

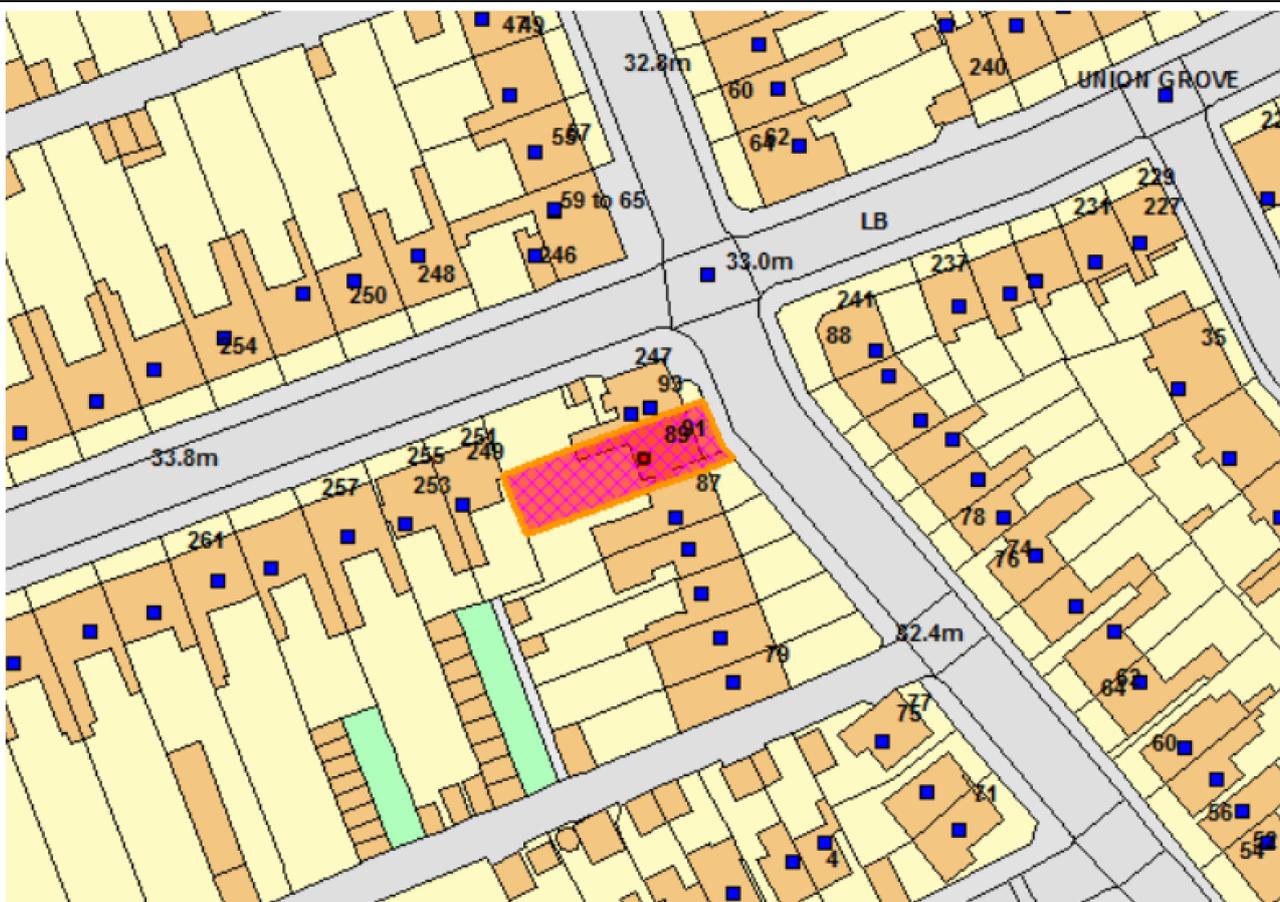


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 April 2023**

<b>Site Address:</b>	91 Ashley Road, Aberdeen, AB10 6RL
<b>Application Description:</b>	Installation of CCTV camera (retrospective)
<b>Application Ref:</b>	230201/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	21 February 2023
<b>Applicant:</b>	Mrs Edna Chalmers
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Ashley and Broomhill
<b>Case Officer:</b>	Sam Smith



## **RECOMMENDATION**

Approve Unconditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a ground-floor flat in a two-storey tenement building located in a residential area within the Albyn Place/Rubislaw Conservation Area. The building has an east-facing principal elevation that fronts onto Ashley Road and a rear garden to the west which is bounded by the gardens of the surrounding properties. To the south of the site sits terraced properties, separated by an access path at the application site and to the north sits a mixed use two-storey building comprising a ground floor shop and a first-floor residential property. There is an existing shed in the northeast corner of the garden of the application site.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Retrospective planning permission is sought for the installation of a CCTV camera, fixed to the existing shed on a metal pole measuring 900mm in height from the eaves of the shed. The camera faces southeast to capture the rear garden and rear of the building.

### **Amendments**

None.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQDTKOBZGR300>

Supporting Statement

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application has received six timeous letters of representation that express objection to the proposal and therefore falls outwith the Scheme of Delegation as per point 1. v.

## **CONSULTATIONS**

**Ashley and Broomhill Community Council** – No comments received.

## **REPRESENTATIONS**

Thirty representations have been received for the proposal (six in objection and twenty-four in support). The matters raised can be summarised as follows –

### **Objection**

- The CCTV is not suitable for the conservation area and is clearly visible from other properties.
- The CCTV is raised too high and infringing on the privacy of the neighbouring gardens, including neighbours with children.
- The audio allows for conversations to be captured in the neighbouring gardens.
- Neighbours were not notified before CCTV being installed and the rear garden is shared, resulting in CCTV recording the area without permission from all owners of the site.
- Lack of justification for CCTV as there have been no security issues in previous years.

