

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00371/OUT
LOCATION:	Land West of Stapleford Lane Stapleford Nottingham
PROPOSAL:	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.

The application is brought to the Committee as it represents a Major Planning Application.

1. Purpose of the Report

- 1.1 This application has now been lodged as an appeal and is now before the Planning Inspectorate for determination on appeal for non-determination. However, the Committee is asked to make a resolution in order to establish the Council's position at the appeal. An Inquiry is due to take place week commencing 25th August. If the appeal was to be withdrawn at any stage, the application would be returned to the Planning Committee for a decision.
- 1.2 This major application seeks outline planning permission for up to 420 residential dwellings and associated open space and infrastructure with all matters reserved for future consideration (appearance, landscaping, layout and scale) except for access.
- 1.3 The illustrative masterplan submitted with the application shows a new junction created off Stapleford Lane with a central road leading through the site. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site connecting to existing routes. Landscaped areas, public open space, surface water attenuation and a children's play area are also indicated along with the retention of existing hedgerows and trees. This is an indicative plan only and the only matters for consideration at this stage are the principle of development and the vehicular access into the site.
- 1.4 Policy 2 - The Spatial Strategy of the Aligned Core Strategy 2014 sets out the spatial strategy for development in the plan area and seeks to allocate land for the development of a minimum of 30,550 new dwellings between 2011 to 2028. The policy identifies that a strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton, in Broxtowe is to be developed, which will include a minimum of 500 homes.

- 1.5 The site falls within Part 2 Local Plan Allocation Policy 3.2. This policy contains the following requirements for development of the allocation:
- In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework.
 - 500-800 dwellings within the Plan Period (3,000 dwelling in total).
 - Mix of housing density.
 - Min 18,000 m² for mixed employment (B Uses).
 - Limited retail and community facilities.
 - Provision of a multi-functional green infrastructure corridor to the south of the allocation.
 - Undergrounding of the high voltage electricity cables at the south of the site.
 - Development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.
 - Highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.
- 1.6 The Council have received further applications for residential development on nearby land being 25/00255/FUL on land to the east of the application site to construct 155 dwellings, 25/003306/OUT to the north for up to 880 dwellings, link road (means of access only), local centre, country park, education provision (forest school) and associated infrastructure which is mainly located within the Green Belt. A fourth application has been submitted at Toton west which is a hybrid application containing 69 dwelling, vehicular access, landscaping to allow undergrounding of high voltage cables; and as a full application the remaining 351 dwelling as outline with all matters reserved apart from the details of the vehicular access form Stapleford Lane.
- 1.7 The main considerations with the application are the principle of this type of development, the access point into the site and highway safety implications.
- 1.8 The principle of the development has been considered to be acceptable through the allocation of the site within the Part 2 Local Plan 2019 for residential development. The access into the site is considered acceptable and whilst there would be some impact upon ecology, landscape, traffic generation, surface water run off but it is considered these can be mitigated against through drainage features throughout the site, enhanced habitat creation and landscaping features, off site highway works to improve traffic capacity and improved cycling/pedestrian routes throughout the site.
- 1.9 National Highways and Nottinghamshire County Council, as Highways Authority, objected to the application due to the absence of a comprehensive transport assessment for the whole allocation and Chetwynd Barracks. This information has now been provided but is currently being reviewed by the relevant consultees.

2. Recommendation

The resolution is to inform the Council's position at the Planning Inquiry. It is recommended that outline planning permission would have been approved subject to the removal of objections from both National Highways and Nottinghamshire County Council as The Highway Authority and subject to the inclusion of conditions and the signing of a S106 Agreement.

3. Detail

- 3.1 The application seeks outline planning permission for up to 420 residential dwellings and associated open space and infrastructure with all matters reserved for future consideration (appearance, landscaping, layout and scale) except for access.
- 3.2 The illustrative masterplan submitted with the application shows a new junction created off Stapleford Lane with a central road leading through the site. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site connecting to existing routes. Landscaped areas, public open space, surface water attenuation and a children's play area are also indicated along with the retention of existing hedgerows and trees.
- 3.3 The development constitutes Environmental Impact Assessment (EIA) Development and therefore the application is accompanied by an Environmental Statement (ES).
- 3.4 The main considerations with the application are the principle of this type of development, the access point into the site and highway safety implications.
- 3.5 The benefits of the proposal are that the residential development would see the development of an allocated site which is located in a sustainable location close to existing public transport links, and would make a significant contribution to housing delivery for the Council. The proposal, whilst outline, is not considered to be harmful to the character of the surrounding area. Any impact on protected species, habitats and trees can be adequately mitigated for by way of the design of the layout at reserved matters stage and through the implementation of conditions. Financial contributions in respect of monies for improvements to nearby public open space, library stock, provision of sustainable transport measures, bus stops etc along with the provision of affordable homes would benefit the wider community of Toton, Stapleford and Chilwell.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within

existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers:

- 7.1 No background papers.

Appendix**1. Details of the application**

- 1.1 The application seeks outline planning permission for up to 420 residential dwellings and associated open space and infrastructure with all matters reserved for future consideration (appearance, landscaping, layout and scale) except for access.
- 1.2 The illustrative masterplan submitted with the application shows a new junction created off Stapleford Lane with a central road leading through the site. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site connecting to existing routes. Landscaped areas, public open space, surface water attenuation and a children's play area are also indicated along with the retention of existing hedgerows and trees.
- 1.3 The development constitutes Environmental Impact Assessment (EIA) Development and therefore the application is accompanied by an Environmental Statement (ES).
- 1.4 The main considerations with the application are the principle of this type of development, the access point into the site and highway safety implications.

2. Site and surroundings

- 2.1 The Site is located to the west of the B6003 Stapleford Lane, which leads northwards and southwards towards the suburbs of Stapleford and Toton. The majority of the northern extent of the Site is bound by hedgerow, beyond which are further field parcels in arable agricultural use. The north-eastern extent of the Site is bound by well-established trees and hedgerow, with an electricity transmission substation beyond. A series of electricity pylons and associated overhead lines are within the site in an approximate north-east to south-west direction from the electricity transmission substation. The east of the Site is adjoined by the B6003 Stapleford Lane and to the south, the Site is bound by sporadic hedgerow and tree line, beyond which are gardens and existing residential dwellings associated with the suburb of Toton. The south-western most extent of the Site is adjoined by Toton Fields Local Nature Reserve (LNR). The George Spencer Academy is located 500m to the north-west of the Site, within the suburb of Stapleford. The Bispham Drive Junior School is located 525m to the south-west of the Site. To the west the site is bound by Toton railway sidings.

