
Delegated report Officer: Sarah Atherton

Application ref. DMOT/2026/0407

Non-material amendment to permission ref. DMPA/2025/1570 seeking inclusion of a roller shutter to Unit 1 relating to Erection of 2no buildings in B2/B8 and ancillary E(g) uses, associated infrastructure, service yards, landscaping, and a structural landscape buffer at land to the east of Dove Valley Park and the erection of an innovation centre in sui generis use at Plot 2 within Dove Valley Park Land to the east of Dove Valley Park, Park Avenue, Foston, Derby

Valid date: 26/03/2026

Consults expired:

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

DMPA/2025/1570 - Erection of 2no buildings in B2/B8 and ancillary E(g) uses, associated infrastructure, service yards, landscaping, and a structural landscape buffer at land to the east of Dove Valley Park and the erection of an innovation centre in sui generis use at Plot 2 within Dove Valley Park. Approved with conditions 13/03/2026.

DMPA/2024/0635 - Erection of 4no buildings in B2/B8 and ancillary E(g) uses, associated infrastructure, service yards, landscaping and a structural landscape buffer at land to the east of Dove Valley Park and the erection of an innovation centre in sui generis use at Plot 2 within Dove Valley Park. Approved with conditions 11/09/2025.

Responses to consultations and publicity

The application proposes changes that the applicant considers to be non-material. For applications made for non-material amendments there is no requirement to issue consultations on the proposed changes.

Relevant policy, guidance and/or legislation

The most relevant policies and guidance are those set out in the host permission.

Planning considerations

Taking into account the application made, the documents submitted and the site and its environs, the main issue central to the determination of this application is whether the proposal can be considered as a non-material minor amendment to the previously approved scheme. The power to make such a non-material change to a planning permission is set out in the Town and Country Planning Act 1990 section 96a (as amended).

Planning assessment

Section 96A provides local planning authorities with the ability to agree changes to previously approved planning permissions and sets out the following:

(1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission or permission in principle as originally granted.

(3) The power conferred by subsection (1) includes power to make a change to a planning permission (a) to impose new conditions; (b) to remove or alter existing conditions.

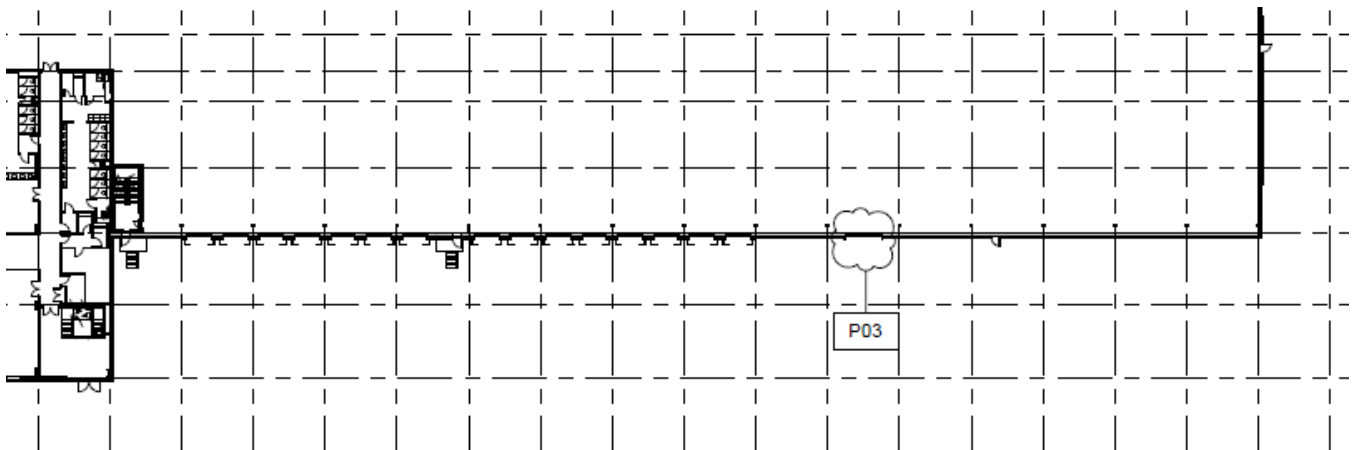
(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

(5) An application under subsection (4) to a local planning authority in England must be made in the form and manner prescribed by development order.

