

DEVELOPMENT MANAGEMENT COMMITTEE 20th November 2023

Case No: 22/02162/FUL

Proposal: ERECTION OF FOUR 5M POLES WITH CAMERAS FOR
CCTV AND ASSOCIATED POWER DISTRIBUTION
BOXES (PART RETROSPECTIVE)

Location: BUCKDEN MARINA, MILL ROAD, BUCKDEN

Applicant: MR M PELHAM (BUCKDEN PROPERTIES)

Grid Ref: 521318 267338

Date of Registration: 18 OCT 2022

Parish: BUCKDEN

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) because the Officer recommendation of approval is contrary the Parish Council recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

Site and Surroundings

- 1.1 The Buckden Marina Complex lies to the east of the village of Buckden. It comprises of a number of, residential accommodation, holiday lodges, leisure complex facilities and moorings. The Marina is situated in the open countryside and forms part of the Ouse Valley Way Landscape Character Area.
- 1.2 There are a number of Tree Preservation Order's on the site. Public Right of Way 32/13 Footpath Buckden 13 runs from Mill Road north through Buckden Marina. The site is within the Environment Agency's Flood Zone 3. There are no other site constraints.

Proposal

- 1.3 The application seeks planning permission for the erection of four 5m high poles, cameras and power distribution boxes for the provision of CCTV coverage. The application is part retrospective as the poles have been erected and some of the boxes installed.
- 1.4 Plans have been amended during the course of the application to remove 2 of the 6 originally proposed CCTV poles. A CCTV

coverage plan has also been provided. A further consultation was carried out on this. The description was amended to reflect the above.

- 1.5 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (5 September 2023) (NPPF 2023) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

- 2.2 The NPPF 2023 sets out the Government's planning policies for (amongst other things):
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment

- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
 - LP1: Amount of Development
 - LP2: Strategy for Development
 - LP3: Green Infrastructure
 - LP4: Contributing to Infrastructure Delivery
 - LP5: Flood Risk
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and vehicle movement
 - LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland Hedges and Hedgerows
 - LP32: Protection of Open Space

- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide Supplementary Planning Document (2017):
 - Developer Contributions SPD (2011)
 - Huntingdonshire Landscape and Townscape Assessment (2007)
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - Annual Monitoring Report – Part 1 (Housing) 2019/2019 (October 2019)
 - Annual Monitoring Report – Part 2 (Non- Housing) 2018/2019 (December 2019)
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
 - Huntingdon Neighbourhood Plan 2018-2026 (adopted Sep 2019)
- 3.4 The National Design Guide (2021)
- * C1 - Understand and relate well to the site, its local and wider context
 - * I1 - Respond to existing local character and identity
 - * I2 - Well-designed, high quality and attractive
 - * B2 - Appropriate building types and forms
 - *M3 - Well-considered parking, servicing and utilities infrastructure for all users
 - * H1 - Healthy, comfortable and safe internal and external environment

3.5 Buckden Neighbourhood Plan

Policy Great Ouse Valley 1 – Protection of Ouse Valley by protecting the Ouse Valley Landscape Character Area.

For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 None relevant.

5. CONSULTATIONS

- 5.1 Buckden Parish Council – Recommends Refusal.

23/12/2022 - It was noted that the application does not address all the issues set out as mandatory in the HDC validation checklist. These omissions include, but are not limited to, matters which the committee judged to be concerns about material planning considerations, as well as being of concern about the effect of this installation on the public using the B13 public footpath along the length of the proposed development/installation.

Specific concerns about material planning considerations identified, including noted deficiencies in the application:

1. Effect on public Rights of Way: Public Right of Way B13 was not shown on the location map submitted with this application. Also, the application incorrectly stated that the Right of Way is not affected
2. Effect on trees: The plan does not show the protected trees on adjacent land that could influence or be affected by the development
3. Privacy/Overlooking 1: The proposed development affects members of the public visiting the public footpath who would not expect their data to be collected and stored by a private company in a rural area with a low crime rate (Police info to BPC Annual Meeting).
4. Privacy/Overlooking 2: The proposed locations are along the road known as Ouse Valley Way which has 39 wooden lodges along its length.
 - The Location Plan shows these buildings adjacent to the development site. It was noted that whilst these were outside the red line, they would be overlooked as they would almost certainly be within the field of view of the proposed CCTV cameras.
 - Incomplete technical specifications of items to be installed if HDC were minded to approve this application. Specifically no details of the cameras or their field of search/view, although the proposed CCTV application states that 'dome' cameras will be used in at least 2 locations; these may be 360 degrees swivelling cameras in a location on land not owned by the applicant but instead land belonging to private lodges in an area where many children would be recorded
5. Planning/Supporting Statement: This is absent despite the requirements in the validation checklist for all applications to include the "context and need" for the development
 - The application does not explain how this proposed development of CCTV is a "suitable response to the site and its setting" (rural Buckden Marina estate)
6. Biodiversity: Application states that there is "no reasonable likelihood of protected or priority species being affected" nor harm to other biodiversity feature.
 - It fails to acknowledge that there is evidence of protected/ priority species including but not limited to Kingfishers, Badgers and Otters in locations directly affected by the proposed development
 - Post-meeting information: We have been advised that from the 'Magic maps' database – Priority Species layer it appears that within the site of this application there are "lapwing habitat issues"
7. No Flood Risk Assessment document has been undertaken nor included in the application.
 - This is contrary to the HDC requirement for such an assessment to be undertaken and included in all

