

From:
To:
Subject: Re: NYM/2021/0351/OU
Date: 22 December 2021 15:01:59
Attachments: [NYM 2021 0351 OU.pdf](#)

Good Afternoon

This planning application was discussed at the Parish Council meeting held on 15.12.21 and the Councillors would like to raise the following objections.

OBJECTIONS The Parish Council registered comprehensive objections following its meetings on 19 May 2021 and 23 June 2021, these objections remain. In addition, Cllr Mortimer has provided notes detailing further reasons for objection which are attached.

Kind regards Jude Wakefield Parish Clerk and RFO Fylingdales Parish Council

Notes on the recent submission to NYMNP regarding NYM/2021/0351/OU dated 17 11 2021

The applicant has recently provided a set of notes and speed data for the proposed application, replacing the material rejected earlier in the year by the Highways Authority.

There are several problems with the details submitted. These start with the fact that:

- The applicant makes assertions that are not backed up by references
- Where references are used, they do not support the claims being made
- The applicant's premise is that the position of the site is in a quiet low-speed area; that is clearly untrue

Looking at the material provided by the applicant, it shows an 85th percentile speed up hill of 52.63 kph at ATC01 and downhill **61.8kph at ATC02**. These exceed legal speeds in both directions. The speed at ATC02 is **outside** that normally expected in a built up 30 mph zone, and is outside of the normal speeds covered by Manual for Streets 2 (MfS2).

Because of the extreme speed at ATC02, according to MfS2 several parameters in the equation used by the applicant's consultants AMA should have been changed in their calculation of splay distances. Where speeds exceed 60kph, values for driver perception reaction time rise to 2 seconds from 1.5, and deceleration drops to 2.45 m/s² from 4.41 (MfS2 Table 10.1). That necessarily affects the estimates for splays.

The recalculation of the splay, using correct parameters, increases the splay distance from the incorrectly claimed 68.21m to **122.29m**. Add to this the other splay, then the total splay widths to be accommodated on the site is 169.69m. This is **an additional 54.08m**: add in the 8.5m width of the proposed opening, and the total (178.19m) is far more than the frontage of the site. That can **only** be accommodated by using the hedgerows of neighbours.

We also object on traffic grounds due to the fact that:

- At ATC01 over a 7-day period there was a heavy volume of traffic (**4347** vehicles moving S, **4466** moving N). At a point c 70m below the planned opening for the proposed development, coming from within a 30mph zone, **well over 600 cars were speeding >30 mph around a corner approaching the entrance**. Note that cars are normally parked on the other side of the road, making this a dangerous pinch point. Speeding cars passing both ways were **in excess of 1000** during that week.
- Data collected at ATC02 over a 7-day period confirms that road traffic safety is a real issue. Traffic coming downhill on the left approaching the planned opening is within a 30mph zone. AMA data indicated that of the **4340** vehicles recorded on the downhill side during the 7 days 12- 18.10.2021, some **1939 were in excess of 30 mph, and 13 were > 45mph** as they approached the site, and a line of parked cars forcing them into the centre of the road at speed. Taking vehicles going up and downhill (**8897**) past the planned site opening during that period, **some 2863 were >30 mph**.
- The setback distance cited is also not in line with either MfS2, or the NYCC 1998 design guide. It should be 2.4m. That also affects the splay placement.

The applicant claims that there will be a net gain for hedge length. No data are provided, and clearly with correct splays, claims for net gain are wrong- as the splay distance is far longer than any proposed remedial hedge planting.

The applicant fails to recognise that the hedge and stone wall that it wants to remove is one that meets the 1997 Hedgerow Regulations: a point established by 3 surveys of the hedge across the period early spring to late summer 2021. Planting a few shrubs is different from a diverse hedgerow- especially a significant ground flora.

On the basis that there is:

- Significant speeding both uphill and downhill
- Splay calculations were in error
- The setback distance is wrong
- There is no basis for unquantified claims of net gain on hedge removal and shrub planting; a full hedge flora cannot be magically returned by planting shrubs.
- That the applicant has provided no biodiversity data for NYMNP to evaluate
- There is no reason to change the decisions of previous applications that were refused on the highways grounds

It is requested that the Park rejects the application.

The Inspector said the land shouldn't be used for housing until NYCC highways had put in amelioration on the road. THIS HAS NOT HAPPENED therefore this application must be refused.

From: Elspeth Ingleby
Sent: 22 December 2021 12:50
To: Hilary Saunders
Subject: RE: Hedgerow Translocation Report - Application Number NYM21/0351/OU at Land west of Highfield, Sled Gates, Fylingthorpe

Hi Hilary

Thanks for passing this on which does make interesting reading.

Regardless of where the hedgerow stands under the Hedgerow Regulations (which are acknowledged to be superseded by planning regulations) it is clear that the hedgerow classifies as being a habitat of importance (under the NERC Act as referred to by this report) and therefore in line with our Statutory Purposes we would not want to see this habitat lost or detrimentally affected by the proposals.

