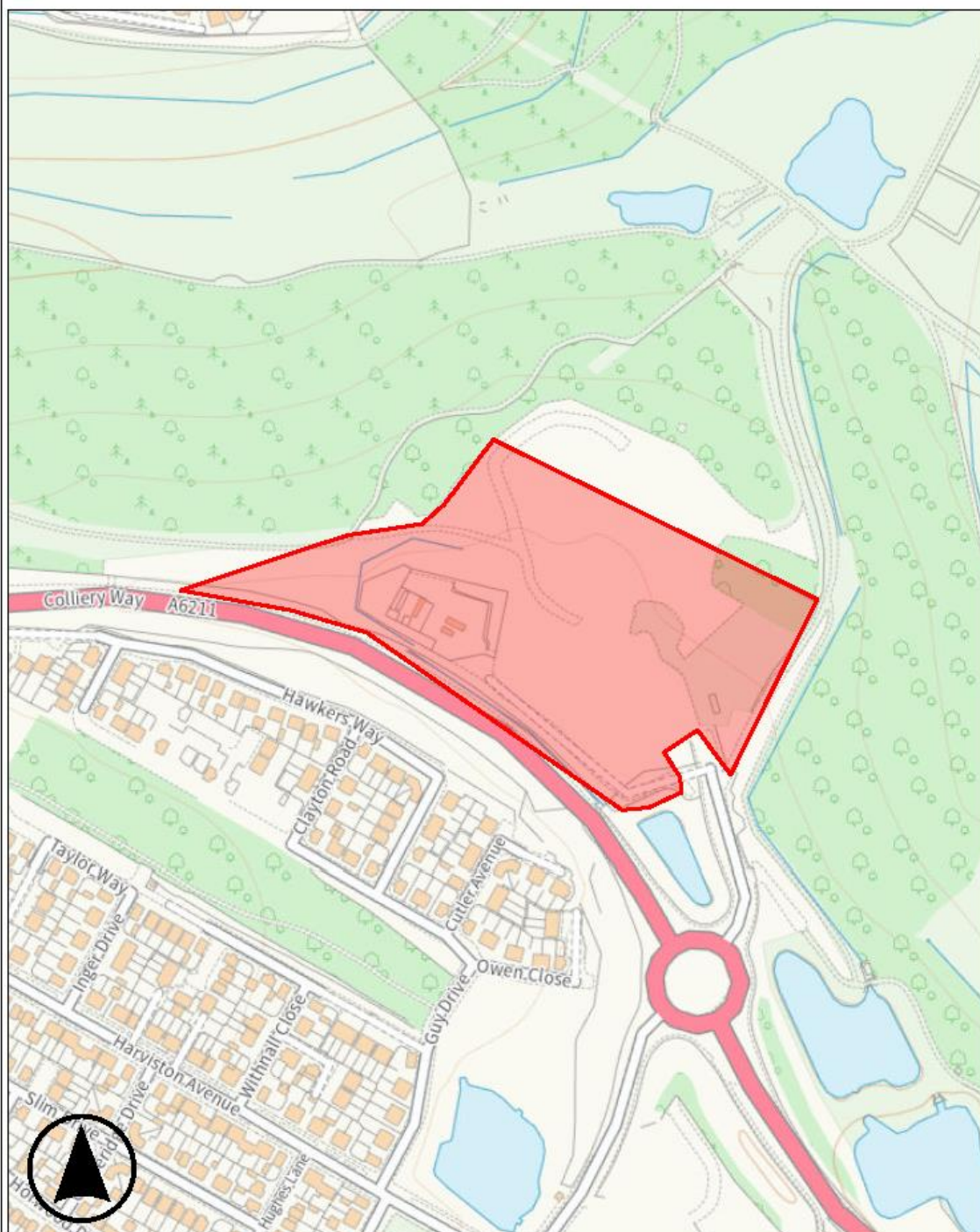




Planning Report for 2025/0550

Planning Reference: 2025/0550 Development Site Chase Farm, Arnold Lane,
Gedling

Scale: 1:3,000



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2025/0550

Location: Development Site Chase Farm, Arnold Lane, Gedling, Nottinghamshire

Proposal: Reserved Matters application for Appearance, Landscaping, Layout and Scale in relation to outline planning permission 2017/1571 for "Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping."

Applicant: Mr J Emmerson - Mypad Limited

Agent: Inovo Consulting

Case Officer: Claire Turton

The application is referred to Planning Committee because under the Council's Scheme of Delegation, applications proposing 5,000 or more square metres of new commercial floor-space must be determined by the Planning Committee

As this is a reserved matters application pursuant to the outline permission (ref. 2017/1571) the principle of development and access have already been established through the outline planning permission. The assessment is therefore limited to layout, scale, appearance and landscaping.

