



Response to Queries raised by the Planning Department in relation to

**Email;**

2025/91279 Kenmore Drive, Cleckheaton

From: Louise Bearcroft <Louise.Bearcroft@kirklees.gov.uk>

To: Russell Barlow <russellb@brewsterbye.co.uk>; Ricky Boden [r.boden@robertson.co.uk](mailto:r.boden@robertson.co.uk)

Thu 11/09/2025 10:29

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## Email Body

“As a result of the amended plans publicity, we have received a new objection. The objection letter raises detailed technical matters which require a full rebuttal from your Acoustic Consultant.

Officers therefore request the following:

1. The Acoustic Consultant (Nova Acoustics) reviews the letter (available to view on the website under ‘comments’ [Planning application details | Kirklees Council](#)), and provides a full written rebuttal as a standalone document.
2. Further explanation of the reasons why you conclude mitigation Option 1 (to site the compound at least 30m from any NSR) is not viable. The bullet points in the grey box on the plan provided largely indicate maintenance implications, and whilst there is no vehicular access beyond the car park, it doesn’t state if equipment is required for the routine daily checks referred to, and why any necessary equipment for long-term maintenance could not be carried from the car park (officers note there is no direct vehicular access to Site Location 4 either). In respect of plant replacement, what is the expected lifespan of the equipment, would replacement equipment potentially be required in the event of it failing? Any required works to landscaping/services would be a consequence of this proposal rather than a reason to discount this option, and furthermore the compound could likely be designed/screened to avoid any undue detrimental visual impacts. Officers appreciate you have provided a brief list of the reasons for discounting Option 1; however further evidence is required to support the conclusion that Option 1 is not viable.
3. Revisions to the design of the compound to add a full roof but partly remove the front wall (facing into the site). This would provide a visual barrier to the neighbouring property and some acoustic protection, whilst leaving space for air circulation.
4. Your rebuttal on the comments made about removal of tree T19.
5. Further to your request, I have removed the new Landscape Scheme (which shows the old bin store) from the website, however subject to whether the above matters can be satisfactorily concluded, we will require a new plan.

We require this information as soon as possible, as further review by K.C Environmental Health is likely to be required ahead of referral to Planning Committee. Subject to resolving the issues above, it is the intention of officers to prepare a report for the October Committee, therefore please can you provide this information within the next 7 days.”-

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Please see responses on the following pages to the above queries

## **H21 Statement of reasons for the change**

Housing 21 is a leading, not for profit provider of Extra Care and Retirement Living for older people of modest means. The new Extra Care development in Cleckheaton will offer residents the opportunity to live independently within their own property and enjoy the benefit of communal facilities, such as a shared lounge, bistro, hair salon and gardens, and to enjoy being part of a wider community with their neighbours. Housing 21 aspires to develop safe, secure homes that are energy efficient and cheap to run. The development will deliver 80 new apartments, which will be let on a Social Rent basis and Kirklees Council will receive nomination rights on all first lets.

Housing 21 have undertaken energy monitoring for heating and cooling systems in recently delivered schemes and assessed the usage data to better inform decisions on the selection of systems on new schemes. The process highlighted that Housing 21 could deliver a better performing, more energy efficient solution by utilising a Communal ASHP (Air Source Heat Pump) on this project. The communal ASHP system will provide underfloor heating to apartments alongside mechanical ventilation and electric hot water. Whilst the capital cost to Housing 21 of installing the communal system is greater, the cost to residents' energy bills is considerably reduced.

The current S73 application was submitted to provide for these changes within the existing planning permission. The application includes revised layout drawings and technical information for a substation, ASHP enclosure and energy centre. The communal ASHP requires external compound areas which were not accounted for at planning stage, these have been included within the amended site plans and submitted. The main contractor RCG (Robertson Construction Group) and their M&E (Mechanical & Electrical) designers reviewed several potential locations on the site to place the compounds, and this is reflected within the supporting information in the application.

**Q1.** The Acoustic Consultant (Nova Acoustics) reviews the letter (available to view on the website under 'comments' [Planning application details | Kirklees Council](#)), and provides a full written rebuttal as a standalone document.

