

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**3 FEBRUARY 2010**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**09/3055/LA**

**Blue Hall Recreation Ground, Norton Avenue, Norton  
Installation of 1 CCTV camera on a 15m high pole**

**Expiry Date 12 February 2010**

#### **SUMMARY**

This application seeks planning permission for the erection of 1 CCTV camera attached to a 15m high pole to monitor the open space and play area within Blue Hall Recreation Ground. The proposal will be located within the centre of the Recreation Ground, adjacent to the footpath that runs through the centre of the site, and will be positioned adjacent to existing mature trees.

The application site is Blue Hall Recreation Ground, located off Norton Avenue, Norton. The site consists of a large playing field with a play area to the south east of the site. A footpath runs through the centre of the site from Leven Road (north) to Norton Avenue (south). Residential properties enclose the site to the north, south, east and west.

The main planning considerations of this application are the impact on visual and residential amenity including the impact on privacy, and the impact on existing landscaping features within the site and any residual matters.

No objections have been received from The Acting Head of Technical Services, the Council's Landscape Architect or the Environmental Health Unit.

A letter of representation has been received from the neighbouring property of No 51 Eamont Road, who has raised concerns with regard to the proposed CCTV camera monitoring his garden and bedroom and therefore leading to a loss of privacy.

The application is being reported to the Planning Committee for determination as the proposal does not fall within the scheme of delegation.

It is considered that the location of the proposed CCTV camera and pole within the park is acceptable. The development is considered to be an important resource in providing a safe and secure environment for local residents and their families.

#### **RECOMMENDATION**

**Planning application 09/3055/LA be Approved subject to the following conditions**

### **Approved Plans**

**01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.**

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC0001</b>	<b>18 December 2009</b>
<b>SBC0002</b>	<b>17 December 2009</b>
<b>SBC0003</b>	<b>17 December 2009</b>

**Reason: To define the consent.**

### **Details of CCTV camera and operation**

**02. The camera and pole shall be erected and maintained as specified in the Technical Specification submitted with the application, including the camera being contained within a domed mounted head. The camera shall only operate with the 'privacy zone' function software enabled.**

**Reason: In the interests of the visual amenity of the area and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.**

### **Finishing colour of development**

**03. Notwithstanding the submitted details the development shall be finished and painted in accordance with a colour scheme to be agreed in writing with the Local Planning Authority. The agreed colour scheme shall be maintained thereafter, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.**

### **Removal of CCTV camera and pole**

**04. The CCTV camera and pole and all other associated apparatus and equipment shall be removed from the site within three months of the date that the camera is no longer required for CCTV purposes and has ceased to operate.**

**Reason; In the interests of the visual amenity of the area and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.**

### **Control of frequency of CCTV signal**

**05. Before the CCTV camera is brought into operation precise details shall be submitted to and approved in writing by the Local Planning Authority of the means by which the frequency of the signal of the CCTV camera will be controlled and monitored to prevent any interference with the signals of appliances of the occupants of surrounding residential properties. Thereafter the camera shall be operated in accordance with the details of control as approved, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of the amenity of occupants of residential properties and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.**

## **INFORMATIVES**

### **General Policy Conformity**

The proposed development is considered to be of a suitable design for the area and of a scale that is in keeping with surrounding area and would not have any undue impact on the amenity or privacy of any adjacent neighbours. It is therefore considered that the proposed development accords with the principles of saved Policies GP1 and REC1 of the Stockton on Tees Local Plan as well as the guidance contained within Planning Policy Guidance Note 17 and that there are no other material considerations that suggest the application should be determined otherwise.

### **Minor Works, poles near trees**

A trial hole should be hand dug carefully and if any roots greater than 25mm or numerous smaller fibrous roots are encountered the hole should be back filled with the existing soil and a new position for the post hole located where few roots or no roots are found. The pole should preferably be located outside the canopy spread of the trees to minimise root damage and reduce the need for pruning of branches. The applicant should contact the Council's Tree Officer for further guidance.

## **PROPOSAL**

1. This application seeks planning permission for the erection of a CCTV camera attached to a 15m high steel pole (combined maximum height of 15m) to monitor the open space and play area within Blue Hall Recreation Ground. The proposal will be located within the centre of the Recreation Ground, adjacent to the footpath that runs through the centre of the site, and will be positioned adjacent to existing mature trees. The combined pole and camera will measure approximately 15m in height x 0.273m in depth x 0.355m in width.
2. The CCTV camera will provide 360 degree coverage of the open space and play area and will transmit a wireless digital signal to the Security and Surveillance team at the monitoring centre in Stockton Town Centre.
3. The applicant within the submitted Design and Access Statement states that the camera will be programmed and controlled to prevent invasion of residential privacy. The camera has a 'privacy zone' facility within the software, which automatically blanks out the windows and doors of surrounding houses in order to protect surrounding residents privacy and is standard practice where there are CCTV cameras on public open space and surrounding residential properties