1.0 Site Description

- 1.1 The application site has an overall area of approx. 3.76 hectares and is part of the redevelopment of the former Gedling Colliery.
- 1.2 The site is currently unoccupied apart from the gas monitoring and extraction plant in the north western corner of the site which is dealing with gas emissions from the former colliery workings. Currently the compound has a temporary permission until the 27th of June 2037, though gas may be present beyond this date
- 1.3 The application site is previously developed land which is now mostly reclaimed by grassland and areas of hardstanding remaining from the previous industrial uses.
- 1.4 Gelding Country Park lies to the north, east and west of the site. To the south of the site lies the A6211, Colliery Way, with a new housing development beyond.

- 1.5 The site is an Employment Allocation under Policy LPD71 in the Local Planning Document.
- 1.6 The site is covered by a Local Wildlife Site (LWS) – the Gedling Colliery and Dismantled Railway LWS which includes Open Mosaic Habitat (OMH) on previously developed land.
- 1.7 The site is located within Flood Zone 1 and is therefore at a low risk of fluvial flooding.
- 1.8 The site is located within a Coal Mining Development High Risk Area.

2.0 Proposed Development

- 2.1 There is an extant outline planning permission at the site, reference 2017/1571, for:-

“Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping.”

Access details were approved as part of the above outline planning permission. These are from an access road from the roundabout to the south-east of the site. For clarity, the outline planning permission is attached as appendix 1 of this Committee Report.

- 2.2 This current application seeks Reserved Matters approval for Appearance, Landscaping, Layout and Scale in relation to outline planning permission 2017/1571.
- 2.3 This current application proposes 5 detached buildings. 3 of the buildings are proposed for employment uses which at the time of the grant of outline planning permission were Planning Use Class B1c, B2 and B8. The Planning Use Class Order has been amended since the grant of outline planning permission at the site and Planning Use Class B1c has been amended to E(g)(iii) (any industrial process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit). Planning Use Classes B2 (General Industry) and B8 (Storage and Distribution) remain the same. 1 of the buildings is proposed to be a public house / restaurant (previously an A3 / A4 use, now an A3 / sui generis use). 1 of the buildings is proposed to be a Drive Thru restaurant (previously Use Class A3, now Use Class E(b)).
- 2.4 The scheme has been designed locating the Drive Thru close to the access point to the site and adjacent to the Country Park access. The Public House / Restaurant adjoins the Drive Thru to group these eating and drinking establishments together. The employment uses have been located on the remainder of the site.
- 2.5 Unit A proposes 1954.1 square metres of employment use and units B and C each propose 1742.5 square metres of employment use. Unit D proposes a

535.8 square metre public house and unit E proposes a 351.8 Drive Thru restaurant.

- 2.6 This application proposes associated parking and servicing areas as well as landscaping in and around the site.
- 2.7 Amended plans have been submitted part way through the planning application process following concerns raised by the Planning Officer regarding visual amenity. This is discussed in further detail in the "Appraisal" section of this report.

3.0 Relevant Planning History

- 3.1 **2017/1571** Outline planning permission was granted in July 2020 for:-

"Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping."

This has already been detailed in Section 2 of this report.

4.0 Consultations

- 4.1 Gedling Borough Council Ecology Officer –

Now raises no objection. Originally commented that:-

Condition 11 of the outline planning permission listed the information which shall be submitted as part of the reserved matters application in relation to landscaping, including details of the mitigation and compensation for the loss of the OMH. The Ecology Officer originally raised concerns that the submitted information as part of this reserved matters application did not provide sufficient details regarding the mitigation and compensation for the loss of OMH or details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) as well as a programme of implementation. The applicant has submitted further information in relation to these comments and the Ecologist is now satisfied with these details.

Condition 3 of the outline planning permission stated that the submission of all reserved matters and the implementation of the development shall be carried out in accordance with the plans and documents approved as part of the outline planning permission, including the habitat, bat and bird breeding surveys. The Ecology Officer is satisfied that the provided soft landscaping plans are in accordance with the above surveys, however, advises that these surveys are now eight years old and considered out of date, as the site and the species it supports may have changed significantly in the intervening time. While not required at this stage, updated bat and breeding bird surveys may need to be completed before development is commenced, depending on the results of the updated phase 1 habitat survey (required by condition 10). These further surveys may result in amendments being required to the current landscape plans. While not required at this stage, details of any outstanding avoidance, mitigation, compensation and enhancement measures and features detailed in

the Extended Phase 1 Habitat Survey, Bat Survey and Breeding Bird Survey reports should also be provided and approved before development is commenced in accordance with condition 10. The applicant has been made aware of this.

- 4.2 Gedling Borough Council Tree Officer – No objection. States he is satisfied with the proposed feathered and standard tree size, numbers, species, locations, and support methods.

