

BROXTOWE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78 (as amended)

Appeal by **Bloor Homes** against the non-determination of a planning application

By

Broxtowe Borough Council for

“Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017”

at Land West of Stapleford Lane, Stapleford, Nottinghamshire

Planning Inspectorate Reference: 6006412

Council Reference: 25/00371/OUT

List of Conditions

15.10.2026



1.	Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. <i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved. <i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
3.	The development shall be carried out in accordance with the following drawings received by the Local Planning Authority: ○ Site Location Plan (P23_2379_DE_009_C_01 - Site Location Plan (Outline)) ○ Parameter Plan (P23_2379_DE_015E_02 - Parameter Plan (Outline)) ○ B076224 TTE HGN XX DR CH 010001 P03 Four Arm Signalised Junction GA S1.pdf ○ B076224 TTE HGN XX DR CH 010002 P05 Four Arm Signalised Junction GA S2.pdf The development shall be carried out in general accordance with the following drawings received by the Local Planning Authority: ○ Illustrative Masterplan (P23_2379_DE_014_D_01 - Illustrative Masterplan (Outline)_LR) ○ Illustrative Landscape Masterplan (P23_2379_EN_0007_B_S1 ILMP_R) <i>Reason: For the avoidance of doubt.</i>

4.	Before any site clearance or development is commenced on each phase, detailed drawings and particulars showing the following (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority: (a) Appearance; (b) Landscaping; (c) Layout; (d) Scale. The development shall be carried out strictly in accordance with the approved details. <i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 3.2, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 2, 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and in the Interests of Highway safety.</i>
5.	No part of the development shall commence until a detailed surface water drainage scheme based on the principles set out by the approved Flood Risk Assessment (FRA) and Drainage Strategy Addendum ref: 19678/FRA and DS Addendum, dated December 2025 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the first dwelling of each phase. The submitted scheme shall: • Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that the design is in accordance with CIRIA C753 and NPPF Policy F8. • Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. • Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. No surcharge shown in a 1 in 1 year. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. - No surcharge shown in a 1 in 1 year. - No flooding shown in a 1 in 30 year.

	- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. • Evidence to demonstrate the viability (e.g. condition, capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. • Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure. • Evidence of approval for drainage infrastructure crossing third party land where applicable. • Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. • Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness. <i>Reason: Reason: To ensure the development is in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of Broxtowe Part 2 Local Plan (2019).</i>
6.	a) No part of the development on each phase shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems. b) No building to be erected pursuant to this permission shall be occupied until all necessary remedial measures have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority; and a Verification Report has been submitted to and approved in writing by the Local Planning Authority. <i>Reason: In the interest of public health and safety and in accordance with policy 17 of the Part 2 Local Plan 2019.</i>
7.	No development hereby approved shall take place on each phase until a Construction/Demolition Method Statement (CDMS) has been submitted to and approved in writing by the Local Planning Authority. The CDMS shall include: a) The means of access and routing for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition the development; e) a scheme for the recycling/disposal of waste resulting from construction / site clearance;

	f) details of dust and noise suppression to be used during the site preparation, ground works and construction phases and; g) hours of construction, demolition, and site preparation; h) wheel washing facilities. The approved CDMS shall be adhered to throughout the construction period. <i>Reason: In the interest of highway safety and residential amenity and in accordance with policy 17 of the Part 2 Local Plan 2019.</i>
8.	No development shall take place on each phase until an Archaeological Mitigation Strategy (AMS) for the protection of archaeological remains has been submitted to and approved in writing by the Local Planning Authority. The AMS will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following: 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements); 2. A methodology and timetable of site investigation and recording; 3. Provision for site analysis; 4. Provision for archive deposition; 5. Nomination of a competent person/organisation to undertake the work. The development shall not be brought into its intended use until (i) the results of the programme of archaeological investigation and, where necessary, post investigation assessment has been completed in accordance with an approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed to and approved in writing by the Local Planning Authority. <i>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework, Policy 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i>
9.	Prior to the commencement of development on each phase, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall be compliant with BS5837 and shall indicate how the retained trees as shown on plan ref: Tree Retention Plan 10889-T-04 are to be protected during the construction phase of the development. Development shall be carried out in accordance with the approved Arboricultural Method Statement. <i>Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, in order to comply with</i>