According to the mitigation hierarchy, which seeks to avoid impact before reducing or mitigating for impact caused, ideally the hedgerow would be retained in its existing position thus negating the potential for detrimental impact to the habitat, however if that is not possible due to reasons considered of greater importance on planning balance, then the proposed methodology of hedgerow translocation would be more acceptable than removal and replanting, with greater retention of existing habitat and a reduced lag before the realigned hedgerow provides ongoing habitat. Appropriate conditions would

of course be needed to secure this, should that be the case.

Thanks

Elsbeth

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION-
ADDITIONAL/AMENDED INFORMATION**

Application No:	NYM21/0351/OU
Proposed Development:	Application for outline application for construction of up to 5 no. dwellings with associated access (matters reserved: appearance, landscaping, layout and scale)
Location:	Land west of Highfield, Sled Gates, Fylingthorpe
Applicant:	SIW Properties

CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/29/709	Tel:	
County Road No:		E-mail:	

To:	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	Date:	13 December 2021
FAO:	Hilary Saunders	Copies to:	

Note to the Planning Officer:

The Local Highway Authority (LHA) has received further information since the issue of the recommendation dated 4/8/21 including an amended layout and amended visibility splay.

The LHA are not aware of where an allowance to say the Y distance looking left can be adjusted away from the nearside kerbline for the reason that the oncoming traffic will not be at this location. The far side does frequently have parked cars on the road which has the resulting effect of pushing the oncoming vehicles, including buses, out into the near side lane. Therefore the LHA does not accept the claim that the visibility can be measured at a point 0.9 metres out into the road.

Section 7.7.7 of Manual for streets does say that the X value for measuring visibility can be adjusted to 2 metres for lightly trafficked roads and as the proposed access is a private drive and the flows of traffic on the major road are relatively low, the LHA are willing to agree that this can be applied for this location.

The applicants calculations in determining the required visibility splays include small adjustments for gradients, wet weather etc. The LHA has not evaluated these

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM21/0351/OU

figures as it does not have a bearing on the ultimate conclusion that the LHA has made. The proposals for the downhill, north side visibility is that a distance of 47.4 metres is required. The latest revised plan, AMA/20940/SK/006 dated 09/11/2021 shows this to be achievable by moving the access point southwards from the previous layout. The applicant has claimed that the Y value of 47.4 can be achieved but this is relying on the X value being relaxed to 2 metres and the hedges are maintained so that it does not overhang the proposed highway extents. For the uphill, south side, the required visibility distance is 68.2 metres. The applicant claims that the Y value visibility can be achieved only by taking a point 0.9 metres out from the kerbline into the carriageway. The achievable distance on the kerbline is in the region of 48 metres. These figures are relying on the X value being relaxed to 2 metres and the hedges of the neighbouring properties maintained so that they do not overhang the existing highway extents.

R2 VISIBILITY AT NEW ACCESS

The Planning Authority considers that clear visibility of 68.2metres cannot be achieved along the public highway in a southern direction from a point 2 metres from the carriageway edge measured down the centre line of the access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

<p>Signed:</p> <p style="text-align: center;"><i>Ged Lyth</i></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<p>Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p>e-mail: _____</p>
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**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION-
ADDITIONAL/AMENDED INFORMATION**

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Location:	Land west of Highfield, Sled Gates, Fylingthorpe
Applicant:	SIW Properties

CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/29/709	Tel:	
County Road No:		E-mail:	

To:	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	Date:	13 December 2021
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**LOCAL HIGHWAY AUTHORITY
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Continuation sheet:

Application No:

NYM21/0351/OU

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<p>Signed:</p> <p style="text-align: center;">Ged Lyth</p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<p>Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p>e-mail:</p>
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From:
To:
Subject: Application for outline application for up to 5 no. principal residence dwellings etc. Land west of Highfield, Sled Gates, Fylingthorpe NYM/2021/0351/OU
Date: 18 November 2021 12:16:56

FAO Mrs Hilary Saunders

Application for outline application for up to 5 no. principal residence dwellings etc. Land west of Highfield, Sled Gates, Fylingthorpe NYM/2021/0351/OU

I refer to your e-mail of the 18th November 2021 in respect of the above amended application. I hereby confirm that I have no additional comments on the proposals.

Thanks

Steve

Steve Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM
Residential Regulation Manager
Scarborough Borough Council

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From: Rachel Pickering

Sent: 05 October 2021 12:57

To: Hilary Saunders

Subject: RE: FW: Response To Application Number NYM21/0351/OU at Land west of Highfield, Sled Gates, Fylingthorpe

The Authority is unable to state whether the hedgerow would be classed as 'important' according to the 1997 Hedgerows Regulations without doing a proper assessment ourselves. However, regardless of whether the hedge fits this legal classification, from the information provided from various sources it seems that this is a good example of an ecologically rich hedge which is a priority habitat and this needs to be taken into consideration by the planners when assessing the planning application.

If we were to get a hedgerow removal notice from the applicant we would carry out a full assessment which would result in them being issued a hedgerow retention notice (if classed as important) or being told they could remove the hedge (if not classed as important).

All hedges are protected so permission must be sought to remove them. Planning permission can of course override the need for this.

From:
To: [Planning](#)
Subject: Re: NYM/2021/0351/OU
Date: 12 August 2021 09:56:58

Below is our response to the revised application.

