

Installation of 2 wall mounted Automatic Number Plate Recognition (ANPR) Cameras

KEY INFORMATION

Ward The Ferry

Address

114 Brook Street
Broughty Ferry
Dundee

Applicant

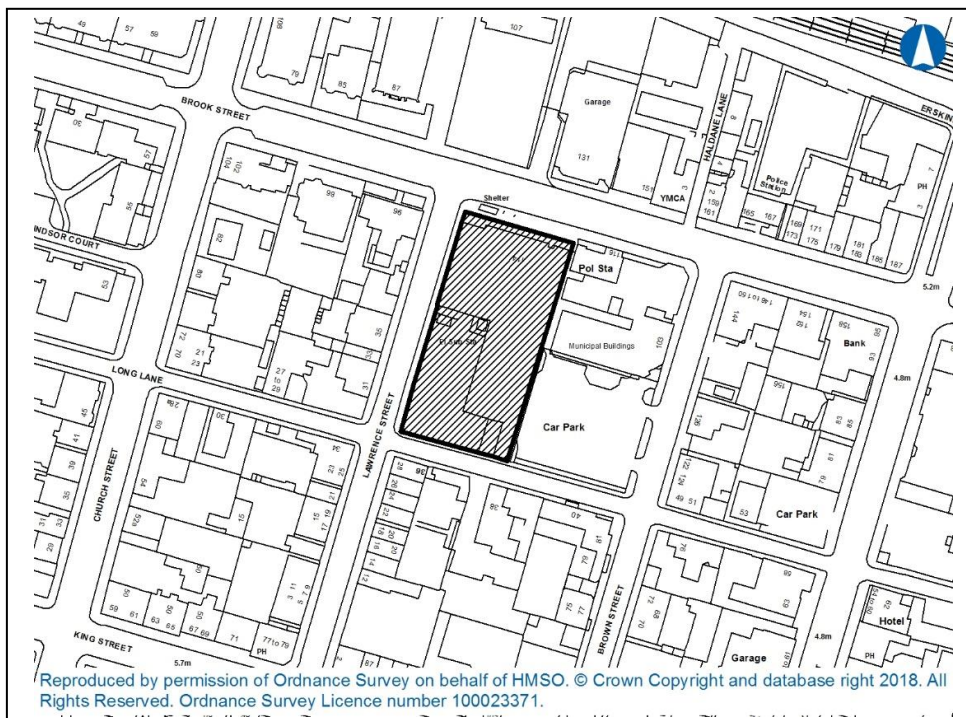
Euro Car Parks Ltd
c/o Agent

Agent

A Aramfar
55 St John Street
London EC1M 4AN

Registered 19 April 2018

Report by: Executive
Director of City Development



SUMMARY OF REPORT

- This application seeks planning permission for the installation of two Automatic Number Plate Recognition (ANPR) Cameras, which would face on to the car park at Marks and Spencer Simply Food, Broughty Ferry.
- Two cameras would be fixed to the west elevation of the building and an associated wall mounted cabinet is also proposed on the south elevation.
- The cameras would identify registration plates for cars entering and leaving the car park.
- One objection has been received from neighbours on grounds of privacy and overlooking.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee at an Elected Members request.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=P4LNZZGCJ9X00>.

RECOMMENDATION

The application complies with Policies 7 and 50 of the adopted Dundee Local Development Plan 2014, Policies 1 and 51 of the proposed Local Development Plan 2, and national planning guidance for development within a conservation area. The proposal also satisfies the statutory requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would warrant refusal of planning permission. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the installation of two Automatic Number Plate Recognition (ANPR) Cameras on the west elevation of the Marks and Spencer Simply Food shop unit. The cameras would be set 3.5m above ground level and fixed to the building by brackets. The brackets would be constructed of steel with a galvanised finish. They would face towards the car park on the southwest of the site. The cameras would be pointed towards the ground level and aimed towards the vehicle number plates only. The cameras will not be aimed at the houses opposite the site. The cameras pick up and process the number plates automatically and there is no requirement for an operator to view the images. An associated wall mounted cabinet would be located on the south elevation. It would be 2.3m above ground level, and would measure 0.4m x 0.2m x 0.3m.
- 1.2 The agent has outlined that M&S are in the process of rolling out ANPR Cameras across all of their car parks in the UK. The cameras are proposed to assist with the day to day running and management of the car park whilst reducing long-term running costs for the supermarket. The system would allow customers to access short stay free parking whilst visiting the shop, but also prevent long stay parking ensuring spaces are readily available for shoppers. The external appearance of the cameras is similar to CCTV, although the purpose is solely to view number plates and therefore they are stationary and focused downwards to the car park threshold to identify car number plates only. As the system is automated, there is no requirement for a camera operator or car park attendant. Overall, the new automated access system is to improve efficiency of the car park for both M&S and their customers.

