



Appeal Decision

Site visit made on 11 November 2019 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/M4510/W/19/3237611

12 Westmorland Road, Newcastle upon Tyne, NE1 4EG

- 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 Mrs Jan Clark (Notemachine UK Ltd) against the decision of the Newcastle upon Tyne City Council.
 - The application, Ref 2018/1488/01/DET, dated 15 November 2018, was refused by notice 24 June 2019.
 - The development proposed as described on the application form as: The retrospective application for the installation of an ATM installed through a steel security panel covered with frosted vinyl.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of the ATM, at 12 Westmorland Road, Newcastle upon Tyne, NE1 4EG, in accordance with the terms of application Ref: 2018/1488/DET, dated 15 November 2018 and the plans submitted with it.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of the development given on the application form is set out in the banner heading above. However, in the formal decision above I have used the description given in the Council's decision notice as that describes the development adequately and is more succinct than the description given on the application form. The word 'retrospective' has been removed because that would not constitute development. This has no prejudicial effect on any party.
4. The automated teller machine (ATM) has already been installed as per the drawings submitted.

Main Issue

5. The main issue is the effect of the ATM on public safety and security with particular regard to crime in the area.

Reasons for the Recommendation

6. The ATM is positioned in the front elevation of a retail unit that operates as an off license which is open late into the evening. It is one of eight commercial properties located along this prominent section of Westmorland Road. The surrounding built up area comprises a mix of uses including commercial units, bars, restaurants and residential.
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7. The Council's objection is that the ATM is located in an area where crime figure data indicates that there are high numbers of reported offences associated with premises located in Westmoreland Road. This is supported by consultation advice received from the Northumbria Police, Designing out Crime Officer, who objects to the proposal.
8. The unit is sited in a prominent location along Westmoreland Road and given that it is visible on approach from both ends of the street and from passing traffic it has good natural surveillance. The pavement in front of the ATM is sufficiently wide to allow suitable access to the ATM and retains a clear and legible pedestrian route away from users. There are a number of lamp posts in the area and the shop front is well serviced with down lighting to aid visibility during the hours of darkness. The security measures noted within the Design and Access statement state the ATM is alarmed, that it is fitted with mirrors and that there is a 7 camera CCTV system in operation. Although I acknowledge that an ATM could present a crime risk, they are a common feature along main roads and when taken together, these security measures reduce its vulnerability and could act as a deterrent to potential criminal activity in the area and reduce the fear of crime for users of the ATM, particularly at night.
9. Whilst the evidence submitted show crime occurring in this area and consequently the risk of crime occurring has been assessed as 'Extreme', a high proportion of these incidents occurred prior to its installation, with only a slight increase following. The Council note that there are already a number of existing ATMs in the area but no demonstrable evidence which directly attributes criminal activity with these existing ATM installations has been submitted. The Northumbria Police, Designing out Crime Officer, states that the slight increase in crime in this area could be attributed to seasonal increases over the Christmas period and acknowledges that *'there are no directly attributable links between these ATM installations and recent increases in crime'*.
10. It is suggested that as a result of the ATM housing and consequently the reduction in internal floor space of the retail unit that this will cause customers to queue outside in the path of ATM users causing a flashpoint. However, no specific evidence has been submitted that confirms this causes a problem on the site, or if it contributes to a fear of crime, undermining community cohesion in the area. Given the presence of other ATMs in the local area there is nothing to indicate that the ATM at the premises is likely to be so busy that queues are likely to form outside the unit.
11. Taking the above factors into account, the evidence is not sufficiently persuasive to suggest that the ATM materially increases the opportunities for crime and disorder in the area. Taking that into account, and having regard to the generally good levels of surveillance and lighting, I am satisfied that the proposal does not adversely affect public safety and security with particular regard to crime in the area. It complies with Policy CS15 of the Planning for Future, Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2012-20130 (2015) and the National Planning Policy Framework. Although, Policy EN1.1 of the Newcastle upon Tyne Unitary Development Plan that the Council has referred to has tenuous links to matters of crime and disorder, I do not consider that there is any conflict with this Policy.

Conditions

12. The Council have suggested the standard time limit condition and a condition to incorporate the approved plans. As the ATM has already been installed as per these details, these conditions are not necessary.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, it is recommended that the appeal is allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Chris Preston

INSPECTOR