NYM/2021/0351/OU

Application for outline application for construction of up to 5no.principal residence dwellings with associated access (matters reserved: appearance, landscaping, layout and scale) at land west of Highfield, Sledgates, Fylingthorpe.

After Councillors now having had time to read the revised detail within the above application they would like to make comments as follows:-

1. The traffic survey does not add up. The survey suggests that the traffic is lighter than 20 years ago – which is probably was as the survey was done in December during a pandemic lockdown! The second monitoring point indicated on the plans was not there, also according to the figures somehow vehicles went missing between the two points.

This road is busier than it has ever been. Cyclists are following the route of the Tour de Yorkshire and their numbers have increased exponentially. Cyclists have been seen coming down Sledgates crouched over the bikes handle bars as though they were in the Tour de France.

Cars have to park on the right hand side of the road coming out of Fylingthorpe as the houses do not have drives and garages. Cars park on both sides. The photograph in the application indicates this. The road is narrow and buses, one going up and one coming down which happens regularly because of timetabling cannot pass each other. The pavement is used regularly by the bus going up hill, in fact all traffic has to be careful in this area.

The Inspector who dismissed the appeal said the land/access should not be used until the Highway Department did work on the road or put a scheme in place to reduce the speed of the traffic. Nothing has changed.

2. The ecological survey of the hedge was only done at one time of year and no allowance has been made for other species that become obvious earlier or later in the year.

Fylingdales Parish Council stands by all the points in its previous objection to this application.

Jane Mortimer

Acting Clerk

From:
To: [Planning](#)
Subject: Re: NYM/2021/0351/OU
Date: 26 July 2021 10:10:43

Flyingdales Parish Council objects to this application, all the reasons for this strenuous objection have already been sent twice to yourselves and the Parish Council wish those objections to stand.

Regards,
Jane Mortimer
Acting Clerk.

On 22/06/2021 13:37 planning@northyorkmoors.org.uk wrote:

Reference: NYM/2021/0351/OU.

The North York Moors National Park Authority Planning Service welcomes public engagement in all aspects of its work. You have received this email in relation to a current planning matter. The attached correspondence contains important information which you are advised to retain for your records. If you have any queries, please do not hesitate to contact us. When replying it's best to quote our reference number, which is included in the attached letter.

The Authority is following Government advice concerning Covid-19 as such our working arrangements may change. We will ensure our letters and website are updated as and when required in order to provide our customers with the most up to date information.

Kind regards

Chris France

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley, York YO62 5BP



North York Moors
National Park

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION-
ADDITIONAL/AMENDED INFORMATION**

Application No:	NYM21/0351/OU
Proposed Development:	Application for outline application for construction of up to 5 no. dwellings with associated access (matters reserved: appearance, landscaping, layout and scale)
Location:	Land west of Highfield, Sled Gates, Fylingthorpe
Applicant:	SIW Properties

CH Ref:	Case Officer:	Ged Lyth
Area Ref:	4/29/709	
County Road No:		

To:	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	Date:	4 August 2021
FAO:	Hilary Saunders	Copies to:	

Note to the Planning Officer:

The Local Highway Authority (LHA) has received further information since the issue of the recommendation dated 24/6/21 where the agent has responded to the issues and concerns raised by the LHA. The LHA is not satisfied that this latest response sufficiently addresses the LHA concerns to change the recommendation of refusal.

1. Survey Locations.

The LHA confirm that the locations shown are appropriate locations for the surveys. However, the LHA has received new queries about the locations. These are mentioned further below.

2. Survey timings.

The LHA cannot agree with all of the consultants reasoning. Whilst it is agreed that some of the data for a summer holiday period is likely to have reduced speeds compared with the December survey during the daytime, other factors such as the longer daylight hours are likely to have the opposite effect.

**LOCAL HIGHWAY AUTHORITY
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3. Vision Splays.

Whilst this is a concern for future residents of the proposals, it is not reasonable to object to the developers plans on the grounds that hedges belonging to neighbouring plots are not maintained sufficiently.

4. Work required to achieve the vision splay.

Agreed, no further comment required.

Comments 5, 6 and 7 all relate to the calculations in the speed survey.

The LHA does not agree with all of the consultants reasoning. The LHA are not aware of any part of the Design Manual for roads and Bridges document, Document CA185 Vehicle Speed Management where it permits a reduction of 2.5mph for wet weather. Although it does include an increase for when the road surface is wet. The LHA do not accept the comment "it is generally accepted that this is acceptable to a maximum of 600mm from the nearside kerb" as the LHA are not aware of such allowance in the CA185 document.

Regarding the comments received about the traffic surveys not taking place at the times or locations shown, the following observations have been made.

As stated in 1 above, the locations shown by the consultant would be in appropriate locations. However, the LHA would expect that such survey points are positioned next to fixed objects such as a lighting column or telephone pole. On the downhill side, a lighting column is located approximately 10 metres further downhill away from the locations shown. Similarly, on the uphill side, a telephone pole is located approximately 15 metres further uphill of the suggested locations. If these are the actual locations, the LHA is willing to accept these as appropriate locations.

The LHA can confirm that a notification for a traffic survey on Sled gates for those dates was received.

