

HAMBLETON DISTRICT COUNCIL

Report To: Planning Committee
2 April 2015

From: Director of Environmental and Planning Services

Subject: **UPDATE ON THE IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT & MITIGATION CONDITION – FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON**

Northallerton North Ward

1.0 PURPOSE OF THE REPORT

- 1.1 To update the Committee on progress with details required by the planning condition imposed in response to concerns about public safety relating to use of a Public Right of Way (PRoW) crossing the East Coast Main Line (ECML) close to the development site.
- 1.2 As noted in paragraph 3.3, specialist advice has been commissioned to assist in the assessment of the submitted details. It would be premature to consider the issues in advance of that advice and this report is therefore presented to the Committee for information purposes.

2.0 BACKGROUND

- 2.1 The site is allocated for housing in the Allocations Development Plan Document (2010) with an anticipated 300 dwellings and planning permissions were granted for 283 dwellings in December 2011 and May 2013.
- 2.2 The current developer, Barratt/David Wilson Homes, took on the site after securing planning permission for 241 dwellings in May 2014 on completion of a legal agreement. The scheme is now under construction with a number of dwellings now occupied.
- 2.3 The permission included a condition, number 16, requiring a risk assessment and mitigation measures in respect of a nearby PRoW crossing the ECML:

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.

- 2.4 A site layout showing the development and the PRoW is attached at Annex 'A'.
- 2.5 In December 2014 Planning Committee resolved to press the developer for submission of appropriate risk assessment and mitigation measures by the end of January 2015. The developer complied with this by submitting the requested risk assessment and mitigation measures on 29 January.

3.0 CURRENT POSITION

- 3.1 The risk assessment includes a safety audit of the ECML crossing carried out by a consultant, Road Safety Initiatives. The safety audit proposes mitigation measures intended to improve the safety of the crossing.
- 3.2 Network Rail, British Transport Police and the Rights of Way Authority have all been consulted. In view of Member concerns regarding the safety of the crossing, officers requested safety advice from the Health & Safety Executive and the Royal Society of Prevention of Accidents (RoSPA). Neither organisation has a statutory duty to comment on the submission and both have declined to comment.
- 3.3 However, RoSPA has recommended a specialist safety consultant, TMS Consultancy, and TMS has been engaged to review the risk assessment and mitigation measures.

4.0 NEXT STEPS

- 4.1 In order to advise the Council, TMS will:
- i Inspect the crossing;
 - ii Carry out an independent safety audit;
 - iii Compare its safety audit with the one carried out for the developer; and
 - iv Make recommendations to the Council.
- 4.2 These actions will be carried out by mid-April and it is anticipated that a substantive report will be brought before Planning Committee on 30 April or 28 May, depending on whether TMS's recommendations require further negotiation with the developer. Until this report is submitted it would be premature to consider the issues or the proposals in the developer's risk assessment and potentially may prejudice any future decision.
- 4.3 The situation on site is under review. At this stage, the issue remains important but not urgent because:
- i The majority of the site is undeveloped and is an active construction site; as such it does not currently permit direct public access between the housing that will soon be occupied and the PRow;
 - ii The developer has advised that it does not intend to create the pedestrian link between the site and the Public Right of Way until development occurs in the adjacent southern part of the site; this is not expected to be until late 2015 at the earliest.

