

Developer Contributions to Community Safety

Development Control Guidance Note

Swindon Borough Local Plan 2011

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1 Introduction

- 1.1 The Adopted Swindon Borough Local Plan, 2011 allocates sufficient land for 23,000 new dwellings in Swindon Borough between 1991 and 2011 in accord with the former Structure Plan to 2011. The Wiltshire and Swindon Structure Plan, 2016 makes provision for 26,000 between 1996-2016. Swindon is also identified in the Draft South West Regional Spatial Strategy as one of the region's Strategically Significant Towns and Cities (SSTC). The Draft Regional Spatial Strategy for the South West directs significant growth at Swindon up to 2026.
- 1.2 This new housing is likely to generate an additional need for community safety strategies aimed at deterring or preventing crime and anti social behaviour, for which the Borough Council will seek contributions from developers. This Guidance Note provides details on the kind of planning obligation that may be sought for community safety, the types of development that will be subject to these obligations and the types of initiative these monies will help fund. The Guidance Note will also require all new development to incorporate principles to 'design out crime'.
- 1.2 The need to create safe and accessible environments, where crime and disorder or fear of crime does not undermine quality of life or community cohesion, is a fundamental aspect of sustainable development. While Wiltshire and Swindon Police Force area has one of the lowest rates of recorded crime in England and Wales, crime hotspots remain and concerns about crime and anti-social behaviour are still evident across the Borough. In the results of a public survey, undertaken in 2003, a low level of crime was highlighted as a priority for many residents in their perceptions of what makes an area a desirable place to live.
- 1.3 Physical capital, which measures the adequacy of design and maintenance, is an increasing factor in perceptions of an area. Community safety is of fundamental importance when considering both the design and function of the built environment. This guidance is not only concerned with new developments, but also improvements to the existing built environment where new development places an additional burden on local resources, facilities and amenities.

2 Legislation

- 2.1 The Borough Council has a legal requirement, under Section 17 of the Crime and Disorder Act 1998, to review how their current service provision impacts on crime and disorder reduction and how they can take active steps to reduce crime and disorder. From a planning perspective, planning obligations in the form of Section 106 agreements are a means to achieve this reduction.

3 National Policy Framework

- 3.1 Designing out crime and designing in community safety should be central to the planning and delivery of new development and this is emphasised in Planning Policy Statement 1: 'Delivering Sustainable Development' (ODPM, 2004). Positive planning, particularly when coordinated with other measures, can make a significant contribution to tackling crime.
- 3.2 The current legal and procedural framework for planning obligations is set by Section 106 of the Town and Country Planning Act 1990 (as amended by section 12(1) of the Planning and Compensation Act 1991). Office of the Deputy Prime Minister Circular 05/2005 outlines the most up to date policy tests that planning obligations are subject to.
- 3.3 Government published 'Safer Places – The Planning System and Crime Prevention' in 2004 (ODPM, 2004). This document, alongside PPS1, supersedes Circular 4/94 'Planning Out Crime' and guides the local authorities in considering crime prevention and community safety when exercising its functions under the Planning and Compulsory Purchase Act 2004.
- 3.4 Secured by Design is a police initiative to encourage the building industry to adopt crime prevention measures in the design of developments to assist in reducing the opportunity for crime and the fear of crime, and ultimately creating a safer and more secure environment. Secured by Design is owned by the Association of Chief Police Officers (ACPO) and has the support of the Home Office Crime Reduction & Community Safety Group and the Planning Section of The Office of the Deputy Prime Minister (ODPM).

4 Local Policy Framework

- 4.1 The Swindon Borough Local Plan, 2011 makes provision for crime reduction and the use of planning obligations.
- 4.2 The relevant policies for minimising the opportunity for crime are;

- Swindon Borough Local Plan, 2011 **Policy DS6** – 'Design and Amenity'.

and for infrastructure provision;

- Swindon Borough Local Plan, 2011 **Policy DS8** – 'Infrastructure Needs Arising from Development'
- Swindon Borough Local Plan, 2011 **Policy CA15** – 'Developer Contributions in the Central Area'

5 Planning Obligations

- 5.1 Crime prevention can be a material consideration in the determination of a planning application and all new development in the Borough should be designed to reduce the potential for crime and disorder. Proposals for development must exhibit layouts, design and other facilities for surveillance and monitoring in developments, where criminal activity or anti-social activity may reasonably be

expected, that provide an opportunity to minimise crime. Failure of proposals to do so could result in the refusal of planning permission.