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Rebuttal to Neighbour Objection – Planning Application [2025/70/91279/E]

Prepared by: T. Watkin, MSc, MIOA, Senior Acoustic Consultant, NOVA Acoustics Ltd

Project Reference: NP-011418-2

Date: 11 September 2025

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#### I. Use of Manufacturer Data & BS4142 Methodology

The BS4142:2014+A1:2019 standard explicitly supports the use of manufacturer-provided sound power data for predictive assessments where plant is not yet installed. The assessment in our report is based on the “COP Priority Mode” as advised by the client’s M&E consultants, this would be a ‘worst-case’ assumption.

The substation has been explicitly included in the BS4142 specific sound level calculations (see Appendix F). Its contribution is negligible relative to the ASHPs, and the predicted levels fall well below the NANR45 low-frequency thresholds outside the closest property. While the manufacturers do not provide data below 50Hz, the key frequencies of 50Hz and 100Hz have been assessed, and no adverse impact is anticipated.

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#### II. Acoustic Feature Corrections

The applied +5dB correction (for tonality and intermittency) is consistent with BS4142 guidance and our extensive experience with similar ASHP installations. These corrections are precautionary and reflect a realistic ‘worst-case’ scenario, ensuring the assessment errs on the side of protecting residential amenity.

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#### III. Vibration Concerns

From our professional experience, ASHPs do not pose a vibration risk when installed on appropriate anti-vibration mounts and concrete plinths, as per manufacturer guidance. The objector’s concerns regarding structure-borne vibration are speculative and unsupported by evidence.

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#### IV. Background Sound Level Selection

The background sound levels used (42dB  $L_{A90,15min}$  at night) were derived from a long-term unattended survey conducted adjacent to the objector's property. The selection of a 'typical' minima was made in accordance with BS4142 and reflects professional judgement, accounting for meteorological conditions and diurnal variation from the surveys conducted in 2023 to 2025.

Also noteworthy is that the mitigated specific sound level predicted at the NSR is circa 37dBA. Assuming the commonly agreed -13dB of attenuation for a partially open window, specific sound levels wouldn't exceed 24dBA internally, where it would be unlikely for any adverse effects to occur.

#### Cumulative Assessment Scope

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The original scope of our instruction did not include kitchen extraction or other ancillary plant. However, we acknowledge the objector's concern and confirm that a cumulative assessment is now being compiled as the M&E design is concluded, and will be submitted under planning condition 17.

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#### V. Mitigation & Planning Conditions

Three mitigation options were presented, all of which reduce the predicted rating level to at or below background, achieving a "Low Impact" or "NOAEL" outcome. NOVA Acoustics' preferred option is Option 1, which involves relocating the ASHPs further from the boundary.

It is stated in the NPSE that at NOAEL *"noise can be heard, but does not cause any change in behaviour, attitude or other physiological response"*. In addition, noise at this level *"can slightly affect the acoustic character of the area but not such that there is a change in the quality of life"*.

Condition 17 of the approved planning application requests that the cumulative rating sound level does not exceed the background sound level. This planning condition inherently means that a NOAEL will be present. The conditions reasons state clearly it is to *"avoid harmful noise pollution"*, which the mitigation should ensure.

NOVA Acoustics has since been informed that the applicant has chosen mitigation Option 2, and that the site plans show the extent of the mitigation in place; an updated report is incoming. However, any planning approval can be conditioned to:

- Require post-installation verification;
  - Ensure long-term retention and maintenance of acoustic measures.
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#### VI. Clarification on Site Topography

The objector refers to the *"southern/eastern sides"* of their property falling into a valley. Based on site orientation, we assume this was intended to refer to the northern/western sides, which face the proposed plant location. This does not materially affect the acoustic propagation assumptions as the acoustic screening

calculations have been conducted the first-floor windows as a 'worst-case' scenario.

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#### VII. Updated Assessment Upon Final Design Commitment

NOVA Acoustics will be pleased to provide an updated BS4142 assessment when proposals are completed. This will ensure all assumptions are validated and any further refinements can be made as necessary given the additional plant to be included within the cumulative BS4142 assessment.

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**Q2.** Further explanation of the reasons why you conclude mitigation Option 1 (to site the compound at least 30m from any NSR) is not viable. The bullet points in the grey box on the plan provided largely indicate maintenance implications, and whilst there is no vehicular access beyond the car park, it doesn't state if equipment is required for the routine daily checks referred to, and why any necessary equipment for long-term maintenance could not be carried from the car park (officers note there is no direct vehicular access to Site Location 4 either). In respect of plant replacement, what is the expected lifespan of the equipment, would replacement equipment potentially be required in the event of it failing? Any required works to landscaping/services would be a consequence of this proposal rather than a reason to discount this option, and furthermore the compound could likely be designed/screened to avoid any undue detrimental visual impacts. Officers appreciate you have provided a brief list of the reasons for discounting Option 1; however further evidence is required to support the conclusion that Option 1 is not viable.

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The document referenced as [Plan General \[id 1088901\]](#)  **Size: 4.1MB 09/05/2025 - CLK-BBA-XX-XX-DR-A-91-0001 - ASHP Locations Reviewed** was provided on request to advise the different locations that were assessed for the installation of the external ASHP Compound and its associated plantroom (energy centre). Please be aware the Plantroom/Energy centre Equipment would ideally be installed within the building served however the change to the heating strategy for the apartments came after construction had begun to the Lower Ground Floor and the Ground Floor, after much review it was concluded a suitable location for the equipment could not be found internally so the external plantroom was created adjacent to the ASHP enclosure, which needs to be external.

Under CDM we have a duty to assess the regular maintenance strategy in addition to major plant replacement. This is a consideration when undertaking the process of selecting suitable areas for the installation of plant as can be appreciated, so it is correct to state that the comments provided are mainly around maintenance and replacement.

The external compounds contain the following items.

ASHP Pumps, Pumps, Expansion Vessels, Valves, Control Valves, Pipework, Water Treatment, Intelligent Building Management Systems, Electrical Switchgear, Billing Metering from the energy provider, general maintenance for debris, daily checks, vandalism

All these items of plant require a dedicated service plan, most items are bi-annual and carried out by several different contractors in addition to staff fault finding/investigating when things fail and replacement for when repair is not possible, this equipment ranges in weight up to 360kg so access needs significant consideration. The life cycle expectancy of well-maintained non faulty equipment is 10-15 years.

Due to the considerations for access and maintenance it is preferable to allow for vehicular access. Planning Condition No. 4 relates to the car park plan submitted on the 3<sup>rd</sup> December 2020 by the previous contractor and the condition stipulates the number of parking spaces that are to be made available for the project. Upon review it was concluded they could not be reduced to facilitate the additional plant space. However, vehicle access could be taken close to the chosen and current proposed location which would then allow all mechanical loading of equipment and plant via the flat level surface.

For reasons unknown to us the original planning application in 2020 by others (not Robertson) did not feature a substation, so naturally was not considered in this original application. Our intention was to deal with the ASHP and Substation planning matters separately however we were advised 2 no. S73 Applications could not run concurrently, hence both the ASHP and Substation being assessed under the current S73 **2025/70/91279/E**.

All the comments posed so far in response to the planning request are written in relation to the ASHP. Each of these comments also applies to the substation, however there are further implications to the siting of this vital installation. In addition to the legal easements and agreements of the legal plans being agreed between all relevant parties for the transformer itself and any associated infrastructure we are legally bound to provide in front of the substation, vehicular access at all times, 24 hours a day, 365 days a year, a flat and unhindered surface 1.8 meters in depth and the full width of the substation. This issue combined with the planning conditions in place for the carpark significantly limits the areas that we can locate the substation.

**Q3.** Revisions to the design of the compound to add a full roof but partly remove the front wall (facing into the site). This would provide a visual barrier to the neighbouring property and some acoustic protection, whilst leaving space for air circulation.

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This is not possible at the current height and would require the roof to be raised to approximately 4m tall and widen the compound by 2m we would then need to consider the Health and Safety/Security concern by adding some kind wire mesh fence to allow for the airflow. In addition to this the construction of the compound would need too be enhanced due to the size and height

