

Planning Process and Community Safety Issues

Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local planning authority should consider when exercising its functions under the Town and Country Planning legislation.

Local geography

Planners need to be aware of the crime risks of a location and understand the effect of potential changes to the built environment before deciding on possible solutions and appropriate policy responses. There are a range of useful tools that may be usefully employed here, such as crime pattern analyses and crime risk assessment.

Development control

Development control is pivotal in implementing planning policies to prevent crime. The different stages of the planning application process should be managed effectively to deliver safe, sustainable development.

The pre-application stage

Developers, designers and those seeking planning permission should enter into discussions with a range of interested parties before the application is submitted. Pre-application discussions should expose any potential conflicts in meeting any crime and urban design objectives arising from a proposal, the resolution of which should result in higher quality planning applications and speedier decisions. In addition to taking heed of local and national policies, applicants should be encouraged to talk through aspects of their proposals with the local community, the planning authority and the police.

Advice should be sought from the police architectural liaison officer on all aspects of crime prevention, including possible local causes of crime, the desirability of certain facilities or linkages in the local context, and detailed design considerations. The basis for any discussions should be set by the local planning authority's crime prevention policies.

Local authorities may find it beneficial to set out those instances where it would recommend an applicant to engage in pre-application discussions with the police.

Police advice should be considered in the context of this guide along with wider planning objectives, and should be an important factor in discussions between the applicant and the local authority.

Planning application stage

All planning applications should demonstrate how crime prevention measures have been considered. This should be part of the applicant's design statement, and could usefully reflect each of the attributes of safe, sustainable places introduced in this guide.

Local authorities may find it beneficial to agree thresholds with the police on when their advice should be sought, including on whether a specific crime risk assessment is required. Triggers could include location (such as town centre or adjacent to a known crime hot spot), type (such as pubs and clubs or car parks) and size (such as number of new homes).

The planning decision

Crime prevention can be a material consideration in the determination of planning applications. Local planning authorities should consider whether proposed development could be amended or planning conditions imposed that would contribute to the prevention of crime

and disorder. Where proposed development would undermine crime prevention or the promotion of community safety and the concerns are relevant to land use planning, the application could be refused planning permission where refusal is consistent with the development plan.

Any planning decision involves balancing (or preferably, resolving creatively) sometimes competing objectives. This is no less the case when crime prevention is involved. The decision-taker must give appropriate weight to each objective and material consideration. The balance to be struck will depend on the policies in the development plan and specifics of each case. But crime prevention considerations should be given weight where the potential crime risk is shown or expected to be high and, or, the consequences for the community, vulnerable groups and individuals serious.

Planning conditions

Where crime prevention or the fear of crime is material to a proposed development, local planning authorities may wish to consider planning conditions to secure measures that reduce the possibility of crime, provided they fulfil the tests set out in DoE Circular 11/95. These require that conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Local planning authorities should not attempt to introduce planning conditions for a non-planning purpose. An example would be where a condition requires the provision or improvement of crime prevention measures that are not relevant to the proposed development.

Conditions may be appropriate if a potential criminal act would have an adverse effect on the use or potential use of land. Such situations may include, but are not limited to:

- Where it is necessary to ensure that a dwelling is fit to live in, because high crime rates have resulted in the abandonment of residential accommodation;
- Where the intended occupants or users of a development are particularly vulnerable and so require higher standards of security or personal safety justifying specific crime prevention measures; for example, accommodation or facilities for the elderly, nurseries, schools and health centres;
- Where the intended use of a development raises significant community safety issues linked to crime prevention, for example public car parks and outdoor leisure uses such as swimming pools and sports pitches; Where it is necessary to require crime prevention measures for construction sites because they are both vulnerable to crime and raise community safety issues e.g. requirements could relate to site fencing and securing plant and materials.

It may be appropriate to impose conditions that address crime prevention and community safety when considering access, site layout (including play areas and parking arrangements), lighting, noise, opening hours and landscape design. Many of these aspects will be relevant to both residential and commercial developments.

It may also be appropriate to consider a requirement that lighting should conform to a particular specification or whether or not lights should be attached to buildings to provide extra security. Additional matters such as the installation of CCTV systems or security shutters may also be proper considerations, particularly for commercial schemes.

Example planning conditions

Whilst local planning authorities should not normally prescribe matters of detailed design, there may be circumstances when it is acceptable to consider imposing a condition requiring particular target hardening measures to be incorporated in a development. Some models of acceptable conditions that may be used in appropriate circumstances include:

CCTV, shutters and other security measures

a scheme showing the details of CCTV and/or security measures/shutters to be installed at the development shall be submitted to and approved by the local planning authority in writing. [No part of the development] [the use] hereby permitted shall be [occupied] [not be commenced] before the scheme is carried out as approved; [no part of the development shall be occupied] [the use shall not commence] until CCTV/security measures/shutters have been installed as indicated on drawing *** or in accordance with BS 7958:1999;

Door sets/windows

the standards of [External door sets][Windows] [to be installed] [on the ground floor/basement floor of the buildings] in the buildings shall be made secure to standards, independently certified, set out in [BSI PAS 24-1:1999 'Doors or enhanced Security'] [BS 7950 'Windows for enhanced security'];

Locks

the standards of Locks to be installed in [external doors/windows of] the buildings [or specify parts of the buildings] shall be made secure to standards set out in BS 3621:1998 (or any superseding standard);

Street lighting

the standards of street lighting to be installed shall be made to standards set out in BS5489; any street lighting to be mounted on the development shall be installed in accordance with details to be approved in writing by the local planning authority and shall be maintained as approved thereafter.

In cases where it is either inappropriate or simply not possible to impose a valid condition relating to such details, local planning authorities should consider including informatives on planning permissions drawing the applicant's attention to particular guidance on crime prevention or to technical publications that deal with security measures.

Section 106 agreements

The use of planning obligations, which are usually made by means of an agreement with the local planning authority, under s.106 of the Town and Country Planning Act 1990, may be appropriate in certain cases, such as where a planning objection to a proposal cannot be overcome by the imposition of a condition. However, planning obligations should be relevant to planning and directly related to the proposed development. More detailed guidance is given in Department of the Environment Circular 1/97. The content of such obligations will be dependent upon the circumstances of each case but it may be reasonable to seek a planning obligation to create a safer environment within the area of the proposed development, such as through the provision of CCTV, neighbourhood wardens or late-night bus services.

Barry Jackson
Development Services Manager
Planning Services
Stockton on Tees Borough Council
Gloucester House
Church Road
Stockton On Tees
TS18 1TW