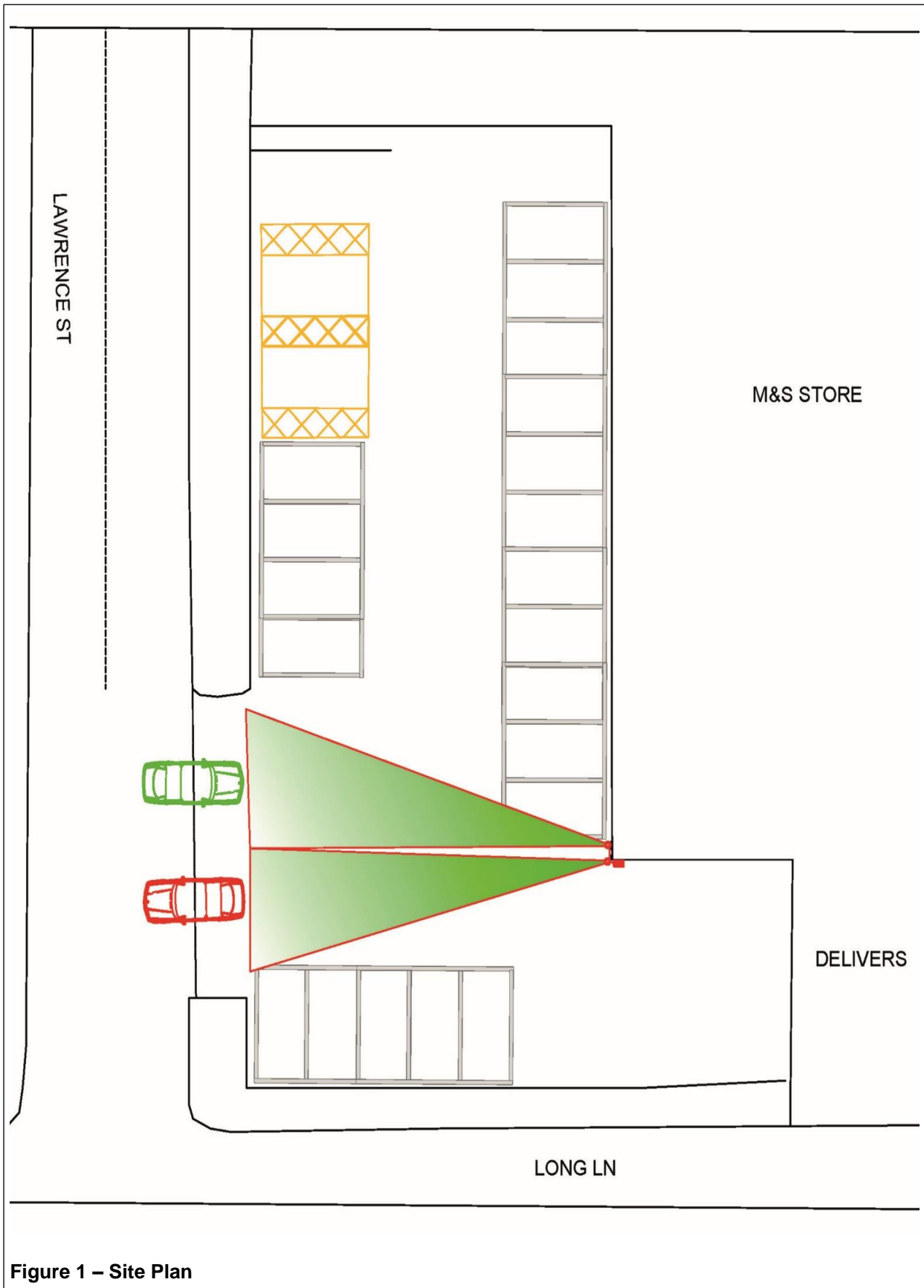
