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From: Cllr Steven Buckley [REDACTED]

Sent: 15 December 2025 16:51

To: [REDACTED]

Subject: Re: NMA/2025/0032 - Non Material Amendment in relation to SMD/2018/0509 - Land Adjacent To Daisy Bank Farm , Uttoxeter Road , Upper Tean

The Applicant is seeking to amend Conditions 18 and 19 of the Grant of Outline Planning Permission on SMD/2018/0509. This appears designed to enable a lawful start before the permission expires on 31 January 2026, without addressing the failure to satisfy these pre-commencement requirements.

"CONDITION 18 - DRAINAGE - The development hereby permitted shall not be commenced until such time that a Sustainable Drainage scheme, the 'Scheme' has been submitted to and approved in writing by the Local Planning Authority. Reason:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants."

"CONDITION 19 - FOUL AND SURFACE WATER FLOWS - The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution."

Checkley Parish Council (CPC) are concerned that the Applicant has still not provided a satisfactory or complete response to Condition 18 or 19 despite several requests to do so from the Planning Officer.

CPC are also concerned that the Applicant is unable to satisfy these conditions which have a material effect on flooding issues on and around the site and is now attempting to bypass the conditions imposed prior to commencement. Conflicts with tree protection condition requiring fencing first—delay in SuDS has created this issue.

CPC consider that this is far from satisfactory, these conditions were imposed by the Planning Officer as "conditions precedent " requiring work to be carried out or details to be approved prior to the commencement of the development .

CPC note that with regards to "conditions precedent "- 'If a condition precedent is not complied with, the whole of the development will be unauthorised and may be liable to enforcement action'; And 'Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.'

CPC also note that Consent is normally granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who are fully responsible for their compliance throughout the development and beyond.

CPC further note that an NMA cannot be used to amend planning conditions without breaching S.96A as it alters core requirements. "A non-material amendment may be applied for to approve a minor change to the planning permission which does not breach any conditions originally placed on the consent."

CPC are also concerned that if this Application is approved it will set a precedent for any other like minded Applicant/Developer to choose to disregard 'Conditions Precedent' and thus will nullify the impact of same.

CPC are therefore of the opinion that this Application should be refused as being unsatisfactory and incorrect and not in accordance with the Grant of Outline Planning Permission and not in accordance with acceptable Planning protocol. If minded to approve, determine by committee due to public interest in local flood risks.

Cllr Steve Buckley
Planning Coordinator