FORMAL OBJECTION TO PLANNING AMENDMENT [2025/70/91279/E]

(Updated 15/08/25 to reflect current documents: Noise Assessment 1090497, Proposed Site & Block Layout 1101390, Grouped Plans & Elevations 1101392, General (incl. bins) 1101393, Proposed Site Sections 1101394, Consultee Responses 1094784.)

I am writing to object to planning application [2025/70/91279/E] for the proposed installation of multiple industrial air-source heat pumps (ASHPs) and a power substation, and associated mechanical infrastructure, including an external electrical plant area on the Kenmore Drive development site. This proposal raises serious concerns about its timing, siting, and potential impacts on neighbouring residential properties, especially mine.

This application represents a significant and harmful departure from the original approval, introducing multiple sources of mechanical noise, vibration, and environmental nuisance directly adjacent to a single existing home. The new submissions reinforce many of the original concerns. The proposal still contradicts national and local planning policy and fails to demonstrate that harm to residential amenity will be avoided.

This objection replaces and supersedes my previous submission (V4) in its entirety. It retains all earlier arguments that remain relevant, integrates new evidence from the updated documents, and addresses points raised in the latest consultee responses.

Update since my previous submission: The applicant has uploaded a revised Noise Impact Assessment (Nova Acoustics, 28/03/2025, Rev 003; 1090497), updated plans (1101390 / 1101392 / 1101394 / 1101393), and Consultee Responses (1094784). Where earlier drawings/reports are marked superseded, references below have been updated. The new material confirms that, without mitigation, the proposal would result in effects at the Significant Observed Adverse Effect Level (SOAEL) at my home, and any acceptability is contingent on precise mitigation details not secured on the submitted drawings.

Summary of grounds (for ease of reference):

1. Noise & Vibration: ASHPs/substation cause unacceptable impacts (SOAEL without fully secured mitigation).
2. Visual Intrusion/Overbearing: Updated layout/elevations increase visual dominance and loss of amenity (1101390 / 1101392).
3. Mitigation & Conditions: Proposed measures are inadequately specified, difficult to enforce in practice, and lack a robust monitoring plan.

1. Late-Stage Infrastructure Addition

This proposal represents a significant infrastructure change introduced at an extremely late stage in the development. The original application was approved in 2022, and the main construction works are now nearing completion. The introduction of major mechanical elements, such as an ASHP array and power substation, at this point bypasses the scrutiny such components would have received had they been included in the original application.

The proposed location for this new infrastructure was originally designated for a Growing Area, Compost Bay, and Tool Shed, as shown in the original site plan submitted with the approved application. This shift from shared green amenity space to industrial mechanical plant represents a fundamental change in character and intent. What was once intended as a quiet, communal Growing Area for residents, with composting and tool storage facilities, has now been replaced by a noisy, high-impact infrastructure zone, a reversal that would never have been supported had it been proposed at the outset.

The developer previously attempted to introduce this infrastructure via a non-material amendment (Planning Amendment [2025/NMA/90594/E]). This approach was rejected by the Local Planning Authority (LPA), which concluded that the changes were not “inconsequential” and would materially alter the nature of the scheme. The Delegated Officer Report made clear that:

- The proposed elements, including the ASHPs and substation, “have the potential to generate noise and impact on the amenity of occupiers of neighbouring residential properties.”
- The application “failed to demonstrate that it would not have a detrimental impact on neighbouring residential properties arising from noise disturbance.”
- Crucially, the report also noted that “third parties would be disadvantaged in the absence of evidence regarding the impact of noise for all the elements of the application,” and that the proposal “may prejudice third parties… who participated in or were informed of the original decision.”

Given these conclusions, it is highly concerning that the same proposals have been reintroduced under this separate application, seemingly with disregard for the clear objections and reasons for refusal previously set out by both the Local Planning Authority and affected residents, including myself.

Contemporaneous evidence of design omission and relocation feasibility: On 24 July 2025, in a recorded call with the contractor’s Building Services Manager (permission to record was obtained), I was asked whether I would withdraw my objection if the

new plant were moved, and an alternative position was suggested towards the main entrance/car park. In the same call, he confirmed that the substation was “missing on the original application.” This corroborates that the late-stage application stems from a design omission, and that relocation is practicable, undermining claims that the current siting is unavoidable.

2. Acoustic Environment – Persistent Failings in Noise and Vibration Mitigation

The acoustic implications of the proposed ASHP compound remain deeply concerning. Despite the submission of a revised Noise Impact Assessment (Nova Acoustics, 28/03/2025, Rev 003; 1090497), key issues remain unresolved, and in some cases new ambiguities have been introduced.

