The Planning Inspectorate

Appeal Decisions

Site visit made on 14 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal A Ref: APP/B4215/W/23/3316222
65-67 Bury New Road, Manchester M8 8FX

- 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 trading as CASHZONE against the decision of Manchester City Council.
- The application Ref 134942/FO/2022, dated 1 September 2022, was refused by notice dated 14 December 2022.
- The development proposed is an automated teller machine.

Appeal B Ref: APP/B4215/H/23/3316225
65-67 Bury New Road, Manchester M8 8FX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Manchester City Council.
- The application Ref 134943/AO/2022, dated 1 September 2022, was refused by notice dated 14 December 2022.
- The advertisement proposed is 1 non-illuminated surround sign and 1 illuminated logo panel.

Decisions

1. Appeal A is dismissed.

2. Appeal B is allowed and express consent is granted for 1 non-illuminated surround sign and 1 illuminated logo panel as applied for. The consent is subject to the standard conditions set out in the Regulations.

Preliminary Matters

3. These 2 appeals concern the same ATM machine and its surrounding signage. I have dealt with each appeal on its own individual merits, although to avoid duplication I have dealt with aspects together in my reasoning where appropriate.

4. I have removed the word 'retention' from the description of development in both appeals since this does not constitute a form of development. I have also removed the reference to signage in Appeal A, as this is determined according to the Advertisement Regulations, under Appeal B.

5. The ATM and its signage are already being displayed at the appeal site. For the avoidance of doubt, I have determined the appeal based on the submitted plans and on the basis that the appeal proposals have already been installed.

Main Issues

6. The main issue for Appeal A is the effect of the development on crime and the perception of crime in the local area.

7. The main issue for Appeal B is the effect of the advertisements on the visual amenity of the area.

Reasons

8. The appeal site comprises part of a row of 3 commercial premises facing onto Bury New Road. The surrounding context comprises similar commercial and retail uses. An ATM and associated ATM signage as the subject of these appeals have been mounted adjacent to the entrance to one of the units, flush into the front elevation.

<u>Appeal A - Crime</u>

9. Multiple aspects of crime have been identified as issues in relation to this ATM. The first relates to the use of the ATM to facilitate wider criminal activity. The Police has documented that the area is well known as the UK capital for the sale of counterfeit goods, with shops controlled by organised crime groups. These counterfeit shops and other illegal sales and activity require extensive cash input, and there are many ATMs within a short distance which sustain this.

10. The Police are continuing to undertake a high profile operation to reduce the area's criminality, and advise that restricting the immediate supply of cash to these premises would greatly assist in addressing the locality's problems. My site visit identified both general signage relating to this operation, and signage identifying premises which had been specifically closed as a result.

11. Therefore, while the ATM is of standard and mandatory design and is in principle generally accepted as a necessary facility, in this instance the specific circumstances of the area outweighs this generality. The appellant has provided no specific evidence which would refute or mitigate the Police advice, or suggest any site specific circumstances which would suggest increased benefits for an ATM in this location.

12. The appellant's argument that there is a systemic risk to the viability of the overall network in not allowing new ATMs, therefore also holds only minimal weight in this specific context. Indeed, their suggestion that the ATM positively contributes to the local economy by encouraging people to spend money in the local shops, is directly contrary to the Police ambition. Similarly, the vitality and viability of the area is not thus not be enhanced by additional cash becoming available. I do not find it determinative that the ATM is serving a public need simply because past transactions show it is well used. Although the ATM gives the opportunity for customers lacking online banking to easily check their balance, the Police evidence suggests to me that other locations would be more suitable for this activity.

13. In relation to the ATM being a focal point for loitering and being a specific target for crime, no specific evidence has been presented that this has occurred since its installation in January 2022. However, the Greater Manchester Police identify the area as having high criminal activity, including organised crime groups. I therefore find it reasonable to accept that there may be a higher

potential for specific instances of crime and anti-social behaviour potentially occurring against users of the ATM, compared to other areas.

14. This also to some extent creates a perception and fear of crime, with the Police referencing the exploitation of vulnerable persons, violence between rival groups, and the negative impact on legitimate business owners.

15. Overall therefore, I find the ATM has a potentially harmful effect on crime and the perception of crime in the local area, and therefore conflicts with Policies DM1 and SP1 of Manchester's Core Strategy Development Plan Document ('the CS') (2012), and the National Planning Policy Framework ('the Framework') (2021). Together these seek to ensure developments make a positive contribution to the health, safety and wellbeing of residents, to create safe environments and where crime and the fear of crime do not undermine the quality of life or community cohesion, and have regard to community safety and crime prevention.

Appeal B – Visual Amenity

16. The Council argues that while the advertisements would be appropriate if associated with an authorised ATM, in its absence they would create visual clutter and cause harm to visual amenity. I find to the contrary. Even were the ATM removed, and notwithstanding the resulting unusual position of ATM advertisements alongside no ATM, the signage is not obtrusive in itself, as it is small-scale and relatively discrete with only minimal illumination. There is little before me to suggest that the area is a particularly sensitive receptor such that it could not accommodate this visual change, which sits appropriately within the context of the wide range of commercial signage and shop frontages. Furthermore, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, and so I do not take into account whether they are necessary.

17. The advertisements do not harm public safety with respect to the safe use and operation of any form of traffic or transport. With respect to crime prevention, the Planning Practice Guidance advises that this relates only to the potential impact on CCTV cameras, which is unaffected.

18. Overall therefore, I find the signage is not harmful to the visual amenity of the area. I have taken into account Policies DM1 and SP1 of the CS, saved Policy DC15 of the Unitary Development Plan for the City of Manchester (1995), and the Framework, which are material in this case as they seek to achieve high quality design, and support advertisements which would not harm the character or architectural features of a building, and are in scale and unobtrusive. Given that I have concluded that the proposal does not harm visual amenity, the proposal complies with these policies.

Other Matters

19. While the visual appearance of the ATM and its relationship with the shopfront is acceptable, and it is secure and accords with the regulations for accessibility, this does not mitigate the harm identified above.

Conditions

20. No non-standard conditions have been proposed, and I consider that none are necessary. The design of the lighting and level of illumination is specified on the drawings.

Conclusion

21. I give very limited weight to the benefits of the provision of the ATM, and give significant weight to the harm caused to crime and the perception of crime in the local area. I also attach significant weight to the conflicts with the development plan. With no other material considerations indicating otherwise, for the reasons given above I conclude that Appeal A is dismissed.

22. For the reasons given above I conclude that the display of the advertisements under Appeal B is not detrimental to the interests of visual amenity and complies with the development plan where material, and therefore Appeal B is allowed in the terms referenced in my formal decision above.

L Hughes

INSPECTOR