**Q4.** Your rebuttal on the comments made about removal of tree T19.

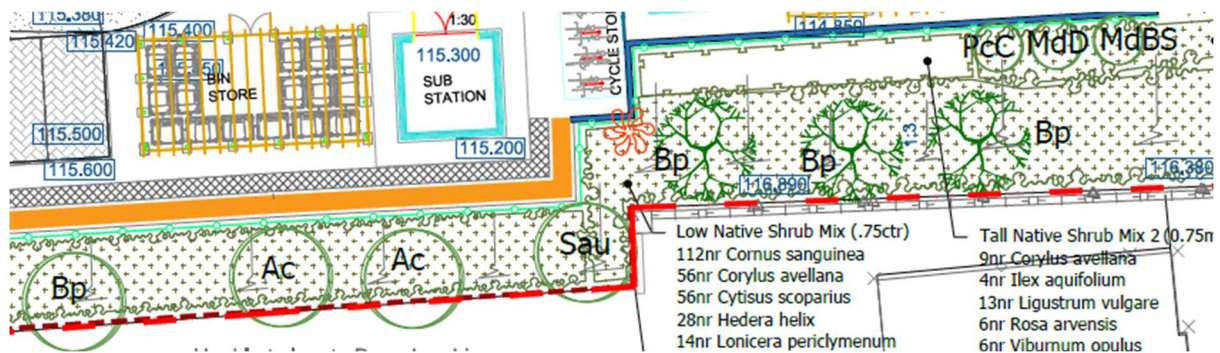
*The earlier approved 2022 site plan showed tree T19 as retained. T19 was felled on 27 February 2024 without permission, breaching the approved landscaping plan. The current layout (1101390) should accurately reflect the loss of T19;*

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T19 (Hawthorne) did not have a TPO (Tree Preservation Order) Imposed and was considered a low impact value and whilst it was originally acknowledged on the masterplan as to be retained, upon completion of the muck shifting and ground clearance to that area it was found that the tree was rotting and approximately 2m in height to the base from the proposed ground level.

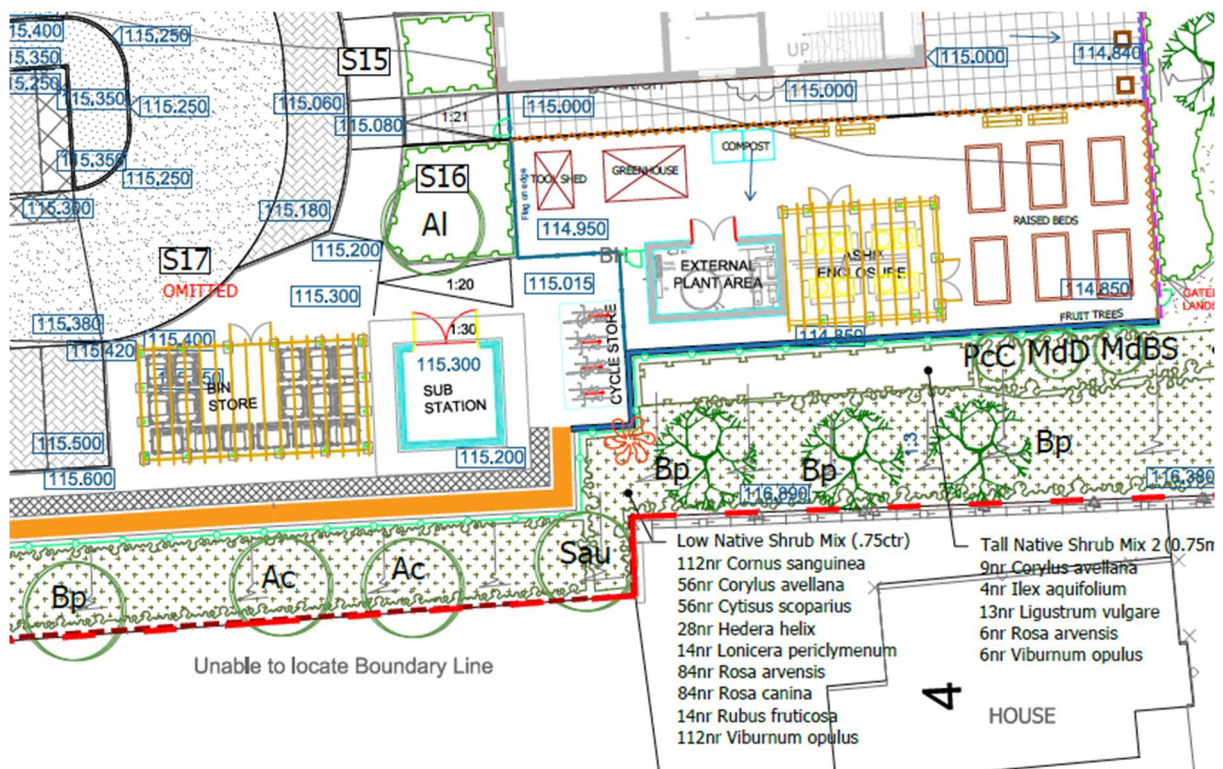
The architect was advised to include additional trees to replace this on the 26<sup>th</sup> of February prior to its subsequent removal.

