13th October 2022

Farnley Tyas Community Group (FTCG) Response to Revised Planning Applications Nos. **2021/62/93006/E, 2021/65/93007/E** and **2021/62/92969/E** for the development **of Yew Tree Farm, Farnley Tyas.**

Dear Ms Chew,

We are aware that these applications will be new to you as the new case Planning Officer responsible for reviewing these revised proposals, so we refer you to our submission in September 2021 to the first applications. The comments therein are still valid, some may have been superseded or reinforced by our comments herein but we would expect those previous points to be taking into account.

Firstly, we note the letter of 7/9/2022 by Peacock+Smith following a site meeting in July 2022 with the Conservation Officer and yourself.

We also note the additional information for the conversion of the listed buildings, the replica farmhouse and the minor cosmetic changes to a small number of the new build houses

Unfortunately, the proposals are fundamentally unchanged and therefore we wish to OBJECT to the revised proposals and we will detail why below. It is extremely disappointing that the comments made by the Consultees and many residents have not been fully taken into account to review and change the overall development.

Listed Buildings and Heritage Assets.

We note the inclusion of new Structural Surveys dated 26/4/2022 for the Milking Shed and Farmhouse. The new structural surveys are very detailed and seem to fully explain the proposed changes for the conversions which was lacking in the original applications. But of course we are not experts.

We note a single reference in the Heritage Statement by Bowman Riley, para 7.11, a comment on the FTCG website stating "They accept that the function is no longer viable". We recommend that the consultants read this FTCG submission and our original one in September 2021, they would then have a better understanding of what the community think about the proposals and not just take a short sentence to attempt to validate their submission!

Milking Shed

We note the additional windows in the walls. However, it will still be two floors with issues of dominating and overlooking neighbouring listed homes 51/53 The Village. The conversion should be changed to only a single storey. Should a two storey conversion be allowed then all roof lights should be removed from overlooking 51/53 The Village and be put in the roof facing west overlooking the small car park. This principle of reducing roof lights in bedrooms/bathrooms has been established in the latest revisions to the two Barn conversions. If roof lights are to be permitted in the rear elevation, then cill heights must be at least 1.67metres above internal first floor level to prevent overlooking of neighbouring properties.

We note that there is no detail of the new ridge level.

Garden boundaries are proposed to still be 1.8m high fences and there are no details of the level of gardens.

Therefore we do not support the proposals.

Barn next to No65

We note the small number of additional windows/doors in walls and the reduced number of roof lights.

We consider this to be a big improvement.

Old Barn

We note the reduction from 16 to 3 roof lights and 1 additional window on the west elevation and the reduction from 8 to 3 roof lights and stable doors instead of glass on the east elevation (yard side). In the yard the garden boundaries are changed from 1.8m fence to 1m stone wall and 1m railings dividing the individual gardens.

These are significant positive changes to both elevations particularly the view into the yard.

However, we do not support the proposals as the 2 lean-tos on the west elevation are still being removed. They are an integral part of the main structure and thereby warrant the same protection as the barn. Also, we believe if the conversion was reduced from 4 to 2 dwellings then there could be a reduction in car parking spaces and bin storage which would improve the view into the development.

The Farmhouse

We note the new drawing (20)005Rev.B and the justification for the demolition of the existing farmhouse to facilitate the proposed access road. We refer to KC Highways department whether the information provided is satisfactory.

A replica of the existing farmhouse, on the front elevation only, to be built on plot 16 (north west corner next to sub-station) is unacceptable. In FTCG submission in 2021, we said if the farmhouse couldn't be retained then our 2nd preference would be a rebuilding in original stone/slates in an alternate location. Materials proposed are new tumbled stone and slates. We recommend that existing/reclaimed stone and slates are used as this building will be in a prominent location when looking into the site from The Village.

Heritage Assets

There is still no information about what is happening to the heritage assets identified as 7 and 8 in Appendix/Figure D in the previously submitted Historic Environment Appraisal, by Waterman dated August 2016. (Note this report is referenced in the latest Heritage Statement by Bowman Riley).

What is proposed for these stone walls and how will they be retained/repaired? We draw your attention to Figure 21 and the historic gate posts in the existing wall along The Village. Also, we bring to your attention an historic gate post within Heritage Asset no.8 the stone wall forming the boundary with the public right of way, PROW Kir59/10.