Nova Rev 003 shows that, without mitigation, plant noise at NSR1 (my home) exceeds background at night by +12 dB under BS 4142 once tonality/intermittency are applied, i.e. a significant adverse effect at the SOAEL (1090497). In plain terms, the scheme is harmful as drawn; the report only claims acceptability if one of three mitigation “options” is implemented exactly as modelled and then retained for the life of the plant.

This aligns with WHO Environmental Noise Guidelines (2018) and BS 8233:2014, which emphasise night-time protection of sleep and quiet external amenity spaces; the identified SOAEL exceedance reinforces refusal absent secured, enforceable mitigation.

Environmental Health (1094784) indicates acceptance only on the basis that the specific modelled mitigation is delivered and maintained; any variation risks breach. The current drawings (1101390 / 1101392 / 1101394 / 1101393) do not bind the precise enclosure height, internal linings, door/roof construction, plant models or internal clearances on which the acoustic results depend, so compliance is not presently enforceable.

A contemporaneous call with the contractor’s Building Services Manager also confirmed that Environmental Health was content “as long as [one of the mitigation options is taken]”, aligning with the consultee’s conditional position. This further underlines that compliance depends on precisely delivered and retained mitigation which is not secured on the submitted drawings.

- Acoustic kit specification remains non-binding: A brochure for an optional bolt-on acoustic kit (Ambient Acoustics CAHV R450YA-HPB) has been cited, but there is no commitment to install the full kit, no model-specific re-modelling, and no plan for ongoing verification of installation spacing, kit type, or maintenance. Promotional literature is not a planning-grade specification.
- Flawed operational assumptions: Modelling does not consider realistic start-up spikes, irregular cycling, or tonal fluctuations, which heighten disturbance.
- Unenforceable “mitigation”: “Decorative planting/green screens” are non-acoustic and cannot be relied upon to reduce sound levels.
- Cumulative noise still ignored: There is no robust cumulative model of ASHPs + substation + kitchen extraction/other plant operating together at my boundary.
- Failure to assess vibration: No vibration modelling is provided, given documented damage at my property and the contractor’s offered remedial works on a without-prejudice basis (see Section 6).
- Model/design mismatch: The acoustic model assumes a high-performance enclosure; the drawings (e.g., 1101392 / 1101394) leave uncertainties about height/roof, materials, linings and maintenance access. If service access requires doors/roof open, attenuation collapses.
- Operational risks unaddressed: No procedure is set out for servicing within the enclosure; foreseeable door/roof opening is an unmanaged acoustic vulnerability.

(See Images 6–7: ASHP compound proximity to my boundary and north-facing bedroom window.)

These deficiencies conflict with Planning Practice Guidance (PPG: Noise) and established appeal practice on securing like-for-like enclosure details where BS 4142 compliance depends on precise construction. Where design drawings do not match modelling assumptions, predicted outcomes are invalid and unenforceable. Comparable local appeal outcomes (e.g., Fife Planning Review Body, 24/04/2023) have refused ASHP proposals where tonal character and enforceability risks remained unresolved.

It is also notable that the original acoustic report submitted by the applicant (now superseded) explicitly recommended that the ASHP units be located away from noise-sensitive boundaries. The updated report offers no justification for adopting a design that brings the ASHPs closer to my home, omitting earlier advice that contradicts the current siting.

Site-specific amplification via piled suspended slab and sub-floor cavity: My house is founded on piles with a suspended concrete slab over an open undercroft (a continuous cavity beneath the dwelling due to the steep slope). This configuration

can transmit low-frequency vibration up the piles into the slab, amplify narrow-band hums and start-up transients by cavity resonance, and re-radiate as structure-borne sound inside rooms. Nova Rev 003 contains no assessment of these mechanisms (no vibration transmissibility or in-situ low-frequency measurements) and therefore understates impact at NSR1. A suitable assessment should include 10–100 Hz one-third-octave bands and transmissibility from the ASHP foundation to the slab and internal rooms.

Reverberant “slot” geometry between building and boundary: The ASHP compound is proposed within a narrow slot between the new building’s south wing and my boundary, measured at approximately 2.5 m from the pillar fence line to my façade on plan 1101390. Two largely reflective surfaces facing each other (masonry façade and boundary/retaining wall) will produce strong early reflections and a “canyon” effect, increasing the effective sound at my windows and garden. The Nova Rev 003 model does not account for these local reflection gains or for diffraction around the enclosure/wing corner and should be revisited.

Low-frequency noise from ASHPs (10–100 Hz): Nova Rev 003 does not explicitly assess low-frequency content from the ASHP units themselves in the 10–100 Hz range. These components couple efficiently into structures and can drive perceptible vibration and fatigue over prolonged exposure, especially at night.