Does the applicant have any further information to help substantiate where and when these surveys took place?

Finally, it has been brought to the attention of the LHA that there are anomalies in the data of the survey. Taking the generous distance between the lighting column and the telephone pole this measures 150 metres, includes 11 dwellings and no junctions.

Therefore, it would be expected that the two eastbound volumes of traffic and the two westbound volumes of traffic would be very similar. However, this does not appear to be the case. Can the agent provide any reasonable reason for this occurring?

For Westbound / uphill traffic

	3/12/20	4/12/20	5/12/20	6/12/20	7/12/20	8/12/20	9/12/20
	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
upper west site	363	345	321	268	322	368	327
lower east site	355	398	325	306	378	389	370

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



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difference -8 +53 +4 +38 +56 +21 +43

traffic
entering
zone
shown as
positive.

For Eastbound traffic / downhill

	3/12/20	4/12/20	5/12/20	6/12/20	7/12/20	8/12/20	9/12/20
	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
upper west site	333	368	312	299	339	364	344
lower east site	389	378	338	276	360	398	359
difference	-56	-10	-26	+23	-21	-34	-15

traffic
entering
zone
shown as
positive.

Whilst small discrepancies would be expected, these numbers are surprising unexpected.

Taking a cumulative increase or decrease on the number of vehicles located between the survey points over the 7 days, this produces these figures based on whatever the base number was from when the survey starts.

	3/12/20	4/12/20	5/12/20	6/12/20	7/12/20	8/12/20	9/12/20
	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
cumulative number of vehicles compared with starting figure	-64	-21	-43	+18	+53	+40	+68

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This suggests that the number of vehicles located between the two survey locations between the dates of Thursday 3/12/20 and Wednesday 9/12/20 fluctuated by 132 vehicles.

Unless the agent can provide a valid reason why the amount of vehicles located within a 150 metre length, would vary by such an amount, the LHA would contest the validity of the information supplied.

Signed:

Ged Lyth

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

From:
To:
Cc: [Planning](#);
Subject: NYM/2021/0351/OU - Land west of Highfield, Sledgates
Date: 08 July 2021 09:31:20

Hi Hilary

The ecological opinion provided by Middleton Bell Ecology is that the hedgerow in question (hedge 1 of the assessment) does not qualify as a hedgerow of importance under the Hedgerow Regulation, however they do caveat that assessment with the acknowledgement that the time of year is not ideal for identifying many of the specific woodland flora species listed under the Regulations as qualifying as supporting features in the assessment. In response to the assessment, a member of the local community has provided a photograph purported to be from earlier this year of the base of the hedge, containing at least two woodland flora species not identified in Middleton Bell Ecology's assessment (which had found 1 qualifying species).

Whilst we cannot prove that the hedge should be counted as 'of importance' under the Regulations on the basis of the photograph provided by in a third party comments, I feel that this evidence when combined with a historic survey which previously found a greater abundance of woodland flora, and the acknowledged limitation of the Middleton Bell Ecology opinion provided, is sufficient to raise doubts that the presence of woodland flora species can be excluded on the basis of the survey provided which was carried out in late June when woodland flora may have died back or been repressed and hidden due to latter growth of lush species. I would therefore advise that if the determination of the application is dependent on this hedgerow being removed, that a revised assessment should be made at the most appropriate time of year (in spring, ideally late April time) to evaluate fully the ground flora present and ultimately resolve the status of the hedgerow.

Best wishes

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

From:
To: [Planning](#)
Subject: Re: NYM/2021/0351/OU
Date: 05 July 2021 10:01:40

Objections to the above application from Fylingdales Parish Council

Planning –

1. NYM/2021/0351/OU Application for outline application for construction of up to 5 no. dwellings with associated access (matters reserved: appearance, landscaping, layout and scale at Land west of Highfield, Sledgates, Fylingthorpe This application has been altered and needed to be looked at again.

Objections: The objections put forward previously still stand but with further objections:
- The sight lines information given to the Highways Department is different to the ones on the plans. The owners of the hedges that have to be taken down to allow for the proper sight lines have still not been approached for permission. The promised hedgerow report is not available. Is it legal to cut these hedgerows down?

I hope the Parish Councils objections are taken on board by the Planning Committee as they have local knowledge of the circumstances and traffic speeds.

Yours,

Jane Mortimer
Acting Clerk

From: Nick Mason
Sent: 25 June 2021 16:51
To: Hilary Saunders <h.saunders@northyorkmoors.org.uk>
Subject: RE: 2021/0351/OU Sledgates

Hi Hilary,

Thanks for the contact on this one. There is not much I can say about the wall/hedgeline at the front of the plot. As you say there is little to indicate that the walling is of any great antiquity, though a boundary has clearly been there since at least the first OS mapping (1850s) and likely much longer. Elspeth can probably say more about that based on the condition of the old hedge.