Incursion into Green Belt

Peacock+Smith in their letter of 7/09/22 make an overstated case for extending development into the Green Belt. They have included 2 agricultural barns for demolition in the site plan and argue that this is necessary as they say this "..will serve to create a more easily-defined boundary to the edge of of the village and a tidier and more contained site." In our opinion the barns are included in the site plan because the applicant must demolish these buildings otherwise the proposed houses on the south boundary will have their outlook greatly diminished and will thereby diminish the saleable value. We note and agree with the comments of KC Policy in this regard. We also repeat the concerns of KC Landscape on the status of gardens in Green Belt and likely diminishment due to 'domestic paraphernalia'. We question if any infringements to conditions are ever likely to be challenged.

We remind you of our previous submission in that the existing Green Belt boundary must be defined by professional survey at the applicants cost and agreed by Kirklees before any demolition works take place. The boundary is easily identified at present using existing features on the ground, but these will disappear once works start.

Any rationalisation could involve drawing a straight line linking the points where the existing Green Belt boundary crosses the application site boundary, ie near the church to the west and the adjacent property to the east. This would reduce by approximately half the depth of back gardens if the houses aren't moved.

Housing Site HS198 is part of Kirklees Local Plan (KLP) and the boundary of the site is clearly shown on the KLP map. The southern boundary of the housing allocation abuts the Green Belt. The description of HS198 in Housing Allocations of KLP makes no reference to extending the development into Green Belt land.

Also, Kirklees Local Plan Policy LP58 - Garden extensions states "Proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted".

We note that in Kirklees letter 28/05/21 section 6.3 states that the new buildings are too close to the Green Belt boundary. However, in the proposals instead of pulling the development back from the boundary as Kirklees state, the new houses stay in the same place and are built right up to the existing Green Belt boundary and to accommodate gardens the development extends approx. 7-10 metres into the Green Belt.

There has been no attempt to address this from the original applications in 2021. It is our opinion that the layout needs to be re-designed to put the houses and gardens within the site boundary.

Therefore, we object to this incursion into Green Belt.

Trees

We refer you again to our submission in 2021.

It remains unacceptable that the proposals are to remove 2 trees, which of course we do not need to point out that they are now subject to TPO's.

We quote TPO ref: 12/21. "The current proposal will have an adverse effect on a number of trees located on the development site. These trees are prominent features of the local landscape and contribute to the character of the local conservation area, therefore provide high visual amenity value. It is to protect the public amenity afforded by these trees that the Order is made"

Proposed removal of Tree ref: T4 to locate a new house, Plot 10. This is in a prominent position in the south-east corner of the site and has a strong visual impact when approaching the village from Storthes Hall on Farnley Road. In the Aboricultural Assessment JCA's report, T4 is identified as being in Good Physiological and Structural Condition; Category B-Retention Desirable. No justification is given for its removal other than to put a house in the trees' place.

Peacock+Smith's letter of 7/09/22 states that retaining the trees is '…undermining the housing allocation..', we consider this is insufficient reason to allow the loss of important contributions to visual amenity.

We note in section 6.5 of Kirklees letter of 28/05/2019 the statement "There are protected/mature trees on the site which would be retained as part of any development scheme". This continues to be ignored by the developer.

We note the response by KC Trees and that "The proposals do not accord with the Council's policies….and [their removal] would be harmful to the character and setting of Farnley Tyas."

The considerations set out in the Local Plan re this site (HS198) include 'site layout and density to be considered to minimise impacts on listed buildings and the Conservation Area.' The trees are an integral part of the site's character and must be retained.

The layout and number of new houses needs to be revised to retain these 2 trees and take account of KC Trees and their concerns with the proximity of the new houses on the west side near the church.

Parking

The 13 parking spaces remain an eyesore when viewed from The Village. Peacock+Smith letter of 7/09/22 states "…the car parking area will be landscaped with

attractive areas of vegetation, with the addition of a dry stone wall to screen the parking area…".

In 2021 the proposed stone boundary with The Village was 1.0m, the new Proposed Site Plan drawing (20)001 Rev C still indicates a 1.0m stone wall, so NO CHANGE.

We point out that the 7 parking spaces next to this boundary wall are so closely spaced and located right next to the wall that there are limited places to add "…attractive areas of vegetation…".

We highlight that there is an uphill slope creating a 1m height difference from the existing public footpath and the ground level at No.65/The Barn. Therefore, the 6 parking spaces near these buildings will be even more of a visual intrusion than the 7 near the site boundary.

P+S refer to revised drawing (20)004 Rev A and Rev B. The only changes in Rev.B are the additions of 2 photos of metal railings and a stone wall and the removal of a cross section detail of the railings, so have NO relevance to any proposed changes to the parking area.

Peacock+Smith also suggest "Visibility of the car park parking area from outside the site will be limited."

We do not agree with P+S. We believe that these revisions offer nothing to improve the view into the site and object to the proposals. The car parking in this highly visible area needs a complete re-think.