3. Relevant Planning History

- 3.1 In 2016 planning permission was granted under planning application reference 12/00585/OUT for the development of a site (including part of the application) for a maximum of 500 dwellings, that included a convenience store and two retail outlets.

- 3.2 A subsequent Reserved Matters application was granted under planning reference 17/00499/REM in 2018 for the erection of 282 dwellings and supporting infrastructure (to the north of the application site). The Reserved Matters application under adjoins the north and east of the Site and was implemented through the construction of a small area of tarmac representing part of the access into the site.
- 3.3 A Hybrid application is currently pending consideration seeking the following: Full Planning permission for 69 dwellings, vehicular access from Stapleford Lane, the provision of landscape buffer to allow undergrounding of high voltage cables, and associated infrastructure. Outline Planning Permission: For the Construction of up to 351 dwellings and relevant infrastructure. All matters reserved apart from the details of vehicular access from Stapleford Lane. The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 3.2: Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 24: The Health and Wellbeing Impacts of Development

- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

4.4 Chetwynd: The Toton and Chilwell Neighbourhood Plan 2024:

- ENV01 - Local Green Space
- ENV02 - Natural Environment
- ENV03 - Green and Blue Infrastructure Requirements
- INF01 - Road Infrastructure
- INF02 - Active Travel
- INF03 - Public Transport
- INF04 - Parking & Reducing Travel Demand
- HAS01 - Housing Mix
- HAS02 - Green Design & Sustainability
- HAS03 - Broadband Connectivity
- HAS04 - On-Site Construction
- URB01 - Amenity Space & Privacy
- URB02 - Minimising Crime
- URB03 - Street Design
- URB04 - Well Designed Neighbourhoods
- URB05 - Strategic Location for Growth, West of Toton Lane
- LHC01 - Local Centres
- LHC04 - Secondary Education
- LHC05 - Primary Education and Medical Facilities
- LHC06 - New Leisure Centre
- LHC08 - Provision of Allotments
- EMP01 - Strategic Location for Growth Business Zone
- EMP03 - Smart Building Technologies & Modern Methods of Construction

4.5 **Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (2023)**

5. Consultations

5.1.2 **NCC LLFA:** no objections subject to conditioning detailed surface water drainage scheme to be submitted to and approved by the LPA.

5.1.3 **NCC Public Rights of Way:** No objections, advise that the Beeston footpath 17 crosses the site and it is advised that the surface is improved. Also provides general advise for the applicant/agent.

5.1.4 **NCC Planning Policy:** no objections subject to planning conditions and obligations relating to local bus services, bus stops, community transport, education, libraries and cycling/walking provisions.

5.1.5 **Natural England:** No objections.

5.1.6 **The Coal Authority:** Advise the site to which this submission relates is not located within the defined coalfield. On this basis we have no specific comment to make.

5.1.7 **Environment Agency:** Advise the site falls within flood zone 1 and therefore no fluvial flood risk concerns associated with the site.

5.1.8 **Firstplan on behalf of DB Cargo UK Ltd:** object to the application on the grounds that the proposals have the potential to introduce sensitive uses, which have not yet been appropriately and robustly assessed in the context of noise which could prejudice the future operation of Toton Sidings.

Given the proposed introduction of residential (noise-sensitive) development in close proximity the key intent of this response is to ensure that it is clearly confirmed and demonstrated that (a) the existing operations at Toton Sidings have been fully assessed and taken into account and that (b) full regard has been had to the future relationship between the new residential development and the existing Toton Sidings. This is in regard to the design and layout of the proposed development and that full consideration has been given to any mitigation that may be required to be provided as part of the development. This is to ensure both the on-going safeguarding of the existing operations and to ensure appropriate amenity standards are met for future residents of the proposed development.

The application and supporting documents should ensure that the local planning authority, when considering whether to grant planning permission does so in the full knowledge of the likely significant effects and takes these into account in the decision making process. The onus lies firmly with the decision maker to ensure that the submission is complete and that the objectives of the relevant policy requirements are met. It is incumbent on the LPA to ensure that the future residents will be protected from significant adverse impacts and that the safeguarded operations of Toton Sidings are also

protected in accordance with policy requirements at every level. The apparent failure to robustly assess (particularly in noise terms) the inter-relationship between the application site and the existing Toton Sidings site means that this clear requirement is not met.

Such is the level of concern arising from this planning review of the application, as confirmed DBC are considering directly instructing a noise consultant to also review the application submission. Either way, in the meantime it is reiterated again that DBC/Firstplan would very much welcome direct discussion with the applicant (and the LPA) with a view to reviewing what can be done to address the points of objection raised, and significant areas of concern identified with a view to agreeing a way forward.

5.1.9 Network Rail: No objections in principle subject to conditions.

5.1.10 Toton and Chilwell Neighbourhood Forum: as it does not comply with the overall Development Plan and is non-compliant or not fully compliant with the following CTTCNP policies:- ENV01 (1), ENV02, ENV03, INF01, INF02, INF03, HAS01, HAS02, HAS03, HAS04, URB01, URB02, URB03, URB04, URB05, LHC01 (1 & 3), LHC04, LHC05, LHC06, LHC08, EMP01, EMP03.

5.1.11 Active Travel: No objections subject to conditions.

5.1.12 National Highways: Holding response in the absence of a comprehensive traffic impact assessment to demonstrate the full impact of the combined wider allocation (Toton North, Toton East & Toton West parcels).

5.1.13 NCC Highways: Advise further transport modelling is required.

5.1.14 Broxtowe Policy: The proposal will be the need to ensure a 'comprehensive and cohesive', high quality development across the whole of the allocated site, avoiding a series of uncoordinated smaller-scale developments. This is emphasised at policy 3.2D and paragraphs 3.20 and 3.32 of the P2LP, and will presumably involve the use of conditions and s106 agreement(s). These arrangements are likely to involve ensuring suitable accesses to adjacent land, densities that ensure overall provision in line with P2LP expectations, non-residential development and green infrastructure in accordance with policy 3.2 (excluding superseded aspects of the policy that relate solely to HS2). At various places (from page 63 onwards) the Design & Access statement indicates that "Future detailed application(s) are expected to demonstrate" suitable provision, however we need to consider these issues at this stage, including with regard to affordable housing provision and the mix of housing size, type and tenure (as mentioned below, and in accordance with P2LP policy 15).