Receiver points — worst-case not represented: The selection/positioning of receptor points under-represents the most affected facades and garden positions at my property. BS 4142 requires representative, worst-case locations; using offset or screened points understates impact.

Background selection & tonal penalty: Representative minima at night are lower than implied. A precautionary character correction for tonality/intermittency should be applied consistently; under-penalising tonality underestimates night-time harm.

Cumulative/worst-case operation: The model does not address peak scenarios: concurrent plant operation, winter heating peaks, defrost cycles/start-ups, and combined ASHP + substation + kitchen extraction. These foreseeable cases should be tested explicitly.

Site location / background noise — reality check: The applicant’s acoustic context presents this boundary as a typical urban backdrop; that is misleading. The southern/eastern sides fall away into a quiet valley, and my garden/bedrooms directly face the proposed plant cluster. Representative minima (BS 4142) at this location are lower than implied, especially at night; using inflated background levels understates harm. On this site, the same plant noise yields a greater perceived impact than the report suggests.

Why “condition it later” will not work: A condition that simply says “build as per the report” is unenforceable where the approved drawings do not fix the exact enclosure details, plant models, locations, heights, door/roof constructions and internal absorptive linings on which the model relies. Any change in plant or layout alters emissions. Robust control requires fully detailed approved drawings and post-installation verification at my property.

Deficiencies in mitigation and operational controls: The scheme leans heavily on screening/acoustic fencing without evidencing real-world, maintained performance (gapping, warping, weathering). There is no redundancy (secondary measures) if the primary mitigation underperforms, and the applicant proposes no routine post-installation monitoring or lifetime compliance regime. Without enforceable drawings and a clear monitoring/enforcement plan, periods of exceedance are likely to persist unresolved. (My Annex proposes enforceable limits, verification at my property, retention/maintenance, and periodic testing to address this gap.)

3. Substation Noise and Vibration – Still No Adequate Assessment

Nova Rev 003 includes only a brief sub-section check for the substation and remains external-only, reliant on manufacturer sound power data; it omits very low frequencies (<50 Hz), provides no in-situ/internal receptor measurements, and no cumulative assessment with ASHPs, kitchen extraction and other plant (1090497). This falls short of BS 4142 good practice and policy expectations for cumulative impact (LP24, LP52, NPPF paragraph 185).

(See Images 8–9: proximity of the proposed substation to my rear garden boundary and west-facing bedroom windows.)

- The substation is only a few metres from my home.
- There is documented damage at my property, and the contractor has offered remedial works on a without-prejudice basis (see Section 6).
- The sloping, exposed topography elevates low-frequency propagation and structure-borne transmission risk.

Earlier Plan-General substation details have been rationalised into the current drawings (1101392 / 1101394 / 1101393), but without a dedicated vibration/low-frequency study and a secured specification, performance remains speculative. The Council’s previous Delegated Officer Report also noted that the substation’s impact was not assessed; that omission effectively persists.

Requirements to explicitly assess and secure mitigation for electricity infrastructure noise and vibration are consistent with HS2 Appeal Decision (APP.HS2.8) and Planning Inspectorate decision APP/N5090/W/22/3298962.

4. Inconsistencies in Plans – substation, ASHP Locations & Landscaping

There have been inconsistencies across the plan set regarding substation/ASHP positions and detailing. Earlier Plan-General sheets presented differing positions for the bin and substation enclosures; the ASHP compound location shifted across document iterations. While the current drawings (1101390 / 1101392 / 1101394 / 1101393) supersede those, the record of changes and their implications for amenity remain unclear on the face of the application.

The earlier approved 2022 site plan showed tree T19 as retained. T19 was felled on 27 February 2024 without permission, breaching the approved landscaping plan. The current layout (1101390) should accurately reflect the loss of T19; if it does not, that is a further accuracy and compliance issue. Its loss likely removed a visual/acoustic buffer to the southern boundary, increasing cumulative impact on my home. The resubmission does not acknowledge or mitigate that change. (See Image 10: Excerpt from the originally approved 2022 site plan showing T19 retained and no ASHPs or substation in this location.) The Wellingborough Walks Action Group v North Northamptonshire Council (2024) judgment underlines that tree/landscape condition compliance is material and must be addressed transparently.

These discrepancies make it difficult for residents to assess the actual impact and undermine confidence in the application's accuracy.