- 5.2 The use of planning obligations may be appropriate where a planning objection to a proposal cannot be overcome by the imposition of a condition.
- 5.3 Circular 5/05, 'Planning Obligations', allows developer contributions to be sought for infrastructure improvements required by a development proposal where they are;
- relevant to planning;
 - necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development; and
 - reasonable in all other respects.

The courts have further defined this test to include off site works and infrastructure.

- 5.4 This guidance note outlines two distinct methods by which the Borough Council will seek to secure necessary crime and disorder reduction infrastructure via planning obligations. The first is a site-specific requirement for all planning applications to address crime reduction principles, including design and on-site infrastructure and the second is a pooling of commuted sums for use in the nearest local or district centre to the development, according to community safety priorities and need.

6 On-Site Provision

- 6.1 Once a development has been completed the main opportunity to incorporate crime prevention measures is lost. The costs involved in correcting or managing badly designed development are much greater than getting it right in the first place.
- 6.2 All new developments, irrespective of their scale, should incorporate crime reduction methods into their proposals, including measures that ameliorate any impact that the new development may have on adjacent public areas. This requirement applies equally to new residential, commercial or retail development.
- 6.3 High quality and innovative design principles should be applied to all new development that concentrate on creating defensible space, maximise natural surveillance, promote active frontages and reduce rat-runs.
- 6.4 Police Architectural Liaison Officers should be consulted at the earliest opportunity, including pre-application discussion, and all new developments should aim to achieve Secured By Design status.

6.5 Physical measures to make a development and the surrounding area safer may include;

- **CCTV**. Whether supplementing existing schemes or providing new ones, (including commuted sums for management and maintenance). CCTV constitutes a kind of formal surveillance that is proven to deter and prevent criminal activity. Its main operational costs come from a need for it to be linked to a monitoring regime. Where CCTV is provided the Borough Council must be convinced that it can be implemented and used to best effect, and that costs of management are provided.
- Frequent and vandal resistant **lighting** across the development and its local environs, including adjacent areas of public realm, helps to integrate the new development into the new locality. This may be extended to illuminating established or proposed pedestrian/cycle routes serving a development. Good residual lighting is also necessary for CCTV to operate effectively.
- Robust and well sited **street furniture** that does not encourage congregation and does not obstruct lines of sight. The provision of street furniture must allow for surveillance and minimise the potential for anti-social gatherings and activities, which can increase a users fear of crime and compromise their safety.
- Good, clear **signage** can contribute to a place's legibility, can direct users through the safest routes to their destination and can discourage rat-running. Good signage and points of interest, such as market stalls or street art encourage people to use identified routes and spaces. Signs can publicise other crime prevention methods in operation, such as CCTV, and increase their impact. Signs should not, however, block the lines of sight for users or CCTV.
- **Landscaping** to include protective planting that might discourage access. Hedges help define public, semi-private and private space. Such landscaping should be visually permeable so as not to hinder natural or other forms of surveillance and should not offer places for offenders to hide.
- A well-defined **movement** framework. A new development should be integrated with its surroundings by way of pedestrian routes, cycle ways and fewer, well-defined **access** points. This can help contribute to successful and secure places that are permeable and well used.
- **Maintenance and management** of the above elements is essential to prevent areas falling into neglect. Disorder and neglect can lead to a spiral of decline that fosters crime and ultimately manifests in increased risk to actual or perceived public safety or an increased risk of vandalism and antisocial behaviour.

This list is not exhaustive but provides an indication as to the types of crime reduction initiative that may be sought as on-site mitigation or off-site provision.