Conditions attached to the outline planning permission regarding trees must be complied with.

- 4.3 Gedling Borough Council Scientific Officer – No objection.

Request conditions regarding the requirements for and details of additional Electric Vehicle Recharging Point as well as cable routes for future additional electric vehicle charging points.

The relevant conditions relating to contamination and air quality that are attached to the outline planning permission are still relevant.

- 4.4 Gedling Borough Council Environmental Health Officer;- No concerns.

- 4.5 The Environment Agency - No new comments to make at this reserved matters stage. State that they will comment again when the conditions relating to flood risk that are attached to the outline planning permission are being discharged.

- 4.6 The Mining Remediation Authority No objection. On the basis that the proposed development layout pays cognisance to the mine entries, both of which have been treated and that due consideration is afforded to the Mining Remediation Authority's Policy in relation to new development and mine entries, they can confirm no objections to this planning application.

Provide general information regarding building close to mine entries, including required permits.

- 4.7 The Highway Authority - No objection. Originally requested further information regarding the manner in which HGVs would be able to enter / exit Units A and B. Amended plans have now been submitted and the Highway Authority are happy with the amended plans.

Suggested that journey times to the site could be reduced for cyclists on Colliery Way by providing a pedestrian/cycle access point directly from it. (This is addressed in the main body of the report).

There are sufficient car parking spaces to serve the development. Originally suggested that the disabled spaces be relocated closer to the building entry points to aid access. (The scheme has now been amended in line with these comments).

All highway related conditions have been secured as part of the outline planning permission. However, recommend an informative be added to the grant of any

planning permission informing the applicant that the deposit of mud or other items on the public highway, and / or the discharge of water onto the public highway are offences under the Highway Act.

- 4.8 The Lead Local Flood Authority (LLFA) – No objection. The applicant must comply with the conditions relating to drainage that are attached to the outline planning permission. Originally raised concerns (outside of this Reserved Matters application) as to whether the proposal could incorporate the necessary Sustainable Urban Drainage Systems (SuDS) due to its layout and therefore whether the pre-commencement drainage conditions attached to the outline planning permission could be complied with. However, a meeting with the Planning Officer, LLFA and applicant indicated that the surface water attenuation pond has been assessed as capable of storing the discharged water and the LLFA is now satisfied that, subject to precise details controlled by a condition on the outline planning application, acceptable drainage details (which impacts the layout of the site) could be achieved.

- 4.9 Severn Trent Water – State they have no comment to make.

- 4.10 Nottinghamshire County Council Minerals Planning Authority:- *“It is noted that with the proposed area, there is gas compound in the northwest of the site which deals with gas emissions from the former colliery. The compound is permitted and monitored by the County Council as the Minerals Planning Authority, who must ensure the maintenance of gas pressure, prevention of leakage of gas and avoidance of pollution (paragraph 229, NPPF, 2024). Currently the compound has a temporary permission until the 27th of June 2037, though gas may be present beyond this date.*

The applicant in their Planning Statement recognises the presence of the compound and the lease for the site, indicating that this will be retained in the medium term, as long as required, and then will be redeveloped in the future. The County Council from a mineral perspective welcome this recognition and would highlight its retention is important to monitor gas which is of public benefit and ensures public safety. The County Council will continue to monitor this site throughout its permitted life and would subsequently determine any future applications for the compound if required. To ensure monitoring the County Council will require access to the site, it would be appreciated if the applicant can assure this.

Finally, we would also ask for Infinis, who operate the gas compound, to be made aware of this application, if they have not been already.”

- 4.11 Infinis:- Consulted but no response received.
- 4.12 Nottinghamshire Police:- Support in principle. Recommend a planning condition regarding car park management and an anti-social behaviour plan.
- 4.13 Neighbouring occupiers:- Neighbouring properties were consulted via letter, a site notice was placed at the site and a notice published in the local press.

Letters of objection has been received from 1 neighbouring occupier on the grounds that the nearby residential estate has been designed for families. The area does not need another fast-food restaurant. Such restaurants affect anti-social behaviour with congregations of youths in modified cars using the road as a drag strip. There will be littering including in Gedling Country Park, the venue could be open 24 hours causing noise and light pollution. A fast-food restaurant is bad for people's health. Plus the restaurant use could impact on wildlife at the Country Park. They do not object to the public house as this use is more family friendly and doesn't attract groups of youths.

1 letter of support has been received on the grounds that the residential development at Chase Farm is expanding and that this proposal would introduce some accessible local facilities as well as businesses. There could also be employment opportunities for local residents.