There is little from historic mapping, aerial imagery or existing records to indicate that there is anything archaeologically significant on the site. However, given the proximity to Fylingthorpe, a Domesday village, there remains the potential for archaeology. If the application were to be approved down the line, I would request a condition for an

archaeological watching brief on the groundworks, the exact methodology to be agreed between the developer and archaeologists when a final plan was submitted. However, I suggest that it might be worthwhile the developer carrying out a pre-emptive evaluation of the site: this would probably be best achieved by desk-based assessment and geophysical survey to better ascertain the likelihood of archaeological features being present beneath the surface. Magnetometry would likely be the best way forward. Assuming that no features were identified to a reasonable depth, this would negate the need for the watching brief, and should save money and time overall. Please note that this is not a guarantee however.

If the developers or their agents would like to discuss any of the heritage issues raised, then as ever they are welcome to contact me within the bounds of the planning system. I do feel it would be helpful to commence an evaluation strategy ASAP if approval is forthcoming.

Best,

Nick Mason
Archaeology Officer

**NORTH YORKSHIRE COUNTY COUNCIL
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Applicant:	SIW Properties

CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/29/709	Tel:	
County Road No:		E-mail:	

To:	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	Date:	24 June 2021
FAO:	Hilary Saunders	Copies to:	

Note to the Planning Officer:

The Local Highway Authority (LHA) has received further information since the issue of the recommendation dated 15/6/21. At this moment, the LHA is not changing that recommendation of refusal without further clarification on a number of issues.

The principal highways concern regarding this application is whether visibility splays can be achieved in both directions for the proposed access. The applicant has produced a revised drawing, nr. AMA/20940/SK004 dated 7/6/21 stating that splays of 2.0 x 58 metres to the west and 2.0 x 40 metres to the east are the maximum splays that can be achieved.

It is worth mentioning that previous applications for similar developments at this location have been submitted, refused and appeals lost with the vision splay requirements being one of the key reasons. In 2007 an appeal was lost with reason numbers 5, 8, 9 and 11 referring to different requirements for the different approach speeds from the two different directions. However, Reason number 11 mentions that the appellant has not provided any alternative speed survey data to provide evidence of what figures would be appropriate. The data provided for this application includes the results of a speed survey carried out in Dec 2020 producing 85th percentile speeds of 36 mph for traffic travelling downhill / north east bound and 28.3 mph for uphill traffic, south west bound. these speeds correspond to distances of 57 metres and 40 metres respectively. As these minimum requirement figures and maximum achievable figures are virtually the same (one metre difference for one direction) the Local Highway authority has a number of concerns about these figures that should be addressed:

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Application No:

NYM21/0351/OU

- The details refer to the fact that two surveys were carried out but the locations have not been mentioned. Can these locations be confirmed and ideally shown how close they are to the 57 metres south west of the proposed junction and 40 metres north east.
- The surveys were done in Dec 2020. December is not a typical neutral traffic month as specified by the Department of transport Design Manual for Roads and Bridges CA18. Can the applicant provide any information as to why this timing should be considered appropriate.
- For the vision splays to be achievable, it is relying on neither of the two neighbouring plots to have any hedges or vegetation growing over the highway boundary. Traditionally, the local Highway Authority would only write to the owners of the properties with any over hanging vegetation concerns following a routine inspection or an inspection following a complaint.
- On the clear understanding that the work needed to make the alterations as shown on the plan will require removing the current hedgerow and wall at the back of the existing footway.
- The figure of 36mph is taking into account a reduction of 2.5mph for wet weather reduction but the survey was carried out over 7 days, therefore this reduction should not apply.
- No consideration to the incline of the road appears to have been taken into consideration. Have the gradients at the points surveyed being measured.
- As the road is a bus route, an allowance for a safe stopping distance of these vehicles should be applied.

Can the applicant respond to these points and where appropriate, amend any details to the visibility splays required and what is achievable?

<p>Signed:</p> <p style="text-align: center;"><i>Ged Lyth</i></p> <p><small>For Corporate Director for Business and Environmental Services</small></p>	<p>Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p>e-mail:</p>
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YorkshireWater

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Yorkshire Water Services
Developer Services
Pre-Development Team
PO BOX 52
Bradford
BD3 7AY

For enquiries contact:
Becca Khan on

Your Ref: NYM/2021/0351/OU
Our Ref: X010065

21st June 2021

Dear Sir/Madam,

Land west of Highfield, Sled Gates, Fylingthorpe - Outline application for construction of up to 5 principal residence dwellings with associated access (matters reserved: appearance, landscaping, layout and scale)

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

**The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
(In the interest of satisfactory and sustainable drainage)**

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and**
- ii) the means of discharging to the public sewer network at a restricted rate of 3.5 litres per second.
(To ensure that no surface water discharges take place until proper provision has been made for its disposal)**





YorkshireWater

1. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

2. The developer is proposing to discharge surface water to public sewer via SUDS however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer network at a restricted rate of no more than 3.5 litres per second.

Yours faithfully

Becca Khan
Pre-Development Sewerage Technician



From: Elspeth Ingleby

Sent: 18 June 2021 17:39

To: Hilary Saunders

Cc: Chris France

; Mark Hill

; Elizabeth Clements

Subject: RE: New application post - NYM/2021/0351/OU - Land west of Highfield, Sled Gates, Fylingthorpe - Third Party

Hi Hilary

In light of recent public comments regarding the hedgerow and its importance, and the age of the previous ecological information, I felt it would be helpful to set out the context of the Hedgerow Regulations 1997 by which Local Authorities are given a framework to establish whether a hedgerow can be considered of importance. As stated in my initial response, whilst planning applications are not bound to the Hedgerow Regulations (planning legislation supersedes), it is generally considered appropriate that similar criteria is used in assessing a hedgerow as a landowner could choose to remove a hedge out with of any planning application by notifying the Local Authority as per due process and if not deemed of 'Importance' we would be unable to refuse consent.