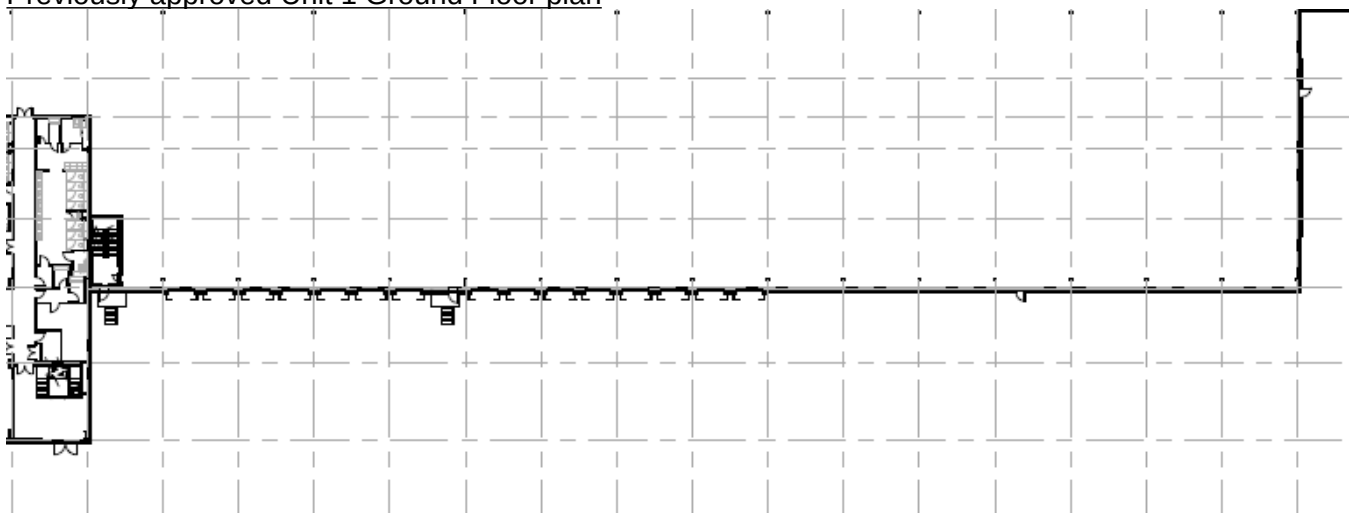
The application proposes the introduction of an additional loading door to unit 1 to enable forklift truck access required by the prospective occupiers of the unit. The door will be sited towards the northern end of the south east elevation. The door would provide level access to this area of the building and would measure circa 4m in width and circa 5m in height and is of the same design to doors included within the previously approved scheme in this elevation, the south west elevation and the north west elevation.

The proposed change would require the approval of a revised site plan and revised elevations and floor plans for unit 1 of the previously approved scheme, the below provides context of the change as shown on each of the submitted plans:

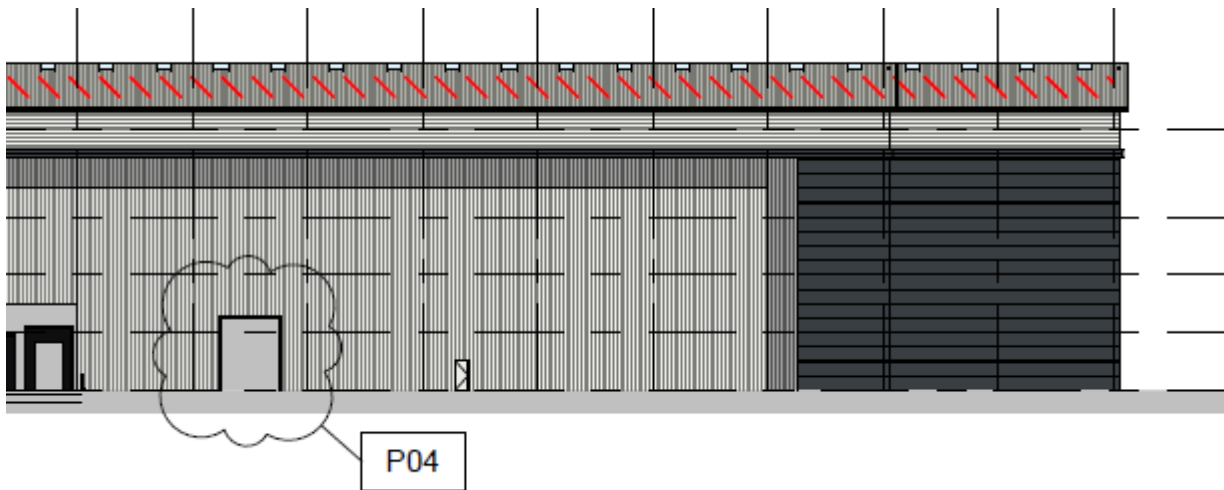
Unit 1 Proposed Ground Floor Plan, 14431-AEW-B1-00-D-A-05120 Rev P03



