
Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 29-Jan-2026

Subject: Planning Application 2025/93235 Removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane (Listed Building) The Cross, Wyke Lane/Cross Street, Oakenshaw

APPLICANT

Ilyas Ramjan, Kirklees
Council - Major Projects
Team

DATE VALID

25-Nov-2025

TARGET DATE

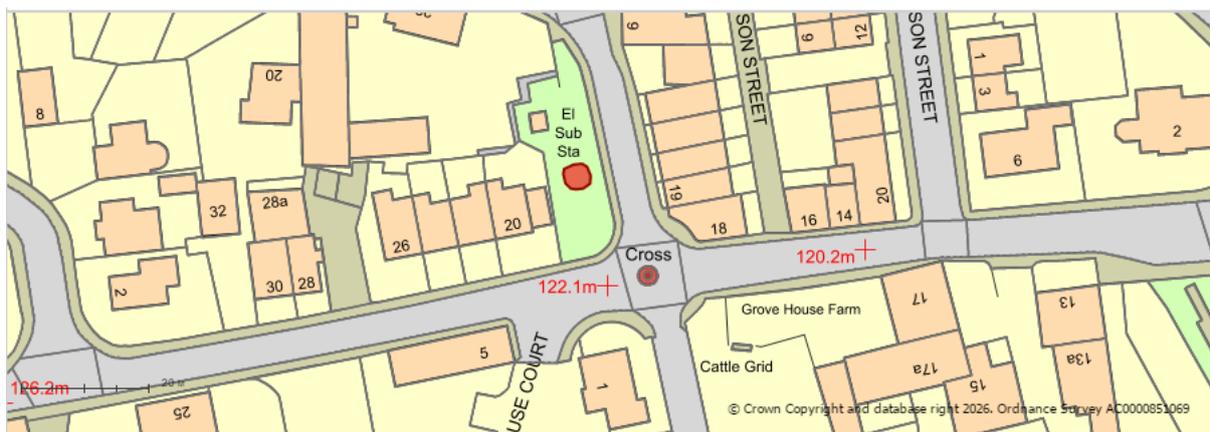
20-Jan-2026

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report

1. INTRODUCTION:

1.1 This application is brought to the District Wide Planning Committee at the request of Councillor John Lawson.

1.2 The grounds for referral are as follows:

“The depth and breadth of public interest in the future of the cross. It is a significant piece of local heritage that warrants a hearing at committee to evaluate the cultural impact of the application.

The listed status of the cross, in its setting, needs to be evaluated by Strategic Committee. There are many precedents for giving equal weight to the setting of a listed structure when considering an application which may affect a listed building.

The application does not take into account road safety issues that will arise after the proposed re-siting is carried out. There is no proposed treatment for resultant traffic management”.

1.3 The Chair of the Committee confirmed that the application would be reported to the District Wide Planning Sub-Committee, in line with the Kirklees Scheme of Delegation, which states that minor applications are determined by the District-wide Planning Committee.

2. SITE AND SURROUNDINGS:

2.1 The application site relates to a traffic junction and grass verge set within a residential area of Oakenshaw. Set within the junction is an area which is marked by concrete barriers where the cross was previously in situ. Wyke Lane is an unclassified road with a speed limit of 30mph.

2.2 Located to the north-west of the junction is a grass verge of 0.03ha. Included within this is an electricity sub-station, trees and interpretation board.

2.3 The cross is currently in secure storage having been removed from the site in 2022 following a road traffic collision.

3. PROPOSAL:

- 3.1 The application is seeking planning permission for the retrospective removal of the cross and its re-siting on the grass verge. The cross is a Grade II Listed structure erected in 1702.
- 3.2 The cross would be reinstated as per its original appearance and orientation, with the coat of arms facing north, the weathervanes positioned to the east and west, and the main sundial facing south. The structural reinstatement would be carried out by a specialist conservation team.
- 3.3 The cross would sit on two additional stone steps, visible from the east, to provide a stable base on the sloping ground, with stones at sub-base level or using local natural stone to match the existing.
- 3.4 Additional landscaping improvement works to the grass verge fall outside of the scope of the permission and include enhancements to the verge including a soft landscaping scheme, footpath, street furniture and information board. Development for these works are not subject to an assessment of this application as they are to be implemented under permitted development rights; however, they will be secured via a planning condition.

