



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2025/62/92001/W**

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**To:** Shaun Hyde,  
Planning Design Practice Ltd  
3, Woburn House  
Vernon Gate  
Derby  
DE1 1UL

**For:** L CHAU

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

**ERECTION OF TWO DWELLINGS**

**At:** ADJ, 143, KINDER AVENUE, COWLERSLEY, HUDDERSFIELD, HD4 5XD

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**In accordance with the plan(s) and applications submitted to the Council on 26-Aug-2025, subject to the condition(s) specified hereunder:-**

1.The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 LP1, LP2, LP3, LP7, LP20, LP21, LP24, LP28, LP30, LP31, LP32 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. The Public Right of Way (HUD/235/10) adjacent to the site shall remain open, unobstructed and available at all times during construction and thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard public access and pedestrian safety in accordance Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

4. Development shall not commence until a scheme detailing the finished slab and floor levels together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling(s) hereby approved shall be carried out in accordance with the details so approved in relation to the dwelling(s) and the occupation of the dwelling(s) hereby approved shall not take place until the works relating to the dwelling(s) have been completed. The approved levels shall be so retained for the lifetime of the development.

**Reason:** In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan principles within the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no.5 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commence on the construction of the development hereby approved.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no.6, further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence, until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commence on the construction of the development hereby approved.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

10. Prior to above grade works commencing, a scheme detailing all external facing materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be brought into use until it has been completed in accordance with the approved scheme which shall be retained thereafter.

**Reason:** In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used and achieve a quality of design and detailing in accordance with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 and Chapter 13 of the National Planning Policy Framework 2024.

11. The development shall not be occupied until improvements and realignment of the footway, as shown on plan No. F25004/01 Proposed Highway Improvements have been completed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. The footway so approved shall thereafter be retained.

**Reason:** In the interests of highway safety and to allow for safe pedestrian access to and from the site in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

12. Prior to first occupation of the development hereby approved, a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The development and the works comprising the approved scheme shall be implemented within the first planting season following occupation of the development hereby approved. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with policies LP24 and LP30 of the Kirklees Local Plan and the policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

13. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

**Reason:** In the interests of residential amenity of neighboring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

14. Prior to the development being brought into use, a scheme which details provision of sightlines of 2.4m x 34m to the left along Holmdale Court and 2.4m x 33m to the right along Kinder Avenue shall be submitted to and approved in writing by the local planning authority. The development shall not be brought into use until it has been completed in accordance with the sightlines approved by this condition which shall thereafter be retained free of all obstructions to visibility exceeding 0.9 m in height for the lifetime of the development.

**Reason:** To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

15. Prior to the occupation of the development hereby approved, details of suitable storage bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

**Reason:** In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi) and Chapter 9 of the National Planning Policy Framework.

16. Prior to occupation of the development hereby approved, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing all surfacing for areas to be used by vehicles and pedestrians, including footways/paths and parking areas. The submitted scheme shall detail how surfacing shall be laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. The development shall not be brought into use until it has been completed in accordance with the approved scheme which shall thereafter be retained.

**Reason:** In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

**NOTE: PROW Footnote**

Public footpath HUD/235/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 or via the email address [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**NOTE: Works on the Highway Footnotes**

Any works within the adopted highway fronting the property will need to be constructed under the correct legal agreement of the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice

- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule: -

| <b>Plan Type</b>             | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|------------------------------|------------------|----------------|----------------------|
| Site Location Plan           | 2939- 001        |                | 26/08/2025           |
| Site Plan                    | 2052.S01         |                | 26/08/2025           |
| Site Sections                | 2052.S02         |                | 26/08/2025           |
| Proposed Site and Block Plan | DRG02            |                | 26/08/2025           |
| Proposed Plans               | DRG03            |                | 26/08/2025           |
| Proposed Plans (Roof Plan)   | DRG04            |                | 26/08/2025           |
| Proposed Site Sections       | DRG07            |                | 26/08/2025           |
| Proposed Elevations          | DRG05            |                | 26/08/2025           |
| Proposed Views               | DRG06            |                | 26/08/2025           |

| <b>Plan Type</b>                       | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--|------------------|----------------|----------------------|
| Coal Mining Risk Assessment            | MJH/J2245/D1/1   |                | 26/08/2025           |
| Kinder Avenue Highway Impact Statement | F25004           |                | 26/08/2025           |
| Biodiversity Net Gain Assessment       | 250227           |                | 26/08/2025           |
| Planning Statement                     | 2939_PS25_02     |                | 26/08/2025           |
| Climate Change Statement               |                  |                | 26/08/2025           |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were required or sought to the scheme. The proposal is considered acceptable based on the submitted documents.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you, please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

**Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible.

However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.

- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

#### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 15-Jan-2026

**Signed:**



**David Shepherd  
Executive Director for Place**

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2025/62/92001/W.

If a paper copy of the decision notice or decided plans are required, please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Write to: Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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