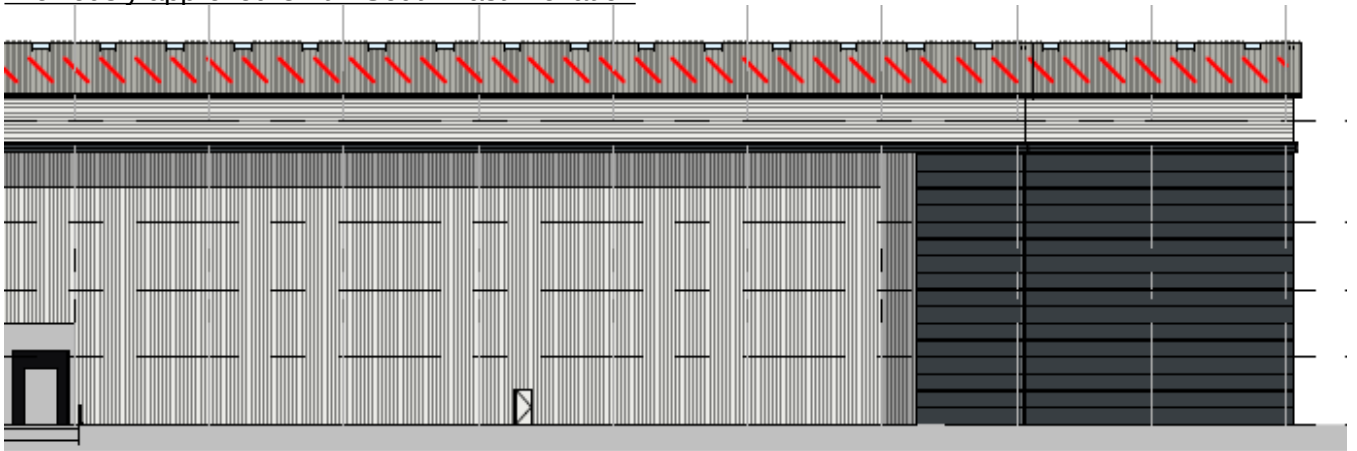
Previously approved Unit 1 Ground Floor plan



