



Appeal Decision

Site visit made on 16 April 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/C4615/W/19/3221318

47-51 Stafford Street, Dudley DY1 2AB

- 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 Dudley Metropolitan Borough Council.
 - The application Ref P18-1634, dated 16 October 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the installation of an automated teller machine (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development as set out on the application form is for 'The retention of an automated teller machine and associated signage'. The signage element benefits from a separate advertisement consent (Ref. P18/1633) and is not a matter for this appeal. 'Retention' is also not a form of development within the meaning of Section 55 of the Town and Country Planning Act 1990. For these reasons, I have taken the description of the development from the appeal form.

Main Issue

3. The main issue is the effect of the design of the proposal on the safety and security of the area.

Reasons

4. The appeal site is a warehouse style local supermarket with retracting doors to create open sides, in a mixed residential and commercial area. The site is on a corner plot and fronts both Stafford Street and Edward Street. The supermarket is set back from the road behind a wide pavement and loading area.
5. The appeal scheme is for the installation of an automated teller machine (ATM) within the external wall of the supermarket, inset within a laminate composite infill panel.
6. Policy ENV3 of the Black Country Core Strategy 2011 (BCCS) requires that new development is designed in a manner which takes into account Secure By

Design Principles to ensure crime prevention. Whilst some Secure By Design principles in respect of residential development have been replaced by Building Regulations since Policy ENV3 was adopted, the principles in respect of commercial and other development are reflective of the National Planning Policy Framework (the Framework) and are to be given full weight in planning decisions. The policy is supported by The Shopfront Design Guidance Supplementary Planning Document (SPD), which contains specific guidance in relation to cash dispensers. Principle SF12 of the SPD requires, amongst other things, that any building in which an ATM is installed should be in a good state of repair and provide a good standard of physical security.

7. The Police Crime Prevention Officer recommends conditions are imposed in respect of the scheme in order to ensure that the proposal complies with Secure by Design Principles. Whilst some of the requirements, such as CCTV, lighting and internal replenishment may be addressed by way of conditions, the provision of physical barriers such as bollards to prevent potential for ram-raiding and creation of defensible space rely on works to the highway
8. During my site visit, delivery vans were being brought into and out of the site via the loading bay and pavement; the loading bay was in frequent use and the open frontage of the supermarket formed a busy and active access for pedestrians and deliveries. Whilst the pavement is wide, the provision of defensible space and bollards would likely interfere with the operation of the supermarket, which does not have stock loading access to the rear. As such, I am not satisfied that the necessary security measures could be provided by way of a condition without causing detriment to the operation of nearby businesses and the movement of pedestrians.
9. Though there is an existing reinforced concrete streetlight nearby the ATM, it is not directly in front of the ATM in order to prevent a vehicle approaching the ATM and there are no alternative security features before me for the prevention of ram-raiding.
10. The site has good natural surveillance and is not in close proximity to the places identified in the SPD as likely to be hotspots for loitering and antisocial behaviour. However, third party business owners have reported such activity in the evenings in proximity to the site. An attempted burglary has been reported by the supermarket owner since the installation of the ATM; though the installation of the ATM is not necessarily linked to this.
11. Whilst ATM machines may not act as crime generators, any new development may create opportunities for crime by way of its design. Policy ENV3 requires that development responds to this potential through good, secure, design. For the reasons outlined above in relation to defensible space and prevention of ram raiding, the appeal scheme fails to deliver secure design and creates opportunities for crime in the vicinity. As a result, the scheme conflicts with Policy ENV3 and the SPD.

Other Matters

12. Whilst there are benefits to the scheme in respect of its potential to draw additional customers to the nearby businesses, any such benefits would not justify the harm caused to the safety and security of the area by the scheme.

Conclusion

13. For the reasons stated above, I find that the appeal proposal does not take account of crime prevention in its design and therefore adversely affects the safety and security of the area, contrary to Policy ENV3 of the BCCS and accompanying guidance in the SPD, as well as the guidance in the Framework. I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR