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## Appeal Decision

Site visit made on 17 March 2020

**by JP Longmuir BA (Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 April 2020**

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**Appeal Ref: APP/U4610/W/20/3244692**  
**611-613 Foleshill Road, Coventry CV6 5JR**

- 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 Ms Jan Clark, Notemachine UK Ltd, against the decision of Coventry City Council.
  - The application Ref FUL/2019/2247, dated 29 August 2019, was refused by notice dated 29 October 2019.
  - The development proposed is the installation of an ATM installed through a secure panel to the far left hand side of the shopfront.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of an ATM installed through a secure panel to the far left hand side of the shopfront at 611-613 Foleshill Road, Coventry CV6 5JR in accordance with the terms of the application, Ref FUL/2019/2247, dated 29 August 2019, and the plans submitted with it, subject to the following conditions:
  - 1) Within 3 months of the date of this decision, the ATM hereby permitted shall be programmed to cease operation and be made non illuminated between 23:00hrs and 06:00hrs every night. It shall be maintained as such thereafter.
  - 2) Within 3 months of the date of this decision, details of a 'PIN' shield, privacy zone and gas suppression, together with a timetable for their implementation, shall be submitted to the Local Planning Authority for approval in writing. The above measures shall be implemented in accordance with the approved details and timetable and thereafter retained as such.
  - 3) Within 3 months of the date of this decision, a receipt bin shall be provided in the vicinity of the ATM in accordance with details first agreed in writing by the Local Planning Authority. Once provided, the bin shall thereafter be retained.

### Procedural Matters

2. The ATM was installed in June 2019 and the development has therefore taken place. The submitted drawings appear to match the development and the appeal is considered on this basis.

## **Main Issues**

3. The main issues in this case are:

- the effect of the proposal on the living conditions of nearby residential occupiers with particular regard to noise and disturbance; and
- the effect of the development on crime prevention and the safety and security of the area.

## **Reasons**

### *Living conditions*

4. The appeal site is within a predominately commercial area which serves an extensive neighbourhood. It is one of a large number of shops and businesses that directly front Foleshill Road, where there is a modest width of pavement and roadside parking. The appeal site is a general store/off licence and its shopfront projects onto the pavement, with the ATM to one side, adjacent to the entrance. There is a flat above accessed by a side door and there is a dwelling next door to the south.
5. Both these dwellings are in close proximity and in sight of the ATM. There is some potential for noise and disturbance as users may be noisy whilst operating the machine and any companions may similarly generate discourse.
6. The Council's reason for refusal refers to potential disturbance particularly late at night and early morning. During such times any activity will be both more perceptible and disruptive. However, the appellants offer a condition preventing use between 23:00hrs and 06:00hrs, which would tally with much of these late times, thereby substantially reducing disturbance. There may be a mid-evening period when some disturbance is possible, but this is lively frontage where activity is to be expected, indeed some will be generated by visitors to the shop. In any event, any disturbance is likely to be short lived.
7. I therefore conclude that the proposal would not harm the living conditions of nearby residential occupiers subject to the imposition of a condition rendering the ATM unusable during the quieter hours above. The appeal scheme would therefore comply with Policy DE1 of the Coventry Local Plan 2016 which seeks to achieve high quality design. It would also comply with the objective of paragraph 127 of the National Planning Policy Framework (the Framework) to achieve a high standard of amenity for existing and future occupiers.

### *Crime prevention and security*

8. The appellant's Design and Access Statement gives details of the security measures that have been put in place. These include the anchoring of the ATM and the protection of the safe as well as the secure operation, including its restocking. An alarm and a CCTV system are also operational. Some of these measures were recommended in the Design Out Crime Officer's response to the planning application. Both parties suggest further security measures are possible including a privacy zone, 'PIN' shield and gas protection. I consider such measures would help the safety of users whilst using the machine when they are most vulnerable. They could be secured through the imposition of an appropriate condition.

9. The ATM is within a shopfront from which there is a degree of surveillance, and similarly it is adjacent and prominent from the public thoroughfare. There are likely to be significant passers-by throughout much of the day and early evening. There is also good overlooking to and from the adjacent parking spaces. I also noted on my site visit, there is a streetlight almost opposite the shop which should provide illumination to allow surveillance and visibility in the evening. The appeal property juts forward of the building line creating a slightly shadowed area to the side, which the Council refer to as a blind spot for criminal activity. However, I consider that this area is not deep and overlooked, which makes this an acceptable location for the ATM.
10. The Design Out Crime Officer's response advises about the potential for incidents at ATMs. However, the quoted figures are generalised, and much will depend on the particular circumstances. I am aware that there are 3 other ATMs in the vicinity, which seem to be in similar positions on similar types of frontage, which vindicates this proposal. There is also mention of the crime figures for the area, but these are necessarily not attributable to this proposal.
11. I therefore conclude that the proposal would not have an adverse effect on crime prevention or cause harm to the safety and security of the area. The proposal would comply with Policies DE1 and DS3 of the Coventry Local Plan, 2106, which amongst other things seek to promote security and wellbeing. It would also accord with paragraph 127 of the Framework which promotes safe places, so that crime and disorder do not undermine the quality of life or community cohesion and resilience.

#### *Other matters*

12. There have been comments on the implications for parking and the narrowness of the pavement. However, the use of the ATM should only be momentary and therefore congestion should not arise. The threat of competition to the post office is also raised but is not detailed. In any event, the appellants figures quote several thousand uses a month, which suggests that it is a needed facility and may also contribute to the spending in local businesses.
13. One of the responses from local residents mentions a problem with litter, although there is a litter bin to the north this is not particularly close to the ATM. The ATM will generate receipt papers which inevitably some users may want to discard. The appellant has confirmed that a receipt bin would be provided as part of the scheme. I consider that a bin in the vicinity of the ATM would be justified. As this is not shown on the submitted plans, its provision could be ensured through an appropriately worded condition.

#### **Conditions**

14. I have considered the conditions suggested by both parties in light of the tests in Planning Practice Guidance and the Framework. Where necessary I have amended the wording in order to better reflect this guidance.
15. Both parties commented on the potential for a condition preventing the use of the ATM during late evenings and early mornings, (condition 1 above). I have concluded above that such a condition would be required to safeguard the living conditions of neighbouring occupants. The second condition provides additional security measures, which I consider to be necessary in the interests

of crime prevention. The third condition requires the provision of a receipt bin. This is necessary to maintain the character and appearance of the area.

**Conclusion**

16. For the reasons given above, I therefore conclude that the appeal should be allowed.

*John Longmuir*

INSPECTOR