- proposals in Flood Zones 2 and 3, as the whole proposed development site is in those flood zones
8. Other omissions/concerns: From site inspections by committee members and from information received, it appears that each CCTV post requires a cabinet to contain the electrical connections and/or WiFi links
 - The cabinets for this purpose are separate structures and appear to be engineering works in need of planning consent. However, they are not mentioned anywhere in the application – neither location nor technical specification
 - Further, we are advised that the cabinets purchased and already installed in some location for the proposed development are not of a specification to resist immersion as is known to happen due to river and other flood water remaining on the site sometime for days at a time. BPC asks that if HDC is minded to approve the application an informative is included to remind the applicants of the need to install controls that manage electrical supplies of a grade that will withstand this anticipated immersion and therefore maintain a safe environment for persons using the public footpath.
 9. The application is incorrect in stating that the work has not started as a number of poles and associated electricity supply areas have been installed already.

01/09/2023 - It was noted that the planning application number is the same as the original 2022 application but there are significant amendments, specifically a reduction in the number of pole/camera locations to four (from six) and that the height of poles with cameras is now 5metres in each case.

The latest drawings have added indicative lines/radii for a range and field of view of each of the cameras. It is of significant concern that these details cannot be considered further, or checked in any way, as no details of the cameras have been supplied at any time with this application.

The committee reviewed the latest information and also noted that at the time of their meeting there were 31 neighbour comments, and all appear to be objecting to this application.

The Committee agreed to re-submit the comments from Dec 2022 as they apply at least as much to this amended version, but to add at the beginning of the current response to HDC the following material considerations and a proposed Condition.

1. Overlooking and privacy: effect and intrusion on 'habitable rooms'

The committee noted that for any camera in the location at the end of Ouse Valley Way, near the river, to have the capability to fulfil

any meaningful purpose for site security, then the field and range and specification needed to be able to identify suspicious persons or vehicles along the affected stretch of Ouse Valley Way such that habitable rooms would be overlooked and identifiable images of persons inside those rooms would be captured.

This issue was illustrated for the committee with photos taken from the position of the installed camera pole at the north east corner of the site (near the river) showing the impact on 'habitable rooms' – *'meaning any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.'*

2. Concerns regarding the Field of View and Range of cameras

This is not clear in any of the documentation accompanying either this amended plan or any previous documentation. The impact on persons using the Public Right of Way is therefore difficult, if not impossible, for the committee to assess.

3. Absence of a purpose or need for the development:

The Committee referred to 'Surveillance Camera Code of Practice' 1st published Jun 2013, amended Nov 2021, of which Principle 5 confirms that this application does not comply with good practice standards and guidance.

There is no demonstration of 'pressing need' and it is not proportionate to any risk to be managed in any of the four locations.

It was noted by the committee that the LPA (HDC) appears to be a relevant authority which is obliged to 'have regard to' this code of practice.

4. Misleading information in the new plan:

The committee was made aware that the plan shows field of view of five (5) cameras, but the application only refers to four (4) poles with cameras.

The committee has been made aware that the fifth location, immediately opposite the main entrance to the Buckden Marina estate, off Mill Road, is not part of the development applied for.

The committee noted that the photo submitted purporting to show dense vegetation shielding one of the dome cameras was not relevant to the application being:

- (1) Taken from an angle where it provided no such evidence and it was noted that there are lodges with habitable rooms on the other side of the hedge shown that would be overlooked if in the future significant work on the hedge were permitted and undertaken.

(2) The photograph is a 2016 Google shot parallel to the length of the hedge, giving no detail in relation to the applied-for pole & camera location.

- **Inadequacy of the application in multiple aspects relating to material planning matters**

BPC recommends that this amended application be refused because, despite the many months that have elapsed since then and the multiple material concerns raised by BPC in December 2022, the detail provided on behalf of the applicants at this time is of very poor quality, with multiple omissions in relation to material planning matters, including insufficient information supplied with the latest design/plan.