5.1.15 Broxtowe Housing Officer: The affordable housing requirements for this site would be:

Toton submarket - 30% AH requirement

This should be broken down by:

20% social/affordable rent

2.5% low cost homeownership (discount market sale or our preference, shared ownership) 7.5% First Homes - if this requirement no longer exists, we would be open to negotiate this to be delivered as shared ownership.

Housing register applications for Stapleford/Toton:

1 bed: 544

2 bed: 362

3 bed: 200

4 bed: 46

5, 6, 7 bed: 14

5.1.16 Broxtowe Environmental Health: No objections

5.1.17 Broxtowe Ecology Officer: I have reviewed the following ecological information:

- Appendix 7.1 Ecological Appraisal by FPCR dated February 2025
- Appendix 7.3 Bird Report by FPCR dated March 2025
- Appendix 7.6 Supplemental Breeding Bird Report by FPCR dated September 2025
- Appendix 7.7 Biodiversity Net Gain Report by FPCR December 2025
- Illustrative Master plan by Pegasus Group drawing P23_2379_DG_014 sheet number 1 revision D

The Ecological Appraisal has been informed by an appropriate desk study and presents the results of an extended phase 1 habitat survey carried-out during August 2024. The site comprises several arable field parcels bounded by hedgerows and tree-lines. Small areas of scrub are also present with a small copse of trees.

Bat activity surveys were carried-out during August and September 2024 and May 2025. I am satisfied further bat surveys are not required.

I am satisfied that there will be no impact on statutory designated sites but the Toton Sidings LWS is located immediately adjacent to the western edge of the development site. While there is no direct land-take of the LWS measures need to be put in place to avoid harm to the LWS during any site clearance and construction works. The creation of new green public open space is welcomed to minimise the risk of increased visitor pressure on the LWS. This should be secured in a CEMP Biodiversity Condition.

No evidence of badger is recorded in the surveys and none of the trees on-site possessed features suitable for roosting bats. No ponds are present within 250 metres of the site. On the basis of the submitted information I am satisfied there will be no impacts on great-crested newt.

Although skylark, a ground-nesting priority bird species, were recorded on adjacent land during the bird surveys the date of the sighting does not indicate that the site is significant for this ground nesting species.

An appropriate biodiversity net gain assessment has been undertaken which has identified the site to contain the existing base-line of 40.45 habitat units, 7.91 hedgerow units and 4.61 water course units. It is noticed that the proposed scheme does not achieve the 10% habitat gain. This will need to be resolved to meet the requisite 10% net habitat gain requirement to satisfy the requisite pre-commencement condition.

5.1.18 Broxtowe Tree officer: no comments received.

5.1.19 Broxtowe Conservation and Green Spaces: Whilst we tend not to adopt open spaces in small developments – (as there is little benefit to the wider community and a long term maintenance liability), we have indicated that we would be keen to adopt both the Toton North and Toton East sites, as there is significant open space which would be of benefit to the wider Borough community. Given this and the proximity of the Toton West site, we would also look to include adoption of Toton West.

There are two parts to S106 developer contributions to public open space, Capital, and Maintenance.

Capital funds are requested if there is little or no open space on the development. This is utilised to improve nearby parks that residents of the new development are likely to use.

Maintenance funds are provided to maintain any open space on the development once it has been transferred to the council (adopted).

With a development of this size the council would use the Maintenance sum to maintain the site for 5 years post-adoption, after which the costs would be met from the ongoing revenue budget. Initial costs include increasing our establishment and purchasing additional machinery, tools, materials and equipment to maintain the site.

Masterplan Overview:

The site is on arable agricultural land, with some of the external field boundaries marked with hedgerows and a few standard hedgerow trees. There is also a small watercourse to the northern boundary. Much of the existing biodiversity will be contained in the hedges, trees and watercourse.

The plans and layout do not seem to require removal of any hedges or trees, other than a short section where the new access road will enter the site. It is

important that trees and hedges are retained – given the size/age of some of them they are not easy to replace. Trees should be pruned appropriately to encourage health and remove any danger (deadwood etc). Hedges could be pruned back to encourage new growth (laid if appropriate) and receive new planting to extend species diversity and reinvigorate.

Retaining the old hedgelines and trees will keep corridors for biodiversity. It would be good to see more north-south lines included to improve site permeability. The historic field layout of the former agricultural land could be preserved by creating a green corridor along the public right of way (Beeston FP 17), watercourse and development area boundary.

The avenue of trees along the main access road into the site will develop to give the site character, provide a buffer to the housing and create a new green corridor. Care should be given in selecting species (ultimate height and problems with light to properties, leaf fall, honeydew etc). Appropriate root control measures should be put in place.

Suitable root protection areas (RPA's) should be put in place to protect tree and hedgerow roots – construction works and subsequent development must not encroach on these areas.

There seems to be a fair ratio of green space to developed land. The open space and balancing ponds to the west will join the existing green space to the SW corner, in effect extending the Toton Fields LNR. The ponds could help improve biodiversity if some water remains for extended periods.

Overall, this looks to be a good plan, with a fair balance of developed land and open space. Changes to provide more N/S connections and encourage green corridors into the development would be good, as would a more central play area.

If we are to adopt the site, we would like to work closely with the developer to ensure a good standard of open space is provided. Our new Play Strategy will include detail on the standard of play provision we would like to see on all developments in the Borough.

Planting Proposals.

Further down the line, to provide detailed comments I will need to see a labelled plan, showing individual tree species, shrub species, grassland seed mixes etc, along with numbers/planting densities/distances. A planting specification would also be helpful.

Proposed POS Trees

Not many shown, I think retaining an open area of grassland appropriate to the west.

Proposed plot trees.

Suggest reasonable sized specimens to allow quick establishment. Some selections reach quite large ultimate sizes and should only be planted where space allows. Prunus species can be a problem near hard standing.

5.2 **Resident Comments:** 61 neighbouring properties were consulted on the application along with the posting of site notices, with 42 responses having been received objecting on the grounds of:

- Sense of enclosure,
- Loss of daylight/overlooking issues,
- Associated noise issues,
- Loss of agricultural land,
- Loss of Green Belt land and natural wildlife habitat,
- Loss of Green Spaces,
- Loss of trees,
- Lack of pedestrian and cycle infrastructure enhancements,
- No provision for additional schools, doctors, dentists or other local services,
- Traffic congestion and pollution,
- Increased traffic,
- Flooding,
- Inadequate infrastructure and transport assessments,
- Energy statement not complying with future homes standards.