5.0 Relevant Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The National Planning Policy Framework (NPPF) (2024) and the National Planning Practice Guidance (NPPG) are both material considerations in the determination of this application, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 4 (Decision making), 6 (Building a Strong Competitive Economy), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment), are particularly relevant in this instance.
- 5.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:
- Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.
 - Policy 1 (Climate Change) states All development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use.
 - Policy 2 (The Spatial Strategy) directs most development to in or adjacent to main built-up areas
 - Policy 4 (Employment Provision and Economic Development) states that the economy of the area will be strengthened and diversified with new floorspace being provided across all employment sectors and by promoting significant new

economic development as part of Sustainable Urban Extension at Gedling Colliery/Chase Farm.

- Policy 10 (Design and Enhancing Local Identity) sets out that “development will be assessed in terms of its ‘massing, scale and proportion; materials, architectural style and detailing and impact on the amenity of nearby residents and occupiers’.”

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy LPD 18 (Protecting and Enhancing Biodiversity) development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.
- Policy LPD 19 – (Landscape Character and Visual Impact) states Planning permission will be granted where new development does not result in a significant adverse visual impact or significant adverse impact on the character of the landscape.
- Policy LPD 32 (Amenity) requires that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.”
- Policy LPD 35 (Safe, Accessible and Inclusive Development) provides criteria to achieve Safe, Accessible and Inclusive Development.
- Policy LPD 44 (Retention of Employment Uses) states planning permission will be granted for the redevelopment of land for employment uses on allocated employment sites provided certain criteria can be met.
- Policy LPD57 (Parking Standards) states that planning permission for non-residential development will be granted where the development proposal meets the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority. (Please note Appendix D has now been replaced by the Parking Standards SPD).
- Policy LPD61 (Highway Safety) states that planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
- Policy LPD 71 (Employment Allocations) allocates the site for employment-led mixed use development.

5.6 Supplementary Planning Documents and Guidance

- Gedling Colliery and Chase Farm Development Brief Supplementary Planning Document (June 2008).

- Parking Provision for Residential and Non-Residential Development Supplementary Planning Document (February 2022).
- Nottinghamshire County Council Highway Design Guide
- The Greater Nottingham Landscape Character Assessment (2009).

6.0 Appraisal

- 6.1 As noted above, the site already has outline planning consent with matters of access also approved at the outline stage. The reserved matters under consideration as part of this current planning application are appearance, landscaping, layout and scale. Linked to these matters is the need to ensure that the scheme is policy compliant and the key planning considerations are design and impact on the character of the area, impact on amenity, impact on highway safety (in relation to the layout of internal drive layouts and car parking areas only) and ecology (in relation to the landscaping and layout).

Design and impact on the character of the area

- 6.2 The layout of the scheme has been amended part way through the planning application process. This was because the Planning Officer raised concerns with the visual impact of Unit B on the character and appearance of the area, particularly when viewed from the main road (the Gedling Access Road). Unit B was originally proposed to be sited with its rear elevation facing the main highway. This was the least interesting elevation from a design point of view, consisting of the widest elevation (at 60.1 metres) and containing the least amount of windows and doors and other design features. It was also located relatively close to the boundary with the main road, between 5 and 10 metres away. As such, the applicants were asked to look at re-siting this building within the plot. Noting that any re-siting may need to take into account the capped mine entry within the site.
- 6.3 Amended plans were subsequently submitted by the applicant showing the unit turned 90 degrees within the plot with the smaller side elevation now fronting the main road. The building has also been set back slightly within the plot and is now 6.5 metres away from the front boundary, making it less visually prominent.
- 6.4 With regards to scale, there are no buildings immediately close to the site which the proposals need to be in-keeping with. There are residential properties to the other side of the Gedling Access Road but these are set back from the road and located on higher land than the both the road and development site. The scale of the built form itself is not considered to represent an over-development.
- 6.5 With regards to elevation treatment, all of the units have been designed in a contemporary commercial style. Large glazed sections and cladding with contrasting textures and colours are proposed to visually reduce the mass of the buildings. Feature glazing is proposed to identify key entrances and add focal points to the buildings. The materials palette includes grey, silver and anthracite cladding with contrasting textures, red brick and timber effect cladding, which adds interest to the buildings. Overall, the buildings appear as well-designed commercial buildings and are appropriate for their context.