In the alternative we recommend that the application be withdrawn so that a new application which addresses all requirements from HDC in their validation checklist, and the material planning concerns raised by BPC, are properly dealt with as we have noted in HDC approach to other inadequate planning applications.

Conditions:

BPC recommends that if HDC were minded to approve this application, a Condition be imposed that

“Appropriate signage be provided at each camera location, with a clear explanation how to contact the CCTV camera monitoring company and/or site owner for a copy of the personal data captured.”

BPC considers this important as the cameras overlook a Public Right of Way and people whose images are captured by the system would need such information as they have a ‘right of erasure’.

- 5.2 Environment Agency - No objection. They provide information for the applicant in respect of their separate Environmental Permitting process, this does not fall within the remit of Planning.
- 5.3 Tree Officer – No objection subject to a condition regarding an Arboricultural Impact Assessment (AIA).

Usually, we would expect an application to be supported with an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan where trees are close to the proposals. In this instance these documents have not been provided and I understand the poles, boxes and cables have already been installed / laid. From the positioning of the poles/controlboxes it is anticipated there is unlikely to have been significant harm to the retained, protected trees from the installation of these items, but without details of service runs between poles, it is unknown if any damage has occurred from this element of the proposal. Given the above, if the application is to be approved, it would be my recommendation an Arboricultural

Impact Assessment is provided. This assessment should not only cover the impact of the installation of the poles, boxes and service runs, but also assess if any damage has occurred from the installation of these features and provide recommendations for any remedial action necessary to mitigate the damage.

- 5.4 Definitive Map Team – No objection. Recommends informatives regarding the public right of way.
- 5.5 Designing Out Crime Officer – No objection as the CCTV will enhance the safety and security of both the site and residents. A search of our crime and incident system for the last 2 years shows the overall crime statistics for the Buckden Ward is reasonably low considering the location is close to the A1 corridor, and likewise for Buckden Marina the data is low in terms of crime.

Although CCTV is not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed. If a CCTV system has a recording facility only, it can be a useful investigate tool whereas a monitored system allows a real-time reaction to criminal activity. CCTV is also often very useful in mitigating against risk where other forms of security are not feasible. Further details regarding video surveillance systems are available at the following link: www.securedbydesign.com/guidance/design-guide. NSI and SSAIB accreditation is also applicable for CCTV, including signage. CCTV should be registered with the Information Commissioners Office (ICO) and signage should be compliant with the ICO Code of Practice.

6. REPRESENTATIONS

- 6.1 Multiple representations have been received from 24 local residents objecting to the proposal. Their representations can be summarised as:
 - The CCTV will affect the enjoyment of Buckden Marina
 - The CCTV will affect the users of the public footpath Buckden 13
 - Do not wish for video to be taken of them without consent
 - What is the justification for and purpose of the CCTV?
 - There is no mention of: camera fields/depth of view; sensor performance; the communication links/frequencies to be used between the cameras/poles; the control systems and who would manage them; and data handling and protection.
 - Lodges already have their own CCTV
 - The CCTV will be obtrusive
 - The CCTV will be overbearing
 - The CCTV will result in a loss of privacy
 - The CCTV indicates antisocial behaviour
 - Will reduce the value of the lodges

- The site has not had security problems for decades why is there suddenly a need to monitor the site
- I understand 52 households/people were consulted and made no comments who were they.
- There are a number of vehicle and pedestrian gates on site that have not been included in this application
- The residents were not consulted by the applicant about the requirements for CCTV or their installation
- Incomplete application with missing information
- No wildlife information submitted with the application
- Gates are not included in the application
- Poor design/installation
- Impact upon the character of Ouse Valley Way
- Flood risk
- Need to have regard to Surveillance Camera Code of Practice is issued by the Home Secretary under the provisions of the Protection of Freedoms Act 2012

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire's Local Plan to 2036 (2019)
 - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

- 7.5 The main issues to consider as part of this application are:
- Principle of Development
 - Design, Visual Amenity and impact on the surrounding area
 - Residential Amenity
 - Biodiversity
 - Trees
 - Flood Risk and drainage
 - Other matters

Principle of Development

7.6 The application seeks planning permission for the erection of four 5m high poles (shown as squares on plan) with cameras and power distribution boxes for CCTV.

7.7 The site is situated within the Green Infrastructure Priority Area - Great Ouse Valley Landscape Character Area – as defined by Huntingdonshire’s Local Plan to 2036 policy LP3 and the Local Plan Policies Map.

7.8 Policy LP3 (Green Infrastructure) states:

A proposal within the Ouse Valley Landscape Character Area, defined in the Huntingdonshire Landscape and Townscape Assessment Supplementary Planning Document will be supported where it contributes to the landscape, wildlife, cultural and historical value of the area.

