

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION****Application No:** **NYM23/0120/OU****Proposed Development:** Application for outline application for construction of up to five principal residence dwellings with associated access and traffic calming measures (matters reserved: appearance, landscaping, layout and scale) (revised scheme following dismissed appeal NYM/2021/0351/OU)**Location:** Land west of Highfield, Sled Gates, Fylingthorpe**Applicant:** SIW Properties**CH Ref:** **Case Officer:** Ged Lyth**Area Ref:** 4/29/709A **Tel:****County Road No:** **E-mail:****To:** North York Moors National Park Authority **Date:** 29 June 2023**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 revised traffic calming measures do not alter the previous highway recommendation dated 21/3/23.

As the 85th percentile speeds recorded in the applicants speed survey are above the 30mph speed limit, the LHA would consider traffic calming measures to reduce the speeds so that they are nearer the speed limit.

Section 1.28 of the supporting information shows a 'build-out' type form of traffic calming. This idea was discarded after discussion with the LHA on the basis that it would not be desirable on a downhill stretch of road and a bus route. The subsequent revised plan of rumble strips and a gateway feature fails to satisfy the LHA for the following reasons:

- No evidence is given to demonstrate that the approaching speeds of the vehicles will be reduced sufficiently. This would be very difficult to achieve unless these measures were imposed as a grampian style condition.
- No acknowledgement is made that the Planning Inspector commented that the X value of 2.4metres would normally be used and suggested that this would be more appropriate here. The LHA have taken into consideration the comments made by the planning inspector and agree that the value of 2.4metres would be relevant to meet the requirements of Manual for Streets.
- The proposals would require a significant commuted sum for the LHA to maintain these.

A copy of the previous recommendation is repeated below:

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM23/0120/OU**

**Note to the Planning Officer:**

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

The LHA has taken into account the applicants suggestion to calm the speed of the traffic down and has also taken into account the comments made by the planning inspectorate following the appeal decision dated 1st Nov 2022.

The Planning Inspectorate commented that an X value of 2.4 metres is normally used which has led to the LHA considering again which figure to use for the X value for visibility standards. The document used to determine the visibility standards is Manual for streets (MfS2). Section 10.5.8 of MfS2 comments upon when a X value of 2 metres is used, some vehicles will protrude slightly into the running carriageway. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered. The LHA would now consider this situation to be inappropriate at this location taking into consideration the width of the road, gradient, frequency of parked vehicles and the biggest factor that it is a bus route. Therefore the LHA have reconsidered the X value to be used and should be 2.4 metres.

Regarding the proposed traffic calming feature, the LHA would not support or recommend such a design at this location.

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 68 metres cannot be achieved along the public highway in a southerly direction or 47 metres in a northerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the access and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

<p><b>Signed:</b></p>          <p><b><i>Ged Lyth</i></b></p>  <p>for Corporate Director of Environment</p>	<p><b>Issued by:</b></p> <p><i>Whitby Highways Office</i> Discovery Way Whitby North Yorkshire YO22 4PZ</p>  <p><b>e-mail:</b></p>
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**From:**  
**To:** [Planning](#)  
**Subject:** Re: NYM/2023/0120, Land west of Highfield, Sled Gates, Fylingthorpe  
**Date:** 22 June 2023 12:49:51

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Good Morning

The Councillors met last night and would like to object to this planning application as they do not feel the amendment addresses the following potential problems:

- Sewage and draining do not have the capacity to cope which will have a negative impact on properties lower down the hill.
- This development will compound traffic problems which already exist on Sledgates.
- Removal of hedgerows will have a negative impact on numerous species of flora and fauna.
- The land has already been deemed as unsuitable for housing by SBC.

Kind regards, Jude Wakefield, Parish Clerk and RFO, Fylingdales Parish Council

**From:**  
**To:** [Planning](#)  
**Subject:** Land west of Highfield, Sled Gates, Fylingthorpe - Outline application for construction of up to five principal residence dwellings etc. NYM/2023/0120  
**Date:** 31 May 2023 10:08:49  
**Attachments:** [image001.png](#)

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FAO Mrs Hilary Saunders

**Land west of Highfield, Sled Gates, Fylingthorpe - Outline application for construction of up to five principal residence dwellings etc. NYM/2023/0120**

I refer to your e-mail of the 30<sup>th</sup> May 2023 in respect of the above application. I have no comments to make at this outline stage but would wish to comment on any detailed proposals should permission be granted.

Thanks

Steve

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

North Yorkshire Council  
Housing Services  
Town Hall  
St Nicholas Street  
Scarborough  
YO12 2HG



**From:**  
**To:**  
**Subject:** NYM/2023/0120 Sled Gates, Fylingthorpe - Archaeology  
**Date:** 28 March 2023 12:42:46

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Hello Hilary,

As with the 2021/0351/OU application for this site, there will be some archaeological intervention required if it comes to full application and is successful.

