

4.5 - SE/13/00360/HOUSE Date expired 4 April 2013

PROPOSAL: New fencing and CCTV camera installation (retrospective).

LOCATION: Moorcroft Place, Mapleton Road, Westerham TN16 1PS

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

The application was considered by the Development Control Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

This application has been called to Development Control Committee by Councillor Bracken on the grounds that the proposal would have a detrimental impact upon the Area of Outstanding Natural Beauty and privacy.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be carried out in accordance with the following approved plans drawing no. 100, 310 rev 05, 222 rev 01.

For the avoidance of doubt and in the interests of proper planning.

2) Within six weeks of the date of this permission details shall be submitted of signs to inform the public of the presence of cameras adjacent to the primary and secondary entrances and to the south west of the stables which shall be visible from the public right of way. These details will include:

- details of the location, height, size and wording of the signs;
- a map showing the location of the signs;
- and a programme of implementation. The works shall be carried out as approved.

To ensure the privacy of users of the public rights of way as supported by policy EN1 of the Sevenoaks District Local Plan.

3) The LED camera lights shall only be used when the security alarms are triggered or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy L08 of the Sevenoaks District Councils Core Strategy 2011.

4) Within three months of the date of this permission openings measuring 220 mm by 220 mm at ground level will be inserted at intervals of every 5m along the length of the fence to enable wildlife to pass through the fence line. These should be maintained for the duration of the fence hereby permitted.

To ensure that there is no detrimental impact upon wildlife as supported by Policy SP11 of the Sevenoaks District Council Core Strategy 2011.

5) Within six months of the date of this permission, as shown on drawing no 201 rev 05

the mixed planting hedge shall be planted along the exterior of the fence and the Thuja Plicata screening shall be planted around the camera posts and be maintained thereafter.

To safeguard the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Council.

The development will not have a detrimental impact upon the ancient woodland.

The development will not have a detrimental impact upon the Area of Outstanding Natural Beauty.

The development will not have a detrimental impact upon the adjacent public rights of way.

The development will not have a detrimental impact upon the adjacent Site of Nature Conservation Interest.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08

The following is a summary of the main reasons for the decision:

The following very special circumstances exceptionally outweighs any harm by reason of inappropriateness and any harm to the Green Belt by reason of other factors:- the safety and security of users of the site;- that the development will not impact upon the openness of the Green Belt.

The development will not have a detrimental impact upon the Area of Archaeological Potential.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,

- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Further information

- 1 At the June 2013 Development Control Committee meeting Members deferred this item to enable further information to be obtained in respect to justification for the level of security, the camera splays and lighting. This information is summarised below and should be read in conjunction with the original report which is appended.
- 2 The applicants have submitted:
 - a statement relating to the CCTV cameras.
 - the very special circumstances in relation to security;
 - an illustrative plan showing the location of the eight cameras and their vision splays;
 - photographs showing the vision of seven of the eight cameras under consideration;
 - technical information on the cameras.
- 3 Two additional cameras marked as camera's 1 and 8a fixed to an outer wall adjacent to the main and secondary entrances are shown on the plan submitted with the supporting information along with a photograph from camera 1. These cameras are not part of this application.
- 4 In reviewing the photographs submitted the Main Gate (External View) relates to camera 1, whilst camera 1 looking along the roadside to camera 7 should read camera 2. No photograph has been submitted from camera 6.

Security

- 5 The applicants have made the following statement in respect to Very Special Circumstances:

"The occupants of the property are a family with two young children. The family do not wish to be identified but we can advise that their wider family is internationally recognised for its substantial business and property interests. This is the "unique" circumstance that apply to this application as given this high

profile, the family attracts a good deal of media and public interest, the combination of which inherently draws substantial undesirable attention and a threat of intrusion and crime from the curious individual, up to professional organised bodies wishing to do harm or gain financially through kidnap or theft. These threats are very real and something the family have to live with every day due to their prominence. For example, our client has advised of recent incidents involving journalists lurking near the property, taking photographs and causing distress to the family. As this demonstrates, the risk to the family is beyond what would be considered normal. Such incidents are not influenced by local crime levels, as the family itself is particularly vulnerable to targeted crime.

- 6 Whilst the security measures are beyond what would be classed as normal, given the particular residents' unique circumstances they meet the local policy requirements as they are the best option to help mitigate the risk they face. Our client was keen to ensure that the development be designed sympathetically to the local environment in the manner that is unobtrusive to the general public, providing detection and response only once intrusion onto the property has taken place. These measures are in place not to intimidate and monitor the general public, but to reduce the risks to the family.
- 7 Here, as required by the local policy, the advantage to be weighed up to members is providing peace of mind and security to the young family occupying the property. We are of the view that the development complies with the principles of local policy GB1, the draft SPD and Part 9 of the NPPF as very special circumstances do exist of a high jeopardy for personal safety of a young family, and this outweighs any minimal harm caused by the development".