Rationale for the proposed development

- 3.5 The application has been submitted by the Council on the basis of finding a new location for the Oakenshaw cross which currently rests in storage due to previous road traffic collisions.
- 3.6 The following road traffic accidents have occurred:
 - May 2021 – Structure damaged by articulated lorry
 - November 2021 – Structure damaged by vehicle (type unknown)
 - February 2022 – Structure damaged by HGV
- 3.7 Following the incident on February 2022 the base stones of the structure had moved, becoming loose and the structure was deemed unsafe. For the purposes of highway safety and damage to a listed structure, the cross was removed from its original position.
- 3.8 Three potential sites were considered for reinstatement of the cross as follows:
 1. The original location was dismissed due to the risk of further damage.
 2. The Garden of Rest opposite St Andrew's Church was considered but deemed not close enough to the original location.
 3. The grass verge was selected due to its location on Cross Street, and close enough for interpretation to be clearly understood about the original location and setting.
- 3.9 The applicant envisage an enhancement to the public realm through the relocation of the cross and associated landscaping works to provide improved access, interpretation, and amenity space for the community.

3.10 Concurrent associated Listed Building Consent 2025/93234 seeks Listed Building Consent for the re-siting of the listed structure.

4. RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2025/93234 - Listed Building Consent for removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane – Pending consideration

5. HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 During the course of the application, the following amended plans were submitted for consideration:

- Location plan LA-01 revA – 16 January 2026
- Site plan HD/25/67355 /PL-1B - 15 January 2026
- Landscaping plan LA-03 revA - 15 January 2026

5.2 The changes set out to indicate the ownership of the grass verge which the cross will be situated in, identifying it as land owned by Kirklees Council.

5.3 The following additional information was submitted for consideration:

- Specification: Structural Works, authored by Blackett-Ord, reference Y19, dated November 2025 - received 12 January 2026.

5.4 The document sets out materials and methods to be used during the erection of the monument including mortar, stone repair, foundations.

5.5 The amendments/supplementary information are not considered to significantly alter the scheme or provide further detail which was necessary to require publicity further to that already undertaken.

6. PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Within the Kirklees Local Plan the site is allocated as being within the strategic green infrastructure network.

6.3 The monument to be re-sited is a Grade II Listed structure (ref:1184674). The site is also within a bat alert layer on the Council's GIS mapping system. The site is shown as being within 250m from a historic landfill site (ref:12130).

6.4 The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping

- **LP21** – Highways and access
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic green infrastructure network
- **LP33** – Trees
- **LP35** – Historic Environment
- **LP53** – Contaminated and unstable land

National Policies and Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.6 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. The following chapters of the NPPF are considered applicable:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 11** – Making efficient use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Conservation of Habitats and Species Regulations 2017

6.8 When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

7. PUBLIC/LOCAL RESPONSE:

- 7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter which incorporates the legislative requirements for publicity of applications.
- 7.2 The application has been publicised as affecting the setting of a listed building on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 11th January 2026.
- 7.3 Sixteen (16) letters of objection to this application have been received. On the concurrent associated Listed Building Consent (2025/93234), four (4) objections were received alongside one (1) letter of support and one (1) general comment.
- 7.4 The representations raised the following summarised observations / concerns:

Objections

- The Oakenshaw Cross should undergo refurbishment.
- This site remains an integral part of Oakenshaw's rich history and heritage.
- Highway works would cover the ancient stonework found beneath the podium step.
- Covering the stonework with a tarmac covering will be unnecessary and the stonework should also be preserved completely.
- Eight stone segmented sections were removed during the archaeological survey and also put in storage. This stonework could be the first and second step of the original Oakenshaw Cross which predates the current Cross.
- There is evidence of a void under the site which is at least 10 feet deep and also warrants further investigations.
- Stone work could be removed from the road and placed on the grass verge site with its upper segment sections.
- A protective barrier system should be installed around the junction.
- There has been a lot of local community involvement in our attempts to get the Cross reinstated to its rightful original place.
- The Council will not resit the Cross to its original location due to costs.
- The Cross should be protected by iron fencing.
- Allowing this would make Wyke Lane a rat run for speeding traffic and HGVs, putting residents and animals in danger.
- The issue is not the monument but the wagons/trucks who use the road irresponsibly.
- The farm traffic and bin wagon manage to negotiate the current bollards and never had issues before the monument was removed.
- A one way traffic system implemented around the Cross in its original position.
- Traffic up Wyke Lane from Bradford Road and traffic coming down Wyke Lane needs to turn left down Cross Street one way and the path widening outside the corner house to the monument to avoid traffic going down Wyke Lane.
- The grass suggested for the installation of the cross needs to be changed to parking spaces.
- The movement of the monument which was erected in 1703 is disrespectful to its original meaning and the current community.