The site does not appear to be particularly interesting archaeologically, but the resources we have for the area are limited. As it is on the edge of a village mentioned in Domesday, there is a potential for significant early medieval or medieval deposits. As such a full application would require at least conditions for an approved methodology, watching brief and archive/reporting. I recommend that the developers commit to a pre-emptive evaluation of the site, with a desk-based assessment from a heritage professional and possibly a geophysical survey. If these failed to identify features of interest, the requirement for watching briefs could be removed, though of course this is no guarantee given the unknown nature of below-ground archaeology.

As ever if the developer would like to discuss any of this further I am happy to be contacted.

Best,

**Nick Mason**  
**Archaeology Officer**

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

[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

**From:**

**To:**

**Subject:** Comments on NYM/2023/0120 - Case Officer Mrs Hilary Saunders - Received from Mrs Jude Wakefield at Fylingdales Parish Council, 38 Hinderwell Lane, Runswick Bay, TS13 5HR

**Date:** 29 March 2023 10:43:56

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Fylingdales Parish Council does not believe that the build out (chicane) will be helpful and indeed may well cause more problems than it is likely to solve. Attempts at traffic calming do not present a comprehensive solution to the problems already identified in relation to the site. The proposed chicane is indeed higher up the road but:

1. The gateway entrance is more or less facing houses on the opposite side of the road, where there are already parked cars most of the time. Owing to the layout and curve of the road, it is already difficult to see very far ahead or to see cars coming uphill. Transplanting the hedge will not make a lot of difference.
2. The approach to the suggested gateway is often the first opportunity heavy traffic has to see clearly in both directions and the final opportunity to get a 'good run' at the last stretch of this steep hill in order to round the hairpin bend safely. Much of the traffic will be accelerating at that point, posing danger to cars and pedestrians trying to enter or leave the proposed estate.
3. The position of the proposed build-out (chicane) will push cars coming down the hill across the centre line of the road over to the same side of the road as the gateway, which will add to the danger for traffic on Sledgates as well as those pulling out of the new development. Drivers are unlikely to pull in for a very short distance, and will stay out across the centre line as they currently do whilst passing the parked cars. Traffic coming up the hill around the double bend is also often pushed out over the centre line where there are parked cars on the same side as the proposed estate. To add another incentive to travel on the wrong side of the road, past the entrance to a new estate seems like nothing short of idiocy.
4. There will be traffic waiting just below the chicane to turn right into the new estate. This will include not only homeowners' cars (5 x luxury houses is almost certain to mean at least 10 cars), but also visitors' cars and delivery vehicles. This would be another hazard, particularly as it will impede traffic, especially large vehicles, some of which are already struggling up this very steep, winding road.
5. Much of the traffic up and down Sledgates, includes many heavy vehicles (Busses, goods vehicles, caravans, motorhomes, etc), which do not have the manoeuvrability and certainly need the space. To add a chicane would yet another impediment to vehicles coming up the hill as well as downhill and disrupt the traffic flow even further. Traffic is already sometimes congested lower down the hill (near Thorpe Green Bank), when there are cars and heavy vehicles trying to pass each other. It would be folly to add yet another congestion point on a steep hill.
6. Many commercial drivers in particular are working to schedules and deadlines and it is not sensible to add to the stress and frustrations by creating additional pressure points that may well affect their driving safety.
7. The proposal is to give priority to traffic coming up the hill; however, many drivers are likely to race through the chicane if they believe they can 'beat' traffic coming uphill. This likely to increase the speed of traffic just below the chicane. Not all drivers can be relied on to fully understand and adapt to such conditions.
8. This application has already been rejected 3 times and it is not appropriate for it to be submitted over and over again. The site was also rejected by SBC as being unsuitable for consideration for affordable homes. That fact has not changed.
9. One of the reasons for the unsuitability of the site for building was that the sewers are already at capacity (the pipes are of a fairly small diameter) and could not cope with the effluent from more properties up the hill. Similarly, the clean water drains carrying rainwater, etc. are already not coping with the amount of water that runs downhill. We have photographs showing how the drains at the bottom of the hill tend to spew water out rather than take it in. This development would have a severe impact on residents living lower down the hill unless the sewers are replaced with something of a much bigger diameter. There is no suggestion in the plans that the applicants are prepared to bear the cost of such work to the infrastructure.
10. The idea of a priority road design would also become problematic when we have bad weather. We have seen on many occasions near misses on Sledgates and this proposed design would only cause more issues.

11. The Parish Councils previous objections for planning application number NYM/2021/0351/OU are relevant to this planning application and still stand.

Comments made by Mrs Jude Wakefield of Fylingdales Parish Council, 38 Hinderwell Lane, Runswick Bay, TS13 5HR

Preferred Method of Contact is Email

Comment Type is Strongly Object

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**From:** Elspeth Ingleby  
**Sent:** 29 March 2023 17:32  
**To:** Hilary Saunders  
**Subject:** NYM/2023/0120 Sledgates

Hi Hilary

Just a few comments on this application.

Given the findings of the recent planning appeal relating to the previous planning application for the site, which determined that the hedgerow interest was not sufficient to refuse planning permission given proposals to translocate on to the proposed new line, then I will make no further comments on this matter. It will be important however if considered for approval that appropriate conditions are included to secure the appropriate methodology for undertaking this translocation, as well as to secure future maintenance including replacing stems that fail with like-for-like replacements and enhancing the hedgerow flora with indigenous species where appropriate.