In order for a hedgerow to be deemed 'Important' under the Hedgerow Regulations of 1997, it must be in existence for at least 30 years and satisfy at least 1 criteria set out within part II of Schedule I of the Regulations. These criteria reflect the hedgerow's potential archaeological, historical, wildlife or landscape value. There are eight different criteria set out in the Regulations, five connected with archaeological, historical or landscape values, and three relating to wildlife value. From our experience of dealing with hedgerow notifications in the National Park, most hedgerows that are deemed 'Important' classify under archaeological, historical or landscape reasons, with unfortunately very few qualifying for any of the three 'wildlife' criteria, as a very significant level of ecological value is required to qualify. As any qualifying features for the archaeological, historical or landscape criteria must relate to records predating 1997, these cannot have changed since the hedgerow was previously assessed by colleagues for a previous application on the site. There was not found to be the features necessary to meet the criteria under these values and I will therefore not go into these further here.

The three wildlife related criteria are based on;

- The presence of species listed under several specific schedules of the Wildlife and Countryside Act (1981), declining breeders of the rare data list or species categorised as 'rare' 'vulnerable' 'endangered' or 'extinct' in Red Data books.
- The number of woody species in the hedge, combined with a certain number of associated features (more woody species means there needs to be fewer associated features)
- The presence of an adjacent public right of way (certain types only) and including four woody species and associated with at least two additional features.

Where 'woody species' are referred to these must be on a specific list provided under Schedule 3 of the Regulations, and due to the length of the hedge, these must be within the central 30m of hedgerow. Some species including willow and rose are grouped (ie two types of willow counts as only one type of woody species).

When previously assessed, the hedgerow was found to contain no species that qualify under the first of these criteria. Three woody species were found within the relevant part of the hedgerow, one fewer than the minimum number required under the Regulations for the second criteria, which would require four associated features. Assuming that the site contains at least three qualifying woodland ground flora species (as it did previously) this site would have three associated features. To qualify with three associated features, at least

five woody species would need to be present. The last criteria relates to an adjacent public right of way. Since the previous assessment was made, no alterations have been made to the Hedgerow Regulations and therefore the same very strict definition of what is included under this criteria remains. My colleagues determined previously that the adjacent road in this case does not qualify under this criteria.

The length of time that ecological surveys can be deemed valid is variable depending on what is being assessed. Two years is considered a rough guide, however in some cases more frequent assessment is likely to be necessary, for example for very mobile species such as bats, whereas in other cases where the features of interest are unlikely to have changed then a longer period may be valid. My professional opinion is that the likelihood of new woody species (included under Schedule 3 of the Hedgerow Regulations) becoming established in a managed hedge on the edge of a village environment since the previous assessment was conducted is small. I also believe that the likelihood of finding rare protected species within the hedge that would qualify under the first criteria listed above, that hadn't been previously recorded, in such an environment is likewise extremely small. However I do accept that the risk is not negligible, and therefore in order to make absolutely sure that nothing has been missed, it would be appropriate that the applicant commissions a hedgerow assessment of the hedge in question to be undertaken by a suitably qualified ecologist. The assessment should provide an opinion on whether the hedgerow would qualify as an important hedge under the Hedgerow Regulations by satisfying one or more of the 'wildlife value' criteria (paragraphs 6 to 8 of the Regulations). It would be helpful if a full species list of the hedge (including all woody and ground flora species) is also provided, as this would give valuable information regarding an appropriate planting mix should the application subsequently be approved and the hedgerow removed and replaced on a new line as proposed.

Kind regards

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM21/0351/OU**

Proposed Development: Application for outline application for construction of up to 5 no. dwellings with associated access (matters reserved: appearance, landscaping, layout and scale)

Location: Land west of Highfield, Sled Gates, Fylingthorpe

Applicant: SIW Properties

CH Ref: **Case Officer:** Ged Lyth

Area Ref: 4/29/709 **Tel:**

County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 15 June 2021

FAO: Hilary Saunders **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority (LHA) has taken into account the following matters:

The LHA has taken into account the 2007 application for this location and the subsequent appeal, APP/W9500/A/07/2056979/WE with specific reference to the visibility splays required.

The design standard for the site is Manual for Streets. Reference is made that a speed survey produced an 85th percentile speed for traffic travelling uphill of 28.3mph which equates to a visibility splay requirement of 40 metres.

The available visibility is shown on Drawing no. AMA/20940/SK001 which shows that a visibility splay of 2.4m by 35 metres is achievable. The applicant has stated that reducing the value of 2.4 metres to 2.0 metres makes no difference to the 35 metres value that is achievable.