- Cars travel up and down Wyke Lane at unsafe speeds and the memorial does act as a traffic calming feature which is much needed.
- The monument is protected under national heritage law and this should be respected and replaced to its original site.
- The majority of the community want the monument putting back into its rightful place and the actual problem addressed.
- Removal of the monument to the proposed site will not protect it from further damage as it could still be hit by speeding cars.
- The proposed space on Wyke Lane/ Cross Street is used by vehicles due to the lack of space on Cross Street.
- The Cross should be returned to its rightful historic location.
- The Cross was visible in all weather conditions.
- The Cross serves as a reminder the road is not a major road.
- The Cross was struck by vehicles that were speeding.
- HGV's above 7.5ton should be stopped from ignoring the access only signage.
- Traffic calming measures, chicanes, signage and a 20mph speed limit and road narrowing should be introduced.
- Installation of concrete barriers has narrowed the road
- Reflective stones could be used enhance visibility of the Cross.
- The road could be widened to allow vehicles to avoid the grass verge.
- There is no vehicular traffic analysis and road safety audit.
- Traffic monitoring has not been conducted.
- Removing the base stones will damage what is considered to be a medieval site.
- Within the Design and access statement it says the cross will be 12m from its original location, other document refers to different distances.
- The public cost of resitting the cross must be considered.
- The Cross is a local landmark which has a wide social and cultural history

Supportive Comments

- Absolutely fantastic location for it, would be wonderful to then have a board nearby with its historical information too and perhaps a reference to original location.

7.5 Comments have also been received on behalf of Spen Valley Civic Society;

- No objection to the part of the application dealing with the dismantling of the cross.
- It has taken 3 years for the Council to reach a decision for the Cross's re-siting.
- Appropriate storage of the Cross since its dismantling has not been provided.
- The restoration of the Cross in its original position will enhance road safety.
- No action has been taken by Kirklees Council to claim against owners of the vehicle involved in a road traffic collision.
- Objection to the re-siting of the cross in a different location from its original position.
- Appropriate traffic calming measures should be installed on the junction.
- The planning committee should undertake a site visit.

7.6 Ward members raised the following objection / comments;

- The Cross is a re example of a monument dedicated to a woman.
- The Cross is likely over 300 years old.
- The Cross is a focal point for the village.
- The Cross provides the village with a visible history and source of community pride.
- The Cross derives part of its significance from its location. Moving the Cross to the grass verge deprives it of that location significance.
- The monument will be totally screened from view by anyone other than those living on Cross Street.
- Large vehicles can manoeuvre round the Cross without causing damage to it.
- The harm to the Cross has been done by HGVs that should not be using Wyke Lane, especially now that there is a weight limit on the road.
- Traffic accidents on Wyke Lane get no mention in the planning reports.
- Wyke Lane requires road safety measures.
- The grass verge was the site of a terrace of houses which had cellars – there is no reference within the application to provide a firm and stable base

7.7 The summarised representations are taken into account in the assessment of this application and discussed in greater length within section 11 of this report.

8. CONSULTATION RESPONSES:

8.1 The following consultations have been undertaken for this application with the summarised responses listed below.

8.2 **KC Highways Development Management (KCHDM):** Response received 11th January 2026, within which it was concluded the cross in its original location would result in conditions detrimental to highway and pedestrian safety, and lead to further collisions or vehicle strikes.

8.3 The KCHDM are of the view that the proposed relocation of the cross to the grass verge at the intersection of Wyke Lane/Cross Street would be beneficial to the safe operation and movement of vehicles and pedestrians using the Wyke Lane / Cross Street / Sykes Lane junction and offer no objection to the proposals.

8.4 It is recommended that a condition be attached should planning permission be approved that the off-site highways works on plan – Drawing No. HD/25/67355/GC-1A shall be fully delivered prior to the completion of relocation works of the cross.

8.5 **KC Trees:** Response received 6th January 2026. They recommended that the proposal should be amended to avoid the root protection area of the existing cherry tree location on the south of the grass verge.

- 8.6 KC Trees recommended that if the proposal is approved, a no-dig method is conditioned under arboricultural supervision as stated within the JCA AIA ref. 23498/ChC to minimise root disturbance. A condition is therefore recommended that development shall not commence until an Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority.
- 8.7 **KC Conservation & Design:** Response provided 08th January 2026, which identifies that the cross is Grade II Listed, erected in 1702 by local dignitary Dr Richard Richardson as a memorial to his wife Sarah and their child who both died in childbirth. The Cross had four sundials (stating 'Redeem the Time') and a weathervane at the top of the column, not all of which survive.
- 8.8 Reference is made to the road traffic collisions leading to its removal, the options appraisal conducted by KC Major Projects, and associated landscaping works.
- 8.9 The KC Conservation & Design team conclude that the proposal accords with Paragraph 215 of the National Planning Policy Framework that where a proposal would cause less than substantial harm, this harm should be weighed against the perceived public benefits of the scheme and where possible securing its optimum viable use. The Cross will be preserved and reinstated very close to the original location, which will allow close inspection of the features and interpretation of a better understanding of the history of the monument.
- 8.10 The proposals also accord with Policy LP35 of the Local Plan, "Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset".
- 8.11 A condition is recommended for the structural works to be undertaken as described in the Specification: Structural Works report, authored by Blakett-Ord Conservation Engineering, reference Y19, received 12/01/26. The report specifies the materials and methods to be used during the erection of the monument including mortar, stone repair and foundation.
- 8.12 **Historic England:** Response received 24th December 2025. Within their response the significance of the cross is detailed, noting its appearance, prominence and historical context with notable local figures. They state: '*the Cross is significant due to its landmark character in the context of Wyke Lane and Cross Street and its association with Richard Richardson of Bierley Hall.*'
- 8.13 The impact of the development is set out in their response which references the cross being in storage since being struck by vehicles and its reinstatement which will positively impact its significance.
- 8.14 Historic England note that the change from its original position and resultant change of view would cause harm to the significance of the listed structure. Additionally, there would be a small amount of harm by not reinstating the cross in its original position, given certain aspects of the village have developed with the cross in mind.

- 8.15 Historic England conclude that they have no objection to the proposal. The harm from the change of its original position and loss of original context can be mitigated through the addition of interpretation boards and a landscaping scheme to enhance the public realm.
- 8.16 Historic England recommend that the supportive works are secured via condition in order for the application to meet the requirements of paragraphs 212, 213 and 215 of the NPPF.
- 8.17 **West Yorkshire Archaeological Advisory Service (WYAAS)**: Response received 14th January 2026. Their response makes reference to four-stepped base stones formed of large curved rectangular gritstone blocks, believed to belong to the original medieval cross. The 10ft sandstone shaft of the cross also appears to be a reuse of the medieval cross.
- 8.18 Their response relates to all-below ground matters from an archaeological point of view. The ground immediately beneath the current stepped base has the potential to contain archaeological remains associated with the medieval cross.
- 8.19 In order to protect and assess the sub-base stones, WYAAS recommend a condition requiring the applicant to submit a method statement for the dismantling, transport and reconstruction to be agreed for the existing stone steps buried beneath the carriageway, detailing methods for their excavation, lifting and storage for re-use.
- 8.20 Additionally, WYAAS recommend that an archaeological watching brief is maintained during the works to record the recovery of buried fabric, monitor the removal of carriageway layers and record the buried stone steps. The archaeologist must ensure this process is recorded and that the fabric is safely salvaged. The watching brief must also record any underlying medieval features (such as socket stones or deposits) revealed beneath the current base once the lower stones are lifted and monitor the excavation of foundations at the new location to record any archaeological deposits disturbed.

9. MAIN ISSUES

- Principle of development
- Heritage and Design
- Impact on Residential Amenity
- Impact on Highway Safety
- Climate Change
- Environmental Matters
- Representations
- Conclusion & Recommendation

10. APPRAISAL

Principle of development

Sustainable Development

- 10.1 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

10.2 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Land Allocation

10.3 The site falls within Strategic Green Infrastructure Network identified within the Kirklees Local Plan. The Oakenshaw Cross is also a grade II listed structure therefore national and local policy relating to the historic environment is relevant.