Cameras

- 8 The cameras can be rotated but are fixed static in the angles shown on the illustrative plan to provide the most effective protection from an intruder attempting to gain access to the house and surrounding buildings. The applicants state that their only intervention is to target those who may be inside the site or in the immediate vicinity of the entrance.

Lighting

- 9 The lights with a strength of 50 watts per lamp are motion sensitive, triggered by a human or large animal (deer, horse) crossing the perimeter and illuminating the area covered by the cameras. The operator can manually turn on all the lights in case of a security breach.

Conclusion

- 10 The information submitted also argues that the development should be regarded as engineering operations that can be regarded as appropriate because they do not affect the openness of the Green Belt. However, as set out in paragraphs 51 – 54 of the original report it is officers' view that the proposal is inappropriate development.

The additional information provided does not alter the assessments and conclusions set out in the original report. Accordingly, the recommendation is

that planning permission be granted subject to the conditions previously recommended.

Contact Officer(s): Guy Martin Extension: 7351

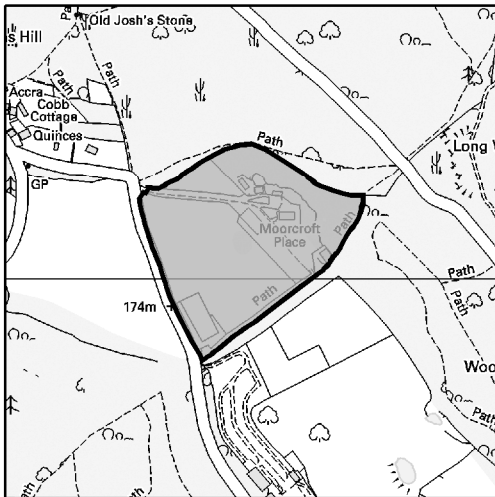
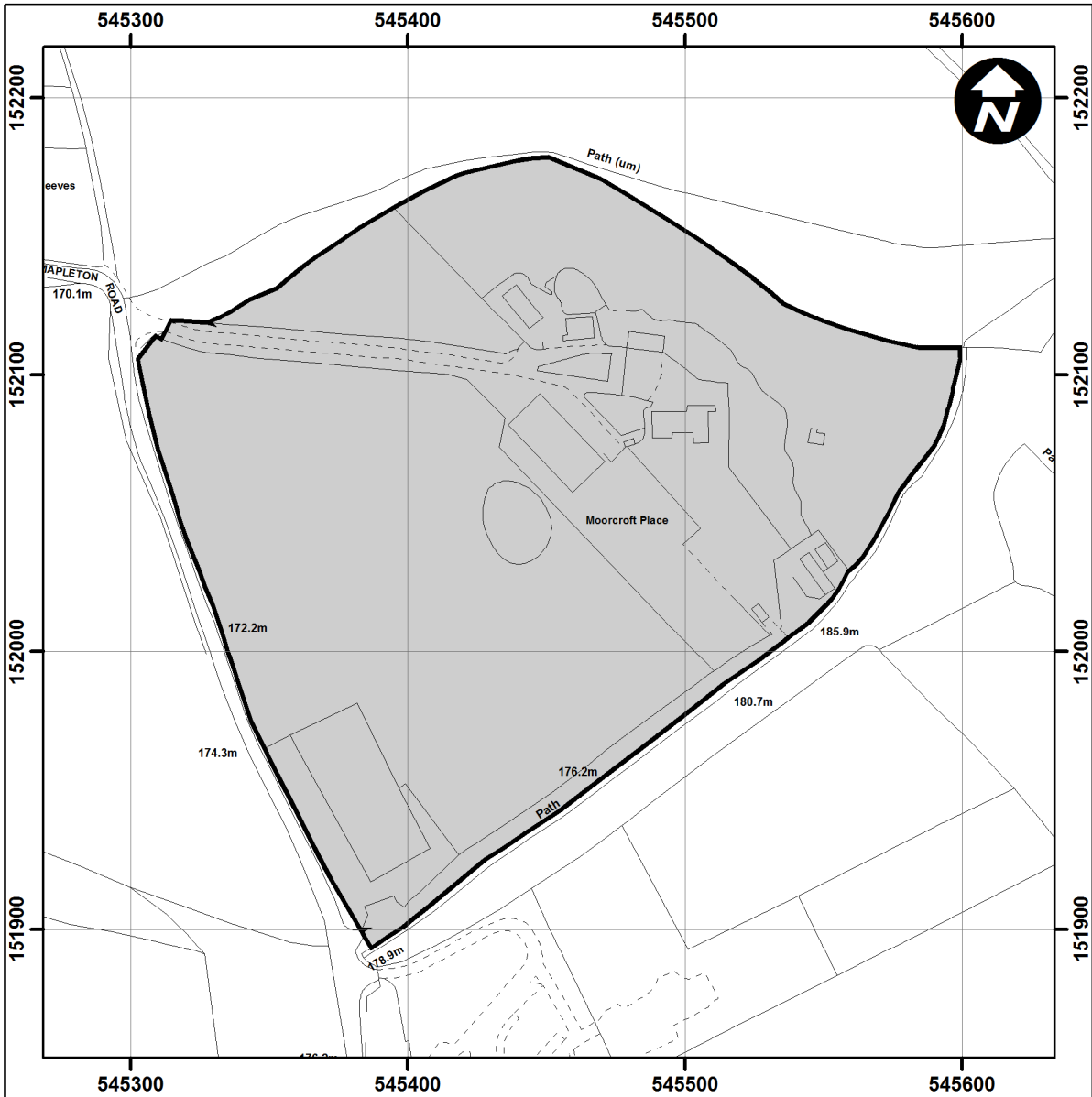
**Pav Ramewal -
Chief Executive Designate**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>