7 Off-Site Contributions

- 7.1 Where a development proposal impacts beyond its immediate site by generating concerns about safety in the local area it is reasonable to expect developers to contribute financially to community safety schemes. These contributions may be considered essential to offset those impacts and to make a scheme acceptable in planning and safety terms.
- 7.2 It is recognised that the contribution sought from a new development may be insufficient or uneconomic on its own to meet the costs of crime prevention initiatives (or parts thereof) identified as being required by the development. The Council may, therefore, consider it appropriate and cost effective to pool resources into a fund held by the Council, and to implement certain crime prevention initiatives (arising from the impact of the development) once sufficient funding has been secured.
- 7.3 These funds will be pooled according to area, and made available according to prevailing need in the nearest local or district centre to the proposed development, in line with the Council's crime and disorder reduction priorities. These priorities may change over time and by location within the centres identified above. There may also be a need for community safety initiatives in a local play area or other locality that is within the vicinity of the proposed development. The benefit of a pooled resource is that it allows for funding to be responsive to crime and flexible enough to aid the implementation of strategies in the right place at the right time. However, where a planning obligation is required, the Local Planning Authority will specify the typical use of contributions to ensure they are applied towards specific types of local community safety needs.
- 7.4 It is likely that some contributions will fund one-off infrastructure requirements. Others may take the form of a revenue stream whereby monies are provided over an agreed period of time to provide for maintenance or monitoring of initiatives such as CCTV. Other examples include provision for strong maintenance schemes for landscaped areas through local maintenance programmes, which can be funded by contributions.

8 Calculating Provision

- 8.1 Circular 5/2005 advocates the use of standard charges and formulae. The need to provide developers with certainty and a clear picture of expectations suggests there is scope for use of a standard charge approach to community safety contributions. This charge is set at an amount per new dwelling and in terms of retail development will be applied per square metre of gross floorspace.

9 Contributions from Residential Development

- 9.1 Future residents of newly built dwellings can be expected to use the nearest local centre, district centre and the town centre in their day to day activities. This increased use should be met by a commensurate increase in crime and disorder reduction measures in these areas. In light of this a contribution will be sought

from every new dwelling to be directed at the nearest local or district centre as appropriate.

10 Contributions from Retail Development

- 10.1 Retail development often serves a catchment wider than the residents of the Borough, with the town and in some cases the district centres attracting customers from further afield. The aspirations of The New Swindon Company will put Swindon town centre further up the regional shopping hierarchy, with the potential for significant inward investment in retail with larger catchments. This additional pressure on the town and district centres and its community safety implications should be catered for by the new development. It is, therefore entirely reasonable that such developments should contribute to crime prevention initiatives in these areas in respect of their increased use.
- 10.2 The contribution will only apply to new build development, and not for changes of use or for development where the established use is already Class A.
- 10.3 The New Swindon Company has anticipated additional floorspace for retail uses in the town centre to the order of 45,000 m² up to 2011. Retailers and their customers will benefit from incorporation of crime and disorder reduction principles on-site and also from any additional community safety initiatives applied to adjacent public areas and routes to and from the development, via commuted sums.

11 Complimentary Guidance

- 11.1 This document should be read alongside the Council's 'Developer Contributions to Public Realm and Infrastructure Improvements in Swindon's Central Area Development Control Guidance Note' and the 'Swindon Central Area Public Realm Strategy' both adopted in August 2006.
- 11.2 Where there may be an overlapping of initiatives highlighted by the two Guidance Notes, every effort will be made to avoid duplication of contributions within the Central Area. Any improvement to Community Safety in the Central Area through the schemes included in the Public Realm guidance will not be supplemented by contributions to Community Safety.
- 11.3 There will be areas within the town centre not directly identified for improvement by the Public Realm Strategy and also substantial lead-in times for those that are. In these circumstances, the aim of this guidance, in relation to the Central Area, will be to provide for this short to mid-term shortfall in provision as it would affect community safety.
- 11.4 Materials for the central area public realm are outlined in the Public Realm Strategy and in order to maintain the identity and character that the Strategy sets out to achieve, reference should be made to it prior to the purchase of materials and creation of any central area public realm, including lighting and landscaping.

12 Contacts

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APPENDIX 1**Household Projections to 2011**

Whilst the most recent strategic policy framework for Swindon is the Wiltshire and Swindon Structure Plan 2016, the emerging Local Plan to 2011 is prepared in accord with the Wiltshire Structure Plan 2011 and represents the most up to date and relevant local policy framework. The Swindon Borough Local Plan 2011 outlines a strategic housing requirement of 23,000 dwellings up to 2011 derived from the Wiltshire Structure Plan 2011. This equates to development rates over 20 years of **1150** dwellings per annum for Swindon.

