



Appeal Decision

Site visit made on 8 January 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/B2002/W/24/3350071

Former Scout Hut and land west of Waltham Road, Scartho, Grimsby, DN33 2LX

- 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 Brocklesby Estate against the decision of North East Lincolnshire Council.
- The application Ref is DM/0942/23/FUL.
- The development proposed is hybrid planning application seeking full planning permission for the demolition of existing buildings and outline planning permission for the erection of up to 4 no. dwellings (with all matters reserved for subsequent consideration aside from access).

Decision

1. The appeal is allowed and full planning permission is granted for the demolition of existing buildings and outline planning permission is granted for the erection of up to 4 no. dwellings (with all matters reserved for subsequent consideration aside from access), at Former Scout Hut and land west of Waltham Road, Scartho, Grimsby, DN33 2LX, in accordance with the terms of the application Ref DM/0942/23/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Except for the demolition of the existing buildings, the application was submitted in outline form and included details of means of access for approval. Details of scale, layout, appearance and landscaping are reserved for subsequent approval. I have therefore treated the submitted drawings and illustrations as being for indicative purposes only, except in so far as they relate to the means of access from Waltham Road.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal site comprises a large plot of back land currently occupied by two linked buildings that form an L shape behind a hard surfaced car park area, and large lawned areas to the side and rear of the buildings. The site is served by an existing shared private drive that runs between numbers 6 and 8 Waltham Road and which also provides access to car parking at the rear of numbers 4 and 6 Waltham Road. The existing access is a narrow lane with a tarmac surface that deteriorates beyond the access to the parking at the rear of numbers 4 and 6 Waltham Road. The access crosses the wide Waltham Road footway and has an existing dropped kerb.
5. Until recently, the site had been occupied for many years as the local scout headquarters. I have not been advised how often the scout hut was used, by how

many vehicles, or how often the buildings were hired out for other purposes such as birthday parties as mentioned by a third party. However, given the age of the buildings and the historic use of the site, there are unlikely to be any restrictions on its hours of use or its access and none have been brought to my attention. The continued use of the site for community group purposes would not require planning permission and has the potential to generate significant traffic movements, without any improvements being made, and which could not be controlled or enforced by the Council as suggested by a third party. Nor could the continued use of the access in connection with numbers 4 and 6 Waltham Road be prevented.

6. An Independent Stage 1 Road Safety Audit (RSA) has been undertaken on behalf of the appellant, the findings of which have not been disputed by the local highway authority. No technical evidence has been submitted by the Council to support its view that the re-development of the site would increase the highway safety risks posed by the existing use of the site.
7. The RSA recognises the lack of visibility between vehicles exiting the site and pedestrians approaching from the south, due to the dwelling at 8 Waltham Road being situated hard up to the back edge of the Waltham Road footway and the site access. This poses a risk of vehicle and pedestrian collisions, particularly to visually impaired pedestrians. This is an existing risk and is unlikely to be improved without the re-development of the site.
8. The development would result in improvements being made to the existing access which would include increasing its width from 3.6 metres to 5 metres enabling two vehicles to pass, creating a bell mouth form of junction with appropriate markings, and providing tactile paving to a minimum depth of 1200mm on either side of the access crossing to alert visually impaired pedestrians to its presence. A 0.5 metre margin would be created between the edge of the improved access and the side elevation of No.8 Waltham Road, and pedestrian access would be retained alongside No.6. These improvements would make the access more visible to all highway users thereby reducing the risk of accidents.
9. Although the proposal may well result in more frequent use of the access throughout the day and at peak traffic times, the volumes would be lower and more dispersed than that of a community use such as the Scout Group meetings or the hire of their premises for other events, whereby large volumes of people would be arriving and leaving the site at the same or similar times, resulting in queues into or out of the access.
10. Due to the proximity of the site access to a roundabout and traffic island, vehicles would only be able to turn left into and out of it and would need to approach from the south. Those approaching from the north would need to pass the site entrance and turn around further up Waltham Road. This is most likely to be achieved by utilising the nearby free public car park adjacent to Scartho Village Community Centre, which benefits from a right turn lane capable of accommodating 3 cars, that prevents disruption to traffic flow.
11. I acknowledge that drivers wishing to exit the site and turn right at the roundabout would need to be in the second lane and that this would potentially obstruct traffic in the first lane whilst waiting to move across. However, no new or additional junction is proposed, the development would be served by an existing and upgraded access that most local people will be already, or will quickly become,

aware of. The same issue would have occurred in relation to the previous use of the site and will continue to occur from residents and visitors parking to the rear of 4 and 6 Waltham Road. Furthermore, drivers waiting at or approaching the roundabout will be stationary or travelling at low speeds. There is no evidence that this longstanding situation has caused accidents in the past and it is not identified as a problem in the RSA or by the local highway authority.

