

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 96A

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR NON-MATERIAL AMENDMENTS

Reference No: **2026/NM/90771/E**

Site Address: The Priory, Whitechapel Road, Cleckheaton, BD19 6HR

Description: Non material amendment to previous permission 2025/90655 for demolition of existing pub and erection of two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works

Recommending Officer: Kerri Simpson

DECISION – APPROVE NON-MATERIAL AMENDMENT

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16-Apr-2026

Officer Report – 2026/90771

The Priory, Whitechapel Road, Cleckheaton, BD19 6HR

Site Description

The 0.38ha application site is located on the northern side of the unclassified Whitechapel Road, comprising an L-shaped part two/part single storey former public house with associated single storey additions and a dilapidated two storey element to the north, situated upon a large expanse of hard standing with an area of soft landscaping towards the northeastern corner of the site. Public Right of Way (PROW) reference no SPE/24/40 (footpath) runs along the western site boundary and an existing vehicular access serving the site adjoins Whitechapel Road. The site is bounded to the north and west by a housing development permitted under reference number 2019/93658 (Land at, Whitechapel Road, Cleckheaton/ Greenway View) for the erection of 122 dwellings, landscaping and associated infrastructure, which is currently under construction. To the east by the Grade II Listed building “Whitechapel Church” and to the south by the highway of Whitechapel Road with residential properties beyond.

Description of Proposal

Non-material amendment to previous permission 2025/90655 for demolition of existing pub and erection of two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works.

The submitted information indicates following amendments are sought:

- To change the previously approved arched stone head with a straight stone head detail to main entrance on the south elevation.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

2026/TWA/90429 - Work to trees TPO 01/20 – Granted (11.03.2026)

2025/92836 - Discharge of details reserved by conditions 5 (bat roosting), 6 (building contract), 7 (WSI), 8 (CEMP: Biodiversity), 9 (Phase II Intrusive Site Investigation Report), 13 (materials), 14 (security measures), 15 (boundary treatments), 16 (lighting), 18 (bin collection) on previous permission 2025/90655 for demolition of existing pub and erection of two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works – Approved (01.04.2026)

2025/91930 - Discharge of details reserved by condition 8 (CEMP: Biodiversity) of previous permission 2025/90655 for demolition of existing pub and erection of a new two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works – Approved (06.08.2025)

2025/90655 - Demolition of existing pub and erection of a new two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works – Granted (02.07.2025)

Consultation Responses

None.

Allocation and Policy

The site is unallocated within the Kirklees local Plan (Adopted 2019)

The site is subject to the following planning policy designations and constraints:

- Bat Alert Zone
- Coal Development Low Risk Area (northern section of the site)
- Coal Development High Risk Area (southern section of the site)
- Public Right of Way (PROW) (western section of the site)
- Group Tree Protection Order (beyond western site boundary)

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

Kirklees Local Plan

- LP1- Achieving Sustainable Development
- LP2 - Place Shaping
- LP3 - Location of new development
- LP7 - Efficient and effective use of land and buildings
- LP11 - Housing Mix and Affordable Housing
- LP20 - Sustainable travel
- LP21 - Highway and Access
- LP22 - Parking
- LP23 - Core Walking and Cycling Network
- LP24 - Design
- LP26 - Renewable and low carbon energy
- LP28 - Drainage
- LP30 - Biodiversity and Geodiversity
- LP32 - Landscape
- LP33 - Trees
- LP35 - Historic Environment
- LP47 - Healthy, Active, and Safe Lifestyles

- LP48 - Community Facilities and Services
- LP51 - Protection and Improvement of Local Air Quality
- LP52 - Protection and Improvement of Environmental Quality
- LP53 - Contaminated and Unstable land

National Policies and Guidance

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12th December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivery a sufficient supply of homes
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective 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 / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- The Biodiversity Net Gain Technical Advice Note

Legislation

- The Town & Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004.
- Section 17 of the Crime and Disorder Act 1998 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017
- Environment Act 2021

- The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The application will be assessed having regard to S96A of the Town & Country Planning Act 1990: "In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted" and the Council's Protocol for dealing with non-material amendments.

With regard to the protocol for non-material amendments, paragraph 2.5 sets out that the decision whether a proposed change qualifies as a non-material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted. In the absence of any definition of a non-material change, the protocol sets out examples to give guidance about changes unlikely to be accepted as 'non-material'.

The amendment relates solely to a minor change in elevational detailing, replacing the approved arched artificial stone head with a straight stone head above the entrance on the southern elevation. This is a limited design refinement which does not alter the approved scale, massing, footprint or overall composition of the building.

In line with Section 96A of the Town and Country Planning Act 1990 and the Council's Non-Material Amendment Protocol, the change is considered inconsequential in planning terms. It would not give rise to any material impacts on visual amenity/heritage settings, neighbouring occupiers, or the character of the area, and does not conflict with any planning conditions or policy. The amendment does not affect the nature of the approved scheme and is therefore considered to be non-material within the meaning of Section 96A of the Town and Country Planning Act 1990 and acceptable.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2026/90771

Report Dated: 13/04/2026

Decision Notice Letter:

The Local Planning Authority hereby agrees that the amendment described in the application constitutes a non-material amendment to planning permission

2025/90655. Accordingly, the development shall be carried out in accordance with the amended drawing no. H24-WC-014 Rev C, titled ELEVATIONS – Materials in so far as the stone head above the entrance on the south elevation, and all other approved plans and conditions attached to planning permission ref 2025/90655 shall continue to apply.