### **Support**

- The camera is barely visible from the road.
- The works would not impact on the appearance of the building or the conservation area.
- The CCTV is required for the protection and peace of mind for the residents of the property and has been advised by Police Scotland.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Aberdeen Local Development Plan 2017 (ALDP)**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)

### **Proposed Aberdeen Local Development Plan 2020**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment )

Supplementary Guidance

- Householder Development Guide

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: External Fixtures

## **EVALUATION**

### **Principle of Development**

The application site is located in a residential area under Policy H1 (Residential Areas) of the ALDP, and the proposal relates to householder development. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, result in the loss of valued and valuable open space and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). Policy D4 (Historic Environment) requires adverse development impacts to be minimised and for high quality design be applied to maintain the historic environment.

The main planning considerations for this proposal relate to the scale and design of the proposed CCTV camera in the context of the impact it may have on the appearance and character of the surrounding residential area and conservation area.

The proposal comprises a camera fitted to an existing shed within an existing residential curtilage and would thus not result in overdevelopment or the loss of any valued open space. All other matters are discussed below.

### Scale, design and impact on the historic environment

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. While this policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Further to this, Policy D4 of the ALDP requires adverse development impacts to be minimised and for high quality design be applied in a conservation area to maintain the historic environment and respect the character and appearance of the area. The Managing Change in the Historic Environment: External Fixtures guidance expects new fixtures to be sited to maintain the architectural interest of any historic buildings and the historic environment.

The proposed camera sits 900mm in height from the eaves of the existing shed and would therefore sit above the adjacent boundary walls and be visible from Union Grove. This height has been identified by the applicant in the *Supporting Statement* as the required height to capture the intended area of the rear garden for operational purposes. Although the camera would be visible from the public road, the proposed works consists of a narrow grey pole attached to the existing shed in the rear garden, sitting approximately 9.5m south of Union Grove. The grey metal pole is also of a subordinate and appropriate scale in relation to the size of the existing shed. The design and materials are therefore considered in keeping with the appearance of the surrounding area and visually subservient in the context of the site. The shed sits in the corner of the site, adjacent to the north and west boundary walls, sitting discreetly in the context of the garden to avoid the development being prominently visible from the road. The height of the property and boundary wall to the west also results in the camera appearing less prominent in terms of its scale. The works have therefore been adequately designed and positioned to avoid having an adverse visual impact on the surrounding conservation area.

In line with the Fixtures Guidance, the proposed camera would be fitted to an ancillary outbuilding on the site which has little special interest in the context of the conservation area. The camera sits in the rear garden of the site and therefore avoids interfering with prominent elevations of any surrounding property as the only public place from which it is visible, is from the north at Union Grove. There is a modern side extension to the property sitting to the west of the site which presents minimal architectural interest adjacent to the camera, in the context of the historic environment. The location of the proposed works is therefore considered acceptable in maintaining the appearance and architectural interest of the historic environment and would avoid resulting in adverse harm to the appearance or fabric of any historic buildings or boundary walls. It is considered that a significant level of this type of development would need to occur for any cumulative impact to result in an adverse impact on the historic environment due to the identified minimal visibility and scale of the CCTV camera pole.

Overall, the proposed CCTV camera would be minimally visible from any prominent public viewpoint and has been located on an ancillary building as to avoid any adverse harm to the character and architectural interest of the historic environment. The proposal would therefore comply with policies H1, D1 and D4 of the ALDP and the Managing Change Guidance.

### Amenity

The proposed camera has been fitted to a pole on an existing outbuilding. The installation of these works is not considered to impact the use of any neighbouring properties or impact upon the general amenity of the sites or daylight received by the neighbouring gardens.

Matters relating to the infringement of privacy resulting from the recorded video and audio resulting from the operation of the camera do not constitute a planning consideration and have

therefore not been assessed as part of this application. These matters are covered by the Data Protection Act 2018.

## **Representations**

The proposed works have been assessed against their impact on the appearance of the surrounding area and conservation area. All other matters relating to the operation and intended use of the CCTV do not constitute planning matters and have therefore not been considered in the assessment of this application.

## **National Planning Framework 4**

In line with Policy 14 (Design, Quality and Place), the proposed works have been designed to be consistent with the 6 qualities of successful places and does not have an adverse impact on the amenity of the surrounding area, as per Policy 14(b) and 14(c) of NPF4. Policy 16 (Quality Homes) of NPF4 determines that as the proposed camera does not have a detrimental impact on the character or environmental quality of the site and surrounding area nor on any neighbouring properties, the proposed development is in accordance with Policy 16(g). Policy 7 (Historic Assets and Places) determines that the proposed camera would be minimally visible as to avoid any adverse impact on the character and appearance of the conservation area as per Policy 7(c) and 7(d).

## **Proposed Aberdeen Local Development Plan**

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

## **RECOMMENDATION**

Approve Unconditionally

## **REASON FOR RECOMMENDATION**

The proposed CCTV camera has been adequately designed to avoid having any adverse impact on the character, appearance or setting of the Albyn Place/Rubislaw Conservation Area. The camera has been appropriately located to avoid any adverse impact on the architectural interest or fabric of any historic building. The material finish used for the works are considered appropriate for use in the conservation area and in keeping with the surrounding area. The proposal is therefore considered to comply with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017, Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design), Policy D2 (Amenity) and Policy D6 (Historic Environment) of the Proposed Aberdeen Local Development Plan 2020, Historic Environment Policy for Scotland, Managing Change in the Historic Environment: External Fixtures. The proposal is also considered acceptable against relevant policies (7, 14 and 16) of National Planning Framework 4.