We have previously suggested that if the Barn conversion was reduced from 4 to 2 dwellings then there would be a subsequent reduction in the required car parking. There may then be an opportunity to redesign the car parking at the entrance. Consideration could also be given to enlarging the proposed car parking in the centre of the development to include those spaces for No.65/The Barn.

Layout, Scale, Materials and Sloping Site

We again refer you to our comments in 2021.

The existing ground slopes significantly with the highest point in the south-west corner of the site, near the church. There is approx. a 5m height difference between this point and to the east at Farnley Road and approx. a 4.5m height difference to the north at The Village. We hope that this was noted by KC Officers at the previously referred to site meeting with Peacock+Smith in July 2022.

The proposed layout, scale materials and height of the new houses will have a negative impact on the Conservation Area, listed buildings and the views of the historic core of the village.

We highlight in particular:

Plot 9 - proposed ground floor level is approx. 1m higher than existing ground levels. The proposed GFL will be at the same level as the bedrooms of the adjacent homes one of which is listed, 51/53 The Village. It is 5 metres closer to 51/53 The Village than the

existing east wall of the single storey agricultural barn. There are no ridge levels shown but by comparing the house designs we estimate this house will be approx. 8m high and with the proposed orientation will have 2 floors of multiple windows overlooking 51/53 The Village and New Lane Barn. This will have a dominating effect and greatly reduce the visual and residential amenity of these existing properties.

Plot 9 - will also dominate the adjacent listed building the Milking Shed. It is only a few metres away and the proposed ridge level is approx 3m higher than the existing Milking Shed.

Plot 10 - is 8.36m high, the proposed GFL is 1m above existing ground level. The proposed GFL will be 2m higher than the ground floor of neighbouring listed building 51 The Village, 2.4m higher than the ground floor of adjacent New Lane Barn and will also be approx. 3m higher than the existing road level at Farnley Road (New Lane Terrace). Thereby, Plot 10 in particular will dominate existing adjacent buildings to the east of the site, 51 The Village, New Lane Barn and 1-4 New Lane Terrace.

Plots 11 & 12 - are 8.05m high and contribute to the detrimental impact of the view from the south.

Plot 13 - proposed ground floor level (GFL) is the same as existing farmyard, the house is 8.36m high and the ridge line will be 3.5m higher than the adjacent existing barn and thereby dominate the view into the village from the south and the view of the listed church.

Plots 10-13 - will dominate the view from the south on Farnley Road. We re-iterate that the southern elevation of Plots 10-13 is densely packed with no space between houses. This view of the village is visible from miles around and the proposals have the appearance of a wall of stone/slate/glass which is entirely inappropriate in this location. There have been minor cosmetic changes to Plots 10 and 13 from the 2021 applications. We are concerned that the revised wall elevations are approx 80% glass.
We highlight drawing (35)001 Rev D - Site Sections. This completely misrepresents the relationship between Plots 10-13 and the cottages of 1-4 New Lane Terrace. This drawing needs to be revised. The gable end of No4 New Lane Terrace is visible in our photo montage below on the far right hand side of the picture.

Plots 14 & 15 - the new houses are up to 2m higher than the existing barns along the west side of the site and therefore will be too dominant when viewed looking into the site from The Village.

Plots 14-16 - we note that these houses are still too close to the existing trees in the churchyard.

There has been no attempt to mitigate the domineering impact of the new build houses. Therefore, we recommend wholesale changes to the complete layout, size and levels of the new build houses.

This is the last remaining farmstead in the village and in a prominent position in the village centre. The proposed house design is more suitable to a suburban setting therefore we think there should be a different approach to the design to be more like the farmstead which is being removed completely.

It is proposed to use tumbled & dyed stone walls and imitation stone slate roofing. We consider this will be detrimental to the character of the village centre. Every new build house impacts on at least one of the following important aspects; the views from within

the village, the view from the south, the setting of the listed buildings within the site, the setting of the listed church, the setting of adjacent listed buildings and proximity to non-listed historic buildings which are at least 120 years old, all of which lie within the Farnley Tyas Conservation Area.

Therefore, should KC Planning be minded to accept any stone new houses then we insist the only acceptable option is that any new build houses are changed to reclaimed stone and slates to better complement existing weathered stone barns and houses.

Highways

We remind you of our comments previously submitted.

We note and are in agreement with the comments by KC Highways that there remain several concerns that have still not been addressed since being made in 2021.