Consequently, the Local Highway Authority recommends that Planning Permission is **REFUSED** for the following reasons:

R2 VISIBILITY AT NEW ACCESS

The Planning Authority considers that clear visibility of 40 metres cannot be achieved along the public highway in a downhill direction from a point 2 metres from the carriageway edge measured

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

NYM21/0351/OU

Application No:

down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

Signed:

Ged Lyth

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail _____

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM21/0351/OU**

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**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

NYM21/0351/OU

Application No:

down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

Signed:

Ged Lyth

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail:

From: Elspeth Ingleby
Sent: 07 June 2021 16:40
To: Hilary Saunders
Cc: Planning; Holly Ramsden
Subject: RE: New application post - NYM/2021/0351/OU - Land west of Highfield, Sled Gates, Fylingthorpe - Parish

Dear Hilary

I expect that Mark will comment of the established trees to the west of the site, however I would like to address issues regarding the hedgerow running between the road and the proposed site. I have noted comments from the public on its importance and checking our files I note that this specific hedge was the subject of in depth assessment between 2003 and 2006 regarding whether if assessed under the Hedgerow Regulations (1997) it would qualify as a hedge to be retained. The conclusion by officers at the time was that the hedge would NOT qualify for retention, however it had significant important features, including the wall which has historical merit, and the hedge and verge which has considerable ecological value in its own right, including some species which are locally rare. Whilst the Hedgerow Regulations do not apply where a planning application has been submitted which include the removal/disturbance of the hedge, we have always used the standards of the regs as a guide for assessing planning regulations to ensure a consistent approach. I accept that a considerable time has passed since that time, however the reasons for concluding it would not need to be retained under the Hedgerow Regs have not altered in that time.

The proposed plans appear to indicate that the existing line of the hedge would need to be removed almost in its entirety to enable sufficient visibility splays to be inserted. Whilst I cannot object to its removal based on the above criteria, it will need to be reinstated, and I would therefore object to the number of gaps that would be required by the proposed plans (4 pedestrian access as well as the wide vehicular access) which would affect the integrity of the replanted hedge line as a biodiverse habitat. Ideally the pedestrian access routes would be removed to reduce the impact on the integrity of the new hedge. In addition, the wide vehicular access will mean that the hedge that could be replanted will be shorter than that removed. In line with local and national policies we would require more hedgerow to be replanted than is removed and I would therefore suggest that the south-eastern boundary is also replanted as a hedge line using native, diverse hedging species. We would need to agree a minimum height/width for the replanted hedges as well as species mix and planting spec to ensure that sufficient biodiversity value is obtained. No trees or hedges should be removed between March and August inclusive, unless first checked in detail for nests by a suitably qualified ecologist. I cannot comment on the impact of removal of the low stone wall that presumable would also need to be removed, at least in part.

I'd also like to note that due to the site's close proximity to Thorpe Beck, consideration must be given to the mitigation of extra hard standing which is likely to increase surface runoff into the beck. As the mains sewer is noted as being at capacity I would presume that discharge of surface water to sewer will not be permitted. Additionally construction material must be stored carefully and waste material from building fully removed from site.

I am unable to comment on any potential issues with the housing as designs have not been submitted at this stage, however if the outline approval is granted then I would expect to see details within the application for reserved matters for inclusion of some integral bat and bird boxes within the proposed designs. Suitable bird boxes should include several swift boxes.

Many thanks

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM
Ecologist
North York Moors National Park Authority

From:
To:
Subject: NYM/2021/0351/OU
Date: 26 May 2021 20:23:40

Apologies for my first email as I have now found the email on the Clerks web site. Below please find the Parish Council's objection to the application.

Planning –

b) NYM/2021/0351/OU Application for outline application for construction of up to 5 no. dwellings with associated access (matters reserved: appearance, landscaping, layout and scale at Land west of Highfield, Sledgates, Fylingthorpe

Objection: This is not a windfall site. The 4 inch diameter sewage pipe is at capacity, there is also the problem of the discharge of private water. The plans are an inaccurate representation of the hedges and trees on the site and adjacent properties. There has been no reasonable ecological survey.

The applicants have provided a slim document in support of their application. They omit to note that several previous applications were refused on Highways grounds. These include:

NYM/2006/0652/FL – on visibility grounds

NYM/2007/0146/FL- on highways safety grounds.

The core points from the Inspector's Appeal notes in ref APP/W9500/A/07/2056979/WF summarise the conditions then, and these still apply. In the Appeal Decision, the Inspector noted in (7) from that Appeal:

The Sledgates, a C classified road, passes through Fylingthorpe and is the secondary approach into nearby Robin Hood's Bay (a key tourist attraction in the area(from the A171: the main approach is via the B1447. The traffic flow on it has been recorded as 1000 vehicles per day, according to the appellant. It is 200 vehicles per hour in the summer. Although the appeal site is at the edge of the settlement, visually it is within it; it lies opposite a row of close-set semi-detached houses and is between more well spaced larger detached houses and bungalows, with a paved a herbed footway along its frontage on this side. The road has standard street lights. From definitions set out above I consider that it is of the type intended to fall within the standards referred to in MfS.