- 6.6 The proposed hard landscaping is considered to be visually acceptable. The Planning Officer did query whether the proposed car parking areas could be visually broken up with different coloured block paving, instead of large expanses of tarmac. The applicant responded that as this application is for an industrial/commercial development the car parking areas will need to be capable of both providing parking and also at certain times manoeuvring space for larger heavy goods vehicles. As such, and also because the end-users are unknown, there is a need for flexibility in this regard. Individual occupiers will have their own operational needs which will, to an extent, dictate the surfacing of the parking areas which could include some block paving or different coloured tarmac. As such, it is considered that the best way to deal with this is a pre-occupation condition requiring precise hard landscaping materials for the car parking areas to be submitted to and agreed in writing by the Local Planning Authority. This is set out in Section 8 of this Committee Report.
- 6.7 Boundary treatment, in relation to individual plot boundaries, at the site is also considered to be visually acceptable with 1.1 metre high post and rail fencing to front and side boundaries with green planting areas to rear of that. 2.4 metre high green mesh security fencing is proposed within the site itself closer to the industrial units and car parking areas.
- 6.8 The applicant has also submitted details of existing and proposed site levels for both the ground levels and the buildings. These are considered to be acceptable. Whilst a retaining wall is required at some parts towards the front of the site, this is set back from the public highway by grass verges as well as proposed site landscaping. Furthermore, the height of the wall drops in line with land levels and is 2.3 metres at its highest point but only 0.8 metres for other parts. This is not considered to be out of keeping with a number of taller retaining walls and fences along Colliery Way. This development will, therefore, not appear out of character with the area.
- 6.9 The proposed soft landscaping is considered to be acceptable from a visual amenity point of view with green planting areas towards the front of the site, visible from public areas and used to visually soften the appearance of the built-form. The Council's Tree Officer has raised no objection to the proposal stating that they are satisfied with the proposed feathered and standard tree size, numbers, species, locations, and support methods but that conditions attached to the outline planning permission regarding trees must be complied with. I see no reason to disagree with the professional advice of the Tree Officer.
- 6.10 To conclude this section, it is considered that the overall appearance, landscaping, layout and scale of the proposal complies with the relevant design planning policies set out in Section 5 of this report. In particular, it complies with the objectives of the National Planning Policy Framework, the Aligned Core Strategy Policy 10 and LPD19.

Impact on Neighbouring Amenity

- 6.11 Given the substantial distances to the nearest neighbouring properties (in excess of 80 metres) and the location of the main road, Colliery Way, in between the site and the Chase Farm housing development, it is considered

that there will be no unacceptable impact on residential amenity arising from the appearance, layout or scale of the development proposed.

- 6.12 This reserved matters application is only to assess the appearance, layout, scale and landscaping of the development. Issues of potential noise and disturbance from the principle of the development were assessed at the outline stage and were considered to be acceptable, subject to conditions such as requiring a Construction Emissions Management Plan. The conditions attached to the outline planning permission will require discharging prior to development commencing.
- 6.13 It is noted that a neighbour has objected to the proposal on the grounds of the fast-food restaurant attracting groups of youths. They state they have no objection to the public house as this is more family friendly. However, they state that the fast-food restaurant will attract congregations of youths in modified cars, using the road as a drag strip and, if the venue is open 24-hours a day then it will cause noise and light pollution. Whilst these comments are noted, for the reason explained in paragraph 6.12 of this report outline planning permission for a drive thru restaurant in this location has already been approved. However, in line with the Police consultee response, the applicant has agreed to a condition regarding the submission of a car parking management and anti-social behaviour plan for the car parking areas to be submitted to and agreed in writing by the Local Planning Authority, prior to each individual unit being brought into use and this is set out in Section 8 of this report.
- 6.14 The Council's Environmental Health Officer has raised no objection to this reserved matters application in terms of noise and disturbance. I see no reason to disagree with this professional advice.
- 6.15 To conclude this section, it is considered that the overall appearance, landscaping, layout and scale of the proposal will not impact on neighbouring amenity and that the proposal complies with the relevant planning policies in relation to amenity set out in Section 5 of this report. In particular, it complies with the objectives of the National Planning Policy Framework and LPD32.

Highway Safety

- 6.16 The access to the site has already been approved as part of the outline planning application. However, the layout of the internal roads and car parking areas require assessing as part of this current reserved matters planning application.
- 6.17 The access road connecting the site to Colliery Way roundabout has already been constructed. This includes a 7.3m carriageway with one 2m footway and one 3m shared footway/cycleway which connects to the existing shared footway / cycleway on Colliery Way.
- 6.18 A central access road is proposed to service the site itself with the car parks for each individual unit accessed from this central access road.
- 6.19 The Highway Authority initially requested a swept path analysis be undertaken to demonstrate how HGVs will safely enter and exit the units in a forward gear.

Plans have been submitted to show this and the Highway Authority raise no objection. I see no reason to disagree with the professional advice of the Highway Authority.

