

Planning Statement

at 298 Whitechapel Road,
Cleckheaton, BD16 6HW

May 2026

GFWR-MWA-XX-XX-RP-A-0002_S2_P01

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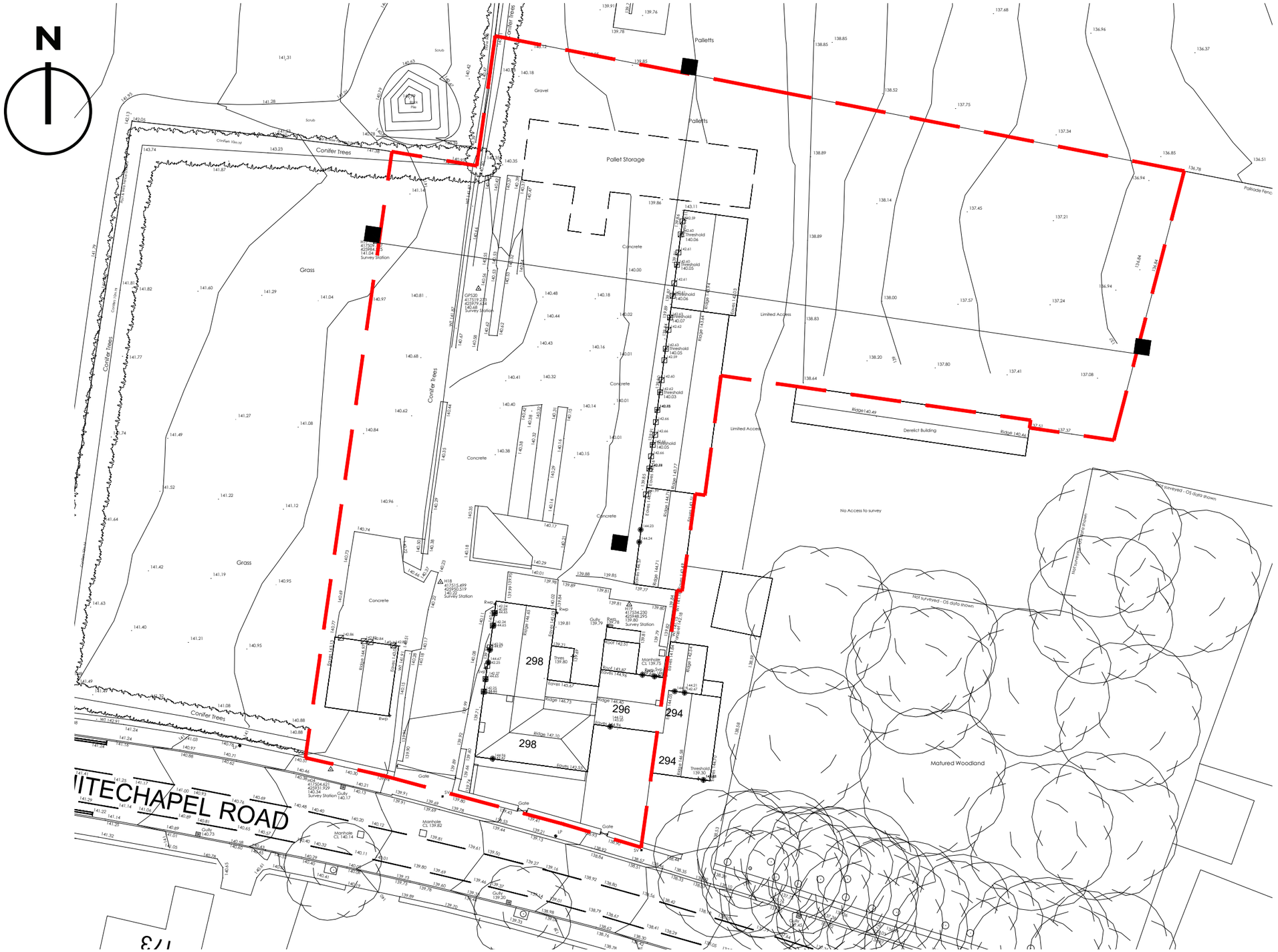
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1.0 Introduction



Certificate of Lawful use to confirm lawful commencement of 2022/62/91299/E at land adjacent to 298 Whitechapel Road, Scholes, Cleckheaton, BD19 6HW.

This certificate of lawfulness application is submitted in relation to the demolition of outbuildings and erection of nine dwellings and associated garages approved under 2022/62/91299/E.

The principle site access is off Whitechapel Road.

2.0 The Development

The development as approved under 2022/62/91299/E involves the creation of nine dwellings on the site following the demolition of existing outbuildings. The application was approved on 4th July 2023.