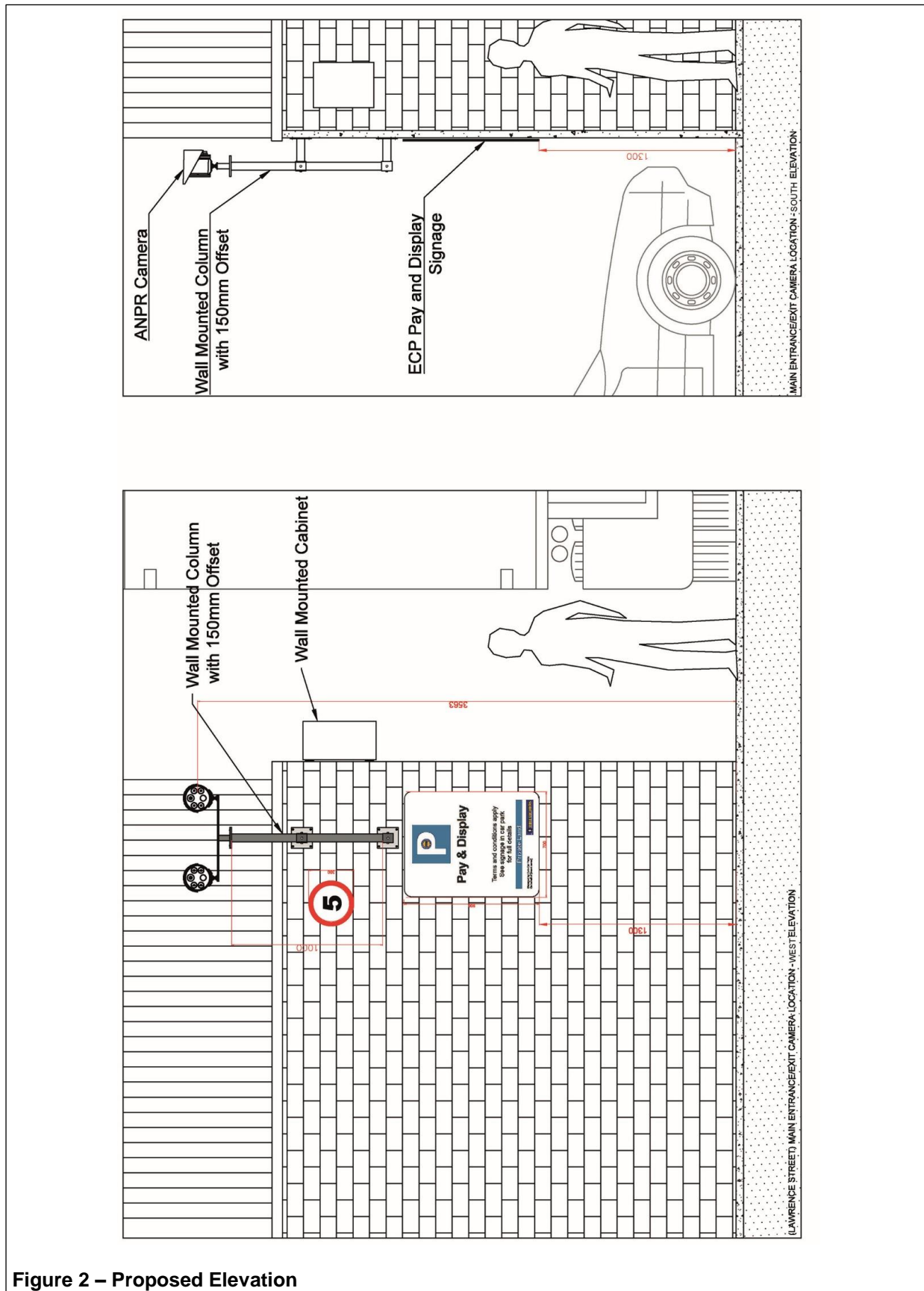