7.9 Buckden Neighbourhood Plan Policy Great Ouse Valley 1- Protection of Ouse Valley states that:

Development proposals shall not take place in, or encroach into, the Great Ouse Valley as defined in Policy LP 3 of the Huntingdonshire Local Plan and surrounding land and habitats, to the east of the existing built area of the village. Exceptionally, development proposals to support Anglian Water’s infrastructure, footpath and cycle provision or conservation projects may be supported.

7.10 As the proposal is for CCTV poles and associated infrastructure, the proposal would have very limited contribution, if any, to the landscape, wildlife, cultural and historical value of the area. However, given the limited height, width and scale of the proposed development and the siting of the poles near existing built form, Officers are of the view that the proposal would not result in any significant harm to the landscape, wildlife, cultural and historical value of the area. The proposal therefore meets the aims of the Local Plan Policy LP3 and Buckden Neighbourhood Plan Policy Great Ouse Valley 1 – Protection of Ouse Valley by protecting the Ouse Valley Landscape Character Area.

- 7.11 As the site is situated within the open countryside, policy LP10 (The Countryside) is also relevant.
- 7.12 Policy LP10 (The Countryside) of the Local Plan to 2036 provides guidance on the countryside and states that development in the countryside will be restricted to the limited opportunities as provided for in other policies of this plan.
- 7.13 Policy LP10 (The Countryside) All development in the countryside must:
- a. Seek to use land of lower agricultural value in preference to land of higher agricultural value
 - i. Avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible
 - ii. Avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land
 - b. Recognise the intrinsic character and beauty of the countryside
 - c. Not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others
- 7.14 As outlined above, given the limited height, width and scale of the proposed development and the siting of the poles etc near to existing built form, Officers are of the view that the proposal would comply with the aims of Policy LP10, by not adversely impacting upon the openness of the surrounding countryside.
- 7.15 For these reasons above, Officers consider that the principle of development is acceptable in this instance, subject to the discussion of the below material considerations.

Public Right of Way

- 7.16 Public Right of Way 32/13 Footpath Buckden 13 runs from Mill Road north through Buckden Marina. 3 of the proposed CCTV mounted poles are located adjacent to the public right of way.
- 7.17 Local residents have raised concerns about the impact of the CCTV upon the enjoyment of the public right of way.
- 7.18 There are two relevant policies for public rights of ways.
- 7.19 Policy LP10 states Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. All development in the countryside must:
- c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

- 7.20 LP16 states, Where a proposal would affect an existing public right of way or other formal non-motorised users' route, this route should be protected or enhanced within the proposed development. Where this is not possible it should be diverted to a safe, clear and convenient alternative route. The stopping up of paths/ routes will only be acceptable where all opportunities to provide a safe, clear and convenient alternative have been investigated and proved to be unsuitable.
- 7.21 Members should note that there are already other locations where public right of ways pass through privately owned sites and where in these cases owners have erected their own CCTV for security. As a result the public right of ways are also covered by CCTV, so this situation is not unique to this proposed site. Given that CCTV is designed to help prevent and detect crime, and in turn, hopefully make routes safer, Officers do not consider it would have any significant adverse impact upon the enjoyment of the public using the right of way. The Definitive Maps Team raise no objection to the proposal. It is considered the proposal would therefore comply with policies LP10 part c) and LP16 of the Huntingdonshire's Local Plan to 2036.

Design, Visual Amenity and impact on the surrounding area

- 7.22 Policy LP11 of the Local Plan states that proposals will be supported where it is demonstrated that they positively respond to their context and draw inspiration from the key characteristics of their surroundings, including the natural, historic and built environment.
- 7.23 Policy LP12 of the Local Plan states that proposals will be supported where they contribute positively to the area's character and identity and where they successfully integrate with adjoining buildings, topography and landscape.
- 7.24 The application seeks planning permission for the erection of four 5m poles (shown as squares on plan) with cameras, and power distribution boxes for CCTV.
- 7.25 As outlined above, the site is situated within the open countryside.
- 7.26 The nature of the proposed development is metal poles with CCTV cameras mounted on them and power boxes. As outlined above, the proposed poles are limited in height, width and scale, they would also be sited near to existing built form. For these reasons, Officers do not consider them to be an inappropriate addition and would not have a harmful impact upon the openness of the countryside or the character of the area.
- 7.27 Officers note the CCTV poles will have electrical boxes associated with them and the plan shows the location of these. Given the

minor size of these, Officers consider the detailed design of these can be secured by condition.

- 7.28 The design and siting of the proposed development is therefore considered to be in accordance with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 and is consistent with the design principles as set out in the Huntingdonshire Design Guide SPD (2017).

