

Appendix B

Appeal by Card Electronics UK Ltd

Retention of ATM at Tasty Bites, Chesterfield Road, Staveley,
Chesterfield.

CHE/19/00053/RET
2/555

1. Planning permission was refused on 19th March 2019 for retention of an ATM at the Tasty Bites site on Chesterfield Road, Staveley for the following reasons:
 1. *Policy CS2 states that "all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as ... environmental, social or economic impacts". Policy CS18 states that development will "be designed to be safe and secure and to create environments which reduce the potential for crime". The proposal does not include sufficient details regarding security measures such as direct lighting and CCTV coverage and there is not acceptable level of suitably situated anti ram bollards for the ATM. In this context the design of the proposal is considered to be contrary to policy CS2 and CS18 of the Chesterfield Borough Core Strategy (2013) and the revised NPPF (February 2019).*
2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues considered were whether the ATM provides adequate measures for the prevention of crime and to protect the personal safety of its users.
4. 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) and adjacent to the forecourt is a pedestrian crossing and a bus stop.

5. Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 states that development will be expected to be designed to be safe and secure and to create environments which reduce the potential for crime. 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. The inspector noted that the appellant indicated that they intend to return to site to install dome camera, pin shield wall light and security mirror. Although the inspector noted that the ATM has been in place since 2017, he considered 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.
6. However, with regard to the prevention of crime 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. The inspector observed the position of the dropped kerb and the size and openness of the frontage and from his observations he found 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 was no evidence before the inspector 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.
7. Consequently, the inspector concluded 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.
8. Whilst the inspector acknowledged 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.