The contribution will only apply to new development. The Section 106 Agreement for the Southern Development Area has already been negotiated and a figure for commuted sums agreed upon. This existing consent will not be affected by the introduction of this supplementary guidance. Similarly, those applications with a resolution to grant will also be exempt. The residual dwellings to be built in the Plan period will be subject to a contribution for crime and disorder in addition to any new dwellings over and above this figure.

APPENDIX 2

Typical Costings for Crime and Disorder Projects over 5 year period

Initiative	Capital Cost	Revenue Payments per annum	Cost per dwe (£)	Cost per m ² retail floor-Space (£)
CCTV Control Room	1,900,000		330.00	3.95
CCTV Monitoring and Operations		150,000	130.00	0.15
Street Lighting**	1,480,000		257	3.10
Landscaping***	1,968,475		342	4.09
TOTAL	5,348,475	750,000	1059.00	11.29

*See breakdown at Appendix 4

** See breakdown at Appendix 5

*** See breakdown at Appendix 6

Contribution to Community Safety by House Type

Average Household Size = 2.38 persons

Average Household Occupancy

Dwelling Size	Average persons per household
1 Bed	1.43
2 bed	1.92
3 bed	2.72
4 bed +	3.4

Source Fordham Research (2005) Housing Needs Assessment 2005. Sample Size

Community Safety Contribution per dwelling = £1059

Contribution per person occupying an average dwelling = £445 (£1059/2.38)

Contribution per dwelling

Dwelling Size	Contribution Sought
1 Bed	£636
2 bed	£854
3 bed	£1210
4 bed +	£1513

APPENDIX 3**Operation of Section 106 Agreements for Developer Contributions**

Where a commuted sum is paid, the agreement will provide general details of the type of works that this will finance. However, because the work may be dependent on other sources of finance, it may not be possible to provide a full schedule of works, or an exact timescale for their completion. Where a change in circumstances makes it more beneficial to use all or part of the commuted sum on significantly different works to those outlined in the agreement, the payer of the commuted sum will be consulted on the nature of these revised works.

The Borough Council will seek to implement schemes to be funded by commuted sums as soon as is practicable. Financial contributions will be paid to Swindon Borough Council.

APPENDIX 4**CCTV – Justification for Level of Contribution****DRAFT CCTV STRATEGY**

In 2004 the Council began work on a CCTV Strategy for the Borough, which aims to address the following crime and disorder priorities among others:

- Improve public safety and enhance the general public's perception of safety (fear of crime)
- Improve and maintain commercial and public confidence

The objective was to produce a Borough-wide Management Initiative incorporating a co-ordinated, flexible and proactive Close Circuit Television (CCTV) system and associated communications throughout the town that would result in;

- Swindon being a safe, secure and inviting town for living, working, shopping, leisure and travelling
- Safe, secure and inviting car parks
- Effective management of public space
- Successful prosecutions of misbehaviour, social misdemeanours and crime
- A general acceptance that CCTV is a valuable contributor towards intelligence-led policing
- Act as a general deterrent

The figures above are sourced from a strategic study, commissioned by Swindon Borough Council in 2004. Not all costs identified in the study have been included in the calculations for developer contributions below. The costs outlined in this document highlight the two elements of funding required, the capital cost of procuring and installing a common multi-purpose Central Control and Communication Room for Swindon Borough and the revenue based costs to operate and maintain the system over a 5 year period.