Residential Amenity

- 7.29 Policy LP14 states that a proposal will be supported where a high standard of amenity is maintained for all occupiers of neighbouring land and buildings.
- 7.30 Officers note the concerns raised by local residents regarding the potential impact upon existing privacy. As part of the assessment of the application, Officers have visited the site and reviewed the submitted CCTV coverage plan.
- 7.31 The CCTV pole located at the north of the site is shown to be fixed coverage (does not move side to side to increase coverage). Officers consider it would be appropriately placed to look down the access road and not directly into any of the adjacent residential accommodation. Whilst there may be a degree of loss of privacy for the surrounding accommodation, this would be limited given the oblique angles of the camera to these properties.
- 7.32 The CCTV pole located in the north western part of the site is shown to be full coverage. Officers note the submitted photo showing the landscape buffer between it and the nearest accommodation but also note that the buffer would be limited during the winter months. Officers consider there may be a degree of loss of privacy but it would be limited and oblique in nature, and so would not warrant a refusal of planning permission due to the impacts on residential privacy and amenity.
- 7.33 The other two proposed poles are situated further away (a minimum of 75m) from residential accommodation at the entrance to the Buckden Marina and would therefore not result in unacceptable impacts on the privacy of residential plots.
- 7.34 Given the siting, height, width and scale of the poles, the proposed development would not have a significant adverse overbearing or obtrusive impact upon any of the nearby accommodation.
- 7.35 In addition to the consideration of privacy under planning, there are other considerations the applicant will need to be aware of and accord with outside of the planning system such as Data Protection Act and Information Commissioners office (ICO), which is explored further in the below section titled 'Other Matters'. For

the reasons outlined above, Officers therefore consider the proposal would not result in an adverse impact in terms of overbearing, loss of light or loss of privacy in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

Biodiversity

- 7.36 Policy LP30 of Huntingdonshire's Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible.
- 7.37 No ecology information has been submitted with the application. Officers note local resident's concerns regarding this and the potential impact upon local wildlife.
- 7.38 The proposed poles are limited in height, width and scale and would be sited near existing built form. 5m height is not considered to be excessive. For these reasons, it is considered the development would not have an adverse impact on biodiversity in accordance with Policy LP30 of the Local Plan, paragraph 174 d) of the NPPF (2023), The Wildlife and Countryside Act (1981) and the Habitats and Protected Species Regulations (2017).

Trees

- 7.39 Policy LP31 of the Local Plan states a proposal will be required to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated. A proposal will only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development. Where loss, threat or damage cannot be fully addressed through minimisation and/ or mitigation measures the proposal may be supported if alternative measures such as reinstatement of features, additional landscaping, habitat creation or tree planting will compensate for the harm and can be implemented and established before development starts.
- 7.40 Officers note the concerns raised by local residents about the impact upon of trees. The site is covered by multiple Tree Preservation Orders. The Tree Officer has been consulted and recommends the inclusion of a planning condition regarding the submission of an arboricultural impact assessment should Members be minded to grant planning permission.
- 7.41 Subject to the inclusion of the recommended condition, Officers consider the proposal would comply with Policy LP31 of Huntingdonshire's Local Plan to 2036.

Flood Risk and Drainage

- 7.42 National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 159-169 of the NPPF (2023)).
- 7.43 The application site is situated in Flood Zone 3 based on the Environment Agency Floods Maps and the Strategic Flood Risk Assessment (2017) and is therefore at high risk of flooding.
- 7.44 Given the minor nature of the proposal, 4 CCTV poles and associated equipment, Officers consider the proposal would not have any significant impacts in terms of flood risk.
- 7.45 The proposed development is therefore considered to accord with Policies LP5, LP6 and LP23 part d) of the Local Plan to 2036 and the NPPF (2023) in this regard.

Other Matters

Outstanding neighbour representations

- 7.46 Local residents have queried the justification for the proposal and have raised concerns about data protection and how the CCTV will be used. Officers note these concerns.
- 7.47 The Designing Out Crime Officer has raised no objection to the proposal as CCTV would enhance the safety and security of both the site and residents. Although CCTV is not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed.
- 7.48 Officers have assessed the planning application in front of them and have had regard to the relevant planning legislation and planning policy. It is the duty of the applicant and operator of the CCTV to ensure they have had regard to other legislation and guidance that is separate from planning before the installation of the CCTV such as Data Protection Act and Information Commissioners office (ICO). The granting of planning permission does not override any other legislation requirements that sits outside of planning legislation/remit.
- 7.49 The Parish Council have recommended a condition if the Council is minded to approve: "Appropriate signage be provided at each camera location, with a clear explanation how to contact the CCTV camera monitoring company and/or site owner for a copy of the personal data captured." Officers consider this would not meet the 6 tests for conditions as it is not a planning matter. However, an informative is recommended should the application be considered acceptable by Members and approved that reminds the applicant

of their duty to ensure compliance with other legislation and guidance that is separate from planning before the installation of the CCTV such as Data Protection Act and Information Commissioners office (ICO).