Site Plan

Scale 1:2,500

Date 03/06/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Sevenoaks District Council, 100019428, 2013.

4.1 SE/13/00360/HOUSE Date expired 4 April 2013

PROPOSAL: New fencing and CCTV camera installation (retrospective)

LOCATION: Moorcroft Place , Mapleton Road, Westerham TN16 1PS

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

The application was considered by the Development Control Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

This application has been referred to Development Control Committee by Councillor Bracken on the grounds that the proposal would have a detrimental impact upon the Area of Outstanding Natural Beauty and privacy.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be carried out in accordance with the following approved plans drawing no. 100, 310 rev 05, 222 rev 01.

For the avoidance of doubt and in the interests of proper planning.

2) Within six weeks of the date of this permission details shall be submitted of signs to inform the public of the presence of cameras adjacent to the primary and secondary entrances and to the south west of the stables which shall be visible from the public right of way. These details will include:- details of the location, height, size and wording of the signs;- a map showing the location of the signs;- and a programme of implementation. The works shall be carried out as approved.

To ensure the privacy of users of the public rights of way as supported by policy EN1 of the Sevenoaks District Local Plan.

3) The LED camera lights shall only be used when the security alarms are triggered or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Councils Core Strategy 2011.

4) Within three months of the date of this permission openings measuring 220 mm by 220 mm at ground level will be inserted at intervals of every 5m along the length of the fence to enable wildlife to pass through the fence line. These should be maintained for the duration of the fence hereby permitted

To ensure that there is no detrimental impact upon wildlife as supported by Policy SP11 of the Sevenoaks District Council Core Strategy 2011.

5) Within six months of the date of this permission, as shown on drawing no 201 rev 05 the mixed planting hedge shall be planted along the exterior of the fence and the Thuja Plicata screening shall be planted around the camera posts and be maintained

(Item No 4.1) 1

(Item No 4.5) 7

thereafter.

To safeguard the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy L08 of the Sevenoaks District Council.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08

The following is a summary of the main reasons for the decision:

The development will not have a detrimental impact upon the ancient woodland.

The development will not have a detrimental impact upon the Area of Outstanding Natural Beauty.

The development will not have a detrimental impact upon the adjacent public rights of way.

The development will not have a detrimental impact upon the adjacent Site of Nature Conservation Interest.

The development will not have a detrimental impact upon the Area of Archaeological Potential.

The following very special circumstances exceptionally outweighs any harm by reason of inappropriateness and any harm to the Green Belt by reason of other factors:- the safety and security of users of the site;- that the development will not impact upon the openness of the Green Belt.

Description of Proposal

- 1 This application is for new fencing and CCTV camera installation (retrospective).
- 2 The fencing comprises of dark green powder coated weldmesh fencing and posts with the fencing rising to a height of approximately 2.2m high with small openings at ground level to enable wildlife to pass through at 5m intervals. The fencing intersects the existing boundary of the site on the north and southern boundaries extending across the rear of the site for a distance of approximately 290m. The applicant is proposing to plant a mixed native hedge on the outer side of the fence to screen the fence.
- 3 Eight CCTV cameras have been erected on posts between 3.5m and 7.5m in height of which four have been planted with Thuja Plicata screening, an evergreen tree which grows to a height of 20m plus.

(Item No 4.1) 2

Description of Site

- 4 Moorcroft Place is a large detached property located within extensive grounds within a rural locality.

Constraints

- 5 Ancient Woodland (part of the site)
- 6 Area of Archaeological Potential
- 7 Area of Outstanding Natural Beauty
- 8 Adjacent Public Rights of Way
- 9 Adjacent Site of Nature Conservation Interest
- 10 Metropolitan Green Belt

Policies

Sevenoaks District Local Plan:

- 11 Policy - EN1

SDC Core Strategy

- 12 Policies - SP1, SP11 and LO8

Other

- 13 National Planning Policy Framework (NPPF)
- 14 Kent Downs Area of Outstanding Natural Landscape Design Handbook 2005
- 15 Sevenoaks Countryside Assessment Supplementary Planning Document 2011

Planning History

- 16 There is an extensive planning history but no planning history relevant to this proposal.