Visual intrusion and overbearing impact (drawings 1101390 / 1101392): The revised Proposed Site & Block Layout (1101390) and Grouped Plans & Elevations (1101392) increase the visual prominence of the plant/service areas, including the ASHP enclosure. The added height and bulk of screens/fencing do not mitigate visual dominance; rather, they create an overbearing presence to my garden and bedroom outlooks, contrary to LP24 (Design) and LP52 (Environmental Quality). Materials/finishes for the enclosure and fencing remain unspecified/ambiguous, preventing proper assessment of their effectiveness and longevity. In visual terms alone, the proposal results in an unacceptable loss of amenity.

5. Cumulative Impact – Multiple Nuisance Sources Concentrated by My Home

My property (NSR1) is the only home along the 120 m southern boundary of this c.15,000 m² site. Despite abundant alternatives elsewhere on site, the applicant clusters ASHPs, substation, external plant area, bin enclosure, and kitchen ventilation immediately adjacent to my house. The external plant area shown on the current plans (1101392 and 1101393) includes electrical components typically associated with photovoltaic systems (e.g., isolator/panel board), yet no fire strategy or acoustic assessment (inverter hum/cooling fans) is provided.

If the external plant area includes battery energy storage or inverters, a fire strategy endorsed by the Fire & Rescue Service is required, demonstrating separation, ventilation, gas management and emergency isolation in line with NFCC guidance and BS 9999 principles. No such strategy is on file.

- Geometry-driven amplification: The ASHP enclosure and building face form a hard-walled “canyon” facing my property, with a very small stand-off to the boundary (≈ 2.5 m, plan 1101390). This promotes façade reflections and low-frequency build-up, increasing both airborne noise and the likelihood of structure-borne transmission into my pile-founded slab. No ISO 9613-2/CNOSSOS 3-D propagation with reflective façades, nor any BS 6472-1 vibration assessment, has been provided to account for this foreseeable amplification;
- Continuous noise and potential vibration from ASHPs and the substation;
- Ventilation noise/odour from the kitchen;
- Fire/safety concerns from the external plant area (likely inverter/battery elements) and large refuse storage;
- Hygiene risks from commercial-scale bin capacity.

According to the updated General document (1101393) and consultee evidence (1094784), the refuse provision is of a significant scale (previously described as up to 16 commercial bins). BS 5906:2005 and fire guidance (CFPA-E No. 7:2022 F; Approved Document H (including Section H6)) require secure stores and siting to minimise fire spread; none of this is assessed cumulatively with the plant noise at my boundary.

Commercial kitchen extraction remains unassessed for odour and acoustic risk. National guidance (DEFRA — Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems) expects an odour risk assessment, stack/dispersion calculations and noise control measures; none are presented. This omission adds to the cumulative amenity conflict with LP24 and LP52.

The placement of all disruptive and potentially hazardous systems in a single cluster adjacent to one existing home is unreasonable, and the compound impact has not been meaningfully assessed.

Developer communications confirm siting is a choice, not an inevitability: After the call, the same manager wrote by text on 07 August 2025: “Hi Joel. I understand there have been changes and new plans are being submitted to mitigate further, but the general areas remain the same due to the site’s constraints.” [sic] This acknowledges ongoing internal changes while choosing to keep the same “general areas” on perceived constraints, despite earlier discussion of moving the infrastructure towards the entrance/car park area.

6. Documented Property Damage and Ongoing Impact

- I work from home in a professional music and media studio, where a quiet environment is essential for both production and client delivery.
- I also deliver daily live online education sessions, often at unorthodox hours due to my international client and student base. As a result, I maintain a non-standard working and sleeping pattern, meaning background noise and vibration can interfere with both professional obligations and rest at any time of day or night.
- Noise and vibration from building works have already affected my ability to work effectively and consistently, resulting in a measurable loss of earnings.
- There is visible damage to my home—cracked render, signs of structural movement, and damage to the retaining wall bordering the site—consistent with vibration from previous site activity. (See Images 1–3: Cracked render and structural degradation along the retaining wall bordering my property.)
- At the developer’s request, and further to repeated site meetings, I confirmed in writing on 8 August 2025 that the principal contractor, Robertson, will carry out remedial works—re-rendering and fence-panel replacement to the retaining wall (first approved in May 2024) and resetting/repointing of the affected corner brickwork (first agreed in August 2024)—on a without-prejudice basis and without admission of liability. These items were reaffirmed in early March 2025; however, as at 15 August 2025 no start date has been provided and no works have commenced. (See Images 4–5: Evidence of foundational movement in original stonework at the corner of my home.)

Given the repeated commitments and continuing delay, robust, enforceable conditions with independent post-installation verification and clear compliance timeframes are necessary.

Adding further mechanical infrastructure so close to my home—particularly without vibration analysis—risks compounding these effects and would further threaten my working environment, income, and my family's quality of life.

