
Delegated report Officer: Jessica Clarke-Roome

Application ref. DMPA/2025/0353

The variation of condition no. 2 (approved plans) of permission ref DMPA/2021/1893 (The erection of Health Suite including Hydrotherapy Pool, General therapy rooms and Soft Play area) at High Grange School, Hospital Lane, Mickleover, Derby, DE3 0DR

Valid date: 17/03/2025

Consults expired: 28/04/2025

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/2025/1501 - The construction of a car park for 111 vehicles - Pending consideration

DMPA/2022/1046 - Redevelopment of existing car park and open land for the erection of new school buildings with associated car parking - Approved 18 July 2024

DMPA/2021/1893 - Erection of Health Suite including Hydrotherapy Pool, General therapy rooms and Soft Play area - Approved 18 July 2024

9/2008/0412 - The erection of a school with associated residential accommodation and extension to existing offices - APPROVED 11 June 2008

9/2013/0011 - Amended scheme to previously approved application 9/2010/0367 to turn proposed eco building into teaching block - APPROVED 13 March 2013

9/2014/0636 - The erection of new school building to provide classrooms, gym, changing rooms, offices, and other ancillary uses, the erection of 3 no. Residential blocks to create 12 units of living accommodation plus associated parking and access works - APPROVED 05 February 2015

9/2015/0030 - The siting of two modular buildings for use as offices/storage, the resiting of two x steel storage containers and the creation of associated hard surfacing - APPROVED 18 March 2015

9/2015/0336 - The erection of new school building to provide classrooms, gym, changing rooms, offices, and other ancillary uses, the erection of 4 no. Residential blocks of living accommodation plus associated parking and access works (resubmission of 9/2014/0636) - APPROVED 28 April 2016

Responses to consultations and publicity

Derbyshire County Highway Authority - No objection

There appears to be no material impact on the public highway and therefore the Local Highway Authority (LHA) has no further comments to make.

Environmental Health - No objection

I have no objections or observations

SDDC Parks and Green Spaces

No objection

One representation has been received from a member of the public requesting that the traffic impacts of the development are considered.

A site notice and press notice were displayed advertising the application

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017.

The relevant policies are:

- 2016 Local Plan Part 1 (LP1) : S1: Sustainable Growth Strategy; S2: Presumption in Favour of Sustainable Development Policy; S6: Sustainable Access Policy; SD1: Amenity and Environmental Quality Policy; SD2: Flood Risk Policy; SD3 : Delivering Sustainable Water Supply, Drainage and Sewerage Policy; E7: Rural Development; BNE1: Design Excellence Policy; BNE3: Biodiversity; BNE4: Landscape Character and Local Distinctiveness and INF2: Sustainable Transport;
- 2017 Local Plan Part 2 (LP2) : BNE5: Development in Rural Areas; BNE7: Trees, Woodland and Hedgerows; BNE8: Local Green Space; INF12: Provision of Education Facilities.

National Guidance:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance:

- South Derbyshire Design Guide SPD (Design SPD)

Local Plan Review

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the comments made under Regulation 19 have been reviewed with unresolved objections which were reported to Environmental and Development Services committee on 6th November 2025. The Local Plan will be submitted in the New Year. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs and the matters site history; the main issue central to the determination of this application are:

- Amendment to the design

Planning assessment

Principle of the Proposed Development

An application can be made under Section 73 (s73) of the Town and Country Planning Act 1990 to vary or remove conditions. One of the uses of a s73 application is to seek a minor material amendment to an approved scheme. Permission granted under s73 takes effect as a new permission to carry out the same development as previously permitted, with the proposed amendments.

Where a developer makes a s73 application, the Local Planning Authority is only able to consider the question of the conditions attached to the planning permission and not the principle. In this respect:

- (a) if the LPA decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application hereby under consideration, seeks to vary Condition 2 (approved plans) of the original permission referenced DMPA/2021/1893. The proposed changes are as follows:

- Alterations to cladding of building
- Alterations to fenestration detailing

Design and impact upon the character of the area

Policy BNE1 sets out guiding principles for design excellence which are expanded upon within the South Derbyshire Sustainable Design Guide. The proposed changes as set out above are considered not to have a significant impact upon the character of the area as the school is set within an isolated location and the surrounding buildings also have cladding on them and the alterations proposed are to ensure that the two buildings have some consistency in design.

There will be an increase in cladding on the eastern elevation with changes to the windows to allow for the increased cladding.

The amendments create a greater separation between the existing windows to allow for the windows on both the ground floor and first floor to be aligned. Additionally there is an increase in cladding over the entrance due to alterations in the design of the first floor windows.

Whilst signage to the left of the entrance is shown on the proposed plans this is something that will need to be applied for in a separate advertisement consent application. The exact details of the materials will need to be approved under a separate discharge of conditions application for condition 3 of the application.

All other matters remain as previously considered and do not require any further consideration as part of this application.

Conclusion and Planning Balance

To conclude, it is considered that the proposed amendments to the previously approved permission are considered acceptable. In terms of the proposed design this is considered to be in keeping with the design of the surrounding school development and the approved materials for the other buildings within the school complex. there are no material planning considerations that would result in a different position being taken on the current application. The development is considered to be in accordance with the policies of the development plan, and therefore condition 2 in relation to the approved plans can be varied. Other conditions relating to the previous permission will form part of this new permission. An advertisement consent would be required for the signage that is displayed on the building.

Recommendation

Approve with Conditions

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:	04/01/2026
Report agreed:	03/02/2026
Authorised officer:	Sarah Beeby