Heritage & Design Issues

10.4 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

10.5 The structure is Grade II Listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses’.

10.6 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

10.7 Paragraphs 212 – 215 of the NPPF are clear, that where development leads to substantial harm, it is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.8 The proposal would see the retrospective removal and reinstatement of cross within a grass verge on Cross Street/Wyke Lane.

10.9 The designated heritage asset is of high historical and cultural significance, having been erected since 1702, marking a focal point of the village which is identified within the response formed by KC Conservation & Design and Historic England. Public comments illustrate its rich contribution to the social fabric of the area which forms part of its significance.

10.10 Drawing LA01 details changes to the location of the cross, being approximately 17.50m to the north-west, placed in a central location on the verge.

10.11 The Oakenshaw Cross is set to be reinstated course by course. Each piece of the cross has been recorded by West Yorkshire Archaeological Advisory Service to ensure that the structure is rebuilt as before, restoring its previous appearance.

- 10.12 Two courses of natural stone will be installed on the east side of the cross. It will be identified if the sub-base stones can re-used for the purposes of these steps by a condition for a method statement detailing their condition. If these stones cannot be reused, for a consistent appearance, it will be conditioned that the additional sections are formed of matching stone. Methods of works specified with Specification: Structural Works report, authored by Blackett-Ord Conservation Engineering, reference Y19 will be conditioned due to the use of appropriate materials and methods for works on the heritage assets.
- 10.13 Evidence of previous damage to the Grade II Listed structure has been widely documented within the information received. It is clear that due to modern changes to road vehicles that regularly use the public road at this location, the position of the cross is leading to damage to the historic fabric of the cross and its movement is justified so long as there are suitable provisions set out that would identify the significance of the Oakenshaw Cross.
- 10.14 Enhancements to the public realm will be provided, however these works are not subject to an assessment through this planning application. These works shall be implemented under permitted development rights. They include the installation of an interpretation board to identify the historical importance of the Oakenshaw Cross, soft landscaping, and a footpath as indicated on drawing LA-03.
- 10.15 The scheme will enhance the existing grass verge, with the monument forming the central feature of the site, reflecting its importance to the local area complimented by features to enhance its setting and social and historical importance.
- 10.16 The response of consultees is detailed earlier in this report. No objection has been received by Historic England or KC Conservation & Design. In light of the changes to the position of the Oakenshaw Cross and changes to its setting, Historic England advised that the additional works, outside of this permission, should be secured via condition to mitigate the harm. In light of their comments, it is considered necessary to recommend a condition that prior to the completion of the relocation of the Cross, landscaping works detailed within drawing LA-03 shall be fully delivered. This will secure mitigation for the harm caused due to the change of the cross's location.
- 10.17 It is considered that, overall, the impact of the proposal would be acceptable, subject to inclusion of the recommended conditions, taking account of the detail submitted, on balance it is concluded that the proposed development would have an acceptable impact upon the designated historic asset whilst providing a scheme to enhance the public realm, ensuring that there would be no harm to heritage assets arising from the development.

Impact upon Residential Amenity

- 10.18 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

- 10.19 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.20 It is not anticipated that the development will have an impact resulting to a change of amenity for the dwellings set along Cross Street or Wyke Lane due to the nature of the changes proposed. This conclusion is based on the minor changes to the location of the cross and reflected use type. It is noted that a bench will be installed under associated works which may attract visitors for longer periods within the site, however the impact is considered to be limited.
- 10.21 It is therefore concluded that the proposal would have an acceptable impact in terms of the residential amenity of neighbouring occupiers and would accord with the aforementioned policies.

Impact upon Highway Safety

- 10.22 Policies LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide is also considered to be of relevance.
- 10.23 Highway improvement works are illustrated on construction plan HD-25-67355-GC-1A and they will be undertaken by the highway authority. The KC Highways Development Management Team have stated that they have no objection to the proposed development within their consultation response of 11th January 2026, recommending a condition be attached for the works to be completed prior to the undertaking of the development should planning permission be approved.
- 10.24 The works include the resurfacing of the Wyke Lane, 4m ahead arrows and give way road markings. This would regularise the road for two-way traffic with a junction for merging traffic from Cross Street.
- 10.25 The applicant has submitted a Highways Statement dated 21 November 2025 justifying the works. Traffic movement diagrams have been provided on pages 3 & 4 of the document providing risks from HGV and lorry movements. Views 1, 2, 5 & 7 indicate HGV/lorry vehicles cannot manoeuvre safely around the cross without either hitting the structure or partially using the footpath. Photographic evidence of the damage cause from previous road traffic collisions with the cross has also been provided.
- 10.26 Giving weight to the justification provided as set out in the Highways Statement dated 21 November 2025, there are concerns for road and footpath users due to the limited width of the existing road network when the cross is located in a central position within Wyke Lane.
- 10.27 To secure a satisfactory layout of the existing road network it is recommended that the off-site highways works on plan – Drawing No. HD/25/67355/GC-1A shall be fully delivered prior to the completion of relocation works of the cross.