We re-iterate that no construction traffic or access to the development should be via the unfinished access from Farnley Road. This access was part of approved application 2013/91988. The access road has never been completed and the barns were never built. The visibility splays, drop kerbs and planting scheme are incomplete. We strongly recommend that this access should be addressed under an Enforcement Order and we request this to be actioned.

PROW Kir59/10

We refer you to our previous comments. We note that there are no further details from the applicant about the PROW with regard to pre, during and post construction activities. How will safe access be provided for users? We are disappointed that the Consultees appear to have made no comment so we hope this will be addressed by KC Planning.

Lighting

We remind you of our previous comments and note that these have not been addressed in these revised proposals.

There is too much lighting and we are concerned about light pollution within the site and affecting adjacent residences. Bats and birds are evident in and around the site. Will the lighting impact upon the wildlife?

We have noted that this may not have been addressed by KC Ecology and KC Environmental Health. The lighting scheme needs to be reviewed and a lot more detail provided.

Montage below from FTCG 2021 submission to original applications.





Montage above showing the minor changes in revised applications in September 2022.

BROAD POLICY CONSIDERATIONS AND GUIDANCE

At Section 5 of Peacock + Smith's Statement dated July 2021, reference is made to relevant policies. Drawing out the most significant failures of the scheme as submitted.

- Kirklees LP11 - Meeting the Council's affordable housing requirement should be addressed now and provision of suitable units built into the proposals.

- LP24 - Good design - the form, scale and layout notably fail to respect and enhance the character of the townscape, heritage assets and landscape.

- LP24 - Crime - the comments of the Designing Out Crime Officer dated 3rd September 2021 should be addressed but having full regard for the impact on the overall appearance and heritage assets both from outside and within the site.

- LP24 and LP33 - Enhancement of the Natural Environment- This is not achieved especially with the proposed felling of 2No. trees protected by TPO's and being within the Conservation Area.

- LP35 and LP35 - Heritage Assets - the requirement to preserve and enhance is far from met.

- NPPF Para 126 stresses the need for good design. The scheme fails!

- NPPF Para 130 requires that development adds to the overall quality of the area, is visually attractive and sympathetic to local character and history. Failed.

- NPPF Para 134 - permission should be refused for development that is not well designed.

- NPPF Paras 194, 197, 199-203 relate to proposals affecting heritage assets. The respect required is not achieved.

Kirklees' Housebuilders Design Guide- the requirement for new housing development to be high quality is sorely missed.

Though not referred to in Peacock + Smith's Statement, the application site includes land in the Green Belt, both proposed gardens and land presently occupied by farm buildings whose use following demolition is not specified. Use of the land as gardens would conflict with the need to respect the essential character and fundamental aim of the Green Belt which is its openness and permanence - NPPF para 137.

Nor does the Statement address Kirklees LP58 re garden extensions - not normally permitted and no very special circumstances have been shown to exist.

It is considered that any decision made on the basis of the current submission should be a refusal because of failure to respect the above policies and guidance.

Summary

We note that KLP Housing Allocation HS198 states an indicative capacity of 16 dwellings and highlights amongst the Constraints - "Site contains listed buildings and is in close proximity to others" and in Other site specific considerations - "Site layout, design and density to be considered to minimise impacts on listed buildings and the Conservation Area."

The applicant keeps pushing for 18 dwellings. We suggest that a number of 16 or lower may be what is required to satisfy the various constraints on this unique site.

The layout and number of dwellings requires a major review and re-drawing to better take into account;

- the retention of the 2 mature trees, particularly the one (T4) in the south-east corner of the site which has a strong visual impact when approaching the village from the south
- the houses on the western side are too close to mature trees in the churchyard
- there should be no incursion into Green Belt
- listed buildings need to be sympathetically converted and the adjacent new build houses need to be designed to enhance the setting of these assets and the Conservation Area
- the sloping site, proposed layout, high ground floor levels and height of the new houses will unduly dominate existing adjacent buildings on The Village and New Lane Terrace and the view when entering Farnley Tyas from the south
- the proposed design, layout and materials of the new houses is critical to the setting of the village centre and there has been little attempt to design a development with more of a farmstead look.
- the parking at the entrance of the site is still an eyesore

Therefore, we repeat our objections to these proposals and the applications as they currently stand should NOT be approved.

We refer to the consultation response from Historic England dated 27 September 2022 and specifically the second paragraph of the section headed Historic England position on the application. It is a clear statement that the applicants must do better to justify their proposals and that, if unable to do so, the applications should be refused.

If KC Planning are minded to approve these applications, then because of the unique characteristics of the site we recommend that this should be referred to the planning committee and that the committee members should visit the site prior to taking any decision.

Yours sincerely,

Farnley Tyas Community Group Committee