
Appeal Decision

Site visit made on 28 June 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/R3515/W/21/3286649

1 Bridge Street, Ipswich, IP1 1XH

- 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 Ipswich Borough Council.
 - The application Ref IP/21/00822/FUL, dated 26 July 2021, was refused by notice dated 20 September 2021.
 - The development proposed is the retention of an Automated Teller Machine with proposed design changes and additional security information.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form identified that the work had been completed prior to the point at which the application was made. I note that the description of the proposal differs between the Council's Decision Notice and the application form. I consider the description on the application form best describes the development applied for which includes a number of proposed changes including to the colour of the surrounding panel. As such, I have utilised the appellant's description taken from the original planning application form and I have considered the appeal on the basis of the development applied for rather than what exists on the site.
3. The Council adopted the Ipswich Core Strategy and Policies Review (ICSPR) on 23rd March 2022. As a result, policies DM5, DM17 and DM26 of the Ipswich Core Strategy and Policies Document (2017) (IPCS) that were cited in the Decision Notice have been superseded by policies DM12, DM18 and DM21 of the IPCSR which address similar issues to which the appellant has been able to comment upon. As such, I have had regard to these policies in reaching my decision.

Main Issues

4. The main issues are the effect of the development on:
 - the safety and security of users and surrounding residents; and
 - highway safety

Reasons

Safety and security

5. The appeal development is located on the west elevation of the host building which at the time of my visit was in use as a convenience store. The host building is sited in a prominent position adjacent to the highway interchange between Bridge Street, Vernon Street and the B1075.
6. The Automated Teller Machine (ATM) faces towards the highway and there is no direct natural surveillance over it from any nearby properties. The position of the ATM does not enable it to be viewed from the counter within the shop, and the only opportunity for direct visibility would come from passing pedestrians, cyclists or motorists. Concerns have been raised by Suffolk Constabulary that crime in the surrounding area remains high and that the prominent location adjacent to a busy highway could result in a risk of 'ram-raiding' forms of crime against the ATM. There have also been a number of instances of robbery recorded in the vicinity.
7. The appellant has indicated that there is no record of attacks or crimes against the ATM since its installation. Whilst there is no specific evidence before me to suggest that the ATM is a generator of criminal activity, the poor visual surveillance would fail to provide an adequate deterrent against potential theft and other crime against users of the ATM. Although mitigation in the form of pin shields or security mirrors might be capable of addressing potential crime that might be experienced by users, their effectiveness would be compromised due to the poor surveillance.
8. The appellant has provided evidence which seeks to demonstrate the extent of usage of the ATM outside of the store opening hours. Whilst the appellant's evidence indicates usage is low during out of hours periods, the evidence only provides 1 week of data during October 2021. As such, it is unlikely to have fully captured the extent of use of the ATM such as during summer months in an area identified as being a popular route for people heading into the town centre to participate in the night-time economy. The appellant has indicated that there is no evidence of any recorded crimes against the ATM since its installation around 2 years ago. However, a considerable proportion of this time was spent under coronavirus pandemic restrictions when there would have been reduced pedestrian footfall and town centre activity. The limited extent of the appellant's evidence has the potential to significantly underestimate the usage of the ATM under normal operating circumstances. As a result, I consider the extent of any potential disturbance or risk to users would be greater and at a level which could result in harm to the safety of the community.
9. The lack of visual surveillance of the ATM could be addressed through the imposition of a condition to require Closed Circuit Television (CCTV) to be installed which would provide the opportunity for surveillance of the ATM. However, as considered below in relation to highway safety, there would not be an effective mitigation measure that would address the risk of 'ram-raid' forms of crime due to the unsuitability of bollards in this location. Whilst greater defensible space could be created around the ATM, for the same reason it would be unsuitable due to the conflict with the shared highway in the area. I do not consider that the installation of CCTV alone to be sufficient to address my concerns in relation to harm to safety and security.
10. In light of the above, I conclude that the development would result in harm to the safety and security of users and surrounding residents. As such, it would

fail to accord with policies DM12 and DM18 of the ICSPR which seek to create safe and secure communities.