	<i>Policy 17 - Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i>
10.	No development shall take place (including groundworks and vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones" c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The development shall be carried out in accordance with the approved details at all times during the construction phase of the development. <i>Reason: In the interests of protecting existing environmental features and habitats during the construction period in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i>
11.	Prior to the commencement of development, a comprehensive Bus Stop Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Bus Stop Strategy must detail the exact locations, design specifications, and implementation timescales for all new or upgraded bus stop infrastructure. The development shall thereafter be carried out strictly in accordance with the approved Bus Stop Strategy. <i>Reason: In the interest of highway safety and residential amenity and in accordance with policy 17 of the Part 2 Local Plan 2019.</i>
12.	Prior to the commencement of development, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall be in accordance with the measures contained within ES Chapter 7 (section 7.5) and the EA (4.9 Habitats and 4.17 Species) and shall be implemented in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority. <i>Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local</i>

	<i>Plan 2014 and Policy 31 – Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i>
13.	No development shall commence until a Cycling/Walking Strategy showing details of the walking / cycling infrastructure including works to the adopted highway for each phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall be submitted in accordance with guidance contained in LTN 1/20 on Cycle Infrastructure Design and Manual for Streets and where applicable indicate proposals for: • Existing levels of the finished highway tying into building threshold levels; • Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works; • Signing, street furniture, street trees and pits; • Structures on or adjacent to the highway; • Cycle path widths; • Crossing points; • Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement). The Cycling/Walking Strategy must include implementation timescales for all new cycling/walking infrastructure for each phase and shall thereafter be carried out strictly in accordance with the approved Cycling/Walking Strategy. <i>Reason: To comply with the guidance in LTN 1/20 on Cycle Infrastructure Design and in Manual for Streets and in accordance with policy 17 of the Part 2 Local Plan 2019.</i>
14.	No development shall commence until all details of the site access points including links to existing and proposed Public Rights of Way for pedestrians and cyclists in accordance with Parameter Plan P23_2379_DE_015E_01 have been submitted to and approved in writing by the Local Planning Authority. The development or any phase of the development, whichever is the sooner, shall not be occupied until the means of access for pedestrians and/or cyclists for the development or relevant phase of development have been constructed in accordance with the approved details. The means of access shall thereafter be retained for access purposes only. <i>Reason: In the interest of highway safety and in accordance with policy 17 of the Part 2 Local Plan 2019.</i>
15.	No part of the development shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable, subsidised travel passes and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for the monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in the Travel Plan. <i>Reason: In the interests of highway safety and the environment to encourage use of more sustainable modes of transport than the car and in accordance with</i>

	<i>Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan (2019) and Part 9 - Promoting Sustainable Transport of the NPPF 2024.</i>
16.	No development shall commence on each phase until a Noise Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Strategy must set out how the noise mitigation measures contained within Section 7 of the Hoare Lea Acoustic Report (ref: REP-1015447-AM-20241010-Acoustic planning report (Toton West) - Rev00) are included within relevant plots with each phase. These measures should be implemented within relevant plots prior to the occupation of the respective plots in accordance with the approved Noise Mitigation Strategy. <i>Reason: To protect occupants from excessive environmental noise and in accordance with Policy 17 of the Part 2 Local Plan 2019.</i>
17.	Strategic Highway Assessment and Mitigation Strategy (SHAMS) No application for the approval of reserved matters shall be approved until a Strategic Highway Assessment and Mitigation Strategy ("SHAMS") has been submitted to the Local Planning Authority, in consultation with, and having regard to the advice of, the relevant highway authorities. The SHAMS shall: a) use as its baseline evidence, the East Midlands Gateway Model ("EMGM") and the strategic highway modelling and assessment previously undertaken in respect of: i. Scenario 1: Toton West; - <i>Ref: Post-Submission Technical Note – EMGM Scenario One – Junction Capacity Assessments, produced by mode transport planning (Ref: 260812_328827_TN005) Dated: 12/08/2026)</i> - <i>Ref: Post-Submission Technical Note – EMGM Scenario One – Junction Capacity Assessments to Align With TA, produced by mode transport planning (Ref: 260821_328827_TN006) Dated: 21/08/2026);</i> ii. Scenario 3: Toton West, Toton North and Toton East (with link road); and - <i>Ref: Post-Submission Technical Note - Highways Response to Additional Consultee Comments, produced by mode transport planning (Ref: 260624_328827_TN004) Dated: 24/06/2026</i> iii. Scenario 4: Toton West, Toton North, Toton East (with link road) and Chetwynd Barracks;