12. Whilst I have had regard to the concerns raised by the Council, these relate primarily to potential incidents that could be caused by irresponsible careless drivers, as opposed to incidents that would occur as a direct result of the site being used for residential rather than community use purposes. Reference is also made to a shared footway and cycleway, but I noted on my visit that this is on the opposite side of Waltham Road and as such would not be affected.
13. The traffic generated by 4 new homes in this highly sustainable location, including associated visitors and deliveries, would not be significant. Given the proximity of the site to shops and services and the availability of public transport and cycle paths, future occupiers of the development would not be reliant upon using private cars for all trips or to access all of their day to day needs.
14. Disruption caused by construction traffic would be temporary as acknowledged by the Council and would be minimised by controls that could be put in place as part of a construction traffic management plan condition. Disruption caused to traffic flows on refuse collection days would be for approximately 5 minutes once a week. Space would be provided for bins to be stored in on collection days, to ensure these do not obstruct any roads or footways.
15. I therefore conclude that the proposed development would not be detrimental to highway safety and as such would accord with Policy 5 of the North East Lincolnshire Local Plan 2013-2031 (adopted 2018), which seeks to ensure that development is suitably and sustainably located having regard to, amongst other things, access and traffic generation. I also find no conflict with the National Planning Policy Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conditions

16. I have imposed conditions relating to the time limit for the submission of the reserved matters, the time limit for commencement of the development and listing the approved drawings and documents for the avoidance of doubt. As bin storage areas would be shown in the layout details at the reserved matters stage, it is not necessary to condition this further.
17. A demolition, construction and construction traffic management plan is necessary to minimise disruption to occupiers of nearby residential properties and the local highway. As hours of demolition and construction works would be covered by the management plan a separate hours condition is not necessary.
18. It is necessary to seek full details of the access construction to ensure the improvements are undertaken to a satisfactory standard in the interests of highway safety. Surface water drainage details are necessary to ensure the development is properly drained without increasing flood risk to others. As the land beneath the site has been undisturbed for many years, a condition to protect any potential

archaeological findings is necessary given the historic location. Water efficiency is covered by building regulations and I am not convinced it would be practical for the LPA to monitor or enforce the water usage of future occupiers of the development. Whilst there is no evidence of any historic use that may have led to contamination of the site, a precautionary condition for dealing with any unexpected contamination is reasonable given the sensitive residential surroundings and proposed end use.

Conclusion

19. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) No development, other than the demolition of the existing buildings, shall take place until details of the appearance, landscaping, layout, and scale, "the reserved matters" have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following drawing numbers (in so far as they relate to the means of access of the site), and documents:
J2247 00101 - Site Location Plan
VD22651 - 100 REV P03 - General Arrangement
RLC-1111-FRA-01-1 Flood Risk Assessment
Arboricultural Report (Equans) Ref: QU-822-22-EQUANS
Final Report of Ecology and Protected Species Survey of a site off Waltham Road, Scartho, Grimsby - Tim Smith (July 2023) Ref: TS 2023/06/710.
- 5) No development, other than the demolition of the existing buildings, shall take place until further details of the approved access, based on drawing no. VD22651 100 rev P03, have been submitted to and approved in writing by the local planning authority. The details shall include detailed plans to a scale of at least 1:500 showing:-
 - (a) the proposed layout of the carriageways and footways on the development.
 - (b) the wearing course materials proposed for the carriageways and footways.
 - (c) cross sections.
 - (d) the highway drainage system.
 - (e) the extent of tactile paving to Waltham Road.

- (f) where applicable, the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways.
- (g) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development.

No development, other than the demolition of the existing buildings, shall take place until the approved access road and junction works have been completed in accordance with the approved details.

- 6) No development, other than the demolition of the existing buildings, shall take place until details for the provision of sustainable surface water drainage have been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first occupation of any new dwelling on the site.
- 7) No development, other than the demolition of the existing buildings, shall take place until:
 - (a) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (b) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authorityThe development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a Construction Management Plan (CMP) including Demolition Plan (DP) and Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CMP/DP/CTMP shall include but not be limited to the following:
 - (a). Contact details of the person with responsibility for the implementation of the CMP/DP/CTMP;
 - (b) The expected number, types and size of vehicles during the entire demolition and construction period;
 - (c) The proposed working hours of operation during the demolition and construction period;
 - (d) Details of on-site parking provision for demolition and construction related vehicles (including contractor parking and visitors);
 - (e) Details of on-site storage areas for materials;
 - (f) Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
 - (g) Details of wheel washing facilities (locations, types etc.)
 - (h) Noise, vibration and dust mitigation measures; and
 - (i) No burning of demolition/construction waste material shall take place on site.

Once approved the CMP/DP/and CTMP shall be adhered to at all times during demolition and construction.

- 9) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE