
Appeal Decision

Site visit made on 14 October 2012

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/D4635/W/21/3278105
27 Cleveland Street, Wolverhampton WV1 3HT

- 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 against the decision of the City of Wolverhampton Council.
 - The application Ref 21/00659/FUL, dated 4 May 2021, was refused by notice dated 29 June 2021.
 - The development proposed is described as 'The proposed installation of an ATM to be installed through a secure panel to the right hand of the shop entrance'.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed installation of an ATM to be installed through a secure panel to the right hand of the shop entrance at 27 Cleveland Street, Wolverhampton WV1 3HT in accordance with the terms of the application, Ref 21/00659/FUL, 4 May 2021, subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan 347588, existing plan and elevation 347588_E, proposed plan and elevation 347588_P and typical fascia elevations NM-GA-F1-B

Procedural matters

2. The Council has refused separate application for advertisement consent for the ATM signage. I have not considered the proposed as part of this appeal. This would require a separate consent.

Main Issue

3. The main issue is the effect of the proposal on pedestrian safety.

Reasons

4. On my site visit I observed that the footway outside the appeal site appears to have been reduced in width in order to accommodate on-street parking bays. Whilst the footway is of limited width, it is not unusually restricted. A person using the proposed ATM would stand within the footway, but this should only

be momentary. In any event, there would be adequate space for anyone to pass when someone is using the proposed ATM.

5. Additionally, there would be adequate space for customers waiting to use the ATM to stand to the side along the shop front, rather than across the footway. This would also allow sufficient space for pedestrians to pass safely on the footway, without the need to step into the adjacent highway.
6. Whilst I acknowledge that the appeal site is located within a city centre where there could be a high pedestrian footfall, it is fairly commonplace for an ATM to be located in such an area and for pedestrians to safely negotiate their route along a footway.
7. I note the Council's concerns that any security bollards required could obstruct pedestrian movements within the footway. However, the appellant's Design and Access Statement details the security measures for the proposed ATM and this does not include bollards. In any event, a separate Highways consent would be required for any bollards.
8. In view of the above, I conclude the proposed ATM would not unduly harm pedestrian safety. Therefore, the appeal scheme would accord with Policy AM9 (Provisions for Pedestrians) of Wolverhampton Unitary Development Plan (2006) which seeks to safeguard pedestrian safety.

Other matters

9. I note the comments from the West Midlands Police Designing Out Crime Officer regarding the need for security measures for the proposed ATM. I am satisfied that the proposed security measures detailed within the appellant's Design and Access Statement would generally meet these requirements. Therefore, this matter does not alter my decision.

Conditions

10. I impose conditions in regards to timescales and setting out the approved plans to provide certainty.

Conclusion

11. For the reasons given, I allow the appeal.

Rebecca McAndrew

INSPECTOR