Consultations

English Heritage:

- 17 Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 18 It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

(Item No 4.1) 3

(Item No 4.5) 9

Kent County Council (KCC) Public Rights of Way:

- 19 In this case two public rights of way, a bridleway SR375 running along the northern boundary of the site and a public footpath SR365 along the south-eastern boundary of the site may be affected by the use of four of the seven CCTV cameras. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 20 The use of CCTV cameras overlooking these rural routes would be an intrusion into walkers, riders and cyclists legitimate leisure pursuits where people would not expect to be under surveillance.
- 21 The Design and Access Statement declares, as detailed later in this Statement, the location and design of the security features for which retrospective planning permission is now sought, and their proposed landscaping, has been carefully conceived to minimise their visual impact. Indeed, quickly with the passage of time, they will become very well disguised within the immediate and wider landscape. This is a key requirement of the applicant who does not wish the security measures at Moorcroft Place to be any more evident than they absolutely need to be.
- 22 So walkers and riders will be even less aware that they are under surveillance. I would therefore like to ask that if planning permission for these cameras is granted that the applicant put up signs, in prominent positions that can be seen from the rights of way where they are overlooked by cameras, advising the public of the presence of CCTV cameras.
- 23 The granting of planning permission confers no other permission or consent on the applicant. This means that the Public Rights of Way must not be stopped up, diverted, obstructed or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.'

Kent County Council Ecology:

- 24 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 25 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"
- 26 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*
- 27 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by

(Item No 4.1) 4

the Standing Advice, Local Planning Authorities must take into account the Standing Advice.

- 28 The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. No ecological information has been submitted with this application. However as a result of reviewing the data we have available to us (including aerial photos and biological records), and the information submitted with the planning application we are satisfied that proposed development has limited potential to result in ecological impacts.
- 29 The design and access statement details that the fence will have a number of small openings created to prevent the fence from becoming a barrier to wildlife. We welcome this proposal and must be implemented if planning permission is granted.'

Natural England:

- 30 Planning consultation: New fencing and CCTV camera installation (retrospective).
- 31 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 32 This application falls within the Kent Downs Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the purposes of designation of The Kent Downs AONB. Given the location of the development, however, the local planning authority should seek the views of the Kent Downs AONB Unit where relevant, prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.
- 33 The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- 34 We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

- 35 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

(Item No 4.1) 5

- 36 Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

- 37 If the proposal site could result in an impact on a Local Site, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

Biodiversity enhancements

- 38 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 39 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.'

SDC Arboricultural Officer:

- 40 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 41 I can inform you that the proposed fencing and CCTV camera installation have been installed. Having walked the length of the security fence, several trees have been removed. There is also evidence of root severance and earth movements and excavation within the woodland area. I would expect these actions to result in the loss of additional neighbouring trees. These trees may form part of ancient woodland. Had this application been presented before these works had taken place, I would have requested a method statement from the developer as to how they were proposing to carry out these works without damaging the woodland.

SDC Conservation Officer:

- 42 Moorcroft Place is adjacent to the grade II* listed Historic Park and Garden of Chartwell, which is characterised by a number of different types of planned and ancient landscapes, some associated with the house. This proposal is to install

(Item No 4.1) 6

2.2 metre high, green powder-coated fencing, and security cameras on posts of various heights, the tallest being in the southern corner, at 8m height. The proposal includes planting that will screen the posts, and the fencing will generally already be screened by woodland as well as by additional proposed planting, the types of which the Tree Officer will I'm sure be able to advise further on in terms of appropriateness. Given the topography and proximity of the various elements to the boundary of the historic park and garden, my view is that there will be no detrimental effect on the setting of the listed park and garden by the proposals. Conclusion: No objection.

Westerham Town Council:

- 43 WTC objects to this application having reconsidered and re-read the supporting documents, WTC noted that the gates were mentioned in the Design Statement although did not form part of this application.
- 44 To quote from the Sevenoaks Countryside Assessment of the LDF 2011 Landscape Description page 100, "The Westerham and Brasted Chart is an undulating woodland landscape and within this there are occasional irregular small scale fields enclosed by the woodland". One such meadow lies in front of the house. The Town Council is opposed to the introduction of any light pollution to this environment which is an Area of Outstanding Natural Beauty and should not be confused with more suburban areas. The CCTV cameras could also be intrusive to those using the adjacent footpath and bridleway. The fence constructed will obstruct wildlife, is over 2 metres, and is unsympathetic to its surroundings.
- 45 Councillors considered that all of these security measures are far from discreet and indeed are unacceptably intrusive and draw attention to this property in a way which has a negative impact on its surroundings.
- 46 In conclusion, WTC considers that the introduction of this scheme is insensitive and not in keeping with this nationally important "Historic Landscape" and should not be permitted.'

Representations

- 47 Three responses objecting stating that the proposal is urbanising and overbearing, that the development would be visible from the footpath providing surveillance of users and that it would detract from the landscape quality of the area.

Group Manager Planning Services Appraisal

Principal Issues

- 48 The principal issues are:
 - Impact upon the Metropolitan Green Belt;
 - Impact upon local amenity;
 - Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

(Item No 4.1) 7

- Impact upon Listed Park and Garden;
- Impact upon the Area of Archaeological Potential;
- Impact upon the Site of Nature Conservation, woodland and biodiversity;
- Impact upon the Public Right of Way.

Impact upon the Metropolitan Green Belt

- 49 The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. There is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt:
- 50 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 51 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 52 The term 'building' includes any structure or erection and would therefore include fencing and cameras. However, such development does not fall within the list of

(Item No 4.1) 8

exceptions as set out above and therefore when assessed against the wording of national policy the proposals would constitute inappropriate development that is, by definition, harmful to the Green Belt, in conflict with the NPPF.

- 53 However, looking at the proposal itself, the mesh fence would not act as a screen and would allow the woodland to be clearly visible through the fencing. In consequence it would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness. The proposed cameras and their supporting columns would though limited in number would have a detrimental impact upon the openness of the Green Belt.
- 54 The consideration of a very special circumstance that may clearly outweigh the harm to the Green Belt in principle will be considered later in this report.

Impact upon amenity;

- 55 The NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 56 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 57 Two footpaths run to the north and south of the properties boundary however other than the two points that the fence intersects the existing boundaries of the site the new fence through being set back from the paths, being painted green and being set within existing woodland is not visible from these paths. Where the cameras are located in exposed positions the intention is to provide additional plantings to minimise their impact.
- 58 Of the eight cameras three would potentially provide views of public areas: the two adjacent the two accesses to the property to the west and the southernmost camera adjacent to the stables next to southern footpath. To ensure that the public are aware of the presence of these three cameras a condition could be imposed to ensure that notices are placed adjacent to the footpath and entrances to the property to inform the public of their presence. The cameras possess LED lights which would only be used when the security alarms are triggered. A condition limiting the use to such an occurrence or annual testing could be imposed upon these lights to minimise their impact. Accordingly the impact upon amenities is deemed acceptable and complies with policy EN1.

Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

- 59 Policy LO8 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. The Kent Downs AONB Unit Landscape Design Handbook states that 'intrusive fencing should be avoided.'

(Item No 4.1) 9

(Item No 4.5) 15

- 60 'Where security fencing is required wooden fence posts and galvanised steel wire should be used. The fencing should be screened with thorny hedges of native plants. This will help reduce the visual impact of the fencing on the landscape and provide additional deterrent to intruders'.
- 61 The proposed green metal fence rises to a height of 2.2m and extends for a distance of approximately 280m within the rear of the site joining the existing fence at 90 degrees at two points. The fence for the majority of its length is set back at a distance of approximately 10m from the properties boundary within existing woodland. The land to one side of the fence has been cleared to obtain access to the site however it is intended to plant a native hedge on the outer side of the new fence which will further screen the fence. Other than the fence posts being metal as opposed to wood, the fencing would comply with the guidance of the Kent Downs AONB Landscape Design Handbook.
- 62 Eight CCTV cameras on posts rising between 3.5-7.5m are located predominantly on the edges of the site. Currently painted grey it is proposed to paint the poles black which when set against existing trees would minimise their impact. The CCTV posts that are located in exposed locations will be screened by 3 Thuja Plicata trees per post.
- 63 The eight cameras and posts are either located within existing woodland or would have additional plantings around them which over time would minimise their impact upon the wider landscape. Due to the limited size and scale of the cameras their impact would in my view be minimal. The cameras possess LED lights however as stated above their use could be limited through condition so minimising their impact upon the wider landscape.

Impact upon Listed Park and Garden

- 64 The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 65 Policy SP1 of the Sevenoaks District Councils Core Strategy states The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 66 The public footpath to the south of Moorcroft Place lies adjacent to the grade II* listed Historic Park and Gardens of Chartwell. Due to the fencing and cameras being screened by existing or proposed trees Sevenoaks District Councils Conservation Officers view was that the development would have 'no detrimental effect on the setting of the listed park and garden.' Accordingly the proposal in my view would not impact detrimentally upon the adjacent park and garden.

(Item No 4.1) 10

Chartwell House is located approximately 0.4km to the south of the development at which distance it would not be impacted upon.