7. Planning Policy Conflict

This application fails to comply with key planning policy:

- National Planning Policy Framework (NPPF paragraph 185): Protect residential amenity; avoid unacceptable levels of noise.
- Kirklees Local Plan Policies LP24 & LP52: Prevent harmful pollution (noise/vibration) and require effective mitigation for neighbouring amenity.
- BS 4142:2014+A1:2019: Representative minima, character corrections and cumulative scenarios have not been applied/secured in a manner that is enforceable via drawings.

The applicant's own evidence confirms SOAEL without fully secured mitigation; acceptance is contingent on details not secured on the drawings. The scheme is therefore in conflict with policy.

8. Reasonable Alternatives Rejected on Flawed Grounds

None of this critical infrastructure was accounted for in the original approved plans. Had these systems been included at that stage, their placement could have been subject to proper consultation and mitigation, likely avoiding the current situation entirely. The lack of planning raises questions about how such substantial equipment was omitted during the initial design and application process.

The applicant's "Considered Locations" plan (1088901) outlines four reviewed locations. However, the justifications provided for rejecting alternative sites rely heavily on assumptions about future aesthetic preferences or developer convenience, rather than clear planning grounds or proven environmental constraints.

- Location 1 was dismissed due to access, maintenance, and visibility issues from the public side of a 3.1 m wall. These objections prioritise developer logistics over amenity protection. Maintenance access could be engineered, and visual obtrusion from a public route is far less invasive than direct residential disruption.
- Location 2 was rejected in part because of potential objections from another existing residential property on the western boundary. However, the applicant's readiness to avoid placing the ASHPs near that home while proposing to put them directly below the bedroom windows of mine, an equally existing and established residence, highlights an inconsistent and unfair approach. If noise and amenity impact were reasons to avoid placing infrastructure near one home, the same consideration must apply to mine.
- Location 3 was excluded for structural and space reasons, which may be justified. However, the applicant offers no consideration of partial relocation or a hybrid layout that could separate noise-heavy components. Furthermore, no explanation is provided as to why the equipment could not be placed outside, along the same side of the building, or near the reception area, where structural capacity may differ and where no existing residential homes would be affected.
- Location 4, the chosen location, is acknowledged as requiring mitigation through tree planting and a pergola, indicating that the impact has been recognised. However, there is no guarantee that any of these mitigation measures, visual or acoustic, will perform as intended once operational. Should they prove insufficient, the infrastructure would already be installed, leaving affected residents like me with no recourse and long-term exposure to harm that could have been avoided entirely through more considerate siting. These are cosmetic treatments, not solutions for mitigating noise or vibration.

Among the options reviewed, Location 1 stands out as the most appropriate and sustainable siting choice. It is on the public side of the site, away from all existing homes, and was initially favourable due to its distance from sensitive receptors and integration into the landscape. The only reasons given for its rejection (restricted maintenance access and public-realm visibility) are not valid grounds to dismiss a location that would have no detrimental effect on residential amenity. Access paths could be created or adapted; concerns about visibility atop a 3.1 m wall relate to perception, not planning harm. In contrast, the proposed location places infrastructure directly adjacent to a long-established home, with confirmed adverse effects and no vehicle access.

Evidence of viable relocation offered by the contractor: The contractor's Building Services Manager proactively raised relocation, asking whether I would drop my objection if the ASHP/substation compound were moved, and suggested an alternative location towards the main entrance/car park, between my home and the

opposite existing dwelling. This demonstrates that other siting options are available in practice, consistent with my contention that Location 1 and adapted configurations near the reception/parking side are viable and should be assessed in preference to clustering plant at my boundary.

Furthermore, Location 3 offers a broad, grassed embankment adjacent to the car park and main entrance — a space already designed for movement and service access. This location provides the most logical long-term access for maintenance and is situated far from existing residences. Its rejection on logistical grounds, without considering a hybrid or partial siting option, reinforces that these decisions have been driven by internal convenience rather than objective planning criteria. The current proposal, by contrast, introduces industrial infrastructure into a community growing space with no vehicle access and direct harm to a neighbouring resident. This reversal cannot be justified.

(Note: Current plans 1101390 / 1101392 / 1101394 / 1101393 do not include any updated "alternatives" evidence to replace or rebut the analysis above.)

9. Request for Rejection and Re-Siting

The developer has not meaningfully engaged with directly affected neighbours, including myself, despite commitments to keep residents informed. No direct consultation occurred before submitting this revised application. In the 24 July 2025 call, the manager also indicated he did not know whether anyone had spoken to me previously about the application, which reinforces the lack of timely engagement with directly affected neighbours.