14 years later a survey took place near the end of a lockdown on 3-9 December 2021 and found only 75% of that number- very atypical. As Govt advised us all to stay at home, it is a gross underestimate. It is unlikely that 14 years on, with a much higher vehicle ownership, that traffic has declined. Of course, it was in winter in a period of Covid restrictions, not a normal summer's set of days.

The Applicant noted that the proposed site ingress and egress is within a 30 mph area. Yet 55% of vehicles approaching downhill were, according to the applicant, going more than 30mph- with 5 > 45mph. That affects the splays. Delivering their proposed splays of 58m to the west and 40m to the east would still be a problem- just as they were at the last Appeal failure.

The splays as drawn would affect a Victorian-era hedge (interestingly, the application form denies that it exists, and also hedges owned by others if it were to make visibility legal. Presuming that others will cut their hedges to suit is a very large presumption.

There is no basis for any claim that the site is safe and likely to be safe in transport / traffic terms. The 2008 Appeal concluded in para 11 -13: There is no reason to claim otherwise in 2021.

"reduction. It seems to me that without additional measures to improve visibility in this direction from the site, or reduce the speed of traffic passing it, the proposal would significantly compromise highway safety.

12. I have read that the Highway Authority may be installing traffic calming measures in the vicinity of the site and if implemented these may change the design speed for the proposed access. However, apart from yellow bordered chevron signs to highlight the bends described above I saw few other measures to slow traffic and in the absence of a detailed scheme, with anticipated design speeds and an implementation programme I have reached my decision on the basis of the current circumstances. No accident injuries have been recorded in relation to this stretch of highway. Nevertheless, this is not sufficient justification to set aside the recently significantly reduced nationally recommended design standards for this type of road access.

13. I conclude that the proposal would harm highway safety, contrary to national and local policy."

Given all the reasons above include the flawed traffic flow survey the Parish Council object to this application and the Parish Council really need an accurate application form not one minus trees and hedges and correct information.

Given the fact there hasn't been any traffic calming measures implemented or even considered the reasons for the Inspectors decision still stands in 2021. In fact traffic, especially cyclists, are travelling faster. The number of cyclists using the road has increased exponentially after the Tours de Yorkshire.

The hedge should be protected under Park terms, and it requires permission (it is an agricultural hedge) for alteration, in fact, as it is not shown on the plans it will probably be pulled out. The hedge, subject to a final botanical survey may well come under the 1997 Hedgerow Regulations for protection as well. There is not just one fence to be considered, the sight lines rely on neighbours being willing or to cut their fences down. In fact they might be breaking the law if they do so as they are agricultural hedges.

The application ignores any biodiversity interests or possible net gains (required by both the NYMNP Local Plan of 2020 and the 2019 NPPF) as there are not desk or field surveys. It ignores most of the relevant sections of the 2020 NYMNP Local Plan and the Supplementary Planning Document 3.

The Parish Council Objection to the application is based on all the above items.

Regards,
Cllr. Jane Mortimer,
Acting Clerk.

Fylingdales Parish Council

From:
To: [Planning](#)
Subject: Bird, bat and swift informatives 10.05.2021- 16.05.2021
Date: 24 May 2021 09:47:28

Hi Planning,

If the following applications are approved please can a **bat informative** be included within the decision notice

NYM/2021/

0371/FL - 75 High Street, Castleton
0367/FL- Birch Hagg Barn, Off Lund Road, Farndale
03332/FL - Keasbeck Hill Farm, Harwood Dale
0271/FL - Bracken View, High Street, Egton
0343/FL - Low House, Station Road, Castleton
0341/FL - Monket Cottage, Daleside Road, Farndale
West
0340/FL - Low Muffles, Hartoft
0351/FL - House on the Hill, Bank Lane, Faceby
0349/FL - Raincliffe Barn, Low Road, Throxenby
0312/FL - Flither Cottage, 4 High Street, Staithes

If the following applications are approved please can a **bird informative** be included within the decision notice

NYM/2021/

0371/FL - 75 High Street, Castleton
0367/FL- Birch Hagg Barn, Off Lund Road, Farndale
0343/FL- Low House, Station Road, Castleton
0341/FL - Monket Cottage, Daleside Road, Farndale
West
0340/FL - Low Muffles, Hartoft

If the following applications are approved please can a **swift informative** be included within the decision notice

NYM/2021/

0371/FL - 75 High Street, Castleton
0341/FL - Monket Cottage, Daleside Road, Farndale
West
0340/FL - Low Muffles, Hartoft

Thanks,
Victoria

Victoria Franklin
Conservation Graduate Trainee

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
North Yorkshire
YO62 5BP

From:
To: [Planning](#)
Subject: Land west of Highfield, Sled Gates, Fylingthorpe - construction of up to 5 no. dwellings with associated access etc. NYM/2021/0351/OU
Date: 11 May 2021 13:32:13

FAO Mrs H Saunders

Land west of Highfield, Sled Gates, Fylingthorpe - construction of up to 5 no. dwellings with associated access etc. NYM/2021/0351/OU

I refer to your e-mail of the 11th May 2021 in respect of the above application. I hereby confirm that I have no objections on housing or environmental health grounds at this outline stage.

Thanks

Steve

Steve Reynolds
Residential Regulation Manager
Scarborough Borough Council

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