Impact upon the Area of Archaeological Potential

- 67 Policy SP1 states that the District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 68 The works which have already been carried out are limited in nature and accordingly their impact upon the Area of Archaeological Potential would have been minimal.

Impact upon the Site of Nature Conservation Interest, woodland and biodiversity

- 69 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity
- 70 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following *principles*:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 71 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.
- 72 Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement and management of sites and through the

(Item No 4.1) 11

maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats.

- 73 Kent County Councils Ecology Unit were consulted on this application and 'were satisfied that the proposed development has limited potential to result in ecological impacts.'
- 74 Due to the works having already been carried out other than the planting of the hedge around the fence any damage to trees has already occurred as confirmed by Sevenoaks District Councils Arboricultural Officer. Informal discussions with the Arboricultural Officer has confirmed acceptability of the proposal to plant the proposed hedge with the species as shown on drawing no 201 revision 05.
- 75 Through incorporating small openings at ground level at 5m intervals along the fencing wildlife will be able to pass through the fence. This will minimise the future impact of the fence upon biodiversity. This action can be ensured through condition.

Impact upon the Public Right of Way

- 76 Public rights of way run to the north and south of the property. The proposed fencing and cameras are located within the boundaries of Moorcroft Place and they will not lead to any obstruction of the rights of way. The impact of the cameras upon users of the right of ways has been considered above.

Very Special Circumstances

- 77 The National Planning Policy Framework advises that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations
- 78 The National Planning Policy Framework states that amongst other things planning decisions should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Criteria 8 of policy EN1 of the Sevenoaks District Council Local Plan states that measures to deter crime should be applied in the consideration of planning applications in the design of new buildings and the layout of spaces.
- 79 The fence, cameras and posts would represent measures to combat crime. The proposed cameras and posts would be minimised through the proposed screening and with the mesh fence enabling views through the woodland the proposal would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness.

Conclusion

- 80 The proposed development would represent inappropriate development within the Metropolitan Green Belt however through the cameras and fence representing measures to deter crime and the fence not materially undermining the openness of the Green Belt there are very special circumstances that clearly outweigh the harm to the Green Belt. The proposal would not have a detrimental impact upon local amenities, the character and appearance of the area, the Area of Archaeological Potential, the adjacent Site of Conservation Interest or the adjacent listed park and garden. As the works have already occurred any impact

(Item No 4.1) 12

upon the Ancient Woodland would already have occurred. The presence of the cameras upon walkers of the adjacent footpaths and road can be made clear to walkers through the presence of signs imposed through a relevant condition, a condition can be imposed to minimise the impact of the LCD lights upon the Area of Outstanding Natural Beauty and a condition can be imposed to ensure regular openings within the fence to enable the movement of wildlife.

Contact Officer(s): Guy Martin Extension: 7351

Pav Ramewal
Chief Executive Designate

Link to application details:

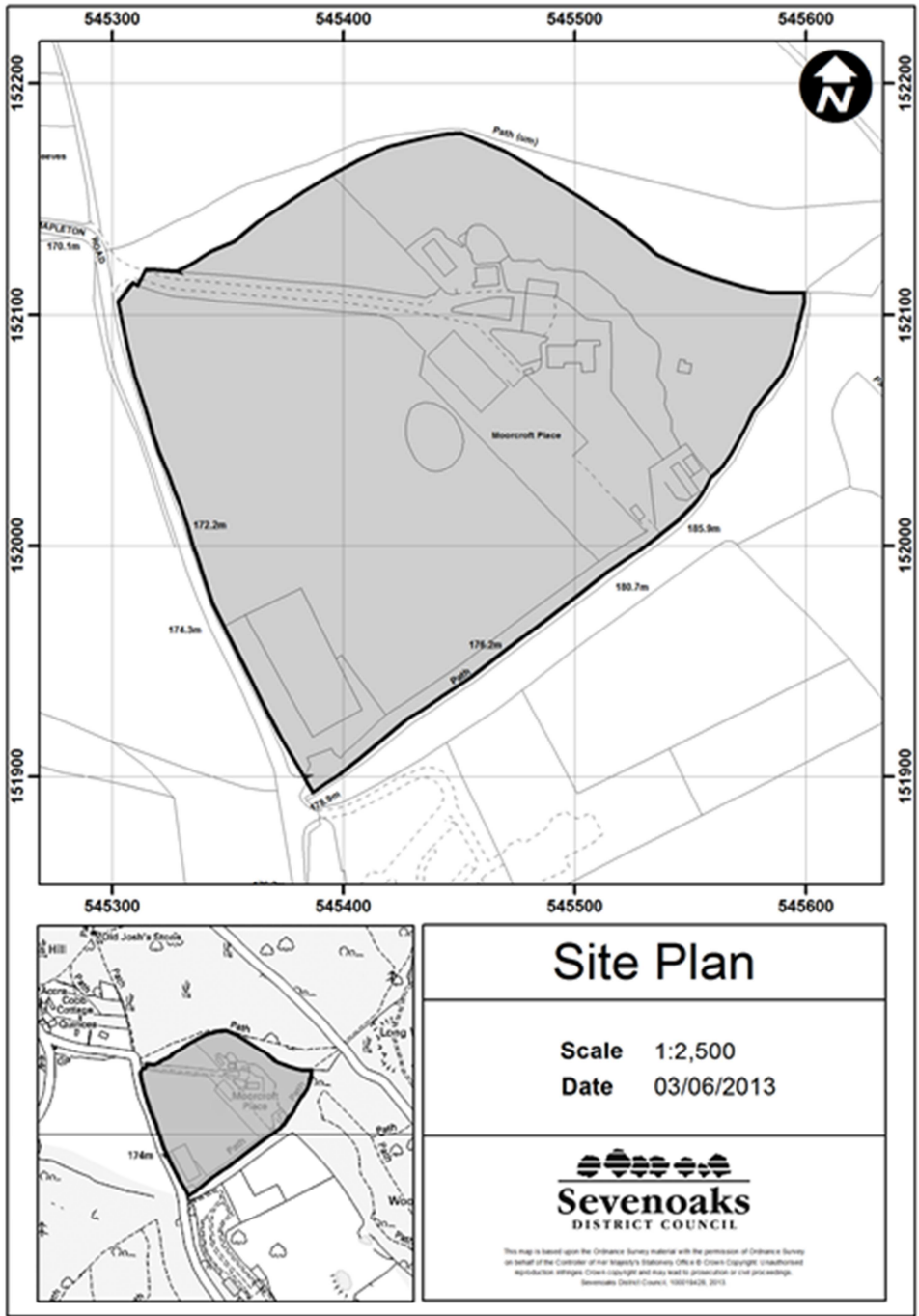
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>