6. Assessment

6.1 The main issues to take into consideration in the assessment of this application area:

- Principle of Development
- Landscape, Design and Visual Amenity
- Residential Amenity
- Access and highway safety
- Ecology and Biodiversity Net Gain
- Flood Risk and Drainage
- Developer Contributions

6.2 Principle of Development

6.2.1 The principle of residential use at this site was previously determined favourably under application reference 12/00585/OUT for a mixed-use development whose residential element comprised of up to 500 dwellings. Two points of access were originally proposed by creating a fourth arm to the signalised junction serving the NET Park and Ride facility. The second formed of a right-turn ghost island located in the same position as the subject access.

- 6.2.2 The proposed development now consists of the construction of up to 420 residential dwellings and associated open space and infrastructure.
- 6.2.3 Policy 2 - The Spatial Strategy of the Aligned Core Strategy 2014 sets out the spatial strategy for development in the plan area and seeks to allocate land for the development of a minimum of 30,550 new dwellings between 2011 to 2028. The policy identifies that a strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton, in Broxtowe is to be developed, which will include a minimum of 500 homes.
- 6.2.4 The site falls within Part 2 Local Plan Allocation Policy 3.2. This policy contains the following requirements for development of the allocation:
- In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework.
 - 500-800 dwellings within the Plan Period (3,000 dwelling in total).
 - Mix of housing density.
 - Min 18,000 m2 for mixed employment (B Uses).
 - Limited retail and community facilities.
 - Provision of a multi-functional green infrastructure corridor to the south of the allocation.
 - Undergrounding of the high voltage electricity cables at the south of the site.
 - Development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.
 - Highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.
- 6.2.5 The Illustrative Concept Framework identifies the application site as being for residential led development. The proposed development is in accordance with Map 8 as it is proposing a residential led development for up to 420 dwellings. Further to this the proposed development provides a vehicular access for Stapleford Lane connecting to the proposed Toton Link Road. The proposed development also accounts for the overhead cable current spanning the site, the Masterplan has been prepared on the basis of these being undergrounded.
- 6.2.6 Employment, retail and community facilities are not proposed on this part of the application site and are identified to come forward as part of the wider allocation. As a standalone development, the development would not necessitate the provision of these additional facilities. In respect of policies EMP01 and EMP03 of the Toton and Chetwynd Neighbourhood plan these are not considered to be relevant as part of this outline planning permission and will come forward as part of the wider allocation, especially as the land

ownership has since changed and Nottinghamshire County Council have not as yet put forward any development proposals.

- 6.2.7 The Council have received further applications for residential development on nearby land being 25/00255/FUL on land to the east of the application site to construct 155 dwellings, 25/003306/OUT to the north for up to 880 dwellings, link road (means of access only), local centre, country park, education provision (forest school) and associated infrastructure which is mainly located within the Green Belt. A fourth application has been submitted at Toton west which is a hybrid application containing 69 dwelling, vehicular access, landscaping to allow undergrounding of high voltage cables; and as a full application the remaining 351 dwelling as outline with all matters reserved apart from the details of the vehicular access form Stapleford Lane.
- 6.2.8 The proposed development will deliver economic benefits through the creation of construction jobs and economic activity resulting directly and indirectly from the construction of the development.
- 6.2.9 The application site is accessible by all modes of transport, including the tram, and is therefore well located for residential development. It is well connected to the local and strategic highway network the A52 and M1 with good opportunities for sustainable travel into Nottingham. Facilities and services are located close by and neighbouring development sites will be providing further infrastructure enhancements and improvements. Pedestrian, cycling facilities and bridleway in the vicinity of the site are very good and will help to facilitate walking journeys to the wider allocation, local centre and transport links.
- 6.2.10 The proposal respects the landscape context, seeking to minimise the loss of hedgerows and trees, protect habitats and with new planting and management provide ecological enhancement. Issues relating to landscaping, trees, ecology, transport and drainage have been carefully considered to influence the layout.
- 6.2.11 The proposals will help to mitigate future climate change through reducing CO2 emissions by building new homes in a highly accessible location and therefore reducing the need to travel by car. The provision of a sustainable drainage strategy utilizing the existing capacity available together with green infrastructure and landscaping will help to ensure that the development is resilient to future climate change impacts. The strategy for the design of new housing will consider appropriate efficiency and generation initiatives through the development of a detailed development scheme. The development scheme will be guided by the Future Homes Standard.
- 6.2.12 The development is considered sustainable development in accordance with the requirements and definitions of the Framework. Construction and supply chain jobs will be created by the proposed development. The site is located within walking distance of local service and facilities and connections to public transport to access the facilities and services locally (Toton, Stapleford and Chilwell) and the larger centres of Beeston and Nottingham. Policy 3.2 of the

Part 2 Local Plan 2019 does advise that land allocated at Toton strategic Location for Growth is expected to be forward on a phased basis, which is the case for this planning application. It is therefore considered that the proposal complies with the general policy requirements in accordance with Policy 3.2 of the Part 2 Local Plan 2019. The site will also be vital in providing the required number of homes to meet the Council's 5 year housing land supply. The Council does not currently have a 5 year housing land supply and therefore significant weight must be given to the provision of new homes to meet the Council's housing requirements. The general principle of development is therefore acceptable, subject to detailed consideration of the following materials planning considerations.

6.3 Design and Visual Amenity

- 6.3.1 The illustrative masterplan submitted with the application shows a new junction created off Stapleford Lane with a central road leading through the site. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site connecting to existing routes. Landscaped areas, public open space, surface water attenuation and a children's play area are also indicated along with the retention of existing hedgerows and trees. This is an indicative plan only and the only matters for consideration at this stage are the principle of development and the vehicular access into the site.
- 6.3.2 In support of the application, a landscape and visual amenity assessment has been prepared in relation to the Proposed Development at 'Toton West'. The assessment undertaken sets out in visual terms, due to its urban fringe context, vegetation and built form to the east and north-east, and the sloping nature of the landform broadly to the west into the Erewash valley, the Site is generally well contained and generally limits the extent of potential views towards the Site from beyond. Principal receptors comprise PRow users within and approaching the Site at short distance, residents adjoining the southern Site boundaries, and road users along the B6003.
- 6.3.3 The mitigation strategy for the Proposed Development focuses on integrating the Proposed Development into the surrounding landscape through a robust landscape and green infrastructure strategy. The design process has been influenced by landscape and visual constraints to ensure that the Proposed Development respects the local context, with careful attention to scale, character, and vegetation retention.
- 6.3.4 The assessment concludes that there would be an inherent degree of landscape and visual impact for any largely undeveloped settlement edge site seeking to deliver new residential development of this nature, although given the extent of influence from the settled edge and urbanising elements in the landscape, such impacts would be less than those relating to a site that has no existing urban influences.

