

HJOA/19-00280

08 April 2019

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LONDON
BIRMINGHAM
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Dear Sir/Madam,

Re: Planning application seeking installation of gates at entrance of St Crispin's Close, London, NW3 2QF

We are instructed by First Harbinger Residents Association (Hampstead) Limited (hereafter 'the Association'), to submit a planning application seeking full planning permission for:

Construction of inward opening vehicular and pedestrian gates at St Crispin's Close, London, NW3 2QF.

This application is supplemented by the following documents:

- Proposed plans;
- Photos of nearby gates;
- Photos of surrounding highway visibility;
- Extract of crash map;
- Collection of letters from residents detailing local disturbance;
- Report on criminal activity and nuisance, prepared by the Association; and
- Copy of report submitted by residents of Maryon Mews on criminal activity.

This letter sets out the argument in favour of granting permission in the context of the site and relevant policy considerations. These points may be summarized as follows:

- There is clear evidence of criminal activity in the Close, which activity has not been resolved by the introduction of other security measures. As shown in the Association's report, there have recently been frequent cases of arson;
- There are several security gates in the vicinity, some of which have been recently granted permission, indicating the local authority's acceptance of their being introduced in principle;
- Concerns regarding public access (used as a previous reason for refusal) are not relevant to the application, as the road is in private ownership, has no public right of way, and does not form part of the public highway network. It is a cul-de-sac, any purpose of entering which relates only to residents, visitors, and business within the Close;
- The entrance is clearly visible in both directions, and the presence of the gate will have no detrimental impact on highway safety; and
- There will be no detrimental affect on visual amenity.

The proposal is therefore acceptable with regard to relevant policy, and should be granted permission.

Site and Surroundings

St Crispin's Close is a private residential cul-de-sac off South End Road which provides access for 12 flats and 24 houses. It is to the immediate south of Hampstead Heath Railway Station and north of The Garden Gate Pub. On the other side of South End Road to the west is a row of retail units. Most of these are independent. The site is on the outer edge of the Fitzjohns Netherhall Conservation Area, and is partially within an Area of Archaeological Potential. It is not subject to any other policy designations.

There is open space within St Crispin's Close that lies adjacent to the entrance from South End Road. It is shielded from the public highway by a wall. Attention was drawn to this by the Inspector for the appeal (discussed below):

The wall ensures that the open area behind lacks surveillance. Its relatively secluded nature is apparent from the road and is easily accessible. This arrangement results in it being ideally suited to antisocial activity.

South End Road is a single carriageway, but contains several traffic calming measures that effectively render it a single lane dual carriageway. There are pelican crossings to the north (approximately 35 metres) and south (approximately 43 metres) of the junction with St Crispin's Close. Elsewhere there are pedestrian islands with reflective bollards. The speed limit along the road is restricted to 20 miles per hour.

South of the entrance to St Crispin's Close is a payphone. In the centre of the highway, immediately opposite the entrance, are street lights. The prevailing character of the area is urban/suburban.

Planning History

Previous Application

An application was refused 26 November 2013 (ref. 2013/5360/P) for:

Installation of vehicular/pedestrian gates to entrance of St Crispin's Close.

One reason for refusal was given:

In the absence of sufficient information/evidence to demonstrate that St. Crispin's Close and the immediate area suffers from anti-social behaviour or crime to necessitate restricted access to the cul-de-sac, the proposal would be harmful to security of the local environment and fail to promote safer streets and public areas. The proposal would thereby be contrary to policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS16 (Improving Camden's health and well-being) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP24 (Securing high quality design), and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies.

Dismissed Appeal

The scheme was also dismissed at appeal on 26 August 2014 (ref APP/X5210/A/14/2219624). The main issue identified by the Inspector was the effect on social cohesion. In the appeal decision, the Inspector observed the following:

*Its relatively secluded nature is apparent from the road and is easily accessible. This arrangement results in it **being ideally suited to antisocial activity.***

*The catalogue of evidence supplied by residents appears to relate to anti-social activity within the open area at the entrance of the Close and more serious crime within the housing area. I am unclear of the scale of evidence submitted to the Council with the application but **the information before me is substantial and is supported by photographs.***

The difficulties that result from the position of the open area have not been resolved by the introduction of CCTV.

