



Appeal Decision

Site visit made on 11 August 2020 by S Watson BA(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/C4615/W/20/3252150

116 Colley Gate, Cradley B63 2BU

- 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 of Notemachine UK Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0412, dated 17 March 2020, was refused by notice dated 6 May 2020.
 - The development is described as the retrospective application for the installation of an ATM installed through a secure panel to the left hand side of the shop entrance.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The ATM has been installed and is operation, therefore I am considering this appeal retrospectively.

Main Issue

4. The main issue in this case is the effect of the development on the safety of both members of the public and staff at 116 Colley Gate.

Reasons for the Recommendation

5. The appeal site is on the north side of Colley Gate and set behind a bus shelter. The site contains a convenience store with a car park to the rear. On the front elevation of the shop is a single storey projection which contains an external ATM. The appeal site forms part of a short strip of shops on the north side of Colley Gate. During my visit I was mindful of the effects Covid-19 has had on retail areas, I nevertheless noted that there was regular footfall to, and past, the appeal site and that vehicular traffic on the road was high.
6. Given its position between the shop and bus shelter, I find the ATM is unlikely to be susceptible to ram-raiding irrespective of any anti-ram bollards. Moreover, I note the appellant has referred to a number of security features having been installed which would protect it from attack. As such I find the ATM itself is at no greater risk by way of its position and surroundings.
7. However, I find the location of the ATM would put those using the machine at an unacceptable risk given the surroundings. Specifically, the bus stop blocks clear views of the ATM and provides a legitimate reason for those with criminal

intent to wait near the machine. Moreover, there are a number of corners near the ATM and bus shelter which could provide hiding spots close to the ATM. Alongside this, the bus shelter creates a pinch point around the ATM which requires passers-by to get very close to those using the machine. Collectively these issues result in the ATM being unsafe for members of the public, and it is also likely that they have resulted in an increase in the fear of crime. This would be exacerbated at night, and outside of the shop's opening hours when passive surveillance from passers-by would be reduced.

8. Given views of the shop's entrance are also somewhat screened by the bus shelter, I find that there is a low existing risk for offenders to enter the premises without being seen. However, I have not been provided substantive evidence to demonstrate that the ATM has increased the risk to the safety of staff at the shop. I therefore find that it is unlikely that there would be an unacceptable increase in risk to the safety of staff.
9. While I note the appellant's intention to provide additional security measures, in the form of a pin-shield and mirrors, these would not be sufficient to provide a safe environment protecting the users of the ATM from crime or the fear of it.
10. In light of the above I find the development has unacceptably reduced the safety of members of the public, contrary to Policy ENV3 of the Black Country Core Strategy, which requires the consideration of crime prevention measures. It would also be contrary to the guidance set out in Principle SF12 of the Shopfront & Advertisement Supplementary Planning Document. This seeks, amongst other things, for ATMs to be sensitively placed in order to protect the safety of device users including through avoiding locations which are hotspots for antisocial behaviour such as close to bus stops.

Other Matters

11. The appellant has raised that the ATM benefits the local economy as it allows individuals to withdraw cash to use at nearby businesses. I note that this is likely to be somewhat beneficial, especially to those individuals and businesses who do not have access to alternative payment methods. However, I note the appellant has also referred to another ATM a short walk away. I find that, due to their proximity, both ATMs likely share the same customer base limiting the outright benefit of the development before me. The small benefit of the new ATM does not outweigh the identified risk to the safety of those people using the machine.

Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

K Taylor

INSPECTOR