Activity	Capital Cost over 5 years '000s
Establish Control Room	1250
Connect Existing Town Centre CCTV	39
Install new Town Centre CCTV	325
Install Old Town CCTV	145
Connect Car Parks	150
	TOTAL £1,900,000
Activity	Revenue Cost over 5 years '000s
4 monitoring positions plus Home Line	375
Maintenance and operations	375
	TOTAL £750,000

APPENDIX 5**Street Lighting – Justification for Level of Contribution****Removal and replacement of Concrete supports > 20 years old.**

Area	No of lights	Cost per light	Total Cost (,000)	Cost per annum to 2011 (,000)
Housing Estate Roads	550	900	495	99
Housing Estate Footpaths	240	900	216	43.2
Primary Roads	100	1200	120	24
Secondary Roads	150	1000	150	30

Removal and replacement of failing non galvanised & galvanised supports > 20 years old

Area	No of lights	Cost per light	Total Cost (,000)	Cost per annum to 2011 (,000)
Housing Estate Roads	100	900	90	18
Housing Estate Footpaths	150	900	135	27
Primary Roads	120	1200	144	28.8
Secondary Roads	130	1000	130	26

Summary Totals

Area	No of lights	Cost per light	Total Cost (,000)	Cost per annum to 2011 (,000)
Housing Estate Roads	650	900	585	117
Housing Estate Footpaths	390	900	351	70.2
Primary Roads	220	1200	264	52.8
Secondary Roads	280	1000	280	56
TOTAL	1540		£1,480,000	£296,000

APPENDIX 6**Landscaping – Justification for Level of Contribution****A - Tree Surgery ***

No. of Street Trees/Open Space Trees	£ per tree	Total p.a	Total to 2011
37,000 Street and Park Trees 5% need attention - 1850 trees**	50	92,500	462,500

*To aid visibility in streets and open spaces

**Source – Swindon Services

B – Thinning works in open spaces with public access*

Areas of Public Parks	Est. proportion woodland/scrub requiring attention	m ²	£ per ha	Total p.a	Total to 2011
842ha**	1%	8.4ha	2500	21,000	105,000

*To reduce cover for criminal activity, avoid obscuring sight lines

**Source – Swindon Borough Local Plan, 2011

C – Tree Replacement

No. Street trees	% over mature*	No. p.a	£ cost replacement	Total p.a	Total to 2011
37,000	1% - 370 over 5 years	75 per year	75	5625	28,125

*Trees that pose not only health and safety risk but conflict with community safety principles of light and visibility. Over mature trees to be replaced with more appropriate tree species

D – Town centre shrub and raised bed removal

	No.	£ removal	Total
Trees to be replanted	6	300	1800
Shrubs beds to be removed	3	250	750
			2550

E – Public facility/car park re-landscaping*

No. of sites**	£ Allowance per site***	Total
Oasis Link Kingsdown Crematorium	10,000	30,000

*Legacy of earlier planning practice where car parks were screened by heavy planting to 'hide' the car consequently increasing incidences of car related crime. Oasis shrubbery has been removed but needs re-landscaping

** Public facilities identified to have high instances of crime

*** Cost includes removal of existing, replanting and new groundcover etc

F – Refurbishment of Play Equipment (Outdated or vandalised)

	Approx build cost	5% capital cost	Total p.a	Total to 2011
84 no. Play Areas				
44 Local Equipped Area for Play (LEAP)	100,000	5,000	220,000	1,000,000
12 Neighbourhood Equipped Area for Play (NEAP)	55,000	2,750	33,000	165,000
28 LAP (Local Areas for Play)	25,000	1,250	35,000	175,000
				1,340,000

Total commuted sums to achieve works outlined above

£1,968,175

The Crime Prevention Through Environmental Design (CPTED) and Secured by Design (SBD) schemes provide guidance on crime prevention. The goal of CPTED is to reduce opportunities for crime to occur. It is only recently that a psychological, as well as a physical approach has been taken to create a defensive environment; one in which through various means people can take control of their immediate surroundings. Appropriate design of the landscape can also provide symbolic barriers such as flowerbeds and small hedges.

There is potential conflict between trees and community safety. Local authority tree officers are receiving greater numbers of requests from individuals and community groups for tree maintenance work in the belief that this will reduce the incidence of crimes such as mugging, burglary, and indecent exposure, or discourage a variety of forms of anti-social behaviour. While these problems often relate more to large shrubs, mature trees can also be targeted.

Urban green space is important to our health and well being, and it is vital we find a way to keep trees and shrubs in our urban environment but at the same time ensure that they do not represent a threat to community safety.

Source: O'Brien, L and Tabbush, P (2005) Access of woodlands and natural spaces: Addressing crime and safety issues

Appendix 7

Crime and Disorder Developer Contribution Requirements