*The Council have permitted gates at **Maryon Mews**. These have a more stark design than those currently proposed [...] the application was supported by evidence of considerable levels of crime and anti-social behaviour. That entrance is directly opposite this site. **The open area at the entrance to St Crispin's Close would appear to offer greater encouragement for anti-social activity.***

*Whilst **the existing layout encourages anti-social behaviour and results in a fear of crime**, other measures could be incorporated to address this concern without the harm that would result from such intrusively located and prominent gates.*

Since permission was refused, the Association installed high wattage security lights along St Crispin's Close. Some of these were first established in **2015, with many more added in 2018**. As both the Association's report and the crime statistics detailed within this letter make clear, the presence of security floodlight has had little apparent impact on the frequency of criminal activity within the Close.

Other reasons for refusal are addressed in greater detail below.

Nearby Gates

There are several gates in the immediate vicinity, including the following. These are pictured in the attached document. All of these are within Conservation Areas:

- Opposite the site are gates and security bollards to Maryon Mews, a residential cul-de-sac similar to St Crispin's Close. Granted permission 13 February 2004 (ref. 2003/3532/P);
- There is a second, smaller gate for Maryon Mews to the south. Granted permission 13 February 2004 (ref. 2003/3532/P);
- Byron Mews (approximately 200 metres to the southeast). Granted permission 04 August 2016 (ref. 2016/2844/P);
- The entrance of the beer garden for The Garden Gate pub, immediately to the south of the site;
- Along the northern side of Pond Street at various properties;
- To the entrance of South End Close Estate (approximately 120 metres to the southeast);
- At both the church and school at Pond Street (approximately 330 metres to the west);
- At No 1 Pond Street, opposite the church (approximately 330 metres to the west);
- At Ella Mews (alongside CCTV and floodlighting) approximately 380 metres to the southeast;
- At 17 Cressy Road (approximately 400 metres to the east). Granted permission 12 June 2014 (ref. 2014/2059/P).
- At Eldon House (approximately 490 metres to the west);
- At the mews facing Garnet Road (approximately 500 metres to the south). Granted permission 04 August 2016;
- At Rosslyn Park Mews (approximately 540 metres to the west);
- At Dunboyne Road (approximately 590 metres to the southeast).

The permission at Maryon Mews was varied (03 February 2016, ref. 2015/6431/P) to allow for the retention of both gates at 2.28m high, and the installation of additional crossbars on both gates. Additional information was submitted with this application detailing the level of criminal activity on the site (hence the requirement for reinforced and extended gates). This is included within the application, alongside a report on similar occurrences at St Crispin's Close.

Relevant Planning Policy

Camden adopted their new Local Plan in July 2017. It replaces the Core Strategy and Camden Development Policies document, and as such those policies used to determine the previous application have been superseded. Policies relevant to the application are quoted below. Where possible, policies similar to those mentioned in the refusal notice have been used (CS5, CS6, CS16, CS17, DP24, and DP29). Policy CS6 (Providing quality homes) was considered to be not directly relevant to the application by the Inspector for the appeal.

Policy A1: Managing the impact of development - The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will:

- seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and

The factors we will consider include visual privacy, outlook.

Policy C1: Health and wellbeing - The Council will improve and promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health, social and cultural wellbeing and reduce inequalities. Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development where appropriate. The Council will require:

- development to positively contribute to creating high quality, active, safe and accessible places.

Policy C5: Safety and security - The Council will aim to make Camden a safer place. We will:

- require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury;
- require appropriate security and community safety measures in buildings, spaces and the transport system;
- promote safer streets and public areas;
- address the cumulative impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres and ensure Camden's businesses and organisations providing food, drink and entertainment uses take responsibility for reducing the opportunities for crime through effective management and design; and
- promote the development of pedestrian friendly spaces.

Policy C6 Access for all - The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. We will:

- expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all;
- expect spaces, routes and facilities between buildings to be designed to be fully accessible.

Policy D1: Design - The Council will seek to secure high quality design in development. The Council will require that development. Including:

- respects local context and character;
- comprises details and materials that are of high quality and complement the local character;
- is secure and designed to minimise crime and antisocial behaviour;

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Proposal

Planning permission is sought for:

Construction of inward opening vehicular and pedestrian gates at St Crispin's Close, London, NW3 2QF.

The gate will be of a simple railed design, with a flat top rail and speared finials similar to those on the gate at the adjacent pub. The vehicular gate will measure approximately 5 metres wide, the pedestrian gate over 1 metre. It will be approximately 2.5 metres high. As established by previous history at Maryon Mews, this height is required in order to be effective: lower gates have been scaled in the past.

