The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2015

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 November 2015

Appeal Ref: APP/V2255/W/15/3007961
Pavement nr Park Entrance, High Street, Sheerness ME12 1RH

- 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 Mr Jon Furnues against the decision of Swale Borough Council.
- The application Ref 14/502991/FULL, dated 11 August 2014, was refused by notice dated 19 November 2014.
- The development proposed is for the replacement and upgrade of existing public telephone kiosk with kiosk combining public telephone service and ATM service.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the proposal would increase the possibility of criminal activity with resulting increased risk to public safety.

Reasons

Criminal Activity and Increased Risk to Public Safety

3. The proposal would be located within, though near to the entrance of a park, at the western end of the High Street. The park provides a pedestrian route to a McDonald's restaurant, a Tesco superstore and the sea front. There is no lighting within the park in the vicinity of the location of the proposal and there is relatively little overlooking or surveillance of the park from nearby buildings. Existing bollards at the park entrance on the High Street and along the route to the sea front restrict vehicle access to the park at these points. However, there are no bollards between the park and the car park to the west that would prevent vehicles accessing the park from this point. Whilst the entrance to the park is relatively open, there are numerous shrubs and trees within and around the boundaries of the park that reduces its overall openness.

4. It is my consideration that by virtue of the unlit nature of the park, its limited surveillance, the opportunities for vehicular access from the car park to the west and the level of vegetation within the park that offers the opportunity for concealment, the proposal would provide an unacceptable opportunity for criminal activity, including ram-raiding or robbery. I also do not consider that there are any suitable conditions within the control of the appellant that would mitigate the harm to public safety arising as a result.

5. Whilst the Appellant provides crime statistics relating to other areas where similar public telephone/ATM machines have been installed to support their case, I do not have the full details relating to these examples, including their location and context. Furthermore, each case must be determined on its own merits and I must consider the appeal based on the evidence before me.

6. I acknowledge the Appellant has had previous interaction with Kent Police regarding the installation of public payphone/ATM machines at different locations. However, there is no evidence before me that demonstrates advice was sought specific to this case prior to a planning application being made, as inferred would take place in the Design and Access Statement. Furthermore, Kent Police, who have a number of concerns over the proposal in relation to risk to public safety, confirm that no contact has been made by the Appellant relating to this particular case.

7. I therefore conclude that the location of the proposal would increase the possibility of criminal activity with resulting increased risk to public safety, contrary to saved policies E19- Achieving High Quality Design and Distinctiveness and E1- General Development Criteria of the Swale Borough Local Plan Adopted February 2008, that relate to, amongst other things, the creation of safe places. These policies accord with the general aims and objectives of the National Planning Policy Framework that requires in paragraphs 58 and 69, amongst other things, development to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Other Matters

8. Notwithstanding that the proposal would be highly accessible for both the public and for cash in transit companies; and that the Appellant's evidence suggests a low crime rate in the locality, these issues do not outweigh the increased possibility of criminal activity and resulting harm to public safety as set out above.

9. Whilst the Design and Access Statement states that the appeal site has been identified within an area that has a high demand for ATM machines, I have not been presented with any evidence to corroborate this claim. Furthermore, during my site visit, I was able to walk to ATMs at a bank on the High Street and at the Tesco superstore, each within a very short distance from the location of the proposal. I therefore do not consider that the provision of an additional ATM at this location would significantly help to encourage people to withdraw cash to use within the surrounding area and to support the local economy.

Conclusion

10. For the reasons set out above, I consider that the location of the proposed public payphone/ATM would increase the possibility of criminal activity with resulting increased risk to public safety, and hence the appeal is dismissed.

Alex Hutson

INSPECTOR