## **CONSULTATIONS**

The following Consultations were notified and any comments received are set out below:-

### **Councillors**

4. No comments received

### **5. Acting Head of Technical Services**

6. General Summary; Urban Design has no objections.

### **Highways Comments**

7. There are no objections to this application of Highway grounds.

### Landscape & Visual Comments

8. Urban design has no objections to the development which will assist in the up keep and protection of the park. The site plan submitted does not show the existing trees and the camera should be located away from the trees to avoid damage to the root structure – the council's tree officer should advise in this respect. I attach wording as guidance in the informative section below.

### INFORMATIVE

#### LINF06 MINOR WORKS e.g. POLES NEAR TREES

9. A trial hole should be hand dug carefully and if any roots greater than 25 mm or numerous smaller fibrous roots are encountered the hole should be back filled with the existing soil and a new position for the post hole located where few roots or no roots are found. The pole should preferably be located outside the canopy spread of the trees to minimise root damage and reduce the need for pruning of branches.

### **Environmental Health Unit**

10. I have consulted the Health and Safety Executive. There are no adverse health implications. The response from Environmental Health should remain as no comment.

### **PUBLICITY**

11. Neighbours were notified and any comments received are below (if applicable):-

12. Mr David Garton

51 Eamont Road Norton

I am not totally against it. I am 45% for and 55% against. I feel I will be constantly monitored when I am in my garden or in my bedroom.

13. Mrs M A Bentley

95 Darlington Lane Norton

No objection to the application.

### **PLANNING POLICY**

14. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

15. The following planning policies are considered to be relevant to the consideration of this application:-

Saved Policy GP1

16. Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:
- The external appearance of the development and its relationship with the surrounding area;
  - The effect on the amenities of the occupiers of nearby properties;
  - The provision of satisfactory access and parking arrangements;
  - The contribution of existing trees and landscape features;
  - The need for a high standard of landscaping;
  - The desire to reduce opportunities for crime;

- g. The intention to make development as accessible as possible to everyone;
- h. The quality, character and sensitivity of existing landscapes and buildings;
- i. The effect upon wildlife habitats;
- j. The effect upon the public rights of way network.

Saved Policy REC1

17. Development which would result in the permanent loss of playing space will not be permitted unless:

- a. Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- b. Alternative provision of equivalent community benefit is made available, or
- c. The land is not required to satisfy known local needs.

18. Planning Policy Guidance 17; Planning for open space, sport and recreation (2002).

**SITE AND SURROUNDINGS**

19. The application site is Blue Hall Recreation Ground, located off Norton Avenue, Norton. The site consists of a large playing field (approximately 5.5 ha in area) with a play area to the south east of the site. A footpath runs through the centre of the site from Leven Road (north) to Norton Avenue (south) whilst a vehicular access and small car parking area is also present to the south of the site from Norton Avenue. Mature trees lie adjacent to the footpath that runs through the centre of the site. The site is enclosed by the residential properties of Leven Road to the north, Eamont Road to the east, Norton Avenue to the south and Darlington Lane to the west.

**MATERIAL PLANNING CONSIDERATIONS**

20. The main planning considerations of this application are the impact on visual and residential amenity including the impact on privacy, and the impact on existing landscaping features within the site and any residual matters.

**Principle of development**

21. The application site does not have a specific designation within the saved policies of the adopted Stockton on Tees Local Plan, however part of the site is covered by saved policy REC1 which relates to the protection of outdoor playing space. It is considered that the proposal will not result in a loss of playing space and therefore complies with this saved policy.

22. National planning guidance in the form of Planning Policy Guidance Note 17: Planning for open space, sport and recreation sets out Government objectives in terms of open spaces, sport and recreation. It is considered that open space, sport and recreation all underpin people's quality of life and have a role to play in achieving the governments wider objectives in delivering urban renaissance/renewal, social inclusion and community cohesion, health and well being and sustainable development.

23. Para's 18 and 20 of PPG17 state that Local Authorities in enhancing or providing new open space provision should give careful consideration to using good design to reduce crime and to carefully consider security and personal safety, especially for children. The proposed development is therefore considered to accord with the aims of PPG17 in this aspect.

