

---

<b>Shipbourne</b> Borough Green And Long Mill	<b>557762 151378</b>	<b>27 April 2009</b>	<b>TM/09/00978/FL</b>
---	----------------------	----------------------	-----------------------

Proposal:	Retrospective application for installation of three closed circuit television cameras and apparatus at Marchurst Barn (a private domestic dwellinghouse)
Location:	Marchurst Barn Hildenborough Road Shipbourne Tonbridge Kent TN11 9QA
Applicant:	Mrs Jill Turner

---

### **1. Description:**

- 1.1 Members will recall that this application was brought to Area 2 Planning Committee on 3 February 2010, where it was deferred:
  - For officers to assess how the “fallback position” submitted by the agent would affect neighbour’s perception of overlooking and to further clarify the law on breaches, particularly in regard to any statutory role of the Council.
- 1.2 A full description of the proposal can be found within the previous Committee Report and Supplementary Report which are annexed to this report.

### **2. Consultees:**

- 2.1 My previous report contains details of the consultee responses received at that time. No further representations have been received at the time of writing.

### **3. Determining Issues:**

- 3.1 The applicant has submitted a number of photographs setting out a “fallback position”, to reflect their letter dated 10 December 2009. This shows the positioning of 6 cameras as opposed to the 3 cameras proposed in the planning application:
  - One on the front elevation of the dwelling;
  - One on the side elevation of the dwelling;
  - One on the rear elevation of the dwelling;
  - Two on the redundant outbuilding (one on each gable);
  - One on the garage.

- 3.2 I am in agreement that this scenario could be implemented by the applicant in accordance with Class A, Part 33 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, subject to there being an on-going need for security purposes.
- 3.3 This fallback position demonstrates that CCTV security cameras could be placed to cover the driveway that runs adjacent to the site, and used by the property of Barrwood for access purposes. I am of the opinion that the fallback position indicates that a scheme could be implemented in accordance with the provisions of the GPDO that would have what could be argued to be a similar or even a worse impact on the neighbour's perception of overlooking/lack of privacy.
- 3.4 There is no other Local Government role relating to the regulation of CCTV. The Data Protection Act 1998 and Information Commissioners Code of Practice on CCTV cameras will afford the residents protection. It is not the purpose of the planning system to duplicate other existing legislation and safeguards as may be deemed appropriate by national Government and that are already in place.
- 3.5 There is no requirement under planning legislation for the applicant to demonstrate that specific security incidents have occurred and which have led to the erection of CCTV cameras.

#### **4. Recommendation:**

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan dated 27.04.2009, Block Plan dated 27.04.2009, Letter dated 27.04.2009, Schedule dated 27.04.2009, Photographs dated 27.04.2009, Letter dated 13.01.2010, Plan dated 13.01.2010, Letter dated 14.12.2010, subject to:

#### **Conditions / Reasons**

1. No alterations to the approved cameras' operating specification(s) nor to the height(s) of any of the 3 cameras, the accompanying sensors or illuminators shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity.

Contact: Glenda Egerton