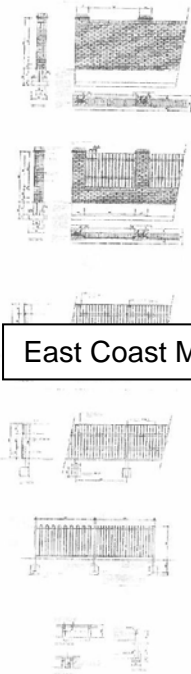
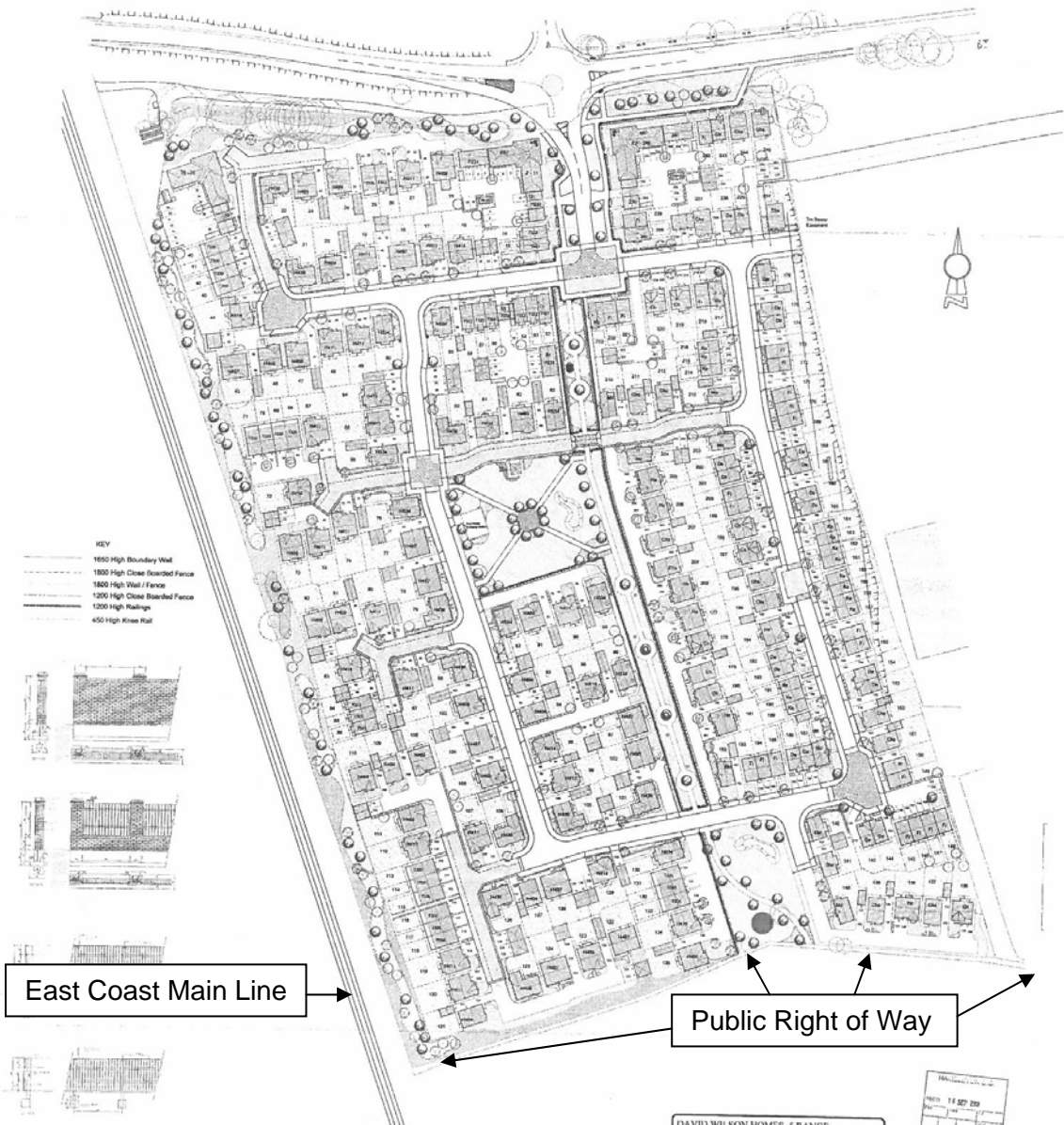
5.0 RECOMMENDATION

- 5.1 It is recommended that the report be noted.

MICK JEWITT

Background papers: None
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CASTLE GATE & MOWBRAY PARK, NORTHALLERTON



CONSENT TO DEVELOP
 Proposed Development: Castle Gate & Mowbray Park
 DO NOT SCALE. IF IN DOUBT ASK.

SCHEDULE OF HOUSE TYPES

CLASS RANGE	NAME	BEDS	No	Sq Ft
KENDAL	2 BED	14	550	
BRINSLEY	3 BED	19	700	
FINSTLEY	3 BED	23	834	
DARWETH	3 BED	3	905	
DOWPETH	3 BED	10	927	
CHURCH	3 BED	8	1064	
CHESHAM	4 BED	18	1118	
HEATHFIELD	4 BED	7	1254	

TOTAL UNITS: 98 No

DAVID WILSON HOMES - 3 RANGE
SCHEDULE OF HOUSE TYPES

Type	Name	Spec	BEDS	No	Sq Ft
007	Wickham	A3	2 Bed	30 No	655 A+
020-5	Strawson	A3	2 BED	3 No	704
021-5	Fieldside	A3	2 BED	3 No	704
1222-5	Greenwood	A2	3 BED	10 No	1188
1223-5	Palme	A2	4 BED	2 No	1250
1400-5	Irving	A2	4 BED	5 No	1250
1811-5	Millfield	A1	4 BED	23 No	1102
1720-5	Stoughton	A2	3 Bed	18 No	1248
1811-5	Beaumont	A2	4 BED	8 No	1248
1848-5	Stables	A1	4 BED	18 No	1536
1848-5	Lynne	A1	4 BED	18 No	1591
1847-5	Chesham	A1	4 BED	18 No	1763
0208-5	Madison	A1	5 BED	9 No	1993

TOTAL: 140 No

1:500 @ A3
 18 SEP 200
CASTLE GATE & MOWBRAY PARK, NORTHALLERTON
 PLANNING LAYOUT
 12.1088.01

PLANNING LAYOUT