- 6.20 Gedling Borough Council's Parking Standards SPD refers to Nottinghamshire County Council's Highway Design Guide for commercial parking standards. The proposed car parking spaces for the development comply with these required standards, with car parking provided for each individual unit plus an additional overspill car parking area containing 32 spaces. On the advice of the Highway Authority, amended plans have been submitted moving the disabled car parking spaces closer to the entrance to each building.
- 6.21 The Highway Authority suggested that journey times to the site could be reduced for cyclists on Colliery Way by providing a pedestrian/cycle access point directly from it. The applicant was asked to look into this. The applicants looked at providing a more direct pedestrian link from the residential estate on the opposite side of Colliery Way to this site (a footpath built over the existing grass verge on the opposite side of Colliery Way up to the pedestrian crossing opposite the site). However, this would have resulted in installing a new footpath over a 200 metre section of grass verge and would result in only a shorter walking distance of 10 metres from the existing pedestrian footpaths leading from the residential development to this site. Given the limited improvement, it was not considered that this was sufficient to justify the works as it did not provide a meaningful enhancement to the overall connection. The provision of a footpath connection along Colliery Way to create a direct pedestrian connection into the development has also been carefully considered. However, this option is not considered achievable due to a number of existing constraints. A highway drainage ditch runs along the length of the existing road, which presents a significant physical barrier to the formation of a safe and compliant footpath. In addition, the proposed development parcels for Units A and B are designed at levels of up to approximately 4 metres higher than the existing road level. This substantial change in level would make the formation of a suitable and accessible pedestrian access impractical, as it would require extensive engineering works, including steep gradients and retaining structures which could impact on the ecology and visual amenity of the site.
- 6.22 For the reasons stated above, it is considered that the proposals would not have an unacceptable adverse impact on highway safety and is therefore in accordance with Section 9 of the NPPF (2024), Policies LPD 57 and LPD 61 of the LPD (2018) Gedling Borough Council's Parking Standards SPD and Nottinghamshire County Council's Highway Design Guide.

Ecology

- 6.23 The site is covered by a Local Wildlife Site (LWS) – the Gedling Colliery and Dismantled Railway LWS which includes Open Mosaic Habitat (OMH) on previously developed land. OMH are a unique type of habitat found predominantly on brownfield sites. They consist of a complex mix of unvegetated or sparsely vegetated surfaces, interspersed with more densely vegetated areas. This creates a dynamic 'mosaic' of habitats that can support a diverse range of species. OMH are a Habitat of Principal Importance (HPI).

- 6.24 Soft landscaping details are required to be assessed as part of this current Reserved Matters planning application.
- 6.25 Condition 11 of the original outline planning permission detailed what landscaping information should be submitted as part of this subsequent reserved matters application. Condition 11 of outline planning permission 2017/1571 is copied below for clarity.

“The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include:

(a) details of the size, species, positions and density of all trees and shrubs to be planted (in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape), which shall consist of native species, ideally of local provenance, where possible;

(b) details of the boundary treatments, including those to individual plot boundaries;

(c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties

(d) details of the mitigation and compensation for the loss of Open Mosaic Habitat

(e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) and

(f) a programme of implementation.

The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.”

- 6.26 The Council's Ecology Officer initially raised concerns that the originally submitted landscaping plans that form part of this reserved matters application did not provide sufficient detail regarding (d) details of the mitigation and compensation for the loss of Open Mosaic Habitat and (e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) to allow her to confirm that the proposed landscaping will adequately compensate for the lost habitat, particularly with regard to the OMH. As such, it was requested that the applicant provide additional details including the pre and post-development areas of these habitats, details of the proposed Open Mosaic Features and a statement from the scheme's ecologist detailing how they have informed the designs for the proposed landscaping and how the design compensates for the lost habitat. A programme for implementation as set out in part (f) of condition 11 of the outline was also requested.
- 6.27 Such additional information was submitted by the applicant showing that much of the area of existing OMH is being retained as existing to benefit the Dingy Skipper, as a result the topography and the existing scrubland/wildflower mosaic will all be retained and enhanced as per the detailed landscape

proposals. The Council's Ecologist now raises no objection to the proposals, subject to ensuring that any trees planted in the OMH area are managed to ensure that they do not shade out or encroach too heavily on the grassland and sparsely vegetated areas of the OMH. This would be covered by Condition 10 of the outline planning permission in any case.

- 6.28 Bat and breeding bird surveys were approved as part of the original outline planning application. The Council's Ecologist is satisfied that the proposed soft landscaping plans are in accordance with the recommendations of the previously approved bat and breeding bird surveys. However, these surveys are now eight years old and considered out of date, as the site and the species it supports may have changed significantly in the intervening time. While not required at this stage, updated bat and breeding bird surveys may need to be completed before development is commenced, depending on the results of the updated ecology survey required to be submitted prior to development commencing by condition 10 of the original outline planning permission. The applicant has been made aware of this and this is already controlled by conditions attached to the outline planning permission.
- 6.29 Condition 10 of the outline planning permission requires updated surveys and *"Further information in relation to the loss of Open Mosaic Habitat, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach"* to be provided before development is commenced. While these items are not required at this stage, it should be noted that, depending on the outcome of the surveys and detailed OMH mitigation and compensation plan, amendments to the landscaping plans may be required before development commences. The applicant has been made aware of this. If amendments to the landscaping plans are required at a later date then this would either be through a non-material amendments application, variation of condition application or through a new reserved matters approval, depending on the nature of the changes.
- 6.30 For the reasons stated above, it is considered that the proposals would not have an unacceptable adverse impact on ecology at the site and is therefore in accordance with relevant planning policy, including the NPPF (2024) and LPD18.

Other Issues

- 6.31 Issues of flooding and drainage were assessed as part of the outline planning permission and were considered to be acceptable, subject to conditions. All planning conditions attached to the outline planning permission will be required to be complied with. The LLFA did raise concerns (outside of this Reserved Matters application) as to whether the proposal could incorporate the necessary Sustainable Urban Drainage Systems (SuDS) due to its layout and therefore whether the pre-commencement drainage conditions attached to the outline planning permission could be complied with. However, a meeting with the Planning Officer, LLFA and applicant indicated that the surface water attenuation pond has been assessed as capable of storing the discharged water and the LLFA is now satisfied that, subject to precise details controlled by a condition on the outline planning application, acceptable drainage details could realistically be satisfied without material changes to the approved layout.

- 6.32 Gedling Borough Council's Scientific Officer has requested planning conditions regarding the requirements for and details of additional Electric Vehicle Recharging Point as well as cable routes for future additional electric vehicle charging points. These are already shown on the submitted plans and will be dealt with at the building regulations stage. The Scientific Officer's suggestion of a condition regarding contamination investigations at the site is already included on the Outline planning permission.
- 6.33 The site is located within a Coal Mining Development High Risk Area. As such, The Mining Remediation Authority were consulted on the application but raised no objection due to the fact that the proposed development layout pays cognisance to the mine entries, both of which have been treated, and that due consideration is afforded to the Mining Remediation Authority's policy in relation to new development and mine entries. They provide general information regarding building close to mine entries, including required permits. I see no reason to disagree with the professional comments of The Mining Remediation Authority. Their provided information should be attached as informatives to the grant of any reserved matters permission, as set out in Section 8 of this Committee Report.
- 6.34 There is a gas monitoring and extraction plant in the north western corner of the site which is dealing with gas emissions from the former colliery workings. Currently the compound has a temporary permission until the 27th of June 2037. As such, Nottinghamshire County Council, as the Minerals Planning Authority (MPA), has been consulted on this Reserved Matters application. The MPA advise that the compound is permitted and monitored by the County Council as the Minerals Planning Authority, who must ensure the maintenance of gas pressure, prevention of leakage of gas and avoidance of pollution. The MPA advise that;-

"The applicant in their Planning Statement recognises the presence of the compound and the lease for the site, indicating that this will be retained in the medium term, as long as required, and then will be redeveloped in the future. The County Council from a mineral perspective welcome this recognition and would highlight its retention is important to monitor gas which is of public benefit and ensures public safety. The County Council will continue to monitor this site throughout its permitted life and would subsequently determine any future applications for the compound if required. To ensure monitoring the County Council will require access to the site, it would be appreciated if the applicant can assure this. Finally, we would also ask for Infinis, who operate the gas compound, to be made aware of this application, if they have not been already."

I see no reason to disagree with the professional advice of the MPA. Informatives should be attached to the grant of any reserved matters approval stating that the gas monitoring and extraction plant should remain on-site as long as required by the MPA and that the MPA have full access to this for operational and maintenance purposes and this is set out in Section 8 of this report. In line with the comments of the MPA, Infinis (who operate the gas compound) have also been consulted on this application but no comments have been received.

- 6.35 Most of the neighbour comments have been addressed earlier in this report. In response to remainder of the neighbour objection, the principle of a fast-food restaurant has already been established through the granting of the outline planning permission. This current application can only assess the layout, scale, appearance and landscaping of the development.
- 6.36 In response to the neighbour letter of support, it is agreed that the scheme will bring some positive benefits to the area such as providing employment opportunities and local facilities to the new housing estate nearby. However, as mentioned above, the principle of the uses has already been established through the granting of the outline planning permission in any case.
- 6.37 It is not considered that this reserved matters application decision will be affected by Local Government Reorganisation. The applicant is a private company that is not connected to the Council. The planning permission runs with the land and condition 2 on the outline planning permission would allow a developer two years from the date of any reserved matters approval to commence development. Any pre-commencement planning conditions would require discharging by the Local Planning Authority under whichever Council is in place for the area at the time.
- 6.38 With regards to equalities implications, the buildings will be required to comply with the relevant building regulations, including accessibility. The proposed car parking areas also provides disabled parking bays.
- 6.39 With regards to sustainability implications, electric vehicle charging bays and cycle storage areas are proposed to promote sustainable transport. Large areas of soft landscaping and the retention of an OMH are also proposed.