Being a railed gate, it will not be (like other gates in the area) boarded or opaque, and will not visually block the view of St Crispin's Close from the public highway. Its purpose is not to establish visual privacy, but to secure the Close from the presence of members of the public that use the area for illegal activity, or otherwise pose a nuisance.

There will be keypads for pedestrian and vehicular access separately, and the vehicular gate will be able to open automatically.

Changes from the appeal scheme

There are two considerations that separate this scheme from the one dismissed at appeal: the first is that attempts to curb criminal activity at the Close have proved unsuccessful, and the second is the presence recent approval of gates in the wider area.

Curbing criminal activity

The Association's report included alongside the application, along with evidence provided below on reported incidents of crime, make it clear that despite the introduction of security lighting in the area, there has been no significant reduction in criminal activity. The ability to reduce crime through measures other than a security gate was a key part of the Inspector's decision. These measures have been tried without success, and there is a clear necessity for the provision of a gate at St Crispin's Close.

Recently approved gates in the area

Since the previous application, at least three security gates have been granted permission in the wider area, these (alongside other gates within the vicinity) are listed above. These all prevent public access to land and highways that are in private ownership, and all received planning permission from the local authority. The clear precedent that these nearby gates sets makes it apparent that the principle of security gates in the area is accepted, and that permission should be granted for the proposed scheme.

Planning Considerations

Principle

The principle of the development was, for both the refused application and the dismissed appeal, the chief consideration when assessing the scheme. The impact of the scheme on social cohesion was the substantive reason for both refusal and dismissal, with the following justification:

- The local authority felt there was insufficient evidence of criminal activity, and that the benefits were therefore thought not to outweigh any shortcomings;

- The Inspector recognised the compelling nature of evidence of criminal activity, but thought that alternative measures could be successfully pursued to reduce crime without affecting social cohesion.

In order to establish the acceptability of the principle of development, the following therefore require assessment:

- Evidence of criminal activity;
- Success of alternative measures taken to reduce crime; and
- Impact of proposal on social cohesion.

Evidence of criminal activity

The number and range of crimes reported at the Close over the past year make it clear that criminal activity is significant and recurring. This point is further made by the submitted report prepared by the Association. This details numerous crimes, including five separate cases of arson.

This report has addressed, in detail, evidence demonstrating *‘that St. Crispin’s Close and the immediate area suffers from anti-social behaviour or crime to necessitate restricted access to the cul-de-sac’* as mentioned in the decision notice.

Criminal Activity at St Crispin’s Close in 2018

The table below shows the number of crimes reported ‘on or near St Crispin’s Close’ in 2018. In total, 39 crimes were reported in 2018, of which the most common was ‘violence and sexual offences’ (11 cases reported).

2018	Public Order	Violence & Sexual Offences	Drugs	Robbery	Burglary	Theft from person	Other Theft	Anti Social Behavior	Criminal Damage & Arson	Total
January		3	1			2		1		7
February		1								1
March						2		2		4
April		1					2	1	1	5
May		2			1	1				4
June					1		3	1		5
July							1	2		3
August							1			1
September				1			1	1		3
October										0
November		1	1							2

2018	Public Order	Violence & Sexual Offences	Drugs	Robbery	Burglary	Theft from person	Other Theft	Anti Social Behavior	Criminal Damage & Arson	Total
December	1	3								4
Total	1	11	2	1	2	5	8	8	1	39

Source: Police.uk

For the avoidance of doubt, the area of search is shown below:

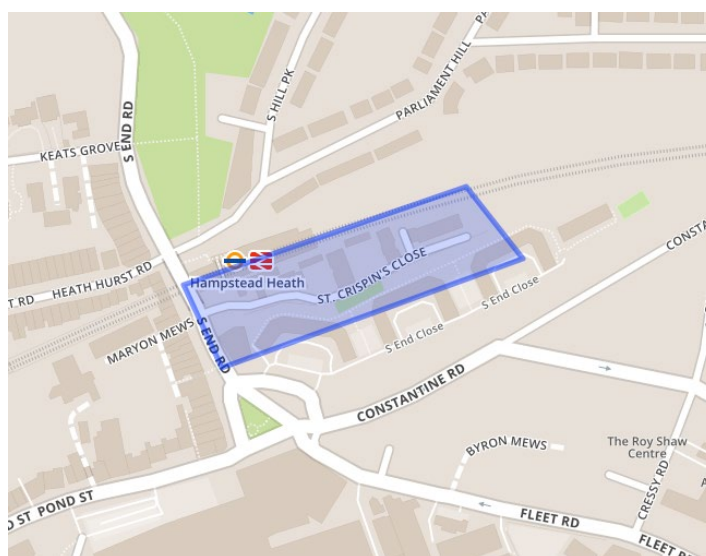


Figure 1: Area of search for criminal activity (St Crispin's Close)