The disproportionate interference with the quiet enjoyment of my home engages Article 8 ECHR; the planning balance requires a fair and proportionate outcome where less harmful siting is demonstrably available.

There is no long-term operation or maintenance strategy for the ASHP array and substation, no details for emergency failure, servicing, or responsibility for performance/disruption.

Given the history of physical damage to my property, I request that the LPA commission an independent acoustic and vibration review before any decision.

Conclusion: The proposal imposes disproportionate and harmful impacts on a single long-established home, contradicts policy, and fails to offer credible, enforceable mitigation. The applicant's own Noise Impact Assessment (Nova Acoustics, Rev 003; 1090497) confirms that, without precisely specified mitigation, effects at my property would be at the Significant Observed Adverse Effect Level (SOAEL), and Environmental Health's conditional stance cannot be enforced on the current drawings. Updated evidence in the General plans/consultee responses (1101393; 1094784) regarding refuse capacity and fire guidance adds further amenity and safety concerns. For these reasons, refusal is warranted and a full re-siting exercise is required in consultation with directly affected residents.

I would welcome a site visit by councillors or Planning Committee members to see the relationship between the proposed infrastructure and my boundary.

I respectfully request that:

- This application be refused.
- The ASHPs and substation be relocated away from existing homes.
- Any resubmission includes complete and consistent documentation, including a vibration assessment and a substation noise analysis.
- The applicant be required to consult directly with affected residents in line with earlier commitments.

Annex A — Enforceable Conditions (if approval is contemplated)

(Draft wording for the LPA; all items to appear on the approved drawings/decision notice)

1) Fixed Plant & Enclosure Details (Pre-commencement)

- No installation of the ASHPs, substation or associated plant until full details are submitted to and approved by the LPA: exact plant models, locations (co-ordinates and heights AOD), clearances, enclosure height/roof/door construction, and internal absorptive linings.
- Implementation: Build exactly as approved; no variation without prior written approval.
- Reason: BS 4142 outcomes depend on precise construction and layout; enforceability requires fixed, approved details.

2) Commissioning Prohibition (Pre-operation)

- No operation of the ASHPs, and no energisation of the substation, shall take place until all mitigation and enclosure works approved under Condition 1 are installed in full and a commissioning verification report demonstrates compliance with the Operational Noise Limit condition at the nearest residential boundary.
- Reason: To prevent harm prior to verification, in line with NPPF paragraph 185, LP24 and LP52.

3) Operational Noise Limit (Boundary)

- Rating level LAr,Tr from all new fixed plant/equipment at the site shall not exceed a level at least 5 dB below the representative background LA90,T at the nearest noise-sensitive boundary (including character corrections for tonality/impulsivity/intermittency).
- Assessment method: BS 4142:2014+A1:2019, using representative minima appropriate to the time of operation.
- Reason: To protect residential amenity (NPPF paragraph 185; LP24; LP52).

4) Post-Installation Verification & Remedial Duty

- Within 28 days of commissioning, the developer shall submit a BS 4142 compliance survey carried out at my property boundary, including commentary on low-frequency content (10–100 Hz) and character corrections.
- If the limit in Condition 3 is exceeded, operation shall cease (except for safety/frost protection) until remedial measures are implemented and a repeat survey demonstrates compliance.
- Reason: To verify real-world performance and secure timely remediation.

5) Vibration Baseline, Monitoring & Mitigation

- Prior to installation, agree with the LPA a vibration baseline at my property (suitable metrics and monitoring positions) (in accordance with BS 6472-1:2008).
- Within 28 days of commissioning, repeat monitoring under typical and peak operations.
- If monitoring evidences a perceptible increase above baseline at the dwelling, implement immediate mitigation and submit results of follow-up monitoring.
- Reason: To prevent structure-borne disturbance in a location with documented prior vibration issues.

6) Piled Slab / Undercroft Low-Frequency Safeguard

- Prior to installation, submit a specialist assessment of potential amplification via the piled foundation / suspended slab and undercroft cavity, including one-third-octave bands 10–100 Hz, structural transmissibility from plant base to the slab and to internal rooms, and cavity/room resonance risks.
- Demonstrate that the approved mitigation prevents exceedance of Condition 3 when reflection/reverberation between the new building wing and my boundary (≈ 2.5 m slot) is included in the assessment (using ISO 9613-2 / CNOSSOS-EU propagation and BS 6472-1 for vibration comfort).
- Reason: To address site-specific structure-borne and reflection-amplification mechanisms not captured by generic BS 4142 modelling.