Figure 1 – Site Plan



Examples of camera views/angles



Figure 3 – Example Images of Camera Directions

2 SITE DESCRIPTION

- 2.1 The site is located on the south side of Brook Street. The site is bound to the west by Lawrence Street and to the south by Long Lane. Neighbouring residential properties are located on Lawrence Street, whilst in all other directions there is a mixture of residential, retail, business and professional uses. The proposed cameras would be 26m from neighbouring residential properties located on the west side of Lawrence Street.
- 2.2 The cameras are proposed on the south section of the building which is used as a storage and delivery area, whilst the shop floor occupies the northern end of the building. The southern section is two storeys high, with the lower half finished in brick and the upper in corrugated sheeting. The site is within the Broughty Ferry District Centre and Broughty Ferry Conservation Area.



Figure 4 – Site Photograph



Figure 5 – Site Photograph

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 7: High Quality Design

Policy 50: Development in Conservation Areas

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2 2017

Policy 1: High Quality Design and Placemaking

Policy 51: Development in Conservation Areas

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy 2014

Historic Environment Scotland Policy Statement 2016

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 94/20260/D - Installation of Satellite Antenna On Roof Of Supermarket. Approved.
- 4.2 03/00476/ADV - Installation of ATM with integrated fascia sign. Approved with conditions.
- 4.3 03/00488/FUL - Installation of ATM. Approved with conditions.
- 4.4 06/01052/FUL - Erection of Trolley Shelter adjacent to entrance at customer car park. Approved with conditions.
- 4.5 06/01053/ADV - Installation of illuminated signage. Approved with conditions.
- 4.6 07/00336/FUL - Installation of roof plant. Approved with conditions.
- 4.7 12/00546/FULL - Siting of 1no. refrigerated storage container between 1st November and 31st January annually. Withdrawn.
- 4.8 12/00797/FULL - Siting of 1no. refrigerated storage container within the rear service area between 1st November and 31st January annually. Approved with conditions.
- 4.9 15/00428/ADV - Display of advertisements. Approved.
- 4.10 18/00114/ADV - Signage providing car park information for customers. Approved.

5 PUBLIC PARTICIPATION

5.1 One letter of objection was received which raised the following concerns:

- the camera points on to a public road, this is a private company and should only see in the car park. The camera would also point on to a residential property and the privacy of neighbouring properties would be affected.

6 CONSULTATIONS

- 6.1 No consultation responses have been received.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – requires all development to contribute positively to the quality of the surrounding environment, with reference to climate change adaptation. The design and siting of development should respect the character and amenity of the place and improve connectivity. Proposals should also incorporate new landscape and planting works appropriate to the development. Proposals should also:

- consider and respect site topography and any surrounding landmarks, views or skylines;
- contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
- the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
- existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and
- existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

- 7.3 The proposed cameras would be located on the store/warehouse section of the building. As this is to the rear side, the proposal would not affect the main facade of the building and would be in an unobtrusive location where the alterations would be seen in relation to existing louvres, external lights and the car parking and delivery areas. Whilst the cameras would be visible from public places (Lawrence Street), this part of the building is finished in brick and corrugated sheeting and is not of significant historic or architectural merit. The siting, scale and design of the proposed cameras would not over-dominate the building and would not harm its character or appearance. A planning condition is proposed to seek the colour details of the external finishes. The proposed cameras would not have a detrimental impact on the visual quality of the surrounding environment. With the addition of a planning condition, the proposal would comply with the policy requirements.

- 7.4 **The proposal satisfies Policy 7.**

- 7.5 **Policy 50: Development in Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.6 The application site is located within Broughty Ferry Conservation Area and relates to an unlisted retail unit. The proposed cameras would be of an appropriate scale for the building and would be positioned to the rear side. They would be viewed in conjunction with the retail unit which is not of significant historic or architectural interest within the conservation area. The proposal would therefore not detract from the quality of the street scene or wider Broughty Ferry Conservation Area.
- 7.7 **The proposal satisfies Policy 50.**
- 7.8 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

STATUTORY DUTY

- 7.9 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. For the reasons set out in the assessment against the Dundee Local Development Plan 2014 above, the proposed works would preserve the character of the Conservation Area and the statutory duty set out in Section 64 of the Act would be discharged through the approval of planning permission.

OTHER MATERIAL CONSIDERATIONS

- 7.10 The other material considerations to be taken into account are as follows:

A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.11 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.12 The proposed Dundee Local Development Plan 2 will in time replace the adopted Dundee Local Development Plan, 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan, 2014 (along with TAYplan) constitutes the statutory Development Plan, the proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.13 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.14 The emerging local development plan policies do not raise any issues which would constitute a material difference to the assessment of the planning application.
- 7.15 The requirements of Policies 1 and 51 of the Proposed Dundee Local Development Plan are also satisfied.

B - VIEWS OF OBJECTORS

- 7.16 One letter of objection was received against the application which raised the following concerns:
- the camera points on to a public road, this is a private company and should only see in the car park. The camera would also point on to a residential property and the privacy of neighbouring properties would be affected.
- 7.17 In terms of the impact on privacy, the agent has submitted photographs which show examples of other ANPR cameras and how they face towards the ground. The cameras are to recognise car registration numbers and it has been confirmed by the agent that they will be pointed towards the ground level and towards the vehicles number plates only. They would not be aimed at houses.
- 7.18 A condition will be attached to any grant of planning permission to ensure that evidence of the proposed camera views is submitted to and agreed with the Planning Authority. It is considered that the proposal would not have a detrimental impact on privacy.
- 7.19 The concerns of the objectors are not of sufficient weight to justify refusal of planning permission.

C - PLANNING AND ACCESS STATEMENT

- 7.20 The supporting document states that such cameras can benefit from permitted development rights, outlined in the Permitted Development Circular 2/2015 - Consolidated Circular on Non-domestic Permitted Development Rights Annex D - Closed Circuit Television (CCTV) Cameras. However, Annex D outlines that this class does not apply within conservation areas. The site is located within the Broughty Ferry Conservation Area and as such, planning permission is required. The document also refers to the installation signage for the car park. This has been assessed under a separate advertisement consent application which was approved (reference: 18/00114/ADV).

D - NATIONAL PLANNING POLICY AND GUIDANCE

- 7.21 Scottish Planning Policy (2014) and Historic Environment Scotland Policy Statement (2016) should be taken into account when determining applications for development which may affect the historic environment. Scottish Planning Policy (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the historic environment and its contribution to sense of place, including settings and the wider cultural landscape; the designation of a conservation area provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (ie does no harm) should be treated as one which preserves that character or appearance. The Historic Environment Scotland Policy Statement seeks to identify the key characteristics of the historic environment and establish the boundaries within which change can continue so that it enhances rather than diminishes historic character; the historic environment should be valued as an asset, rather than thought of as a barrier to development. It is concluded that the proposed works would comply with national planning guidance with regard to development affecting a conservation area.

E - BROUGHTY FERRY CONSERVATION AREA APPRAISAL

- 7.22 Shop frontages are a variable component of any Conservation Area and it is of concern that any shop front or proposed shop front development should take into consideration the surrounding context in terms of the scale, architectural style, colour and detail of the area. Each shop front should complement each other in appearance and scale. In addition, it is important to contrast any proposed development within the colour palette of the surrounding

context. When considering proposals for shop front extension, alteration or removal, emphasis will be placed on how the character of the area would be affected whether negative or positive.

- 7.23 Whilst the shop can be accessed via Lawrence Street to the rear, the principal elevation and shop front is on Brook Street. The cameras would be fixed to the elevation which fronts Lawrence Street, and therefore would not affect the main shop front or facade of the building. The cameras would be on a section of the building which is finished in brick and corrugated sheeting. Therefore, the proposed cameras would not appear at odds with the character of the building. It is concluded that the proposal would preserve the character of the area.
- 7.24 **It is concluded from the foregoing that there are no material considerations of sufficient weight which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The scale, design and positioning of the proposed cameras would not be harmful to the character of the retail building and would not result in detrimental amenity impacts on neighbours. The proposal would preserve the character of Broughty Ferry Conservation Area. The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- Condition** - prior to the commencement of any works on site, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by Dundee City Council as Planning Authority.
Reason – in the interests of visual amenity, to ensure that the colour of the external finishing materials are appropriate to the character of the area.
 - Condition** - prior to the commencement of the operation of the cameras hereby approved, evidence of the proposed camera view(s) shall be submitted to and approved in writing by the planning authority. The cameras shall thereafter be used only with the approved camera views.
Reason - in the interests of protecting residential privacy.