Association's Report

This application is supplemented by a report, prepared by the Association, which describes recent criminal activity in greater detail. Its points in summary:

- Five arson attacks within the Close in 2018;
- One major case of arson in 2019 thus far;
- Regular flytipping;
- Daily instances of illegal drug use;
- Instances of drug dealing;
- Littering;
- Criminal damage;
- Use of entrance by taxis, vans, and trucks for parking;
- Roadside damage, requiring felling of mature trees and repair of road and kerb; and
- Public urination.

St Crispin's Close is a private road, and as such any and all instances of damage are repaired at the cost of residents. These frequent cases of nuisance and crime are echoed in the collection of statements from residents included within the application.

Criminal Activity at Maryon Mews in 2018

In comparison to the 39 crimes committed around St Crispin’s Close in 2018, only 8 were committed around Maryon Mews. This is one more across the entire year than were reported at St Crispin’s Close within the first month of 2018.

Month	No. of crimes reported
January	0
February	0
March	0
April	0
May	1
June	2
July	1
August	0
September	1
October	1
November	1
December	1
Total	8

Source: Police.uk

The area of search is shown below:

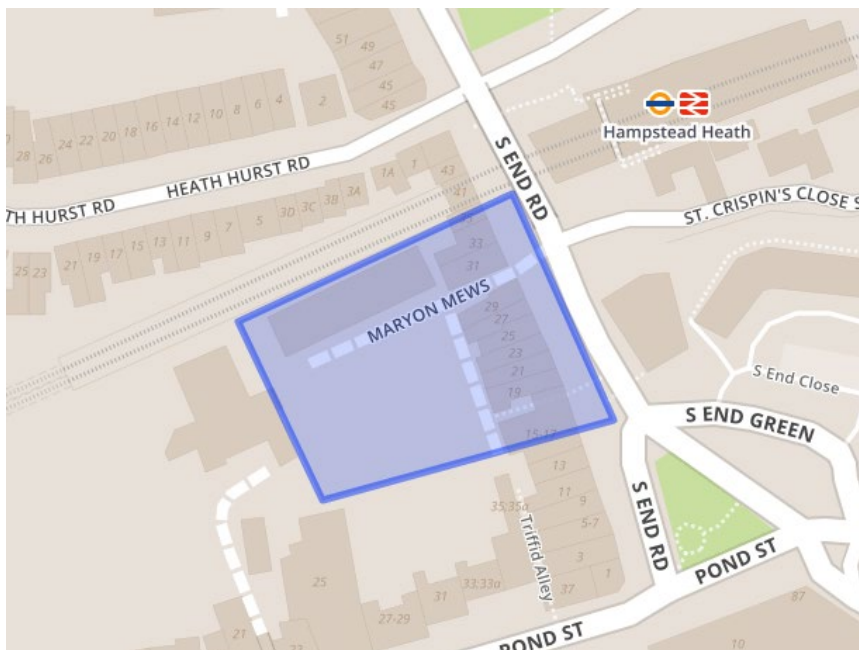


Figure 2: Area of search for criminal activity (Maryon Mews)

The amendment to the permission at Maryon Mews (described above) included supplementary information dated 05 December 2007. Within it the following events are reported. These took place after the gates were built, and additional measures were required to improve the security of the gates:

- Late 2006 – two thefts and one attempted theft of the PIN plates at the front control box of the gate. The plates were later secured by security screws;
- 02 February 2007 – a break-in causing damage equally £4,000. After this the gates were increased in height and CCTV cameras were installed;
- 04 August 2007 – gates forcibly opened. Contents of a car stolen. Electronic back arms and two mat locks were installed to the main gate to prevent forcible entry;
- 02 November 2007 – bicycle stolen following a man scaling the fence. In light of this, the total number of CCTV cameras was increased to nine, which are on 24/7.

It is clear from both the report (which is appended) and the lengths to which residents have gone to reduce crime, that the community at Maryon Mews is pro-active in addressing and minimizing the opportunities for criminal activity within their area. The much lower rate of recorded crime in the Mews (compared to St Crispin's Close) is not, therefore, the result of a less engaged community, but appears to be directly related to the considerable effort to which they have gone in a bid to reduce criminal activity.