- 6.3.5 The design and appearance of the dwellings and layout of the development are reserved for future consideration. The reserved matters application would need to demonstrate that any buildings proposed would be of a high design quality including the provision of detailed landscaping fronting onto Stapleford Lane and further into the site along with the retention of existing trees and hedgerows which would need to be enhanced with additional landscaping, public rights of way, open space and water retention feature.
- 6.3.6 The proposal would deliver 30% affordable housing and a mix of house types in compliance with Policy HAS01 - Housing Mix of the CTTCNP at reserved matters stage across the site. with regards to Policy HAS02 of the CTTCNP no information has been submitted indicating compliance with BREEAM Communities Standard and BREEAM Home Quality Mark. The wording of the policy states compliance with such standards or any other standards is supported, including a) energy efficient design and heating, b) community power, c) efficient use of potable water. There is, however, no policy requirement for the planning application to be reviewed by Design Midlands or that a Design Code is submitted for the proposed scheme. While no community power or potable water measures have been proposed, these are not mandatory requirements in line with policy HAS02 – Green Design and Sustainability of the CTTCNP.
- 6.3.7 Whilst no layout, house types are included in this proposal, the development would be compliant with policy HAS03 - Broadband Connectivity through the implementation of a condition. However, due to the application being outline the use Modern Methods of Construction i.e. modular homes with Policy HAS04 - On-Site Construction as the housing is not considered at this stage.
- 6.3.8 With regard to Policy URB02 – Minimising Crime of the CTTCNP, Nottinghamshire Police have not comments at this stage and will be consulted as part of the reserved matters applications and a condition could be imposed for the development to adhere to Secure by Design principles(SBD).
- 6.3.9 With regard to Policy URB03 – Street Design of the CTTCNP, the layout of streets, footways, shared amenity space, landscaping and the PROW that runs through the site will be design at reserved matters stage to encourage walking, cycling and children's play. Parking and cycle storage facilities will be provided throughout the development. An appraisal of the proposal using the Building for a Healthy Life submitted in DAS, in consideration for Policy URB04 - Well Designed Neighbourhoods of the CTTCNP. The wording of the policy however is not mandatory for a local or national design code to be used. In consideration for the CTTCNP design policies, it is considered the proposed development would be acceptable.
- 6.3.10 In respect of policy URB05, the red line of the application site does not include the land safeguarded for the Toton transport interchange or any employment provision has this is part of the wider development as part of the Toton and Chetwynd Barracks Strategic Masterplan SPD. The remainder of this policy is not considered applicable at this stage of consideration due to the application

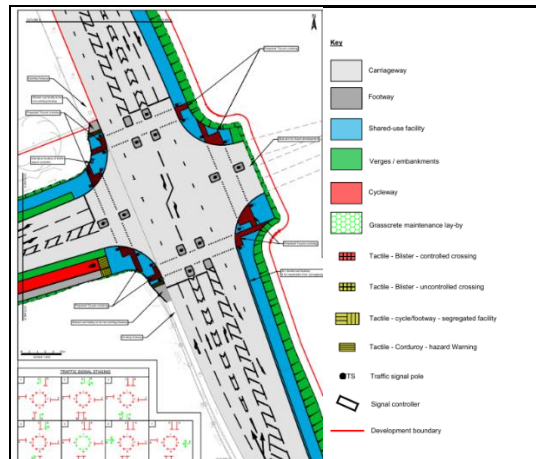
only covering part of the strategic allocation and being outline for up to 420 dwellings.

6.4 Residential Amenity

- 6.4.1 An objections has been received from DB Cargo who operate to the rear of the site to the west stating that “Given the proposed introduction of residential (noise-sensitive) development in close proximity the key intent of this response is to ensure that it is clearly confirmed and demonstrated that (a) the existing operations at Toton Sidings have been fully assessed and taken into account and that (b) full regard has been had to the future relationship between the new residential development and the existing Toton Sidings. This is in regard to the design and layout of the proposed development and that full consideration has been given to any mitigation that may be required to be provided as part of the development. This is to ensure both the on-going safeguarding of the existing operations and to ensure appropriate amenity standards are met for future residents of the proposed development.
- 6.4.2 The design and appearance of the dwellings and layout of the development are reserved for future consideration. Notwithstanding this, it is clear from the responses received that there are concerns regarding noise for future occupiers of the dwellings, sense of enclosure, loss of daylight and overlooking from the occupiers of existing properties adjacent to the site. The reserved matters, once submitted, would need to demonstrate that any buildings proposed would not have a significant impact on neighbouring amenity. Furthermore, Environmental Health have raised no objections to the proposal subject to a condition requiring the applicant to provide certification that the noise mitigation measures contained within section 7 of the Hoare Lea noise report have been installed in the relevant plots prior to occupation.

6.5 Access and Highway Safety

- 6.5.1 Paragraph 116 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.5.2 Access to the development is proposed via provision of a fourth arm to a proposed signal junction on the B6003 Stapleford Lane that is to be provided as part of development of land on the opposite side of the B6003 (site known as Toton East).



6.5.3 The following sustainable transport improvements are proposed:

- Provision of a segregated cycle route along the main site access route, connecting to facilities proposed as part of development proposals at Toton East and Toton North;
- Improvements to surfacing, lighting and waymarking of existing public footpath route Beeston FP17, together with minor diversion of the route where it passes through the site;
- Financial contributions towards local bus service improvements;
- Access route designed for potential future use by bus services;
- Cycle parking provided at each individual dwelling;
- New Residents Travel Packs for each dwelling; and
- Implementation of a Residential Travel Plan

6.5.4 In respect of Policy INF04 the proposal is partially compliant as on plot parking and the provision of electric vehicle charging points will be considered as part of the reserved matters application and a travel plan has been submitted and this can be conditioned. The red line of the application site does not cover the land for which the NET extension is proposed and would not compromise the future potential extension of the Net tram extension in respect of INF03, and the proposal is partially compliant by providing access for bus services and also through S106 monies for improvements to bus services and bus stops.