10.28 Having regard to the responses of consultees and the nature / extent of the development proposal, it is concluded that subject to inclusion of the recommended conditions, the proposal would be acceptable in terms of impact upon access and highway safety.

Environmental Matters

Trees

10.29 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

10.30 An ornamental cherry tree is recorded within the JCA survey ref. 23498/ChC with a diameter of 37cm. The tree is located in a prominent location within the grass verge abutting Wyke Lane. The arboricultural implications plans ref: 23498/ChC indicates that a footpath will be constructed which will fall partially over the root protection area of the tree.

10.31 KC Trees requested that the footpath was reconfigured to provide access to the cross from Cross Street to avoid disturbance to the establishment root network of the cherry tree.

10.32 Landscaping works will be carried out under permitted development rights. When considering the legal fallback position of landscaping works, material weight has been given to the implementation of these works, which could be carried out independently of the proposed development.

10.33 KC Trees recommend that if the footpath is not repositioned a no-dig method is used for its construction under arboriculture supervision. Existing flagstones are extracted by hand and heavy machinery is excluded from the root protection area. Given the amenity value of the tree, such a condition is recommended.

10.34 On the basis of the inclusion of conditions for the applicant to submit a Arboricultural Method Statement, the proposal is considered to be acceptable in this regard.

Land Contamination

10.35 Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

10.36 The site is shown as being within 250m from a historic landfill site (ref:12130). Ground excavation is considered to be limited due to the utilisation of natural topography and scale of the structure. Nevertheless, it is recommended a condition is provided in the case unexpected land contamination is uncovered during the construction works for the monument to cover all potential scenarios.

Archaeology

- 10.37 West Yorkshire Archaeology Advisory Service (WYAAS) previously advised the applicant during the transportation of the Cross between storage areas at which time they recorded the condition, measurements and individual pieces of the monument. There is evidence of historic material below surface level which will be extracted as part of highway works conducted by the highway authority.
- 10.38 It is recognised that there may be archaeological remains of significance below the ground and a full method statement detailing the specific methods for their careful excavation, lifting, and storage for re-use of the sub-base stone steps.
- 10.39 Additionally, and recommended by WYAAS, it is considered necessary to impose a condition for a watching brief monitor and record the buried stone steps and to record any potential material of significance within the void such as medieval features.

Ecology

- 10.40 Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.
- 10.41 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.42 Policy LP31 requires proposal to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide.
- 10.43 Within the Kirklees Local Plan the site is allocated as being within the strategic green infrastructure network. It is also with a bat alert layer on the Council's GIS mapping system. The cross has been relocated to a secure site for storage, and it is considered the proposal will have no impact to bat populations.
- 10.44 Associated works include the provision of additional soft landscaping features which will enhance the wider site for flora and fauna. When considered alongside these works, the proposal is considered to be compliant with the aforementioned policies by providing an uplift to the grass verge site.
- 10.45 The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

11 REPRESENTATIONS

11.1 The representations received have been summarised earlier in this report, for clarity they are repeated again (in italics) and addressed below.

- *The Cross provides the village with a visible history and source of community pride.*
- *Moving the Cross to the grass verge deprives it of the location of the significance*
- *The Cross is a rare example of a monument dedicated to a woman.*
- *The Cross is a local landmark which has a wide social and cultural history*
- *The Cross is a focal point for the village.*
- *The Cross is likely over 300 years old.*
- *This site remains an integral part of Oakenshaw's rich history and heritage.*
- *The movement of the monument which was erected in 1703 is disrespectful to the its original meaning and the current community.*
- *The monument is protected under national heritage law and this should be respected and replaced to its original site.*

11.2 **Officer Response:** Considerations of the significance, movement and impact on the Grade II Listed Cross are detailed at the beginning of 10.4 of the report. The harm from the movement of the Cross from its original location will be mitigated through the additional landscaping scheme constructed in the grass verge. Officers, KC Conservation & Design and Historic England consider the significance of the heritage asset will be preserved.

- *Highway works would cover the ancient stonework found beneath the podium step.*
- *Covering the stonework with a tarmac covering will be unnecessary and the stonework should also be preserved completely.*
- *Eight stone segmented sections were removed during the archaeological survey and also put in storage. This stonework could be the first and second step of the original Oakenshaw Cross which predates the current Cross.*
- *There is evidence of a void under the site which is at least 10 feet deep and also warrants further investigations.*
- *Stone work could be removed from the road and placed on the grass verge site with its upper segment sections.*
- *Removing the base stones will damage what is considered to be a medieval site.*

11.3 **Officer Response:** Further archaeological investigation is recommended to enable the measurement and recording of below-ground features, ensuring that any removal of significant material is carried out in accordance with appropriate archaeological methods, as detailed at the beginning of paragraph 10.37.

- *The Oakenshaw Cross should undergo refurbishment.*

11.4 **Officer Response:** Repairs of the Cross are detailed within Specification: Structural Works, authored by Blackett-Ord, reference Y19.

- *Allowing this would make Wyke Lane a rat run for speeding traffic and HGVs, putting residents and animals in danger.*
- *The issue is not the monument but the wagons/trucks who use the road irresponsibly.*
- *Cars travel up and down Wyke Lane at unsafe speeds*
- *The Cross was struck by vehicles that were speeding*
- *The harm to the Cross has been done by HGVs that should not be using Wyke Lane, especially now that there is a weight limit on the road.*

11.5 **Officer Response:** The highway safety implications have been considered at the beginning of paragraph 10.22 of this report. The actions of road users are noted.

- *The farm traffic and bin wagon manage to negotiate the current bollards and never had issues before the monument was removed.*
- *The Cross serves as a reminder the road is not a major road.*
- *Large vehicles can manoeuvre round the Cross without causing damage to it.*
- *The Cross was visible in all weather conditions.*

11.6 **Officer Response:** The Highways Statement dated 21 November 2025 includes traffic movement diagrams of HGVs and lorries indicating movement of some vehicle types are hazardous to road users and pedestrian safety on pages 3 & 4.

- *Wyke Lane requires road safety measures.*
- *A one way traffic system implemented around the Cross in its original position.*
- *Traffic up Wyke Lane from Bradford Road and traffic coming down Wyke Lane needs to turn left down Cross Street one way and the path widening outside the corner house to the monument to avoid traffic going down Wyke Lane.*
- *HGV's above 7.5ton should be stopped from ignoring the access only signage.*
- *Traffic calming measures, chicanes, signage and a 20mph speed limit and road narrowing should be introduced.*
- *The road could be widened to allow vehicles to avoid the grass verge.*
- *The restoration of the Cross in its original location will enhance road safety.*
- *Appropriate traffic calming measures should be installed on the junction.*
- *The memorial does act as a traffic calming feature which is much needed.*
- *Reflective stones could be used enhance visibility of the Cross.*
- *A protective barrier system should be installed around the junction.*
- *The Cross should be protected by iron fencing.*
- *The Cross should be returned to its rightful historic location.*
- *Objection to the resitting of the cross in a different location from its original position.*

- 11.7 **Officer Response:** The highway works will be undertaken by the Highway Authority. The works are detailed within Drawing No. HD/25/67355/GC-1A and are not subject to planning assessment, as they do not require planning permission. It is considered that reinstating the cross in its original location would result in conditions detrimental to highway and pedestrian safety, and lead to further collisions or vehicle strikes.
- *Removal of the monument to the proposed site will not protect it from further damage as it could still be hit by speeding cars.*
- 11.8 **Officer Response:** The Cross will be located on a grass verge, moving the monument from Wyke Lane. There is a low risk the mentioned implications will occur.
- *The proposed space on Wyke Lane/ Cross Street is used by vehicles due to the lack of space on Cross Street.*
 - *The grass suggested for the installation of the cross needs to be changed to parking spaces.*
- 11.9 **Officer Response:** Comment noted, there is suitable on-street parking on public roads in the surrounding area.
- *Installation of concrete barriers has narrowed the road*
- 11.10 **Officer Response:** Concrete barriers are a temporary measure to protect the sub-base stones and will be removed as part of works constructed by the highway authority.
- *There is no vehicular traffic analysis and road safety audit.*
 - *Traffic monitoring has not been conducted.*
 - *Traffic accidents on Wyke Lane get no mention in the planning reports.*
- 11.11 **Officer Response:** Relevant highway safety information has been provided in order to make an assessment of the application.
- *The monument will be totally screened from view by anyone other than those living on Cross Street.*
- 11.12 **Officer Response:** The cross will be visible from aspects along Wyke Lane and is accessible for pedestrians.
- *Within the Design and access statement it says the cross will be 12m from its original location, other document refers to different distances.*
- 11.13 **Officer Response:** Officers measure the movement of the cross to be 17.50m to the north-west.
- *There has been a lot of local community involvement in our attempts to get the Cross reinstated to its rightful original place.*
 - *The majority of the community want the monument putting back into its rightful place and the actual problem addressed.*

- 11.14 **Officer Response:** The application has been submitted by the Council's Major Projects Team. It is recognised there has been community involvement prior to the submission of this application. This application has been assessed based on its own merits for the movement of the Cross to the grass verge.
- *The planning committee should undertake a site visit.*
- 11.15 **Officer Response:** Councillor John Lawson has requested a site visit is undertaken by the planning committee. The request has been brought forward to the Chair of the committee.
- *The Council will not resite the Cross to its original location due to costs.*
 - *The public cost of resitting the cross must be considered.*
 - *It has taken 3 years for the Council to reach a decision for the Cross's resitting.*
 - *Appropriate storage of the Cross since its dismantling has not been provided.*
 - *No action has been taken by Kirklees Council to claim against owners of the vehicle involved in a road traffic collision.*
- 11.16 **Officer Response:** Whilst these matters have been reviewed, the application for planning permission has been assessed on its own merits. The history of the decision to take down the cross cannot be considered within the planning balance.
- *The grass verge was the site of a terrace of houses which had cellars – there is no reference within the application to provide a firm and stable base.*
- 11.17 **Officer Response:** Specification: Structural Works, authored by Blackett-Ord, reference Y19, submitted on 12 January 2026 references work in the event voids are uncovered during the installation of the monument under beginning on line 330 & 337, Lines 270 & 310 relate to procedures for a stable base.
- *No objection to the part of the application dealing with the dismantling of the cross.*
 - *Absolutely fantastic location for it, would be wonderful to then have a board nearby with its historical information too and perhaps a reference to original location.*
- 11.18 **Officer Response:** Supportive comments noted. An information board is proposed to be installed under permitted development rights.
- *Have the repairs been done?*
 - *Will you be fixing the steps that were damaged by the HGV off site or are you intending to replace pieces?*
 - *Are you intending to repair the parts that were done in the 80s by locals after they appealed to Kirklees to repair correctly then by specialists?*
 - *They need acknowledging on an interpretation board as they were the ones to get it listed.*
 - *Are you intending to have the stone cleaned before installation.*
 - *As we are aware it's been moved from the grass verge to indoor storage, I hope everything that had broken off, was not left behind?*

11.19 **Officer Response:** Permission is sought for the works as described within this report.

12.0 CONCLUSION & RECOMMENDATION

12.1 Having regard to the response of consultees and the extent of the detail submitted, on the basis of inclusion of the recommended conditions the proposed development is considered to be acceptable. Conditional approval is therefore recommended.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time limit to commence development
2. Development to be completed in accordance with the plans and specifications.
3. Archaeological method statement to be submitted for written approval
4. Archaeological watching brief to be submitted for written approval
5. Should new stone be used for repair works or the new steps, details of their location and appearance to be submitted for written approval.
6. Off-site highway works on plan – Drawing No. HD/25/67355/GC-1A shall be completed.
7. Prior to the completion of the relocation works of the Cross, landscaping works detailed within drawing LA-03 shall be fully delivered.
8. Compliance with methods of works specified within report Specification: Structural Works, authored by Blackett-Ord Conservation Engineering, reference Y19.
9. Arboricultural Method Statement to be submitted for written approval.
10. Submission of land contamination details in the case unexpected contamination is uncovered during ground works.

Background Papers:

Application and history files.

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Certificate of Ownership –Certificate A signed.