It should be acknowledged that yes T19 was removed but there are replacement trees planned around the site and in consideration of the neighbouring properties there are further additions by way of more trees and high and low plantings



**Q5.** Further to your request, I have removed the new Landscape Scheme (which shows the old bin store) from the website, however subject to whether the above matters can be satisfactorily concluded, we will require a new plan.

This has been revised and issued to the planning department on the 12<sup>th</sup> of September 2025 ready for uploading to 2025/70/91279/E at the next opportunity the planning department has.

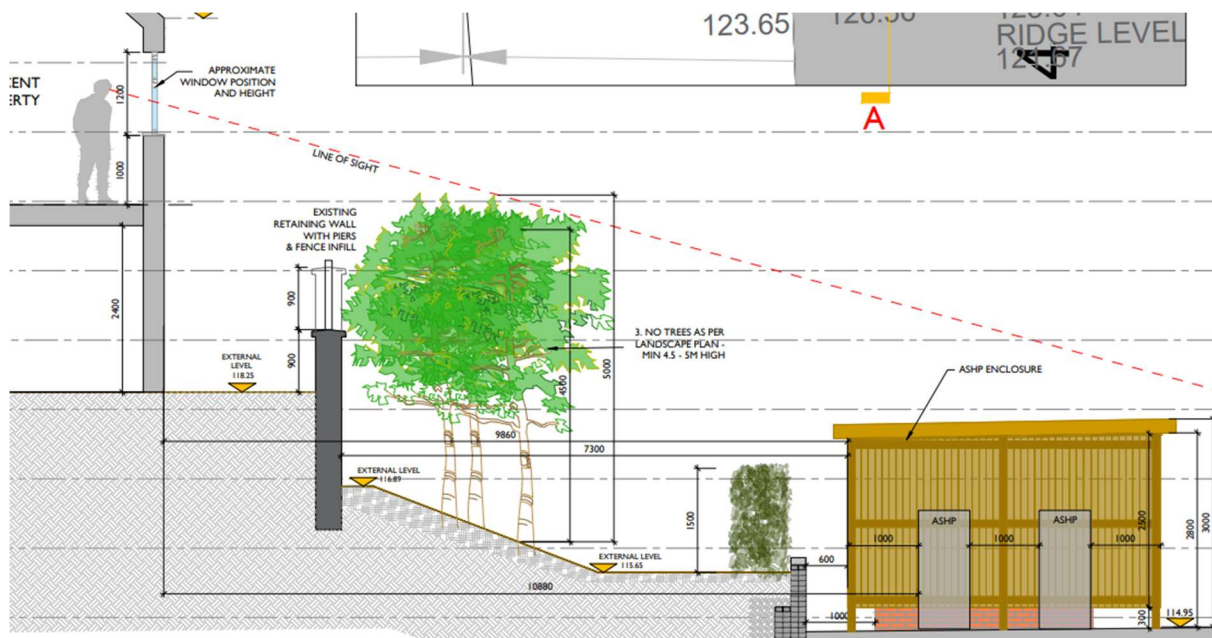


We would further like to offer some responsive commentary to some key items found within the Objection letter [Application Forms \[id 1088900\]](#) Size: 316KB 21/05/2025

Objection excerpts are in **Bold Underscore**

**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**

The design intent still allows for the same aesthetics. Visually the only additional items visible in part, is the featheredge fence and the top of the pergola.



**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.**

We believe this is in reference to Option 1 of the acoustic report and which was 1 of 3 mitigation options. Option 1 (move the compound) is deemed not possible due to the reasons we have stated elsewhere in this document. We have chosen Option 2 with the high fence and acoustic baffles

**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 postinstallation verification at my property.**

All can be provided for review and in particular the exact items to be procured and their designs are appended to this response

CLK-WME-XX-XX-SH-M-56-0001 (P02) ASHP Technical Submission

CLK-WME-XX-00-DR-ME-58-5001 (will need revising to suit the requested site plan adjustments)

Post Installation verification will be arranged including witnessing where required

**My property (NSR1) is the only home along the 120 m southern boundary of this c.15,000 m<sup>2</sup> 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**

There are no inverters, batteries or gas within the space. There is only a Buffer vessel and LTHW circulating equipment and a Consumer Unit to power the Items within. In addition the kitchen is a Bistro Kitchen (warming/basic cooking) tis is provided with recirculating fans for cooking and standard extract fans for air replacement which terminate to louvres that face the west and are not visible to the South.