

I wish to lodge my strong objections to 2020/92209,

Case officer

Adam Walker

As a local resident I wish to raise objections on the following grounds:

1. Breach of existing conditions attached to 2017/93366 which prohibit consideration of 2020/92209
2. Noise and disturbance which will result from use of the new building
3. Projected light pollution
4. A blatant and cynical attempt to overturn agreed roofline restrictions negotiated with Kirklees Council Planning prior to construction

In the context of this latest set of submissions within 2020/92209, and *as a fundamental matter of planning principle*, I and learned friends are strongly of the view that Kirklees Council needs to be completely satisfied that each and every aspect of the conditions attached to the *original planning permission* 2017/93366 have been met prior to any consideration of this new application 2020/92209.

Condition 9 2017/93366. Details (including predicted noise levels and locations) of any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority *before the plant is first installed*. The plant shall be installed in accordance with the approved details and thereafter maintained in accordance with the manufacturers / installer's specifications. Reason: **In the interests of the amenity of adjacent residential properties and to accord with Policies BE1 and D2 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and guidance given in the National Planning Policy Framework.**

Noise and disturbance resulting from use of the new building: I have carried out acoustic noise calculations (see calculation sheet below) based upon the Air conditioning and Heat pump mechanical plant units installed externally along the Lower Gate side of the new building as specified in the 2020/92209 documentation. My calculations indicate that a noise level of **51 dB(A) at NSR Lower Gate** is predicted based upon the already installed air conditioning and heat pump mechanical plant units' manufacturer's published data

and the location / directivity / distance of the installed mechanical plant to NSR Lower Gate. Allowing a 12db open window loss would give a level of 39 dB(A) inside front upstairs bedroom but that presumes the Lower Gate residents don't make use of their front yards which I know they do. The heat pump is the noisiest unit with a manufacturer's quoted *Sound Pressure level* of 66 dB(A) at 1 metre. Calculating *conformal radiating surface area* at 1m (correction of 15dB) produces 81 dB(A) *L_w Sound Power Level* for Mitsubishi 560KXZE1 Heat pump. All other units published manufacturers data are quoted as Sound Power Levels. Mitsubishi FDC200VSA 74 dB(A)*L_w* single unit (6 installed). Mitsubishi SRC35ZMX-S 63 dB(A) *L_w* single unit (3 installed). The distances vary from unit to unit to NSR but 28 metres has been used as the attenuation distance as this is quoted in the Councils own document attached to planning permission 2017/93366.

It is clear that the onus and burden has been put squarely on local residents in relation to complex acoustical noise issues and Kirklees Planning in consultation with Environmental Health have failed to safeguard local lower socio-economic residents by assessing proposed plant noise levels / enforcing condition 9.

Condition 2 2017/93366 The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence. Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, D2 and T10 of the Kirklees Unitary Development Plan, PLP24 and PLP21 of the emerging Local Plan and guidance in the National Planning Policy Framework.

Condition 11 2017/93366 relating to planting prior to the offices being in any way occupied appears to have been wholly flouted and ignored.

Condition 11 2017/93366. The planting scheme as detailed on drawing references 1356.002.L.D.001, 1356.002.L.D.002 and 1356.002.L.D.003 ***shall be implemented prior to the building first being brought into use.*** The planting scheme shall be implemented and maintained in accordance with the approved details. If any tree, shrub or hedge shall die, become diseased or be removed within the first 5 years of the planting scheme being implemented it shall be replaced with others of similar size and species, unless the Local Planning Authority gives its written consent to any variation. Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

A cynical attempt to overturn agreed roofline restrictions negotiated with Kirklees Council Planning prior to construction: In the original planning report attached to 2017/93366 it is stated:

“The roof of the building has been amended to address concerns with the impact on the garden areas of some of the back-to-back properties to the north. The (originally planned) gabled roof has been replaced with a hipped roof to reduce the massing of the office building.”

The increase in roof height by over a metre and the subtle expansion of the building width via alterations to the curtain walls will in effect undo the attempt to reduce what is already a wholly inappropriate building in this location in terms of scale and mass. This increase in roof height and the expansion of the building width via alterations to the curtain walls and fenestration should not be permitted.

2020/92209 is a blatant and cynical attempt to overturn agreed roofline restrictions negotiated with Kirklees Council Planning prior to construction. ***This current building is one storey taller than that which was proposed and assessed via public consultation at the previous application stage.***

The proposed significant changes to the fenestration and the raising of the overall roof height by in excess of one metre as submitted would adversely impact upon the amenity of residents along Lower Gate and more particularly some of the back-to-back properties to the North along Longwood Road and is unsympathetic in overall mass, character and scale.

The fenestration changes further impact the privacy of neighbouring houses.

The proposal has an excessive number of poorly directed wall lights generating significant light pollution.

Effect on Amenity of Neighbours The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. All planning should seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

Sound Pressure Level from AC Units and Heat Pump at Lower Gate Dwelling 28m away				
Line	Details		dBA	Notes
1	Mitsubishi 560KXZE1 Heat Pump Lp at 1m		66	
	1m conformal surface area (m ²)	30		$S = 4(ab + bc + ca) \cdot \frac{a + b + c}{a + b + c + 2d}$ where a = 0.5L + d, b = 0.5W + d, c = H + d.
	Lp to Lw conversion		15	10 Log ₁₀ (Area)
	No. of units	1		
	Correction for No. of units		0	10 Log ₁₀ (No. of units)
	<u>Total Lw from Mitsubishi 560KXZE1 Heat Pump</u>		<u>81</u>	
2	Lw from Mitsubishi FDC200VSA 74 dB(A)L_w single		74	
	No. of units	6		
	Correction for No. of units		8	10 Log ₁₀ (No. of units)
	<u>Total Lw from Mitsubishi FDC200VSAs</u>		<u>82</u>	
3	Mitsubishi SRC35ZMX-S L _w single unit		63	
	No. of units	3		
	Correction for No. of units		5	10 Log ₁₀ (No. of units)
	<u>Total Lw Mitsubishi SRC35ZMX-S</u>		<u>68</u>	
4	Lw for 10 total units		85	Logarithmic Sum of underlined sub totals
5	Propagation		+6	Quarter spherical propagation (close to wall and slab)
6	Distance to Receptor (m)	28		
7	Distance Attenuation /		-40	-20 Log r -11
8	Lp at NSReceptor Lower Gate		51	Lines 4 + 5 + 7