Success of alternative measures to reduce crime

The Inspector, in their decision notice, recognised that the presence of CCTV had not helped to curb criminal activity. This is echoed by the report provided by residents of Maryon Mews in 2007. It was only after the use of security screws, an increase to the height of the gate, the installation of CCTV cameras, reinforcement of the gate with mat locks and back arms, and a subsequent increase in the number of CCTV cameras that the level of criminal activity was acceptably reduced.

Residents at St Crispin's Close have installed floodlights throughout the Close, but this has had little influence on reducing crime.

Impact on social cohesion

St Crispin's Close is a private cul-de-sac. There is no public right of way, nor is it possible to use it as a thoroughfare. There is therefore no reason for anyone to enter the Close unless they have business there. There is occasional need for Network Rail to enter the Close, and this can be addressed by providing them with access.

There is a prevalence of gates in the immediate vicinity (Maryon Mews and The Garden Gate pub being the nearest examples), and a number of gates have been granted permission in the wider area over the past few years. All the recently approved gates mentioned above are within a Conservation Area.

The local authority has – in recent planning permissions - accepted the principle of security gates in the nearby area. This, combined with clear evidence of substantial criminal activity and failure of alternative measures to reduce this, makes it clear that there is a need for gates at St Crispin's Close. Planning permission for them should therefore be granted.

Security gates for a private cul-de-sac should be acceptable in principle, and planning permission should be granted for the proposed development. It will increase safety and security for residents (complying with Policy C5). It will consequently help to improve wellbeing and improve the safety of spaces (complying with Policy C1).

Access and Highways

As part of the reason for refusal, the local authority noted that the proposal would be 'harmful to security of the local environment and fail to promote safer streets and public areas'.

The gates, by virtue of acting as a security measure, would promote safety within the Close. It is difficult to understand how they could be harmful to security, especially considering that the presence of gates at Maryon Mews has led to a lower number of reported crimes, thereby improving safety.

In terms of the impact of the scheme on highways safety, and the gate will be set (as shown in the plans) approximately 10 metres back from the public road, which allows for two cars to queue on private land if required within the Close (but outside the gate) without impeding the flow of traffic on the public highway.

Further, as discussed above, the public highway in this area has traffic calming measures, pelican crossings within 45 metres in both directions, and is speed limited to 20 miles per hour. It is also well lit by street lights. There is also (as the appended photos of the area make clear) excellent visibility of the entrance in both directions. A review of the crash map for the area indicates that there have been only three incidents in the vicinity in the past twenty years (all 'slight', or minor). This includes the area around Maryon Mews, suggesting that the presence of their security gates has not adversely affected highway safety. In comparison to other junctions in the vicinity (shown in the document provided) the street has a comparatively low rate of incidents.

There is therefore likely to be no adverse impact on the safety of the highway or the public area as a result of the security gate at St Crispin's Close.

The gate will restrict access of a private area to the public. Because it relates to private land, the application is not considered to be wholly subject to the requirements of Policy C6. However, access to the Close will be available to both motorists and pedestrians, and the proposal meets the requirements of that policy.

Design

The gate will be of a simple design, and meets the requirements of Policy D2. It respects the local context by being similar in appearance to nearby gates, and comprises details and materials that are of high quality and complement the local character. Importantly, it is also secure and designed to minimise crime and antisocial behaviour: this is explicitly a criterion of the policy, and one which the proposed gate actively seeks to meet.

It does not restrict public amenity, but does seek to ensure that the amenity of occupiers is protected. It addresses a clear need that the local community at St Crispin's Close have for security, and the scheme complies with Policy A1 in this regard.

Conclusion

There is a clear need for a security gate at St Crispin's Close in order to reduce the high level of crime and nuisance reported to the police and experienced by residents. In this letter, and in the attached report prepared by the Association, compelling evidence is provided about the degree of disturbance such regular activity generates. Not only that, but a comparative case across the road makes it clear that robust security measures are required to reduce such activity satisfactorily.

Concerns regarding public access are of no relevance, as the road is in private ownership and does not form part of the public highway network. Its entrance from the public highway is clearly visible in both directions, and the presence of the gate will have no detrimental impact on highway safety.

Further, the principle of security gates in the area has been confirmed by recent permission granted by the local authority.

The proposal is therefore acceptable with regard to relevant policy, and should be granted permission.

I look forward to confirmation of the application's validation. If you have any questions regarding any aspect of the application please do not hesitate to contact me.

Yours faithfully,

Henry Asson

Henry Asson (Apr 8, 2019)

Henry Asson

BA (Hons)

Planner

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