6.5.5 Policy INF01 – Road Infrastructure of the CTTCNP, 1) requires infrastructure proposals to be in accordance with the Toton and Chetwynd Barracks Strategic Masterplan. It is considered that the principle of development is in accordance with Map 8 of the SPD. In respect of planning application 25/00255/FUL, the proposed development provides a vehicular access for Stapleford Lane that

would support the delivery of the Toton Link Road from the A52 and providing an access into the Chetwynd Barracks site.

- 6.5.6 Policy INF01 2) supports new access roads where they have potential to A) relieve congestion on Stapleford Lane; B) act as the local infrastructure for the development within Chetwynd Barracks and the Strategic Location for Growth (SLG); and C) support access to the proposed railway station and interchange. The submitted Transport Assessment identifies that the site access junction would have sufficient operating capacity to accommodate the development traffic and that the impact of development traffic on the local highway network would be negligible. The proposal would be the first phase of the proposed link road to unlock vehicle access to the Strategic Location for Growth and the Chetwynd Barracks allocations. The proposal would not compromise any future access to the proposed railway station and interchange, as shown in Map 8 of the SPD.
- 6.5.7 Policy INF02 – Active Travel of the CTTCNP, 1) advises major development should contribute to the provision of new, dedicated cycle routes, where practical and feasible. Policy INF01 2) states that separated lanes should be included within new green corridors where practical and feasible. The submitted masterplan includes the provision of informal paths to accommodate cycling through the site and these further details will be considered at reserved matters stage. The proposal provides sufficient cycle storage facilities as per the requirements of Policy INF01 3).
- 6.5.8 Both National Highways and Nottinghamshire County Council as the Highways Authority have not been in a position to support this application and have advised that a comprehensive transport assessment is required to consider the impact upon the wider highway network. It should be noted that this work has now been undertaken by the applicant and submitted to the Council. The findings of both National Highways and The Highway Authority will be presented as late items for the Planning Committee meeting.
- 6.5.9 In support of the proposal, the layout has been designed to accommodate bus service access in line with NCC Highways guidance and therefore comply with Policy INF03 – Public Transport of the CTTCNP. Further to this, the proposal would not compromise the future potential extension of the NET tram extension, as shown in Map 8 of the SPD. Off street parking and sustainable transport measures have been provided in the submitted Travel Plan which would also accord with the requirements of Policy INF04 – Parking & Reducing Travel Demand of the CTTCNP. The provision of electric vehicle charging is also a requirement of building regulations for large scale housing developments.
- 6.5.10 In addition to the above, an independent report was commissioned that assessed the highway implications and the impact of the development on the wide highway network. The purpose of the report is to provide an independent third-party recommendation for the Council.

6.5.11 The conclusions of the report state the following:

“On balance, the submitted Transport Assessment, Technical Note and supporting information provide a sufficient basis on which to conclude that the proposed development would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the highway network.

The review has identified shortcomings in the submitted assessment, most notably the absence of model validation evidence for the LinSig models. This means that the capacity results should be treated with caution. However, the development benefits from strong public transport accessibility, particularly to the NET tram at Toton Lane Park and Ride, and the vehicle trip generation assessment is considered robust because it does not rely on any modal shift reduction. This is not a ‘vision based’ assessment, which if undertaken would reduce the impact on the capacity of the highway network.

The proposed site access is acceptable in principle, subject to detailed design, Road Safety Audit and resolution of the identified pedestrian and cycle design matters. The applicant’s additional sensitivity testing addresses the key concern regarding pedestrian crossing demand associated with tram use and confirms that the access junction would operate close to, but within, acceptable capacity limits.

The impacts at M1 Junction 25, Bardills Roundabout, Bramcote Roundabout and B6003 / Swiney Way should be considered in the context of the NPPF severe impact test. While some junctions are forecast to operate close to or at capacity, the proportional impact of the development is limited, and mitigation is proposed. The residual cumulative impact is therefore unlikely to be severe.

It is recommended that Broxtowe Borough Council should not object on transport grounds, subject to securing the agreed access works, PRow connections and improvements, off-site mitigation schemes, detailed design approval, Stage 1 Road Safety Audit, and appropriate Travel Plan obligations”.

6.5.12 Based on the evidence submitted in support of the application and advice to be received from National Highways and The Highway Authority, there is no clear evidence to indicate that the proposal in isolation would give rise to unacceptable impact on highway safety. The review of the comprehensive transport work is being undertaken and will be reported to the Planning Committee.

6.6 Ecology and Biodiversity

6.6.1 The application has been supported by an Ecological Appraisal. There are no statutory ecological sites on site. Policy 31 – Biodiversity of the Part 2 Local Plan states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat.

Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value.

- 6.6.2 The Council's Ecology Officer has reviewed the submitted information and advises The Ecological Appraisal has been informed by an appropriate desk study and presents the results of an extended phase 1 habitat survey carried-out during August 2024. The site comprises several arable field parcels bounded by hedgerows and tree-lines. Small areas of scrub are also present with a small copse of trees.
- 6.6.3 Bat activity surveys were carried-out during August and September 2024 and May 2025. The Ecology Officer is satisfied further bat surveys are not required.
- 6.6.4 There will be no impact on statutory designated sites but the Toton Sidings LWS is located immediately adjacent to the western edge of the development site. While there is no direct land-take of the LWS measures need to be put in place to avoid harm to the LWS during any site clearance and construction works. The creation of new green public open space is welcomed to minimise the risk of increased visitor pressure on the LWS. This should be secured in a CEMP Biodiversity Condition.
- 6.6.5 No evidence of badger is recorded in the surveys and none of the trees on-site possessed features suitable for roosting bats. No ponds are present within 250 metres of the site. On the basis of the submitted information the Ecology Officer is satisfied there will be no impacts on great-crested newt.
- 6.6.6 Although skylark, a ground-nesting priority bird species, were recorded on adjacent land during the bird surveys the date of the sighting does not indicate that the site is significant for this ground nesting species.
- 6.6.7 An appropriate biodiversity net gain assessment has been undertaken which has identified the site to contain the existing base-line of 40.45 habitat units, 7.91 hedgerow units and 4.61 water course units. It is noticed that the proposed scheme does not achieve the 10% habitat gain. This will need to be resolved to meet the requisite 10% net habitat gain requirement to satisfy the requisite pre-commencement condition.
- 6.6.8 An Arboricultural Assessment has been submitted in support of the application. Most of the central developable areas are free from trees, with the trees/hedgerows on the surrounding boundaries proposed to be retained. There are no trees within the site covered by a Tree Preservation Order.
- 6.6.9 With regards to Policy ENV01 - Local Green Space of the CTTCNP, the nearest Local Green Spaces in the NP area would not be adversely impacted due to the separation distance of the proposed development. Furthermore, subject to conditions it is considered that the development would not have a significant adverse impact onsite in terms of protected species. Use or precautionary working measures would mitigate any adverse impacts. Trees will be protected during the construction period and enhancement tree planting is proposed. As

such, it is considered the proposal would not conflict with Policy ENV02 - Natural Environment of the CTTCNP.

6.6.10 With regards to Policy ENV03 - Green and Blue Infrastructure Requirements of the CTTCNP, the proposed development provides shared green space, private gardens, children's play space as well as improvements to existing green infrastructure. Green corridors along the southern boundary, northern boundary and projecting into the site from the north alongside the PROW will be enhanced through increased planting.

6.6.11 The provision of pathways to encourage walking and cycling has been shown on the submitted masterplan. These, along with Bird and boxes can be conditioned to be submitted as part of any reserved matters application along with full landscaping plans.

6.6.12 Overall, the development will not result in harm to protected species, designated sites or habitat. Subject to appropriate conditions covering mitigation and protection measures being satisfactory, the scheme is considered acceptable with respect to nature conservation and protected species. As such, it is considered the proposal complies with relevant policies contained in the Toton Neighbourhood Plan and the Part 2 Local Plan.

6.7 Flood Risk and Drainage

6.7.1 In support of the application, a Flood Risk Assessment and Drainage Strategy has been submitted. The development site is entirely within Flood Zone 1.

6.7.2 Attenuation is proposed via the use of a detention basin within the north-west corner of the site. Surface water runoff from the proposed impermeable areas within the site is to drain via a gravity conveyed surface water sewer network to an attenuation pond which is to be located within the low point of the site. The Lead Local Flood Authority raises no objection to the scheme subject to prior approval of a surface water drainage strategy. This would be secured by condition so as to ensure that surface water on the site would be managed and disposed of appropriately and would not increase risk of surface flooding either on the site or to neighbouring properties outside the site.

6.7.3 The development proposals are considered sustainable from a flood risk and drainage perspective. The proposed development in terms of flood risk is considered to accord with the NPPF, Core Strategy Policies 1 and 16, Local Plan Part Policy 1 and Neighbourhood Plan Policy ENV02.

6.8 Developer Contributions

6.8.1 Policy 19 of the Aligned Core Strategy and Policy 32 of the Part 2 Local Plan 2019 state that financial contributions should be sought towards the maintenance of facilities and the provision of necessary infrastructure to support provision. Paragraph 58 of the NPPF advises that only those

contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.

6.8.2 Policy 15 of the Part 2 Local Plan 2019 requires 30% affordable housing on the Toton allocations and this would equate to 126 units. The Council's Housing Officer requests that the mix of this should include 20% social/affordable rent, 2.5% low cost homeownership (discount market sale or our preference, shared ownership), 7.5% First Homes - if this requirement no longer exists, we would be open to negotiate this to be delivered as shared ownership.

6.8.2 Nottinghamshire County Council are seeking bus service contributions of £578,000 to provide improvements to the local bus services to serve the site.

6.8.3 A contribution of £126,000 is requested towards the provision of the local community transport scheme to serve the site. The justification for this is as follows:

"Community transport services form an essential part of the wider transport network, particularly for residents who are unable to access conventional public transport. The Helpful Bureau, a charitable organisation operating in the Broxtowe area since the late 1970s, supports predominantly older or disabled residents through community transport services using volunteer drivers and wheelchair-accessible vehicles (WAV). It enables people to live independently, participate in their community and access education, employment, health, shopping and other services. The Scheme operates a volunteer led car scheme where drivers use their own vehicles to provide essential transport including social inclusion events at a local church hall which has exceeded capacity of 80 people weekly. They also operate one WAV and a 16-seater minibus for trips in the local area and wider afield.

The proposed development of up to 420 dwellings will increase transport demand within the area. The site sits approximately 690 metres from existing bus stops, with NET tram access at Toton Park & Ride, and that public transport connectivity must meet higher benchmarks to align with surrounding developments. This increased residential population within this area due to the scale of development will place additional pressure on The Helpful Bureau which is already exceeding capacity and already performs a critical function in connecting people to essential services. To meet this rising demand, the scheme would require investment in additional operational capacity. This could include the purchase or replacement of vehicles, suitable premises for vehicle storage and administration, and essential operational overheads covering staffing, training, compliance, service promotion and the ongoing coordination of volunteer drivers. These requirements reflect the wider service obligations observed in the Toton Lane accessibility and transport responses, where infrastructure, service support and community access are emphasised as necessary considerations for the site's sustainable development.

WAVs due to the nature of the coachbuilding required to make them accessible are generally more expensive than a regular vehicle often costing in excess of £30,000 and the overheads associated with such as insurance, maintenance, staff training etc. Minibus often exceed £45,000 and come with the same overheads but also require younger drivers to have further training to attain a D1 on their license which can come as extra cost to a scheme. Costs can vary to suit as if the scheme as required, these could include a low floor models or electrification as the industry moves to a more sustainable future which can come with extra costs.

The anticipated uplift in transport need generated by the development should therefore be supported through contributions proportionate to site scale. The cost of this contribution is benchmarked in accordance with the “Public transport planning obligations funding guidance for prospective developers” issued by Nottinghamshire County Council and adopted by East Midlands Combined County Authority (EMCCA). With the quantum of development being accounted for this would provide a cost of £300 per dwelling.

The Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD) set expectations around access to key services including healthcare, shopping facilities and community venues. The contribution request is linked to these objectives set out in the SPD and it is felt it is directly related to the development, scaled appropriately and will enhance the service provision currently offered by the scheme. To ensure the scheme is appropriately shaped to meet the needs of future residents, a meeting can be arranged with The Helpful Bureau to outline their service model, forward plans and the role they can play in supporting access requirements from the development site. This would provide a clear understanding of how community transport provision can be sustained and enhanced through the planning obligations process, ensuring effective links to essential destinations such as GP services, retail areas and group-hire community activities.”

