Appeal Decision

Site visit made on 1 August 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th August 2017

Appeal Ref: APP/X4725/W/17/3171830
Rontec Corner Garage, Ackworth Road, Pontefract WF8 3QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cardtronics UK Ltd against the decision of City of Wakefield Metropolitan District Council.
- The application Ref 16/02608/FUL, dated 21 October 2016, was refused by notice dated 22 December 2016.
- The development proposed is the retention of a free standing automated teller machine.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I observed that the automated teller machine (ATM) had already been installed and was operational. As such, I have treated the appeal as retrospective.

Main Issues

3. The main issues in this appeal are the effect of the development on;

   - Pedestrian safety within the site; and
   - Crime.

Reasons

Pedestrian safety

4. The appeal relates to the siting of the ATM within the petrol filling station (PFS) located at the junction of Ackworth Road and Hardwick Road. There is an access into the PFS from both roads, but with no recognised entry or exit. As such vehicles can enter and exit the site from either direction. While I noted that Hardwick Road in particular is a busy main road, the area nonetheless has a primarily residential character. The PFS has a small shop and automated car wash typical of many such businesses.

5. The ATM is a standalone unit which has been located close to one side of the shop entrance. It takes up the full width of the small pedestrian area outside the shop. Much of the rest of this raised pedestrian area is taken up with sales stands and other paraphernalia. This removes much of the space in front of the shop where pedestrians could safely stand. Thus, there is only a small gap between the shop entrance and the ATM within which people wishing to use the

machine can stand safely. There is little to no room for anybody to queue to use the ATM without having to stand in the narrow gap between a set of pumps and shop.

6. The machine blocks much, if not all, of the view of the access from Ackworth Road. People exiting the shop would therefore have their view of any vehicles approaching from that direction significantly restricted. Moreover, vehicles entering from this location and wishing to use the pumps directly outside the shop unit would not easily see people exiting the shop until they had stepped into the forecourt area.

7. I recognise that by their very nature, there will generally always be a need for customers of a PFS to be wary of vehicles or pedestrians moving through the area. However, the ATM is located at a focal point of potential pedestrian and vehicular activity comprising the machine itself, the entrance to the shop and the aforementioned set of pumps. The access to the car wash is also in close proximity to this area which only adds to the potential conflict. These factors combined with the limited visibility and reduction in pedestrian refuge area creates an unacceptable degree of risk to users of the PFS. This would be exacerbated at such times when there is a queue for the ATM as people may have to stand in the forecourt. The fact that the appellant is not aware of any instances of accidents thus far is not a sufficient reason to allow this unnecessary risk to safety to be permitted.

8. The appellant accepts that visibility is constrained and has suggested signage might address this situation. However, no details of what this would entail have been provided and I am not convinced that this would address the risks caused by the siting of the machine in any event. Accordingly, I find that the ATM creates an unacceptable risk to pedestrian safety in conflict with Policy D14 of the Wakefield Local Development Framework – Development Policies document (DPD) which seeks to ensure development can be accessed safely. There would also be conflict with paragraph 35 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure development creates safe and secure layouts which minimise conflicts between traffic and pedestrians.

Crime

9. The appellant has sought to provide some additional information relating to crime prevention measures associated with the ATM. The Council has not directly indicated whether it is now satisfied with the details provided or whether their concerns have been addressed.

10. While the information from the appellant remains somewhat limited, I noted the presence of CCTV cameras on the site and see no reason why these could not be repositioned, if need be, to provide adequate coverage of the ATM. The machine is also alarmed. Whilst there is unlikely to be scope for a bollard, it is not absolutely clear from the Council's evidence whether such measures would be necessary to meet the policy requirements. Indeed, there is no evidence from the Council as to what would represent an acceptable approach. As such, there is little before me from which I could conclude with certainty that the siting of the ATM here would inevitably result in a material increase in risk of crime or the fear of crime in this location.

11. Taking all of the above into account, if I had been minded to allow the appeal I am satisfied that with appropriate conditions in place, there is no reason why a satisfactory approach to security and crime prevention measures could not be achieved. Accordingly, there would be no conflict with DPD Policy D15 which seeks to create safe and secure environment which reduces the opportunities for crime. Equally, there would be no conflict with paragraph 69 of the Framework which seeks to create safe and accessible environments where crime and disorder do not undermine quality of life.

Other Matters

12. The appellant has suggested the ATM provides an important service for local residents and businesses. However, my attention has been drawn to other ATMs in the area which local residents can access and thus I am not convinced of the absolute need for an ATM in this location. In any event, I do not see this as such a crucial or necessary facility that its benefits would outweigh the harm I have identified above.

13. The appellant has argued there would be no harm to the living conditions of nearby residents. However, even if I were to accept this argument a lack of harm in this respect would be neutral and would not weigh in favour of the proposal.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR