



Appeal Decision

Site Visit made on 4 November 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/Z4310/W/21/3276918

Petrol Filling Station, Prescott Road, Fairfield, Liverpool L7 0JD

- 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 Mr S Malji against the decision of Liverpool City Council.
 - The application Ref 20F/1017, dated 9 April 2020, was refused by notice dated 11 December 2020.
 - The development proposed is alteration to entrance
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safety of pedestrians and drivers using Prescott Road.

Reasons

3. The petrol filling station (PFS) is located alongside Prescott Road, a busy dual carriageway leading towards and from Liverpool city centre. Currently the PFS has accesses from both Lorne Street and Fairfield Street, along with a single access directly onto Prescott Road. The proposal would result in a widening of this existing access onto Prescott Road, with the addition of a second access to allow the exiting of a tanker from the PFS. The existing access onto Lorne Street would be closed off.
4. This would result in a substantial reduction in the amount of pavement that would be present along Prescott Road, thus requiring pedestrians to cross over both the widened existing access and the new exit. These alterations would make pedestrian movement along this part of Prescott Road more perilous, in particular given that pedestrians would need to cross two wide sections where there would be no formal pavement and given that Prescott Road is a busy main road where there is much to distract the pedestrian. Furthermore, the width of the pavement would be greatly reduced adjacent to the modified existing access to accommodate chevrons and rumble strips. The impacts resulting would not be overcome by the offered provision of tactile paving.
5. Furthermore, tankers visiting the PFS would have to leave at an angle onto Prescott Road. There is no evidence before me to demonstrate the level of potential visibility that may be achieved from the cab of the vehicle, given the angle it would be leaving at and its relative height above the carriageway. It cannot therefore be concluded that a tanker could safely leave the appeal site.

6. It is suggested that this matter could be addressed by a Servicing Management Plan secured by way of a planning condition or through adherence with The Unloading Petrol from Road Tankers Approved Code of Practice and Guidance 2014 and the Dangerous Substances and Explosive Atmospheres Regulations 2002. However, given the uncertainties regarding tanker driver visibility it is difficult to establish how effective a person guiding the tanker out would be in mitigation against any impaired visibility. In addition, this relies on a person always being available and having the relevant expertise, which would not be readily enforceable. Therefore, I am not persuaded that either of these suggestions would overcome the concern, in particular as it has not been demonstrated that, even with a banksman, a safe egress could be achieved.
7. Although the relevant data does not suggest that the appeal site and its immediate surroundings have a high accident record, that relates to the current situation and not directly to the impact that may arise from the proposed development. A swept path has been provided with respect to the existing delivery arrangement which utilises smaller tankers exiting via Lorne Street, but this does not suggest that any significant harm occurs to highway safety as a result. By virtue of larger tankers being able to access the PFS there would be a decrease in the frequency of deliveries, but this would be negligible and at the cost of the harm I have identified to pedestrian movement and from tankers exiting the appeal site. These considerations do not therefore justify the appeal proposal.
8. Reference has been made to other PFS in Liverpool and in Leeds. However, these are situated in different localities to the appeal site, where the highway network will have its own particular characteristics. In any event, I must consider the appeal proposal primarily upon its own merits. It is suggested that the proposal would make the PFS more efficient and reduce periods when it is out of action, but there is only very limited information in this regard. These matters therefore do not overcome the harm I have found.
9. Concern has also been raised that damage may occur to the adopted highway from tankers leaving the site. However, a swept path demonstrates that a tanker could leave via the proposed new exit without crossing the pavement. Whilst I do not find harm in that respect, this does not alter my overall findings on the proposal.
10. For these reasons, I conclude that the proposed development would have an unacceptable impact on highway safety due to the significant reduction in pavement on the Prescott Road frontage and the uncertainty regarding visibility for tankers leaving via the proposed new exit. Consequently, the proposal would fail to accord with Saved Policies GEN6 and T9 of the Unitary Development Plan 2002 where they refer to highway safety. The proposal would also conflict with the aims of the National Planning Policy Framework in the same regard.

Conclusion

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

Graham Wraight

INSPECTOR