Following approval of the proposed scheme, a discharge of conditions application (2025/92741) was submitted to Kirklees Council in January 2026. Conditions 4 (remediation strategy), 9 (CMP), 10 (visibility splays), 11 (estate road), 12 (noise) were discharged as pre-commencement conditions.

The applicant both lives and works from the project site and although they intend to sell the site to a local developer / builder, due to business commitments, the sale is not planned until after 2027.

Consultation was undertaken with Kirklees Planning in February 2026 on lawful commencement works. Emma Thompson agreed the following implementation would be sufficient:

1. Remove the contamination hotspot and work with the consulting Engineer on validation / testing of the soils.

2. Remove boundary walling at the site entrance for improved visibility splays.

3. Demolish a section of the existing terraced outbuildings to the rear of the existing house to be retained.



3.0 Hotspot - Remediation Objective

The proposed remedial works were the removal of the material from the lead contamination hotspot at TP01 to a liscensed waste facility.

Haigh Huddleston associates (Consulting Engineer) attended site in March 2026 with a JCB excavator / driver. Samples were taken and chemically analysed in a laboratory in April 2026. Elevated levels of lead were recordered in one of the five samples.

Refer to Remediation Addendum Report ref: E21/7838/MD/04) dated 1st May by HHA. The revised proposals / remediation strategy is set out in this report for the future development of the site.



Contaminated material being removed to skip on site



Excavation area showing evidence of made ground



Plan showing "Area of proposed clean capping" taken from Haigh Huddleston's Remediation Addendum

4.0 Visibility Splays



22/8/2018 - Existing land entrance showing gates, walling and hedge row



18/5/2026 - View of existing access looking east along Whitechapel Road



22/8/2018 - View of the existing access looking west along Whitechapel Road



18/5/2026 - Demolished walling and realigned railings to new VS looking west along Whitechapel Road



18/5/2026 - Section of stone walling demolished and realigned railings to new VS looking east along Whitechapel Road.



18.5.2026 - View of reordered entrance to new VS

The development entrance visibility splays were agreed under condition 10.

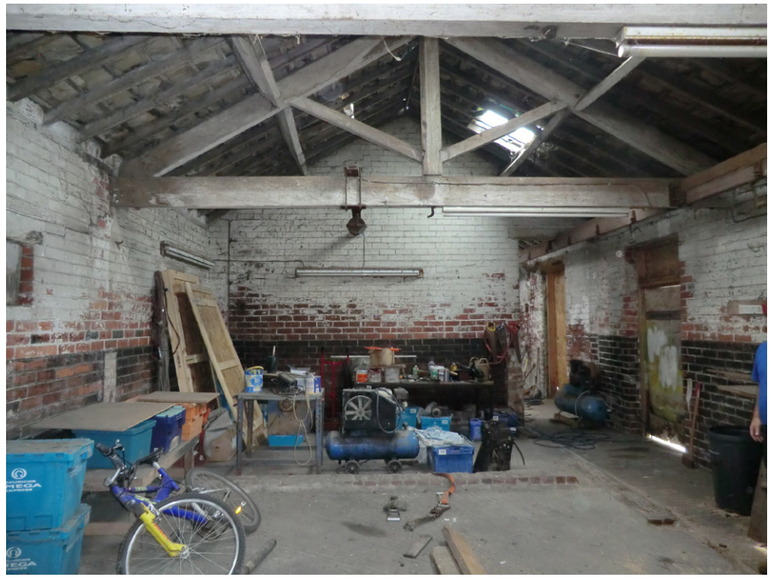
5.0 Demolish Building



18/5/2026 - View of the end terraced outbuilding facing west pre-demolition



22/8/2018 - View of the end terraced outbuilding facing east pre-demolition



22/8/2018 - Internal image of the outbuilding pre-demolition



18/5/2026 - View of demolished outbuilding facing west



18/5/2026 - View of demolished outbuilding facing north

6.0 Conclusion

A material start was made on site, through:

1. Working with the consulting Engineer to remove / remediate the hotspot to suit condition 4.

2. Rebuilt the boundary treatment to the existing entrance to suit the new visibility splays as agreed under condition 10.

3. Demolition of an existing outbuilding.

In conclusion, the proposed development of 9 dwellings and associated garages approved under 2022/62/91299/E was commenced lawfully prior to the expiry of the permission (2022/62/91299/E) to redevelop the site for 9 houses and garaging. Development works can recommence without the need to apply for a separate permission in due course.

MWA trust the above explaination allows Kirklees Council to approve this certificate of lawfulness on the basis of the evidence submitted and confirm that 2022/62/91299/E was commenced lawfully prior to the expiry of the permission on 4th July 2026.



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