- 7.50 Local residents have objected to the development due to the potential impact on the value of nearby residential properties. This is not a material planning consideration.
- 7.51 Officers note the concerns raised by local residents about the application being incomplete or documents are outdated. The application has been in the system for a while. Following site visits and a detailed review of the application, Officers consider they have enough information in this instance to assess the proposal and form a view.
- 7.52 The application does not include the gates mentioned by local residents.

Conclusion and Planning Balance

- 7.53 As outlined above, all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.54 Officers have assessed the proposed 4 CCTV poles and associated equipment and consider the proposal by virtue of its scale and siting to be acceptable in terms of principle of development, visual impact, residential amenity, biodiversity, trees and flood risk.
- 7.55 Having regard to all relevant material considerations, it is recommended that planning permission be granted in this instance.

8. RECOMMENDATION – APPROVAL, subject to the following conditions:

1. Time
2. Drawings
3. Electrical cabinet details
4. Trees - AIA

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Lewis Tomlinson Senior Development Management Officer** – lewis.tomlinson@huntingdonshire.gov.uk

From: clerk@buckdenpc.org.uk
Sent: 23 December 2022 16:12
To: DMAAdmin
Subject: Buckden PC planning recommendations to: - Buckden Marina Mill Road Buckden (ref 22/02162/FUL)

Dear Planners,

Erection of four 5m poles (shown as squares on plan) and two 3m poles (shown as circles on plan) with cameras for CCTV. Site Address: Buckden Marina Mill Road Buckden Reference: 22/02162/FUL –

BPC Planning Committee reviewed the planning consultation and considered the residents' comments.

BPC Recommends Refusal

It was noted that the application does not address all the issues set out as mandatory in the HDC validation checklist. These omissions include, but are not limited to, matters which the committee judged to be concerns about material planning considerations, as well as being of concern about the effect of this installation on the public using the B13 public footpath along the length of the proposed development/installation.

Specific concerns about material planning considerations identified, including noted deficiencies in the application:

1. Effect on public Rights of Way: Public Right of Way B13 was not shown on the location map submitted with this application.
 - Also, the application incorrectly stated that the Right of Way is not affected
2. Effect on trees: The plan does not show the protected trees on adjacent land that could influence or be affected by the development
3. Privacy/Overlooking 1: The proposed development affects members of the public visiting the public footpath who would not expect their data to be collected and stored by a private company in a rural area with a low crime rate (Police info to BPC Annual Meeting).
4. Privacy/Overlooking 2: The proposed locations are along the road known as Ouse Valley Way which has 39 wooden lodges along its length.
 - The Location Plan shows these buildings adjacent to the development site. It was noted that whilst these were outside the red line, they would be overlooked as they would almost certainly be within the field of view of the proposed CCTV cameras.
 - Incomplete technical specifications of items to be installed if HDC were minded to approve this application. Specifically no details of the cameras or their field of search/view, although the proposed CCTV application states that 'dome' cameras will be used in at least 2 locations; these may be 360 degrees swivelling cameras in a location on land not owned by the applicant but instead land belonging to private lodges in an area where many children would be recorded
5. Planning/Supporting Statement: This is absent despite the requirements in the validation checklist for all applications to include the "context and need" for the development
 - The application does not explain how this proposed development of CCTV is a "suitable response to the site and its setting" (rural Buckden Marina estate)
6. Biodiversity: Application states that there is "no reasonable likelihood of protected or priority species being affected" nor harm to other biodiversity feature.
 - It fails to acknowledge that there is evidence of protected/ priority species including but not limited to Kingfishers, Badgers and Otters in locations directly affected by the proposed development
 - Post-meeting information: We have been advised that from the 'Magic maps' database – Priority Species layer it appears that within the site of this application there are "lapwing habitat issues"
7. No Flood Risk Assessment document has been undertaken nor included in the application.
 - This is contrary to the HDC requirement for such an assessment to be undertaken and included in all proposals in Flood Zones 2 and 3, as the whole proposed development site is in those flood zones

8. Other omissions/concerns: From site inspections by committee members and from information received, it appears that each CCTV post requires a cabinet to contain the electrical connections and/or WiFi links
- The cabinets for this purpose are separate structures and appear to be engineering works in need of planning consent. However, they are not mentioned anywhere in the application – neither location nor technical specification
 - Further, we are advised that the cabinets purchased and already installed in some location for the proposed development are not of a specification to resist immersion as is known to happen due to river and other flood water remaining on the site sometime for days at a time. BPC asks that if HDC is minded to approve the application an informative is included to remind the applicants of the need to install controls that manage electrical supplies of a grade that will withstand this anticipated immersion and therefore maintain a safe environment for persons using the public footpath.
9. The application is incorrect in stating that the work has not started as a number of poles and associated electricity supply areas have been installed already.