On broader matters, the proposed application will convert a small area of agricultural land for use as domestic dwellings and gardens. National legislation has been passed regarding Biodiversity Net Gain to ensure that there is a 10% increase in the value of habitats as a result of development which comes into force in November 2023. However, within the National Park, we already have policies to require that development does not cause a detrimental impact on our habitats and wildlife, in effect requiring 'no

biodiversity net loss'. These policies include;

- Strategic Policy A - Sustainable development means development which *“maintains and enhances geodiversity and biodiversity through the conservation and enhancement of habitats and species”*;
- Strategic Policy E - *“The quality and diversity of the natural environment will be conserved and enhanced”* and;
- Strategic Policy H - All development will be expected to; *“Maximise opportunities to strengthen the integrity and resilience of habitats and species within the National Park and provide a net gain in biodiversity”*

It is likely in this case that by providing a certain amount of habitat enhancement or creation, the biodiversity loss inherent in the proposals can be appropriately mitigated. The applicant should demonstrate how they can provide an adequate degree of mitigation by utilising the latest Small Sites Metric 4.0 produced by DEFRA for enabling assessment of Biodiversity Net Gain. This is available here; [The Small Sites Metric \(Biodiversity Metric 4.0\) - JP040 \(naturalengland.org.uk\)](#) It should be noted that it is not essential that the metric is completed by a suitably qualified ecologist, although this can be helpful to give confidence in the assessment. The base requirement for this metric is that it must be completed by a 'competent person'. This is defined as someone who; *“is confident in identifying habitats present on the site before the development AND identifying the management requirements for habitats which will be created or enhanced within the landscape design.”*

A completed copy of the small sites metric (in spreadsheet form including all tabs) should be provided, along with appropriate plans of the proposed mitigation actions.

Many thanks

Elsbeth

**Elsbeth Ingleby ACIEEM**

**Senior Ecologist**

Conservation & Climate Change Department

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:** **NYM23/0120/OU**

**Proposed Development:** Application for outline application for construction of up to five principal residence dwellings with associated access and traffic calming measures (matters reserved: appearance, landscaping, layout and scale) (revised scheme following dismissed appeal NYM/2021/0351/OU)

**Location:** Land west of Highfield, Sled Gates, Fylingthorpe

**Applicant:** SIW Properties

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

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

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

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 21 March 2023

**FAO:** Hilary Saunders **Copies to:**

**Note to the Planning Officer:**

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

The LHA has taken into account the applicants suggestion to calm the speed of the traffic down and has also taken into account the comments made by the planning inspectorate following the appeal decision dated 1st Nov 2022.

The Planning Inspectorate commented that an X value of 2.4 metres is normally used which has led to the LHA considering again which figure to use for the X value for visibility standards. The document used to determine the visibility standards is Manual for streets (MfS2). Section 10.5.8 of MfS2 comments upon when a X value of 2 metres is used, some vehicles will protrude slightly into the running carriageway. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered. The LHA would now consider this situation to be inappropriate at this location taking into consideration the width of the road, gradient, frequency of parked vehicles and the biggest factor that it is a bus route. Therefore the LHA have reconsidered the X value to be used and should be 2.4 metres.

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

**NYM23/0120/OU**

Application No:

Regarding the proposed traffic calming feature, the LHA would not support or recommend such a design at this location.

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 68 metres cannot be achieved along the public highway in a southerly direction or 47 metres in a northerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the access 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:**

**Yorkshire Water Services  
Developer Services  
Sewerage Technical Team  
PO BOX 52  
Bradford  
BD3 7AY**

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

**Your Ref: NYM/2023/0120  
Our Ref: Z001362**

**17th March 2023**

Dear Sir/Madam,

**Land west of Highfield, Sled Gates, Fylingthorpe – Application for outline application for construction of up to five principal residence dwellings with associated access and traffic calming measures (matters reserved: appearance, landscaping, layout and scale) (revised scheme following dismissed appeal NYM/2021/0351/OU)**

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)**



YorkshireWater

**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 rate not to exceed 3.5 litres per second.**

**(To ensure that no surface water discharges take place until proper provision has been made for its disposal)**

1.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) 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.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) 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.

d.) 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 at a restricted rate if 3.5 litres per second.

2.) 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/she should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

Yours faithfully

**Reuben Thornton**  
**Developer Services Team**



**From:**  
**To:** [Planning](#)  
**Subject:** Land west of Highfield, Sled Gates, Fylingthorpe - Application for outline application for construction of up to five dwellings etc. NYM/2023/0120  
**Date:** 07 March 2023 13:57:16

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FAO Mrs Hilary Saunders

**Land west of Highfield, Sled Gates, Fylingthorpe - Application for outline application for construction of up to five dwellings etc. NYM/2023/0120**

I refer to your e-mail of the 7<sup>th</sup> March 2023 in respect of the above application. I have no objections to the proposals at this outline stage.

Thanks

Steve

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