(Item No 4.1) 13

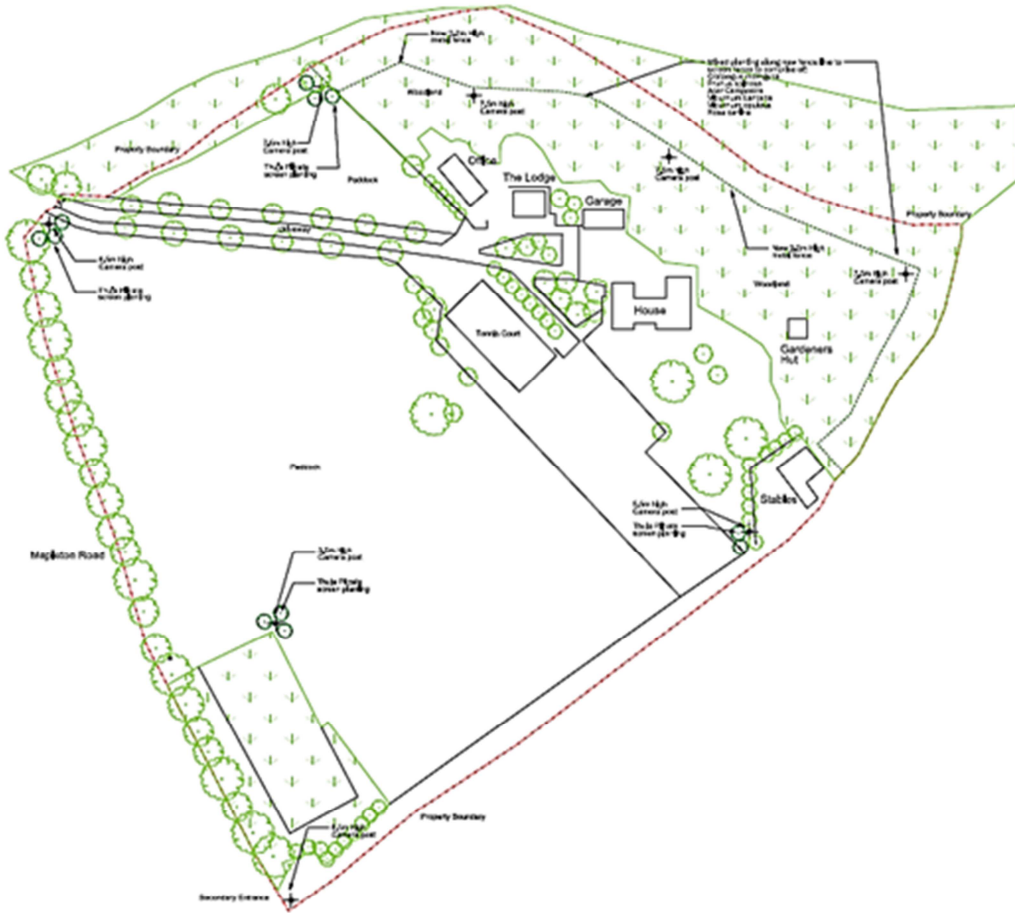
(Item No 4.5) 19



(Item No 4.1) 14

(Item No 4.5) 20

BLOCK PLAN



(Item No 4.1) 15

(Item No 4.5) 21

DEVELOPMENT CONTROL COMMITTEE

13 June 2013

LATE OBSERVATION SHEET

Item 4.1 SE/13/00360/HOUSE Moorcroft Place, Mapleton Road, Westerham TN16 1PS

Under, Item for Decision, the first paragraph stating,

'The Application was considered by the Development Control Committee....' should be deleted from the report.

