

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

Land off Kenmore Drive, Cleckheaton

Addendum (Response to Applicant Rebuttal – Document 1105899)

6 October 2025

1. Introduction

This addendum is submitted further to my Formal Objection (Neighbour Representations [id 1102055], dated 20 August 2025) and the subsequent applicant response document, “General 1105899” (dated 12 September 2025), which was uploaded to the Kirklees planning portal.

That document purports to address technical queries raised by the Local Planning Authority and Environmental Health. However, it does not address the fundamental deficiencies already identified in my previous submissions, nor does it provide the necessary evidence to make the proposal policy compliant.

This addendum therefore provides a concise, point-by-point response to the new rebuttal, reaffirming that the application remains incomplete, inaccurate, and contrary to Policy LP52 (Protection and Improvement of Environmental Quality), as well as paragraphs 185 and 174(e) of the National Planning Policy Framework (NPPF).

2. Acoustics and Background Levels

The applicant’s acoustic consultant (Nova Acoustics) continues to rely solely on manufacturer data, asserting that the substation and ASHP array will have a negligible combined impact. However, this approach remains inadequate for the following reasons:

1. Lack of measured data:

No on-site survey data has been produced to validate the claimed background level of 42 dB LA90, nor has any measurement been taken to characterise the exceptionally low ambient sound environment of Kenmore Drive.

2. Frequency omission:

The rebuttal admits that data below 50 Hz are unavailable. This confirms the absence of low-frequency analysis, despite this being essential where tonal

components and structure-borne transmission are likely.

3. Internal noise assumption:

The claim of an internal level of 24 dB assumes both a partially open window and a uniform frequency spectrum. This is not credible given the reflective geometry and proximity of the equipment compound.

In summary, the revised statements do not constitute a compliant *BS 4142* assessment, nor do they satisfy NPPF 185(b), which requires that new development be demonstrated through evidence to be appropriate for its location.

3. Vibration and Structural Impact

The rebuttal dismisses the possibility of vibration transmission, claiming it is “speculative”. However, no vibration modelling, data, or attenuation specification has been provided.

Given the known pile-supported slab foundation and subfloor cavity beneath adjacent dwellings, this absence of evidence is unacceptable. It also ignores the Environmental Health Service’s own caveat in response to WK202516971, which stated that the lack of vibration assessment left an evidence gap.

Under LP52 and NPPF 185(a), the applicant bears the burden of demonstrating that the development will not cause material harm to health or amenity. That test has not been met.

4. Substation Omission and Cumulative Impact

The applicant concedes within document 1105899 that the substation was “omitted from the original application for reasons unknown”. This is a clear admission of a design omission, confirming my previous statements in Section 4.3 (Neighbour Representations [id 1102055]).

The claim that cumulative data will be “submitted later” is further evidence that the application remains incomplete. No final cumulative noise model including the substation, ASHPs, and kitchen extract has been provided.

The Council should not determine this application until that combined data is publicly available and independently reviewed.

5. Equipment Relocation and Enclosure Design

The developer rejects Mitigation Option 1 (relocation) based on “maintenance and access” grounds, rather than acoustic or planning considerations. These are operational conveniences, not constraints that can override residential amenity.

Furthermore, their statement that a fully roofed compound would require a 4 m structure confirms that the existing design is already over-constrained and acoustically compromised, supporting my previous concern about the “slot-canyon” amplification.

This reinforces that the compound is not suitable for this site configuration.

6. Tree T19 and Landscaping Non-Compliance

The applicant now confirms that Tree T19 was removed, citing decay, and that replacements will be provided. However, no arboricultural evidence or variation consent accompanies this statement.

This constitutes a breach of the approved landscaping condition and undermines confidence in the applicant’s ongoing compliance with planning controls. This matter remains relevant under LP24 (Design) and LP33 (Trees).

7. Fire Safety and Electrical Components

The rebuttal asserts that no batteries or inverters are present, yet simultaneously notes that the mechanical and electrical drawings “will need revising”. Until those drawings are reissued and verified, the Council cannot rely on these assurances.

This again demonstrates that the submission set is not final.

8. Summary and Request

In light of the above, the applicant’s rebuttal (document 1105899) fails to resolve the substantive issues identified in my Formal Objection (Neighbour Representations [id 1102055]). The proposal remains incomplete, acoustically unsound, and potentially harmful to residential amenity.

I respectfully request that Kirklees Council Environmental Health undertake a full re-review of the scheme and defer any renewed endorsement until the missing

evidence is supplied and independently verified, including:

- Verified cumulative noise and vibration data;
- Updated mechanical and electrical layouts reflecting the current design;
- Supporting evidence for tree removal and proposed mitigation.

Until this information is provided and properly assessed, the application cannot be shown to comply with Policy LP52 or the NPPF 185(a-b) requirements for noise and environmental protection.

I appreciate the Council's continued time and consideration in reviewing this submission.

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