



Appeal Decision

Site visit made on 29 April 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/M0655/W/25/3360057

Tesco Esso Express, Orford Green, Warrington WA2 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by InPost UK against the decision of Warrington Borough Council.
 - The application Ref is 2024/00931/FUL.
 - The development proposed is the siting of an InPost Parcel Locker.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have not included the full description of development from the appellant's planning application form in the banner header above as it makes reference to the proposal being retrospective and that is not in itself development. However, I was able to see on my site visit that the locker has been erected and therefore I have determined this appeal on the basis that it is a retrospective proposal.

Main Issues

3. The main issues are the effect of the development on (i) highway safety and (ii) the living conditions of the occupiers of nearby dwellings with particular regard to noise and disturbance and illumination.

Reasons

Highway safety

4. The locker is positioned between the kiosk of the petrol filling station (PFS) and the highway, fronting onto the A50. The most convenient position to park proximity wise to the locker is in the area directly adjacent to it along the A50. The Technical Note (TN) provided by the appellant includes a CCTV survey which suggests that this is indeed where the majority of the locker users choose to park. Instances where vehicles park either partly on the pavement or wholly upon it were also observed on CCTV.
5. This creates an unacceptable situation in highway safety terms in that vehicles parking on the pavement create an obstruction for pedestrians and a potential conflict between the two types of highway users as vehicles move on and off the pavement. Even if they park on the carriageway, they block the visibility for vehicles exiting the PFS. Given that the A50 is a busy road, this has the potential to increase the risk of collisions taking place as vehicles leave the PFS.

6. The appellant suggests that mitigation against this could be put in place in the form of double yellow lines and bollards. The former would be a considerable visual deterrent against people parking on the highway, clearly showing that traffic regulation is in place in a readily understood way. The latter would physically prevent parking on the pavement, albeit alone would not be a deterrent to parking on the carriageway itself. In combination, such measures would prevent parking on the pavement and provide a significant deterrent to parking on the highway outside of the lockers.
7. However, the provision of new double yellow lines and bollards would need to go through a statutory process. It cannot be certain from the information put before me that the outcome of that would be that such works would be approved, even if I were to require them through the grant of planning permission. Indeed, the Highway Officer who responded to the application consultation refers to this not being within the gift of the appellant. They also state that they do not support the works proposed. It is unclear as to whether public consultation on any such proposals would be required and the HA make reference to road safety audits. It would seem, therefore, that there are a number of factors which might affect whether such works were ultimately approved by the HA.
8. It is not possible to address this by way of a Grampian style condition as the development has already taken place. Imposing a condition that requires the provision of double yellow lines and bollards within a specified period runs a risk that the requirement could not be complied with, yet the development has been undertaken. No suggested wording has been provided as to how such a condition to secure s278 highway works might work to address this scenario, and no comfort has been provided to suggest that the three-month timescale referred to provide the measures would be realistically achievable.
9. In conclusion, the development has an unacceptable impact upon highway safety because of parking on the highway and the pavement arising from trips to the locker. On the basis of the information before me and for the reasons I have set out I do not consider that I am able to secure adequate provision to mitigate against this harm. Consequently, the development fails to accord with Policy ENV8 of the Warrington Local Plan 2023 (LP), where it refers to matters relating to parking and highway safety.

Living conditions

10. As it passes the appeal site the A50 is a busy arterial road within the urban area of Warrington. The road is wide and although there are dwellings on the opposite side which face towards the locker, there is a substantial degree of separation because of the width of the road. The nearest properties on the same side are set back behind the PFS kiosk building with intervening fencing. Whilst only a snapshot in time, the PFS itself attracted a great number of vehicle movements at the time of my site visit. It is likely that during the night when the PFS is closed there will still be consistent levels of traffic movements along the A50.
11. Even if people visit to use the locker when the PFS is closed this is not likely to result in any significant increase in noise beyond what will result from existing movements along the road. Coupled with the separation distance and the positioning of dwellings, this means there has not been a harmful increase in noise and disturbance. In that regard I note also that the Council's Environmental

Protection Officer advises that there have been no noise complaints made about out of hour use in the period that the locker has been in situ.

12. The details submitted with the appeal confirm that the locker is lit by an LED strip running along the top of the unit and facing downwards. The LUX levels supplied are not significant and there is nothing substantive before me to suggest that the locker is illuminated with such brightness that it causes harm to the living conditions of the occupiers of the dwellings on the opposite side of the A50, or to the character and appearance of the area.
13. For these reasons, the development does not conflict with Policies DC6 and ENV8 of the LP where, taken together, they seek to safeguard the quality of place and to respect the living conditions of existing neighbouring residential occupiers.

Other Matters

14. The TN provided by the appellant shows that there are some sustainability benefits arising from linked trips to the PFS and the lockers, alongside the self-service from the lockers reducing the number of home delivery journeys that need to be made. There is broad support in the National Planning Policy Framework for such benefits. These are considerations which carry moderate weight in support of the development, but they do not justify the harm I have found to highway safety.

Conclusion

15. Although I find no harm to living conditions, the development has had an unacceptable impact on highway safety and this leads to a conflict with the development plan taken as a whole. The benefits of the development do not outweigh the failure to accord with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR