

DELEGATED DECISION REPORT

NMA/2026/0014
Valid 16/06/2026

LAND OFF DRAYCOTT
CROSS ROAD
BROOK HOUSES
CHEADLE

NON MATERIAL AMENDMENT
FOLLOWING THE GRANT OF
PLANNING PERMISSION OF
SMD/2023/0263 - THE
PROPOSED AMENDMENT
RELATES TO THE WORDING
OF CONDITION 5

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The impact on highway safety.

DESCRIPTION OF SITE

The site comprises open land on the north-west side of Draycott Cross Road on the western edge of Cheadle. Industrial areas lie to the south-west and also on the opposite side of the road to the south-east. Open land lies to the north.

PROPOSAL

This is a Non Material Amendment application to vary one of the conditions attached to a full planning permission for a Battery Energy Storage Scheme (BESS) development (ref SMD 2023 0263). Condition 5 requires the following:

“Before the proposed development is commenced details of improvement of the access comprising widening, strengthening and surfacing of the access and return of access to lower standard access once construction period is over, shall have been first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be improved in accordance with the approved drawings before the construction commences and returned to the agreed lower standard prior to the development being brought into use.”

The reason for the condition being imposed is because the current site access is not deemed suitable by the local highways authority for construction vehicles for the development, which would involve a significant numbers of HGV movements causing damage to the public highway and therefore detriment to highway safety. The condition hence requires improvements to be made to the access before construction commences.

The first part of the condition has been complied with. The developer has submitted drawings of the improvements and this has been approved by the Council (on 29th January 2026 under approval DOC 2025 0100).

However, before the approved access works can be commenced, licences have to be obtained by the local highways authority (under Section 278 for example) and this is expected to take a considerable amount of time. The planning permission expires in January 2027 and it is not expected that the required highways related approvals/licences can be obtained before then. The BESS development must commence before the permission expires.

The applicant is therefore looking to vary the condition to allow some form of start on site before the access works are undertaken and before January 2027. The applicant suggests the condition be re-worded to the following:

“Prior to the development being brought into use, the access shall be improved comprising widening, strengthening and surfacing of the access and return of access to lower standard access once construction period is over, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, before any works to the access are undertaken. The access shall be improved in accordance with the approved details.”

A covering letter has been submitted to give further details and background to this NMA application.

An email giving details of what works they proposed to undertake to mark the commencement of development (and therefore the implementation of permission SMD 2023 0263 for the BESS development), was received on 14.7.26. This states the following:

“As discussed, it is proposed to undertake a material commencement of development (in accordance with S56(4) of TCPA 1990). This is anticipated to take the form of digging the foundation base for the AUX transformer as shown on Proposed Plan (059-PL-ST101UD-101 REV E).”

With regard to whether any other form of groundworks are required in order to provide the building, the agent commented as follows:

“The design team who have indicated that the existing ground levels are similar to those associated with the substation. Clearly there will need to be a limited degree of excavation to facilitate the foundation.”

The Council must decide if the amendment can be treated as a “Non Material Amendment” to the approved scheme in terms of whether or not the alterations to the proposed scheme, in this case, the variation of Condition 5 of the planning permission, are minor enough to avoid any additional impacts, in this case, to the public highway and highway safety.

Non Material Amendment applications can be used for the minor variation or re-wording of planning conditions.

If it is considered that the impacts of the amendment would be material (e.g. result in a degree of harm) or that further consultation is required, then the Council would not consider the amendment to be non-material and would refuse the application and therefore a new full planning application or full Variation of Condition application would need to be submitted for the amendment(s).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

DC1 – Design Considerations

T1 – Sustainable Travel

NPPF (Revised December 2024)

Sections 12 (Design).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2023/0263: Full Planning Permission for the BESS development.

DOC/2025/0100: Discharge of Condition application which includes details of the access improvements required for the first part of Condition 5 of the planning permission. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Local Highways Authority

No objection subject to the condition being worded as follows:

1. Before any commencement of development, other than the foundations of the AUX Transformer shown in drawing “Proposed Plan (059-PL-ST101UD-101 REV E)”, the access shall be improved in exact accordance with the details approved under planning application DOC/2025/0100, including its widening, strengthening and surfacing and the access shall then be returned to the agreed lower standard access once the construction period is over and prior to the development being brought into use.

The following comments were also made:

Application is to vary condition requiring works to improve the accesses.

Wording proposed by applicant in covering letter dated 5th June 2026 is not acceptable to the Highway Authority. Works must be carried prior to commencement otherwise there will be little point in the works in the carried out.

However, revised wording repeated above, proposed by SMDC Planning Officer is acceptable to Highways. This represents a practical solution to the issue and can be supported. Email 11th August 2026 10:12 refers.

OFFICER COMMENTS

The applicants suggested re-wording of the condition would allow significant unlimited construction of the BESS development before the access improvements are undertaken, involving a significant amount of large vehicle movements through the current unsuitable access to the detriment of highway safety. However, the applicant has confirmed that the only works they intend to undertake prior to the access improvements, in order to qualify as the “commencement of works” and implementation of the planning permission before its expiry, is to provide the foundations for the AUX transformer, a relatively small structure approved under the planning permission. It is not considered, that due to its limited size and scope, this would involve any significant arrival and departure of large construction vehicles using the access and would not lead to any detriment of highway safety.

The variation of the condition to allow specifically only the works described above prior to the access improvements would not lead to any significant additional impacts and therefore this can be treated as a Non-Material Amendment to the BESS planning permission.

The condition should therefore be reworded as follows:

“Before any commencement of development, other than the foundations of the AUX Transformer shown in drawing “Proposed Plan (059-PL-ST101UD-101 REV E)”, the access shall be improved in exact accordance with the details approved under planning application DOC/2025/0100, including its widening, strengthening and surfacing and the access shall then be returned to the agreed lower standard access once the construction period is over and prior to the development being brought into use.”

CONCLUSION

The proposed amendment is minor in nature and will not have any additional impact on the character and appearance of the area, highway safety or the environment in general and therefore can be treated as a Non Material Amendment to the planning permission and therefore the Non Material Amendment application can be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 02.8.26

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council