11. The development would also fail to accord with paragraphs 92(b), 97 and 130 (f) of the National Planning Policy Framework (the Framework) which seeks to promote public safety, create places that are safe and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Highway safety

12. The development is located adjacent to the highway which includes a transition between a cycle lane onto a shared footway. At the time of my visit, the adjacent highway was busy with vehicular traffic. Due to the prominent position of the ATM, it is highly visible to traffic travelling along the southbound carriageway acting as a strong visual attractor to passing motorists. As there is no parking provision in the vicinity of the ATM, passing motorists would be likely to stop either on the highway or across the footway to access the ATM. Vehicles stopping to access the ATM would also impede the flow of traffic using the highway, and due to the proximity of the pedestrian crossing and traffic lights at the junction, this would likely result in vehicles stopping or slowing looking for parking and thereby interfering with vehicles approaching the traffic lights. As such, this would result in harm to highway safety.
13. In addition to the above, any vehicles stopping in this location would also block the cycleway which would adversely affect passing cyclists. As such, it would fail to accord with paragraph 112(c) of the National Planning Policy Framework (the Framework) which seeks to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
14. Furthermore, due to the absence of any parking, I consider it would be highly likely that security vehicles which replenish the ATM's cash would park on the highway for convenience as well as security reasons. Whilst replenishment times could be restricted to times of the day when the highway would be less busy, any condition to this effect would be difficult to accurately monitor and thereby enforce. Restricting replenishment to narrow timeframes would also likely result in security concerns due to the potential predictability of this activity. Such a condition would therefore fail to meet the tests set out at paragraph 56 of the Framework.
15. The appellant has suggested that a condition could be imposed for the installation of bollards or a defensible space to restrict traffic stopping to utilise the ATM and to prevent the risk of 'ram-raiding' forms of crime. However, concerns have been raised by the Local Highway Authority (LHA) that the installation of bollards would have an adverse impact on the use of the shared surface footway in respect of the transition between the shared surface footway and cycleway in front of the appeal development. Having regard to the proximity of the transition to the shared footway, I concur with the assessment of the LHA in this regard.
16. Concerns have been highlighted in respect of existing illegal parking at the appeal site. Although parking issues would be a matter for Police enforcement, due to the sites' location at a key traffic interchange where there are two lanes of southbound traffic, it would be highly challenging to monitor and enforce parking infringements associated with the ATM at such an interchange. As a

result, I consider that a condition would not be able to be satisfactorily address my concerns in this regard and would fail to accord with paragraphs 110(b) and 110(d) of the Framework which seek to secure safe and suitable access to the site for all users and that impacts on the transport network can be mitigated to an acceptable degree.

17. Paragraph 111 of the Framework which indicates that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety. Having regard to the concerns I have identified, I consider there would be an unacceptable impact on the highway arising from the conflict between vehicles stopping and parking and pedestrians and cyclists using the shared footway.
18. In light of the above, I conclude that the development would result in harm to highway safety. As such, it would fail to accord with policy DM21 of the IPCSR which states that new development shall not result in an unacceptable impact on highway safety.
19. The proposal would also fail to accord with paragraphs 110(b), 110(d), 111 and 112(c) of the Framework for the reasons set out above.

Other Matters

20. The appellant considers that the ATM is minimal in scale and would preserve the shopfront. Whilst the ATM is minimal in scale, matters of appearance are not in dispute between the parties, and as such, I have not considered this matter further. I note that an application for Listed Building consent has been granted for the ATM. However, this is considered under separate legislation and I am nonetheless determining this appeal having regard to the Development Plan and any other considerations. As such, the existence of Listed Building consent does not alter my judgment on the main issues.
21. The appeal development would allow people to access cash which may be spent in other nearby shops, providing an economic benefit. However, there is no evidence before me as to the extent of this benefit and as such, it is afforded limited weight.
22. The appellant notes that although there is a continued increase in the use of contactless payments across many small businesses, there is nonetheless a need to support the use of cash for those who cannot access cashless payments. However, there are a number of other ATMs in the town centre which is a short walk from the appeal site and as a result, there is no evidence of any harm would result from the dismissal of this appeal.

Conclusion and planning balance

23. I have found that the development would result in harm to the safety and security of users and surrounding residents and harm to highway safety. On that basis the development would fail to accord with the development plan when read as a whole.
24. Whilst I have identified economic benefits to surrounding businesses who may be supported through cash transactions, and continuing support for access to cash, I consider the extent of these benefits would be limited and not sufficient to outweigh the harm that I have identified.

25. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR