



Appeal Decision

Site visit made on 11 August 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/M4510/Z/20/3248294

**45 Friars House, Wing Hong Co, Stowell Street, Newcastle Upon Tyne
NE1 4YB**

- 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 Newcastle City Council.
 - The application Ref 2020/0124/01/DET, dated 17 January 2020, was refused by notice dated 3 March 2020.
 - The development proposed is removal of the white panel and full surround, the reinstatement of the clear glazing with the retention of the ATM and a small non illuminated bespoke surround.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw during my site visit that the Automatic Teller Machine (ATM) has been installed. However, the scheme before me shown on drawing no TO19459_P-proposed plans and elevation is different to the development at the site. I have considered the appeal in accordance with the submitted drawings.
3. The appellant has proposed amendments to the approved scheme as part of their appeal case. These amendments notably alter the form of the development. If I were to determine the appeal based on the proposed amendments, it is possible that the interest of parties who might wish to comment would be prejudiced¹. I have therefore determined the appeal based on the original submission.

Main Issues

4. The main issues are: the effect of the development on (i) public safety, and;
(ii) the character and appearance of the Newcastle Central Conservation Area.

¹ Annex M of the Procedural Guide Appeals – England (2020) advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

Public safety

5. The appeal site is a substantial three storey building located on the corner of Friars Street and Stowell Street within an area characterised by a mixture of commercial and residential properties. The appeal property operates as a Chinese supermarket with shopfront to the Stowell Street frontage. The ATM is installed in the shopfront directly next to the footpath.
6. Stowell Street is a one-way street for vehicles, with footpaths on both sides. The street is relatively enclosed due to a combination of the height of the buildings and the width of the street. At the time of my visit in the mid-morning Stowell Street was quiet. Northumbria police consider the appeal site to be at the quieter end of the street. Photographs are provided to illustrate this and to illustrate the low levels of lighting at night. The police refer to the area adjacent to the site as being previously associated with street drinking and begging.
7. The ATM is sited in the shop front elevation furthest away from the entrance to the supermarket adjacent to a recessed doorway. The ATM is used directly from the footpath so that a privacy zone around it appears impractical.
8. The appellant has provided some limited crime statistics taken from the Police UK Crime Map. More comprehensive statistics provided by the police indicate a significant number of crimes in the area between 2017 and 2019; predominantly crimes of violence against the person. The police quantify the overall likelihood of crime risk to people using the ATM as likely to almost certain.
9. Paragraph 95 of the National Planning Policy Framework (the Framework) explains that planning policies and decisions should promote public safety by anticipating and addressing possible malicious threats. The layout and design of developments should be informed by the most up-to-date information available from the police about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
10. I recognise that the appellant has implemented some measures to provide security for the ATM. However, I share the police concern that the lighting levels in the area have the potential to create areas of shadow even with the amended lighting proposals. A pin shield and mirror would have limited effectiveness in preventing loitering and does not outweigh the fundamental risk presented by the high level of crime in the area and the low level of lighting and footfall adjacent to the site at certain times.
11. I appreciate that there are cameras within the vicinity of the site, but I have no evidence of the extent to which these cameras specifically cover the ATM or their effectiveness in detecting or preventing crime. I also appreciate that the ATM is well used and that a free to use ATM is a benefit, however, this does not outweigh the harm associated with the risk presented by the ATM's location.
12. Overall, I consider that the development would have a detrimental effect on public safety. The development would therefore conflict with Policy EN1.1 of the Newcastle upon Tyne Unitary Development Plan (saved 2007) (UDP) and Policy

CS15 Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (Core Strategy) which collectively seek to create safe and inclusive environments. The proposal also conflicts with the Framework.

Conservation area

13. Stowell Street includes a number of buildings that are locally listed. It extends through the historic town walls as far as Bath Lane to the south west. The approach to the appeal site through the historic town walls provides an attractive entrance to Stowell Street within which the appeal building is a prominent structure.
14. The proposal is to improve the installed ATM arrangement by reintroducing glass to the panel surrounding the ATM. The shop frontage is relatively wide and the ATM, with a glass backing panel and limited surround, would sit comfortably in the elevation of the building without being a significant feature of the street.
15. Consequently, I am satisfied that the proposal for the installation of the ATM would preserve the character and appearance of the Conservation Area. In coming to this view, I have had regard to the statutory duty under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in this regard and the requirement within the National Planning Policy Framework to give great weight to the conservation of Heritage Assets.
16. For the reasons given above, I consider that the proposal would preserve the character and appearance of the Conservation Area and would comply with Policies CS15, UC12 and UC14 of the Core Strategy and Policies EN1.1 of the UDP which seek to ensure that development contributes to good place making and meets a high standard of design as well as respecting the varied character and appearance of the historic environment. It would also accord with the Framework.

Conclusion

17. Although I have found the development would preserve the character and appearance of the Conservation Area, I conclude that the development would have a detrimental effect on public safety.
18. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR