

HAMBLETON DISTRICT COUNCIL

Report To: Planning Committee
8 January 2015

From: Director of Environmental and Planning Services

Subject: **UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT & MITIGATION CONDITION – FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North Ward

1.0 PURPOSE OF THE REPORT

1.1 The Committee considered the details required by a planning condition relating to public safety in respect of a Public Right of Way (PRoW) crossing the East Coast Main Line (ECML) close to the development site and the options available in the event of a breach of the condition at its meeting on 11 December. The Committee resolved that:

- (1) Barratt/David Wilson Homes be pressed to submit a revised risk assessment as required by condition 16 before the end of January 2015;
- (2) Barratt/David Wilson Homes be pressed to confirm:
 - (a) the time scales for:
 - (i) creation of a direct pedestrian access from their site to the PRoW; and
 - (ii) implementation of any mitigation measures approved under condition 16; and
 - (b) the arrangements for preventing public access to the PRoW from their site until (a) (i) occurs;
- (3) Further consideration of the options for enforcement action be deferred subject to the early submission of:
 - (i) a revised risk assessment; and
 - (ii) satisfactory information identified in (2) above.
- (4) A further report on progress be submitted to the Planning Committee at its next meeting on 8 January 2015.

1.2 This report relates to resolution (4) and is brought as a matter of urgency because of the concern about public safety and because it was not possible to document progress in time for the normal agenda despatch.

2.0 BACKGROUND

2.1 As reported to the December meeting, the site is allocated for housing and has been the subject of three planning permissions for residential development, with construction underway and occupation of the first dwelling before Christmas 2014 considered possible.

2.3 The developer has confirmed that some dwellings are now occupied, in breach of condition 16 of planning permission 13/01956/FUL, which requires a risk assessment in respect of a nearby PRoW crossing the ECML and mitigation measures to be carried out in advance:

16. *PROW Level Crossing – Risk Assessment & Mitigation*

Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.

Reason: To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.

3.0 UPDATE

- 3.1 Officers met with the developer and an officer from the Rights of Way Authority, North Yorkshire County Council, to discuss these matters and the appropriate next steps with regard to the risk assessment required by condition 16 on 19 December 2014.
- 3.2 The developer has since confirmed that at present there is no public access from the new housing to the PROW because a securely hoarded building site separates the two. They advise that this will remain in place for the duration of the development until the dwellings directly adjacent to the PROW have been completed. The developer has confirmed that construction works in this area will commence within 12-18 months' time and until such time, pedestrian connection from the site to the PROW will remain restricted.
- 3.3 The developer has agreed to revise the risk assessment to include consideration of appropriate mitigation measures. The mitigation measures that were discussed with the Rights of Way Authority and which will be assessed further are:
- i Arrangements for ensuring the building site between the new housing and the PROW is secured during the construction phase;
 - ii The configuration and alignment of the new path leading to the PROW to direct users towards Northallerton, not the railway;
 - iii Positive signage directing PROW users to Northallerton and to Yafforth Road/Standard Way;
 - iv A gate and fence, with surfacing improvements on the PROW where it approaches the ECML; and
 - v Retaining a secure fence on the site's southern boundary until ii – iv are carried out.
- 3.4 The developer has undertaken to provide plans of these measures for an independent safety audit, to be carried out by Road Safety Initiatives LLP, and to submit the revised risk assessment to the Council by the end of January.
- 3.5 A further report will be provided to the 5 February meeting.

4.0 RECOMMENDATION

- 4.1 It is recommended that the report be noted.

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Background papers: None

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