

DELEGATED DECISION REPORT

NMA/2025/0033
Valid 10/12/2025

LAND SOUTH OF
CRESSWELL OLD LANE
CRESSWELL

NON MATERIAL AMENDMENT
IN RELATION TO
SMD/2022/0472 FOR THE
ERECTION OF 2NO.
DETACHED DWELLINGS

(NON MATERIAL
AMENDMENTS)

OFFICER COMMENTS

Existing condition 2 of planning permission SMD/2022/0472 reads:

2. Development shall not commence until a further site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority; and:

(a) If the site risk assessment indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority

(b) Following completion of measures identified in the approved remediation scheme (a) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority

(c) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

This is a pre commencement condition that prevents a lawful start of works until it has been complied with. The existing permission will expire on the 15th December 2025.

The applicant has made efforts to comply with the condition under application DOC/2025/0072. With the submitted Phase I Geoenvironmental Desk Study, they have undertaken a 'further site risk assessment' to assess the nature and extent of any contamination on the site, completed the survey and submitted a written report of the findings and recommendations (first part of the conditions requirements).

On the Environmental Health Officer's advice - The site risk assessment indicates that potential risks exist. However, we do not have a detailed remediation strategy, of a standard or detail that we can approve, to bring the site to a condition suitable for the intended use. To comply with the condition an approvable RMS is required before development commences.

The applicant's consultant submits that, instead, work could start with a commitment to providing and carrying out RMS at some time in the future. Two issues arise, however, – the applicant cannot make a lawful start of works when pre commencement conditions have not been complied with; and, once the development has started there is no longer a time trigger in place to ensure that required strategies are submitted and approved.

This application for a non-material amendment, therefore, is an agreed approach to renegotiate the terms and arrangement of the condition so that it allows work to commence but still retains control over the investigations and remediations.

The application submission suggests a form of alternative words, however, the Environmental Health Officer suggests the following and the applicant has conformed that he is agreeable to the suggestion:

Prior to undertaking any piled foundations or deep soil excavation (greater than 1m) an updated remediation strategy, incorporating a groundwater site risk assessment should be submitted and approved in writing by the Local Planning Authority. The groundwater risk assessment should include further intrusive site sampling to enable better understanding of potential contaminative sources that have not been previously assessed (e.g. shed) shed / any possible infilled land). And;

a) Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority

b) If, during development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The variation to the condition would have a non-material affect on the permission. It would allow a lawful start of works to keep the planning permission extant and prevent it from expiring before the 15th December, but retain control over those matters relating to ground and water risks where the Environmental Health Officer still has unanswered concerns.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 12/12/2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council