

MINUTES of a meeting of the PLANNING Committee held by Remote Meeting using Microsoft Teams on TUESDAY, 4 August 2020

Present: Councillor N Smith (Chairman)

Councillors R Boam, D Bigby, A J Bridgen, R Canny, D Everitt, S Gillard, D Harrison, J Hoult, J Legrys and M B Wyatt

In Attendance: Councillors R Ashman and C A Sewell

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond, Ms S Booth, Ms J Davies and Mr A Mellor

## **7. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **8. DECLARATION OF INTERESTS**

In accordance with the Code of Conduct, Members declared the following interests:

Councillor D Bigby declared a non-pecuniary interest in item A1, application number 20/00718/FULM, as he had expressed personal opinions in the past about warehouses in the district but had come to the meeting with an open mind.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

Item A1, application number 20/00718/FULM  
Councillors D Bigby, D Everitt and J Legrys

Item A2, application number 14/00415/FUL  
Councillors D Everitt and J Legrys

Item A3, application number 14/00417/FUL  
Councillor J Legrys

## **9. MINUTES**

Consideration was given to the minutes of the meeting held on 7 July 2020.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting on 7 July 2020 be approved and signed by the Chairman as a correct record.

## **10. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

Chairman's initials

## 11. A1

**20/00718/FULM: CONSTRUCTION OF B8 WAREHOUSE TOGETHER WITH ANCILLARY BUILDINGS AND ASSOCIATED ACCESS, PARKING, SERVICE AND YARD AREAS AND LANDSCAPING**

Plot 12 East Midlands Gateway Development Ashby Road Castle Donington, DE74 2DL  
**Officer's Recommendation: PERMIT subject to S106 Agreement**

The Principal Planning Officer presented the report to Members.

Councillor E Nudd, representing Lockington and Hemington Parish Council, addressed the committee highlighting that the parish objected to the development as the application before them would allow a building to be 16 meters higher than the approved scheme, which was not consistent with policy. He noted that the current site had been designed, in line with a landscaping scheme that protected the setting of the area and by accepting the new design with a significant increase in height, it would undo all the work that had taken place to agree a layout that was acceptable to the surrounding villages. He stated that the height of the XPO building had been agreed due to its location on the site and was an exception, this was not the case with the proposal before them. He informed members that the economic benefits that were being offered had already been taken into account and the increased height would not add any additional benefits or create additional jobs in the area.

A statement was read out on behalf of the applicant, DHL, highlighting that the East Midlands Gateway was well placed in the region to provide supply and demand business solutions and, that the rail connectivity would enable sustainable access to customers both nationally and internationally. It was noted that the warehouse would provide a temperature controlled environment for short-term storage and would be a multi-user facility to consolidate activities that otherwise would be undertaken at different locations. It was stated that once operational the scheme would generate over 1,000 jobs and the height was necessary to allow for high-bays, which would not generate any additional noise, storage density, capacity and a low energy temperature controlled environment.

Councillor C Sewell, Ward Member, addressed the committee highlighting that the main objection to the application was the proposed height of the building, which was almost double the approved height. She noted that residents had accepted the overall development of the site despite day to day issues and that the approval of the XPO building should not have set a precedent for the remaining plots with the increased height. She stated that there were already existing issues with HGVs using village roads to find the Gateway development and that housing close to the site was not affordable and rental properties were at a premium, therefore employees would need to travel in by road. She expressed concerns over the additional traffic noise, air pollution and red dust that the warehouse would bring, along with the height of the building that would have an impact on the amenities of the surrounding areas and villages. She urged Members to consider the residents when considering the application.

In determining the application, some members raised concerns over the proposed increase in height of the building, its impact on visual amenity and heritage assets and the lack of information to justify why the additional height was required. Concerns were also expressed over the applicant's commitment to climate change and limited information on how they will tackle it and the visual and amenity impact the unit would have on the surrounding villages including the highway network, including the additional HGV and car movements, lack of public transport to the site and, additional noise and pollution. Members had regard to the comments received from the statutory consultees and that the application before them was in relation to the increased height only as approval had already been given to the site. Members' attention was drawn to the fact that officers were happy with the landscaping mitigation proposed, that the benefits of the proposal that it would bring to the area outweighed the less than substantial harm the increase in height

Chairman's initials

would cause, and that the increase in height would not generate any additional noise or air pollution.

