
Appeal Decision

Site visit made on 30 July 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/A1015/Z/19/3230700

Tasty Bites, Chesterfield Road, Staveley, Chesterfield S43 3RX

- 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 Chesterfield Borough Council.
 - The application Ref CHE/19/00053/RET, dated 23 January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is retention of an automated teller machine with added security measures.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the application form and the decision notice refer to the retention of signage. The display of advertisements is subject to a separate consent process. I note that an application for signage was submitted to the council and subsequently treated as not proceeded with. As there is no advertisement application before me my decision relates only to the installation of the Automatic Teller Machine (ATM). For the avoidance of doubt, I have removed the word 'and retention of associated signage' from the description of development.
3. I observed on my site visit that the ATM has been installed.

Main Issue

4. The main issue is whether the ATM provides adequate measures for the prevention of crime and to protect the personal safety of its users.

Reasons

5. The appeal site is in a mainly residential area on a busy road. Tasty Bites is a take away establishment with residential accommodation above. The property is set back from the road frontage with car parking in the forecourt area to the front. The ATM is installed in the left-hand side of the take away shop frontage (when facing the shop). Adjacent to the forecourt is a pedestrian crossing and a bus stop.
6. Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 adopted 24 July 2013 states that development will be expected to

be designed to be safe and secure and to create environments which reduce the potential for crime.

7. The Derbyshire Constabulary, although recognising that additional technical specification may be required, recommend conditions are imposed to secure the lighting and CCTV detailed on the elevation plan. I note that the appellant indicates that they intend to return to site to install dome camera, pin shield wall light and security mirror. Although I note that the ATM has been in place since 2017, I consider that appropriately worded conditions could secure the necessary added protection and with these features installed the design and siting of the ATM would adequately protect the personal safety of its users.
8. However, with regard to the prevention of crime the Derbyshire Constabulary recommend the installation of an anti-ram bollard. The appellant considers that the location of the existing bollards and street furniture would prevent ram-raids occurring. I observed during my site visit the position of the dropped kerb and the size and openness of the frontage. From my observations I find that there would be enough manoeuvrability for the ATM to be open to the possibility of attack particularly when the takeaway is closed and the forecourt not in use for parking. Further there is no evidence before me that the existing bollards and street furniture are designed to withstand a ram-raid. Therefore, it would be appropriate to protect the ATM by installing the anti-ram bollard.
9. Consequently, I conclude that whilst conditions could be imposed to secure measures to protect the personal safety of its users without the installation of an anti-ram bollard the ATM does not provide adequate measures for the prevention of crime and therefore conflicts with Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 adopted 24 July 2013 and the National Planning Policy Framework.

Other Matters

10. Whilst I acknowledge that there may be benefits to the community and local economy of having a local ATM machine such benefits would not justify the harm caused by inadequately providing for the prevention of crime.

Conclusion

11. For the reasons given above, and having had regard to all matters raised, the appeal should be dismissed.

Diane Cragg

INSPECTOR