7) Retention, Maintenance & Access Protocol

- All acoustic enclosures/doors/roofs/linings/barriers approved under Condition 1 shall be retained and maintained in an effective condition for the life of the development.
- Defects to be rectified within 14 days of identification or notification by the LPA.
- Servicing access protocol: Doors/roof panels shall not be left open during operation except for short, essential maintenance, with plant shut down where practicable.
- Reason: To prevent performance degradation (gapping, warping, weathering) and the collapse of attenuation during servicing.

8) Change Control (Plant Substitution/Relocation)

- No substitution of plant models, increase in sound power, or relocation of plant/enclosures from the approved details without prior LPA approval supported by an updated BS 4142 assessment demonstrating continued compliance with Condition 3.
- Reason: To ensure future changes do not undermine the assessed outcome.

9) Operational Controls & Ongoing Compliance

- Automatic night-time turndown (except frost protection) to the minimum safe duty.
- Servicing/testing hours: No routine testing or servicing of fixed plant between 23:00–07:00; emergency operations only.
- Biennial compliance testing (summary to LPA within 14 days of each test).
- Complaint protocol: Log complaints; initial response within 5 working days; investigation/mitigation within 20 working days, with results provided to the LPA.
- Reason: To secure long-term amenity protection and transparent enforcement.

Annex B — Communications Log (relocation feasibility & design omission)

(Personal data redacted; originals available to the LPA on request.)

B1. Call note / transcript — 24 July 2025 (Building Services Manager, contractor)

- Permission to record was obtained.

Key points (verbatim excerpts):

- "…the substation was missing on the original application…"
- Enquiry whether I would withdraw my objection if the plant were moved, with an alternative position suggested towards the main entrance/car park (between my home and the opposite existing dwelling).
- Environmental Health was content "as long as we take one of those [mitigation options]."
- Relevance: Corroborates a design omission and confirms relocation feasibility, aligning with my request for re-siting and the requirement for precise, enforceable mitigation if approved.

B2. Text message — 07 August 2025 (Building Services Manager, contractor)

"Hi. I understand there have been changes and new plans are being submitted to further mitigate but the general areas remain the same due to the sites constraints." [sic]

- Relevance: Acknowledges internal changes while choosing to retain the same "general areas" on perceived constraints, notwithstanding discussion of moving the plant towards the entrance/car park area.

Annex C — Photographic Evidence Index (referenced in Sections 2, 3, 4 & 6)

- Images 1–3: Cracked render and structural degradation along the retaining wall bordering my property. (Section 6)
- Images 4–5: Evidence of foundational movement in original stonework at the corner of my home. (Section 6)
- Images 6–7: ASHP compound proximity to my boundary and north-facing bedroom window. (Section 2)
- Images 8–9: Proximity of the proposed substation to my rear garden boundary and west-facing bedroom windows. (Section 3)
- Image 10: Excerpt from the originally approved 2022 site plan showing T19 retained and no ASHPs/substation in this location. (Section 4)

Supporting Photographic Evidence

Images 1–3: Cracked render and structural degradation along the retaining wall bordering my property

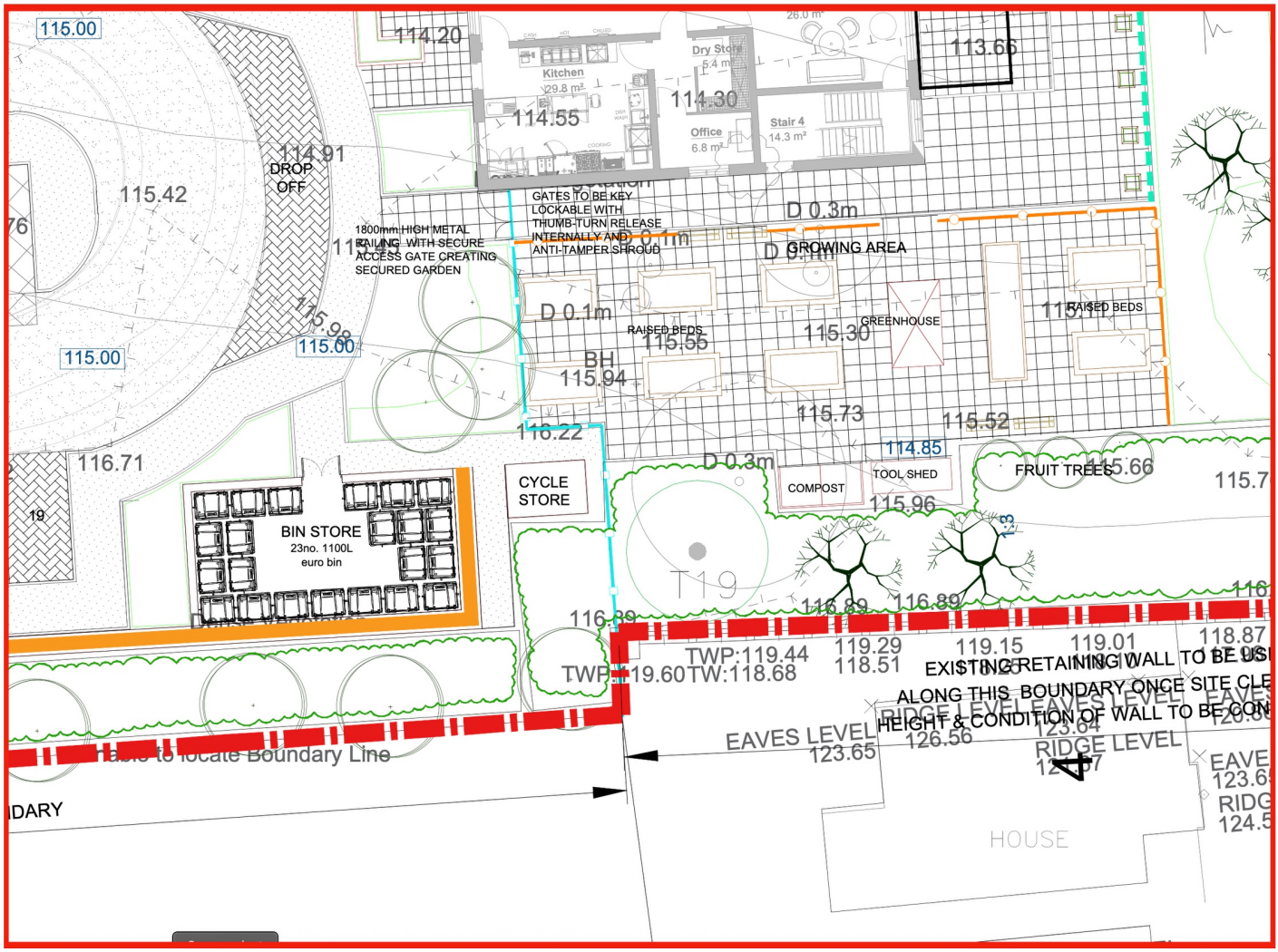
Images 4–5: Evidence of foundational movement in original stonework at the corner of my home

Images 6: Photographs illustrating the ASHP compound's immediate proximity to my boundary and north-facing bedroom window

Image 7: Photographs illustrating the ASHP compound's immediate proximity to my boundary from north-facing bedroom window shown above

Images 8–9: Photographs showing the proximity of the proposed substation to my rear garden boundary from west-facing bedrooms

Image 10: Excerpt from the originally approved 2022 site plan
showing T19 and no mention of any ASHPs or substation in this location



References

1. Planning Inspectorate Appeal Decision APP/N5090/W/22/3298962 – Substation impact on residential amenity
2. Fife Council Planning Review Body (24 April 2023) – Noise impact from ASHPs
3. HS2 Appeal Decision (APP.HS2.8) – Planning Inspectorate decision addressing noise & vibration conditions associated with substation/headhouse infrastructure
4. High Court: Wellingborough Walks Action Group v North Northamptonshire Council (2024) – Unauthorised tree removal / TPO compliance

Standards & Policy Documents

- BS 4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound
- Planning Practice Guidance (PPG: Noise) – ID 30 (including cumulative effects and enforcement)
- National Planning Policy Framework (NPPF) – Paragraph 185 (noise/amenity)
- Kirklees Local Plan – LP24 (Design); LP52 (Environmental Quality)
- BS 5906:2005 – Waste management in buildings – Code of practice
- CFPA-E No. 7:2022 F – Waste management and fire risk
- Building Regulations — Approved Document H (including Section H6)
- WHO Environmental Noise Guidelines for the European Region (2018)
- BS 8233:2014 — Guidance on sound insulation and noise reduction for buildings
- DEFRA — Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems
- National Fire Chiefs Council (NFCC) — Guidance on Battery Energy Storage Systems
- BS 9999 — Fire safety in the design, management and use of buildings
- ISO 9613-2 — Acoustics: Attenuation of sound during propagation outdoors (Part 2 — General method of calculation)
- CNOSSOS-EU — Common Noise Assessment Methods in Europe (2015)
- BS 6472-1:2008 — Guide to evaluation of human exposure to vibration in buildings (1–80 Hz)

I trust the planning committee will give this objection the serious consideration it warrants, and thank you for taking the time to review it in full.

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