A motion to refuse the application, as it would be contrary to the NPPF Para 196, Local Plan Policy S3 and Local Plan Policy D2 was moved by Councillor D Bigby and seconded by Councillor M B Wyatt.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

The motion was declared LOST.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure was moved by Councillor N Smith and seconded by Councillor J Hoult.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

#### RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

<b>Motion to refuse the application on the grounds stated (Motion)</b>	
Councillor Nigel Smith	Against
Councillor Russell Boam	Against
Councillor Dave Bigby	For
Councillor Alexander Bridgen	Against
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Stuart Gillard	Against
Councillor Dan Harrison	Against
Councillor Jim Hoult	Against
Councillor John Legrys	For
Councillor Michael Wyatt	For
<b>Rejected</b>	
<b>Motion to Permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	Against
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against
<b>Carried</b>	

Chairman's initials

12.

**A2****14/00415/FUL: ERECTION OF THREE NO TWO-STOREY DETACHED DWELLINGS AND ANCILLARY GARAGING**

The Woodlands Bath Lane Moira Swadlincote Derby DE12 6BP

**Officer's Recommendation: PERMIT subject to S106 Agreement**

The Chairman advised that applications A2 and A3 would be presented and debated together but individual votes would be required

The Senior Planning Officer presented the report to Members.

Mr R Parkin, objector, addressed the committee highlighting that the drive way was not wide enough for two way traffic, the gateway would not allow for safe entry and exit to the site and the submitted plans were not accurate. He noted that the driveway had no footpaths or street lighting, was only 4.25ms wide and had blind bends. He stated that if the application was permitted, it would lead to an increase in the number of vehicle movements along a single track and that the turning point and car parking spaces were not sufficient. He highlighted recent flooding issues on the site and that, should additional properties be built, the risk would increase, as well as overlooking of existing properties and the need for additional bin storage. He felt that consideration was given to public safety, flooding and facts.

In determining the application, members noted the concerns raised by the objector around the gateway width and lack of footpaths and lighting along the drive. Some members also expressed concerns over the flooding issues in the area and felt that a decision on the application should not be made until an emergency plan was in place. Members felt that additional conditions should be added to the decision notice in relation to increasing the gateway width and installing a footpath and form of street lighting.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting was moved by Councillor D Harrison and seconded by Councillor J Hoult.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

**RESOLVED THAT:**

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure and with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting.

<b>Motion to Permit the Application in accordance with the recommendations of the Head of Planning and Infrastructure and subject to the additional conditions (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against

Chairman's initials

<b>Carried</b>
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Councillor M B Wyatt left the meeting at 7.48pm before the vote was taken on item A3.

**13.**

**A3**

**14/00417/FUL: ERECTION OF DETACHED TWO-STOREY DWELLING WITH DETACHED GARAGE**

The Woodlands Bath Lane Moira Swadlincote Derby DE12 6BP

**Officer's Recommendation: PERMIT subject to S106 Agreement**

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting was moved by Councillor D Harrison and seconded by Councillor J Hoult.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting.

<b>Motion to Permit the Application in accordance with the recommendations of the Head of Planning and Infrastructure and subject to the additional conditions (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	No vote recorded
<b>Carried</b>	

**14.**

**A4**

**20/00699/FUL: ERECTION OF TWO DWELLINGS**

Land Adjacent To 5 Cedar Grove Moira Derby, DE12 6HJ

**Officer's Recommendation: PERMIT**

The Senior Planning Officer presented the report to Members.

In determining the application, Members welcomed an application for new social housing.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure was moved by Councillor J Legrys and seconded by Councillor D Harrison.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

Chairman's initials

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure

<b>Motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor John Legrys	For
Councillor Michael Wyatt	No vote recorded
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.56 pm

Chairman's initials