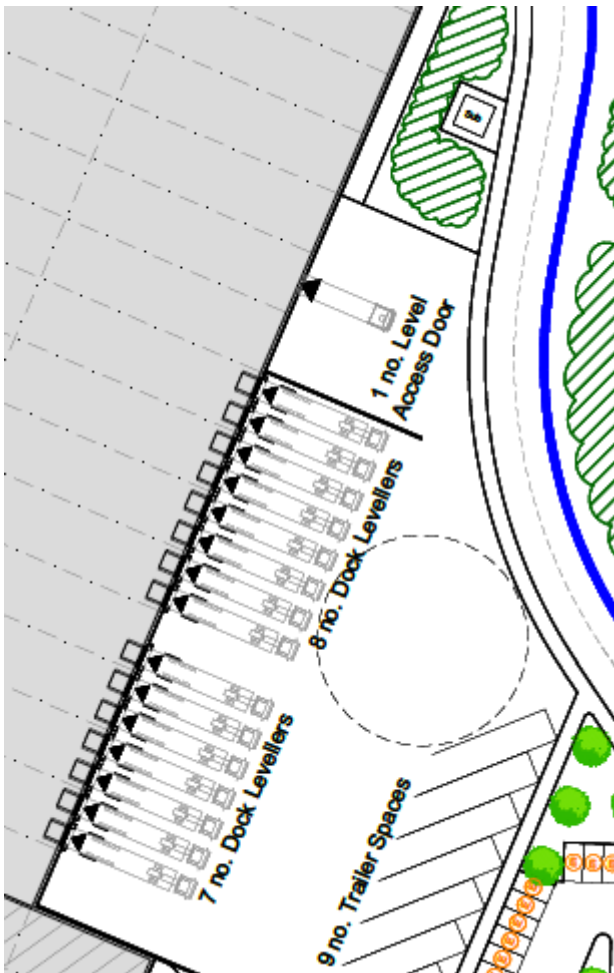
Unit 1 Proposed Elevations, 14431-AEW-B1-XX-D-A-05130 Rev P04



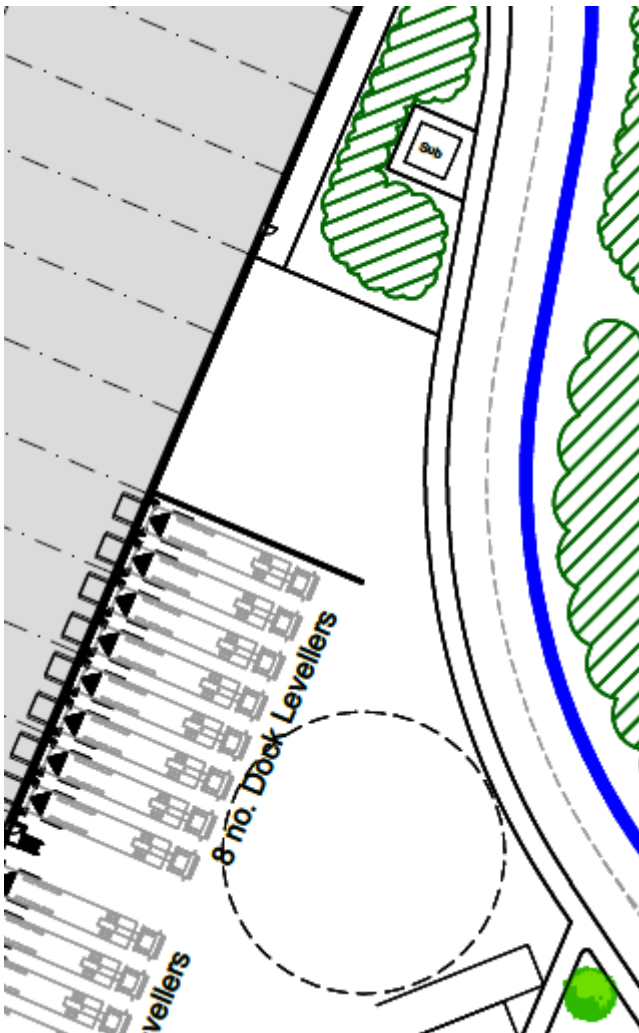
Previously approved Unit 1 South East Elevation



Proposed Site Plan, 14431-AEW-XX-XX-D-A-05101 Rev P08



Previously approved site plan



Conclusion

Government guidance does not provide a statutory definition of *non-material* and sets out that changes are dependent upon the context of the scheme as a whole, noting that a change that is material in one context may not be material in another. In this case this consideration is particularly relevant, the door proposed could be considered sizeable and likely to impact upon the design and appearance in a smaller development or one which was differently designed or located. However, given the scale of the previously approved development and the inclusion of the same doors in that approved scheme taken with the context and surroundings of the site the proposed addition is considered not to be material in the context of the permission.

Based upon the above assessment the proposed amendment is considered to be non-material and consequently the application is recommended for approval.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	21/04/2026
Report agreed:	21/04/2026
Authorised officer:	Sarah Beeby
