to prevent overlooking of neighbours. The area monitored by the cameras is shown on the submitted drawings. There are LED downlighters installed above each camera to provide light support. The CCTV cameras are erected for security purposes.

### **4. Public Consultation**

Consultation letters were sent to 79 neighbouring properties.

6 objections with 1 representation have been received. They can be summarised as follows:

Objections:

- Certificate B has not been served to one of the landowners.
- Issues on land ownership.
- CCTV installed without consultation beforehand.
- Cameras are built without any planning permissions.
- Avoid setting a precedent case for future abuses of private land.
- Loss of privacy.
- The site boundary is incorrect.

Representation:

-Improve the security

-Cameras must not overlook onto the private gardens and a warning notice on CCTV to be put up.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of Proposals**

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

In terms of the design and appearance of the columns, it is noted that the columns are 5 metres high and each contain two CCTV cameras in white.

It is acknowledged that the columns are visible from the surrounding area. However due to their slender diameter, their setback from any main road, and their limited height, it is not considered that the columns appear as incongruous or discordant features in the context of the surrounding area. East Barnet Road, Crescent Rise and St Wilfrids Road all contain street lighting and the columns would appear commensurate with the size and appearance of these.

Therefore, it is considered that the proposed development, by reason of its height, design and siting results in an acceptable form of development that will not detract from the character and appearance of the host property or its vicinity.

Whether harm would be caused to the living conditions of neighbouring residents

In terms of the visual impact on the neighbours, given the slender nature of the columns and their limited height, it is not considered that the proposed columns would appear overbearing or visually intrusive when viewed from any neighbouring property.

In terms of the impact on privacy, the proposed elevation plans (Drawing No. 928/1003#) and ground floor plan (Drawing No. 928/1002A) indicate that the dome of the cameras would be partially obscured in order to prevent overlooking of neighbouring properties. The precise nature of this physical obstruction would be secured by condition. The submitted ground floor plan also shows the exact area which would be monitored and shows no monitoring of neighbouring properties' land.

Taking this into consideration, the development is not considered to result in unacceptable levels of harm to the visual or residential amenity of either neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

## **5.4 Response to Consultation**

It is noted that a number of objections relate to land ownership issues. The applicant has included the entire area subject of this application within the red edge of the application site on the submitted site location plan. In addition, Certificate B has been signed within

the application form, confirming that the applicant has given notice to everyone who was the owner or any part of the land or building to which this application relates. The certificate notes that notice was served on 11 July 2017.

Concerns that the CCTV has been installed without consultation or planning permission are noted. However no offense has been committed by installing the cameras without planning permission.

Concerns in respect of land ownership matters are not a material planning consideration.

All other matters are addressed in the appraisal above.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