Enforcement notice: BPC was advised at the meeting that the application fails to address a number of issues set out in the HDC notice to the site owners/applicants, and which were deemed by residents to be important. Concern was raised by residents about these at the meeting, where BPC noted that these were not included in the application before the committee and were not therefore something BPC could comment upon in relation to application 22/02162/FUL.

- Gates without planning consent: these have already been installed across vehicle access to the lodges on Marina View, Ouse Valley Way and Watersmead.
- Risk to access by Emergency Vehicles: concern was raised that if flooding on the site meant that these electrically-controlled gates were stuck in a closed position, there could be serious implications for all emergency services
- Restricted access for persons with disability e.g. using mobility scooters or wheelchairs: pedestrian gates have been placed alongside the vehicle gates, apparently to protect gate sensors and other parts of the gates' mechanisms. However, when the vehicle gates are closed this alternative access for visitors on foot do not appear to provide suitable access for persons with mobility issues

Many thanks

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*Clerk and Proper Officer to Buckden Parish Council
Buckden Village Hall
Burberry Road
Buckden PE19 5UY*

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Website: <https://buckdenpc.org.uk/>

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From: clerk@buckdenpc.org.uk
Sent: 01 September 2023 16:04
To: DMAdmin
Subject: Buckden Parish Council Planning Recommendations to : - Buckden Marina Mill Road Buckden (ref 22/02162/FUL)

Importance: High

Dear Planners,

Buckden Marina Mill Road Buckden (ref 22/02162/FUL) - BPC recommends REFUSAL

Erection of four 5m poles with cameras for CCTV. Site Address: Buckden Marina Mill Road Buckden

Ref. documents on HDC public access website dated 21 August 2023

It was noted that the planning application number is the same as the original 2022 application but there are significant amendments, specifically a reduction in the number of pole/camera locations to four (from six) and that the height of poles with cameras is now 5metres in each case.

The latest drawings have added indicative lines/radii for a range and field of view of each of the cameras. It is of significant concern that these details cannot be considered further, or checked in any way, as no details of the cameras have been supplied at any time with this application.

The committee reviewed the latest information and also noted that at the time of their meeting there were 31 neighbour comments, and all appear to be objecting to this application.

Please see Appendix 1 for the BPC recommendation submitted to HDC on 23 Dec 2022.

The Committee agreed to re-submit the comments from Dec 2022 as they apply at least as much to this amended version, but to add at the beginning of the current response to HDC the following material considerations and a proposed Condition.

1. Overlooking and privacy: effect and intrusion on 'habitable rooms'

The committee noted that for any camera in the location at the end of Ouse Valley Way, near the river, to have the capability to fulfil any meaningful purpose for site security, then the field and range and specification needed to be able to identify suspicious persons or vehicles along the affected stretch of Ouse Valley Way such that habitable rooms would be overlooked and identifiable images of persons inside those rooms would be captured.

This issue was illustrated for the committee with photos taken from the position of the installed camera pole at the north east corner of the site (near the river) showing the impact on 'habitable rooms' – *'meaning any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.'*

2. Concerns regarding the Field of View and Range of cameras

This is not clear in any of the documentation accompanying either this amended plan or any previous documentation. The impact on persons using the Public Right of Way is therefore difficult, if not impossible, for the committee to assess.

3. Absence of a purpose or need for the development:

The Committee referred to 'Surveillance Camera Code of Practice' 1st published Jun 2013, amended Nov 2021, of which Principle 5 confirms that this application does not comply with good practice standards and guidance.

There is no demonstration of 'pressing need' and it is not proportionate to any risk to be managed in any of the four locations.

It was noted by the committee that the LPA (HDC) appears to be a relevant authority which is obliged to 'have regard to' this code of practice.

4. Misleading information in the new plan:

The committee was made aware that the plan shows field of view of five (5) cameras, but the application only refers to four (4) poles with cameras.

The committee has been made aware that the fifth location, immediately opposite the main entrance to the Buckden Marina estate, off Mill Road, is not part of the development applied for.

The committee noted that the photo submitted purporting to show dense vegetation shielding one of the dome cameras was not relevant to the application being:

- (1) Taken from an angle where it provided no such evidence and it was noted that there are lodges with habitable rooms on the other side of the hedge shown that would be overlooked if in the future significant work on the hedge were permitted and undertaken.
- (2) The photograph is a 2016 Google shot parallel to the length of the hedge, giving no detail in relation to the applied-for pole & camera location.