7.0 Conclusion

- 7.1 The principle of the development has been established following the grant of outline planning permission 2017/1571. Access to the site has already been approved as part of planning permission 2017/1571. For the reasons stated above, the proposed layout, scale, appearance and landscaping (the reserved matters) of the development are considered to be acceptable and are not considered to have a significant unacceptable impact on the visual amenity or character of the area, neighbouring amenity, highway safety or ecology. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (parts 2, 4, 6, 9, 11, 12 and 15), Policies A, 1, 2, 4, 10 of the Aligned Core Strategy and Policies 18, 19, 32, 35, 44, 71 of the Local Plan.

8.0 **Recommendation: GRANT RESERVED MATTERS APPROVAL subject to the following conditions;-**

- 1 This permission shall be read in accordance with the following documents;-

Application form, received 14th July 2025
Site Location Plan, received 14th July 2025

Drawing no. 2024-802-P04A, Unit A Proposed Elevations & Roof Plan, received 20th February 2026

Drawing no. 2024-802-P02A, Unit A Proposed Floor Plan, received 20th February 2026

Drawing no. 2024-802-P05, Unit B Proposed Elevations, received 20th February 2026

Drawing no. 2024-802-P04, Unit B Proposed Floor Plan and Roof Plan, received 20th February 2026

Drawing no. 2024-802-P07, Unit C Proposed Elevations, received 20th February 2026

Drawing no. 2024-802-P06, Unit C Proposed Floor Plan and Roof Plan, received 20th February 2026

Drawing no. 2024-802-P08, Unit D Proposed Plans & Elevations, received 20th February 2026

Drawing no. 2024-802-P09, Unit E Proposed Plans & Elevations, received 20th February 2026

Drawing no. JBA 25/115-06 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-07 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-08 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. 2024-802-P01.K, Planning Site Layout, received 20th February 2026

Letter from James Blake Associates dated 15th October 2025 regarding Guidance on Habitat Mitigation for the Dingy Skipper at Colliery Way, Gedling Document titled "Measured Works Schedule," Detailed Soft Landscape Proposals, received 30th April 2026

Drawing no. JBA 25/115-01 Rev B, detailed Hard Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-02 Rev B, detailed Hard Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-03 Rev B, detailed Hard Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-04 Rev B, detailed Hard Landscape Proposals, received 20th February 2026

Drawing no. 2024-802-P10.K, Enclosures and managed areas plan, received 16th April 2026

Drawing no. JBA 25/115-05, Detailed Soft Landscape Proposal, received 30th April 2026

Drawing no. 9037-P04, External Levels including Unit B Sheet 1 of 2, received 11th June 2026, as updated by the email from the applicant to the Local Planning Authority of 2nd July 2026

Drawing no. 9038-P04, External Levels including Unit B Sheet 2 of 2, received 11th June 2026, as updated by the email from the applicant to the Local Planning Authority of 2nd July 2026

- 2 The reserved matters details hereby permitted shall be constructed entirely of the materials details submitted as part of this reserved matters application
- 3 The landscaping scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or

plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

- 4 Full elevation details of the proposed bike storage areas shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores hereby approved for each unit shall thereafter be constructed in accordance with the approved details and be available for use prior to the unit that it serves being brought into use. The cycle stores shall be retained for the life of the development.
- 5 Each unit shall not be occupied until the relevant car parking area serving that unit has been laid out in accordance with the approved details and is available for use.
- 6 Each building hereby approved shall not be occupied until a car park management and anti-social behaviour plan including measures to prevent anti-social behaviour, details of surveillance, lighting, hours of operation, and site management procedures for the car park serving that building has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.
- 7 Notwithstanding the approved hard landscaping plans listed in condition 2, each building hereby approved shall not be occupied until details of the hard surfacing materials to be used for the car parking areas serving that building has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

- 1 Reason: For the avoidance of doubt.
- 2 Reason: In the interests of visual amenity.
- 3 Reason: In the interests of visual amenity and biodiversity
- 4 Reason: In the interests of sustainability
- 5 Reason: In the interests of highway safety.
- 6 Reason: In the interests of neighbouring amenity.
- 7 In the interests of visual amenity.

Informatives

The Borough Council has worked positively and proactively with the applicant, in accordance with the National Planning Policy Framework based on seeking solutions to problems arising in relation to dealing with the planning application.

With regards to the electric vehicle charging, all electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK
Permit Terms and Conditions at Coal mining permit terms and conditions - GOV.UK (www.gov.uk)

Guidance which is in form of FAQs in section 10 at What is a permit and how to get one? - GOV.UK (www.gov.uk)

The gas monitoring and extraction plant currently on-site should remain on-site as long as required by the Minerals Planning Authority (MPA). The MPA will require full access to the plant for operational and maintenance purposes.