### **Impact on visual amenity**

24. In order to provide the security surveillance, the camera for CCTV coverage needs to be attached to a pole structure from which the whole public open space can be seen and which has transmitter connectivity to the Surveillance Centre.
25. With regard to the overall scale of the recreation ground and the design and scale of existing lighting columns running along the existing footpath, the proposed development is not considered to be significantly intrusive within the setting of the area so as to be detrimental to the visual amenities of the locality as a whole, and therefore accords with saved policy GP1. In addition, the Council's Urban Design team has raised no objections to the proposed scheme commenting that the development will assist in the up keep and protection of the park.
26. No information has been provided in terms of the colour of the proposed pole and CCTV camera. It is therefore considered reasonable for the colour to be agreed with the Local Planning Authority prior to the development commencing, which can be secured by planning condition.

### **Impact on residential amenity and privacy**

27. A letter of representation has been received from the neighbouring property of No 51 Eamont Road, who has raised concerns with regard to the proposed CCTV camera monitoring his garden and bedroom and could therefore lead to a loss of privacy.
28. The proposed 15m high pole and CCTV camera will be located approximately 90m from the rear elevations of the nearest residential properties to the north, over 100m to those properties to the south, approximately 140m to the properties to the east and over 250m to the properties to the west of the site. It is further considered that the mature trees and planting, which are present to the rear of these residential properties and around the perimeter of the site will further screen the proposal, whilst the proposal will also be partially screened by existing trees that are located adjacent to the proposed location of the CCTV camera and pole.
29. Whilst the CCTV camera and 15m high pole would be tall enough to oversee the recreation ground, the applicant has confirmed within the submitted Design and Access Statement that the camera will be programmed and controlled to prevent invasion of residential privacy. The camera has a 'privacy zone' facility within the software, which automatically blanks out the windows and doors of surrounding houses in order to protect surrounding residents privacy and is standard practice where there are CCTV cameras on public open space and surrounding residential properties. It is considered that residents' privacy can be addressed and secured by a planning condition requiring that the camera is only operated with the private zone facility software enabled.
30. With regard to any potential impact on health and safety from the operation of the CCTV camera and its associated digital signals, the Environmental Health Unit has been consulted on this application and in turn consulted the Health and Safety Executive. Subsequently the Environmental Health Unit has confirmed that there are no adverse health implications from the proposed CCTV camera and pole and therefore raise no objections to the proposed application.
31. With regard to any impact on digital, WiFi, analogue or any other type of signals within domestic appliances and residential properties, the applicant has sought technical assurance from the engineer that would be implementing the proposed scheme. The

engineers have confirmed that the CCTV unit will operate in the 5 Ghz range (5.150 Ghz to 5.850 Ghz), which is sectioned into the following 3 sub-sections;

Band A is for indoor use and is the primary band that home use type equipment should operate in;

Band B is for indoor and outdoor use, although home equipment which operates in these bands must have a dynamic frequency selection;

Band C is for outdoor use only.

32. The engineer has confirmed that the frequency for domestic use can be either 2.4 Ghz or 5 Ghz range, however if the domestic users are using 5 Ghz frequency then they should be in band A. The proposed CCTV camera will be using the higher frequency within band's B and C, which are regulated frequencies, and this prevents interference between devices. The engineer has also confirmed that the signal to be used will be regularly monitored and maintained so that it can change onto an un-used channel within the vicinity of the area should the nearby channel already be in use; the system is designed to search for empty channels, which is programmed into the software.
33. The engineer has further confirmed that providing that the frequency of the CCTV camera is operating and conforming to IEEE (Institute of Electrical and Electronic Engineers) Standards as intended, and that domestic appliances also conform to their own set standards, then the proposal will not have an adverse impact on the frequency of digital, analogue, WiFi or any other domestic signals.
34. Subject to the monitoring and control of the proposal's signal frequency, which can be secured by planning condition, it is considered that the proposed scheme is acceptable and will not adversely affect the amenity of residential properties.

### **Impact on existing trees**

35. The Council's Landscape Architect has raised no objections to the proposed scheme, commenting that the camera should be located away from the trees to avoid damage to the root structure and that the Council's Tree Officer should advise in this respect. This guidance on root protection can be secured by an informative on the decision notice. It is therefore considered that the proposal will not have an adverse impact on existing trees.

### **CONCLUSION**

36. It is considered that the location of the proposed CCTV camera within the park is acceptable. The development is considered to be an important resource in providing a safe and secure environment for local residents and their families. The proposal is therefore judged to accord with saved policy GP1 and with the aims of PPG17. The proposed development is therefore recommended for approval subject to the conditions set out earlier in this report.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Daniel James Telephone No 01642 528551**

### **IMPLICATIONS**

**Financial Implications: As report**

**Environmental Implications: As report**

**Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

**Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

**Background Papers: Planning Policy Guidance 17; Planning for open space, sport and recreation (2002).**

**WARD AND WARD COUNCILLORS**

Ward	Norton North
Ward Councillor	Councillor M. Frankland
Ward	Norton North
Ward Councillor	Councillor Mrs K. F. Nelson