5. Inadequacy of the application in multiple aspects relating to material planning matters

BPC recommends that this amended application be refused because, despite the many months that have elapsed since then and the multiple material concerns raised by BPC in December 2022, the detail provided on behalf of the applicants at this time is of very poor quality, with multiple omissions in relation to material planning matters, including insufficient information supplied with the latest design/plan.

In the alternative we recommend that the application be withdrawn so that a new application which addresses all requirements from HDC in their validation checklist, and the material planning concerns raised by BPC, are properly dealt with as we have noted in HDC approach to other inadequate planning applications.

Conditions:

BPC recommends that if HDC were minded to approve this application, a Condition be imposed that *"Appropriate signage be provided at each camera location, with a clear explanation how to contact the CCTV camera monitoring company and/or site owner for a copy of the personal data captured."*

BPC considers this important as the cameras overlook a Public Right of Way and people whose images are captured by the system would need such information as they have a 'right of erasure'.

Appendix 1

In its previous submission in December 2022 BPC Recommended Refusal

The following is the detail of that response to HDC where concerns raised remain valid:

Previous description of the application:

Erection of four 5m poles (shown as squares on plan) and two 3m poles (shown as circles on plan) with cameras for CCTV. Site Address: Buckden Marina Mill Road Buckden Reference: 22/02162/FUL

It was noted that the application does not address all the issues set out as mandatory in the HDC validation checklist. These omissions include, but are not limited to, matters which the committee judged to be concerns about material planning considerations, as well as being of concern about the effect of this installation on the public using the B13 public footpath along the length of the proposed development/installation.

Specific concerns about material planning considerations were identified by BPC in December 2022, as well as deficiencies in the application:

1. Effect on Public Rights of Way:

- Public Right of Way B13 was not shown on the location map submitted with this application.

- Also, the application incorrectly stated that the Right of Way is not affected
- 2. **Effect on trees:** The plan does not show the protected trees on adjacent land that could influence or be affected by the development
- 3. **Privacy/Overlooking 1:** The proposed development affects members of the public visiting the public footpath who would not expect their data to be collected and stored by a private company in a rural area with a low crime rate (Police info to BPC Annual Meeting).
- 4. **Privacy/Overlooking 2:** The proposed locations are along the road known as Ouse Valley Way which has 39 wooden lodges along its length.
 - The Location Plan shows these buildings adjacent to the development site. It was noted that whilst these were outside the red line, they could be overlooked as they would almost certainly be within the field of view of the proposed CCTV cameras.
 - Incomplete technical specifications of items to be installed were provided. Specifically, no details of the cameras or their field of search/view, although the proposed CCTV application states that 'dome' cameras will be used in at least 2 locations; these may be 360 degrees swivelling cameras in an area where many children and vulnerable adults would be recorded
- 5. **Planning/Supporting Statement:** This is absent despite the requirements in the validation checklist for all applications to include the "context and need" for the development
 - The application does not explain how this proposed development of CCTV is a "suitable response to the site and its setting" (i.e. rural Buckden Marina estate)
- 6. **Biodiversity:** Application states that there is "no reasonable likelihood of protected or priority species being affected" nor harm to other biodiversity feature.
 - It fails to acknowledge that there is evidence of protected/ priority species including but not limited to Kingfishers, Badgers and Otters in locations directly affected by the proposed development
 - Post-meeting information: We have been advised that from the 'Magic maps' database – Priority Species layer it appears that within the site of this application there are "lapwing habitat issues" [See also Wildlife Trust response in 2023 on 22/01748 for the same site]
- 7. **No Flood Risk Assessment** document has been included in the application.
 - This is contrary to the HDC requirement for such an assessment to be undertaken and included in all proposals in Flood Zones 2 and 3 and the whole proposed development site is in those flood zones
- 8. **Other omissions/concerns:** From site inspections by committee members and from information received, it appears that each CCTV post requires a cabinet to contain the electrical connections and/or WiFi links
 - The cabinets for this purpose are separate structures and appear to be engineering works in need of planning consent. However, they are not mentioned anywhere in the application – neither location nor technical specification
- 9. **Current status of the work:** A number of poles and associated electricity supply areas have been installed already.

Many thanks

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Clerk and Proper Officer to Buckden Parish Council
Buckden Village Hall
Burberry Road
Buckden PE19 5UY

Email: clerk@buckdenpc.org.uk
Website: <https://buckdenpc.org.uk/>

Development Management Committee



Scale = 1:2,500

Application Ref:22/02162/FUL

Date Created: 05/09/2023

Location: Buckden

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