The applicant's agent submitted the following information in respect to the security system and lights,

1. When the security is triggered between 2 posts, only the two nearest posts lights will come on.
2. The lighting is along the security boundary only, it is not 360. There are two per post one facing in each direction.
3. The operators can manually turn on all lights, this is in case of a security breach. But only all the lights if the operator manually selects this.
4. A security alert is a human or large animal (deer, horse) crossing the perimeter. A fox or any smaller animals will not cause an alarm. The system is not set up for size and weight but more the amount of vibration caused.

In respect to Condition 3) the wording is amended to,

The LED camera lights shall only be used when the security alarms are triggered (as set out within the applicants email dated 12th June 2013) or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Councils Core Strategy 2011.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 13 June 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brookbank, Brown, Clark, Mrs. Davison, Dickins, Gaywood, McGarvey, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Mrs. Ayres, Cooke, Orridge and Walshe

Cllrs. Mrs. Bracken and London were also present.

10. Minutes

It was accepted that apologies from Cllr. Mrs. Ayres would be added to the minutes. Under minute item 5 the name of the public speaker was corrected to Robert Wickham.

Resolved: That the minutes of the meeting of the Development Control Committee held on 23 May 2013, as amended, be approved and signed by the Chairman as a correct record.

11. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

12. Declarations of Lobbying

Cllr. McGarvey declared that he had been lobbied in respect of item 4.2 SE/13/00135/FUL - Land to the rear of Alandene, Till Avenue, Farningham DA4 0BH.

The Committee declared that they had been lobbied in respect of item 4.4 SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE, which had previously been considered by the Committee.

Reserved Planning Applications

The Committee considered the following planning applications:

13. SE/13/00360/HOUSE - Moorcroft Place, Mapleton Road, Westerham TN16 1PS

The report concerned a retrospective application for permission to erect a 2.2m high metal fence, running 290m across site, and 8 CCTV cameras on posts ranging between 3.5m and 7.5m in height. There were small openings at ground level to enable wildlife to pass through at 5m intervals. The applicant proposed to plant a mixed native hedge on the outer side of the fence to screen it. The 4 CCTV cameras not in ancient woodland would be planted with western redcedar.

Development Control Committee - 13 June 2013

The site was situated in an area of archaeological potential, an Area of Outstanding Natural Beauty and the Metropolitan Green Belt. Part of the site was ancient woodland. It was adjacent to a Site of Nature Conservation Interest and 2 public rights of way.

Officers considered that the proposed development represented inappropriate development within the Green Belt however the fence did not materially undermine the openness of the Green Belt and the security measures represented very special circumstances that clearly outweighed the harm to the Green Belt.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	Cllr. Le Breton
Local Member:	Cllr. <u>Mrs. Bracken</u>

In response to a question Officers confirmed the site extended 600m by 520m. The only point at which the metal fence was clearly visible from the footpath was at the southern intersect with the close boarded fence. It was possible that those using the footpath to the south of the site could be monitored by CCTV. Officers had not been supplied information on the specification of the CCTV, for example on whether it was static or where it pointed, but he confirmed the CCTV would be used once the alarm was triggered.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

It was suggested that the case for very special circumstances had not been made out. It was a low crime area, Chartwell next door had not been targeted and there was no greater reason to fear crime on that site than many other sites within the district. Such development was inappropriate in the Green Belt and it was not in the right setting.

It was noted there was some further explanation about the justification of very special circumstances in the Design and Access Statement, though much was confidential.

It was moved and duly seconded that the report be deferred to a future meeting so that the Officers may consider the Design and Access Statement further and provide Members with greater information from the applicant regarding the very special circumstances as to why the development should be allowed in the Green Belt in this case.

The motion was put to the vote and there voted –

8 votes in favour of the motion

4 votes against the motion

Resolved: That the report be deferred to a future meeting so that the Officers may consider the Design and Access Statement further and also provide Members with

Development Control Committee - 13 June 2013

greater information from the applicant regarding the very special circumstances as to why the development should be allowed in the Green Belt in this case. .

The meeting clarified that Officers should also seek further information on the CCTV cameras including the splay across public rights of way. A Member also requested more information on the security lights.