- *Ref: Post-Submission Technical Note – EMGM Scenario Four – Junction Capacity Assessments, produced by mode transport planning (Ref: 260902_328827_TN008) Dated: 02/09/2026; and,*
- *Ref: Post-Submission Technical Note – EMGM Scenario Four – Bramcote Roundabout , produced by mode transport planning (Ref: 260911_328827_TN009) Dated: 11/09/2026.*

b) utilise the Area of Influence (AOI) *ref: Toton Development Strategic Assessment Technical Note - Area of Influence Calibration & Validation Assessment, produced by SYSTRA (Ref: TN01 V1.3) Dated 23/10/2025*, unless otherwise agreed in writing by the Local Planning Authority following consultation with the relevant highways authorities;

c) using the EMGM highway-only model and any necessary local junction assessments within the AOI, demonstrate the cumulative highway impacts arising from the phased development of The Strategic Growth Area (defined as Toton West, Toton East, Toton North and Chetwynd Barracks) including the interaction between the County Road Network, the Strategic Road Network and the proposed Toton Link Road; through an assessment of the operation and performance of the following locations:

- i. A6002 Coventry Lane/A6007 Ilkeston Road;
- ii. Swiney Way and its interaction with Stapleford Lane;
- iii. Bardills Roundabout;
- iv. Bramcote Roundabout; and
- v. the proposed Toton Link Road terminal junctions;

d) identify, all highway infrastructure, highway improvement works, traffic management measures and other mitigation demonstrated by the assessment required by (c) to mitigate the cumulative highway impacts arising from the delivery of the Strategic Growth Area, including:

- i. the timing, phasing and trigger points for delivery to inform future planning determinations on other parts of the Strategic Growth Area;
- ii. the proposed mechanisms for apportioning, securing and delivering those measures across the Strategic Growth Area; and
- iii. identify the future apportionment of responsibility for funding or delivery across the Strategic Growth Area using the mechanisms defined under (ii);

	For the avoidance of doubt, nothing in the SHAMS shall oblige the applicant to fund or deliver highway infrastructure, traffic management measures or other mitigation required to address cumulative highway impacts beyond those arising from the development authorised by this Planning Permission, i.e. those which meet the tests within regulation 122(2) of the CIL Regulations. The SHAMS shall use the baseline evidence identified in paragraph (a) to inform the assessment required by this condition and shall not require the acceptability of the appeal development in isolation to be reassessed. No dwelling beyond the 300th dwelling hereby permitted shall be occupied until the SHAMS has been approved in writing by the Local Planning Authority in consultation with the relevant highway authorities. <i>Reason: To ensure that the development satisfactorily addresses its cumulative transport impacts in accordance with Policy 3.2 of the Development Plan and forms part of a coordinated strategy for the planning, phasing and delivery of infrastructure required to support the wider Toton and Chetwynd Strategic Location for Growth, in the interests of highway safety and the efficient operation of the local and strategic highway networks.</i>
18.	Statutory Biodiversity – Deemed Condition Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. The effect of the relevant paragraphs of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of and in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless: a. a Biodiversity Gain Plan has been submitted to the planning authority, and b. the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Broxtowe Borough Council. Key Requirements: A Biodiversity Gain Plan (BGP) must be submitted to the Local Planning Authority, in writing no earlier than the day after planning permission has been

granted and should be in accordance with the BNG Metric received by the Local Planning Authority on 2 April 2025, prepared by FPCR.

The biodiversity gain plan must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant.

Template available here;

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

The development shall not commence until a Habitat and Monitoring Management Plan (HMMP) has been submitted to ensure that the development meets all the requirements of the Biodiversity Gain Plan (BGP).

The Habitat Management and Monitoring Plan (the HMMP) must include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

Template available here;

<https://publications.naturalengland.org.uk/publication/5813530037846016>

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and
- (b) Habitat creation and enhancement works as set out in the HMMP have been completed.

	No part of the development hereby approved shall be occupied until: (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Reason: To ensure the development delivers a biodiversity net gain on or off site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990. <i>Reason: To ensure the development delivers a biodiversity net gain on or off site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990.</i>
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