- 6.8.4 A Bus Stop Infrastructure contribution is requested of £56,800 is paid to provide improvements to the two bus stops, BR0118 & BR0117 Katherine Drive.
- 6.8.5 It is advised that the emerging Greater Nottingham Strategic Plan targets a total of 2700 dwellings to be delivered across the growth area within the plan period, including 1500 dwellings at Toton and 1200 dwellings at Chetwynd. The planned development of 2700 dwellings would yield an additional 567 primary pupils within the Chilwell and Beeston planning areas. There is currently a forecast sufficiency of 269 school places in the Chilwell and Beeston planning areas, (96 and 173 places respectively) over the next five years. The demand for 567 places generated across the strategic allocation, less the surplus of 269 places, results in a shortfall of 298 primary places.

- 6.8.6 On this basis, the County Council is seeking the provision of a one and a half form entry primary school (315 places) with a nursery (39 places) in order to meet the needs of the whole strategic allocation and will require a primary school site of 2.5 – 3.0ha (allowing for future growth should the number of dwellings allocated in the plan increase) and a pro-rata financial contribution from each planning application. The total developer contribution towards the cost of a 1.5 FE primary school with 39 nursery places would be £11,283,116 (354 x £31,054) plus £290,000 for the cost of furnishing a 315 place school. Therefore, each planning application within the strategic allocation will need to provide a contribution based on £4,179 per dwelling (£11,283,116 / 2700 dwellings) towards the cost of delivering the school.
- 6.8.7 The proposed development of 420 dwellings on the above site would yield an additional 88 primary, 67 secondary and 13 post 16 aged pupils, including 2 pupils requiring a specialist place. NCC are requesting financial contributions of £1,755,180 (420 x £4,179 pre dwelling) towards primary education provision, £2,028,090 (67 x £30,260) towards secondary education provision and £209,112 (2 x £104,556) towards Special Education Needs and Disabilities (SEND).
- 6.8.8 The County Council would seek a library contribution of £18,750 to provide the additional stock for Stapleford Library that would be required to meet the needs of the residents that would be occupying the new dwellings.
- 6.8.9 It is requested that an appropriate contribution is secured through a S106 Agreement for the provision of pedestrian and cycling improvements along the LCWIP routes in the vicinity of the proposed development. These routes would directly serve the proposal site and maximise its connectivity to Chilwell, Beeston and surrounding destinations including nearby shops, schools, further education colleges and GP surgeries/hospitals, thus ensuring that the development gives priority to pedestrian and cycle movements and promotes sustainable transport modes of travel in accordance with the aspirations of the NPPF and local planning policies in the Broxtowe Local Plan. The total estimated cost of providing a segregated cycle route on Stapleford Lane (from Toton Lane to Swiney Way) is approximately £1,870,000, with a further £200,000 required to install necessary pedestrian crossing facilities. It is anticipated that a proportionate contribution would be provided by this proposal and other proposals surrounding Toton Lane Tram Station and it is therefore recommended that this development provides a contribution of £800,000.
- 6.8.10 Broxtowe Conservation and Green Spaces team have advised it would be the Councils preference to maintain onsite open space. The Council have requested a £442,613 maintenance contribution for onsite open space and an off-site capital contribution would be £338,986 (enhancement of nearby

parks). Children's play equipment would be required to be installed on site secured by S106 agreement.

6.8.11 It is advised that with a development of this size the council would use the Maintenance sum to maintain the site for 5 years post-adoption, after which the costs would be met from the ongoing revenue budget. Initial costs include increasing our establishment and purchasing additional machinery, tools, materials and equipment to maintain the site.

6.8.12 Policy HAS0 Housing Mix requires 30% affordable housing on site to be provided, including a mix of 'Affordable to Rent' and 'Affordable to Buy'. The Councils affordable housing team have been consulted and an acceptable mix of tenures has been agreed based on evidenced future needs. The proposal, at reserved matters stage will include 1 and 2 bedroom dwellings.

6.8.13 With due regard to Policy LHC04 Secondary Education, NCC have requested education S106 developer contributions as noted above. George Spencer is not required to expand to accommodate the proposal. Furthermore, in consideration of Policy LHC05 Primary Education and Medical Facilities, as per advice from NCC no new primary school are required to accommodate the proposal at this moment in time. Notwithstanding this, financial contributions have been sought for the improvement of existing primary and secondary schools.

6.8.14 Regarding Policy LHC06 New Leisure Centre, no leisure centre is proposed as part of the proposal. Proportionate to the size of the Toton West development of 420 dwellings, there are no significant need being generated which would justify the need to provide for a new leisure centre. There are existing leisure centres located at Bramcote and Chilwell to meet the needs of future occupiers of this development. There is no mandatory requirement for the development to provide a new leisure centre. Further, in terms of Policy LHC08 Provision of Allotments, no allotments are proposed. There is no mandatory requirement for the development to provide allotments.

7. Planning Balance

7.1 Whilst the proposal may conflict with some policies contained in the CTTCNP, paragraph 14 of the NPPF advises that 'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)".

In light of the above, the CTTCNP does not contain an identified housing need and therefore limited weight is afforded to paragraph 14 in the wider planning balance.

- 7.2 The site is allocated in the Part 2 Local Plan for residential development. The Council does not have a five year housing land supply and the proposal will contribute towards the Council's five-year housing land supply and will deliver a wide range of housing through the future reserved matters application(s), including the delivery of 30% Affordable Housing to be provided throughout the site. Therefore, and in conclusion it is considered that the provision of 420 dwellings on the site, pedestrian and cycle routes public open space, highway improvements and section 106 monies towards education are a benefit to the scheme. There would be some impact upon ecology, landscape, surface water run off but it is considered these can be mitigated against through drainage features throughout the site, enhanced habitat creation and landscaping features. Off site highway works to improve traffic capacity and improved cycling/pedestrian routes throughout the site will mitigate the transport impacts. However, as set out in this report, the comprehensive transport assessment work is currently being reviewed by the relevant transport bodies to ensure that the full transport impacts are acceptable.

8. Conclusion

- 8.1 The resolution is to inform the Council's position at the Planning Inquiry. It is recommended that outline planning permission would have been approved subject to the removal of objections from both National Highways and Nottinghamshire County Council as The Highway Authority and subject to the inclusion of conditions and the signing of a S106 Agreement.

<u>Recommendation</u> The Committee is asked to RESOLVE that, subject to the removal of objections from National Highways and Nottinghamshire County Council as the Highways Authority, planning permission would have been granted subject to:	
(i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of landscape contributions and affordable units (ii) the following conditions:	
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. 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.
2.	The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved. 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.
3.	The development hereby permitted shall be carried out in accordance with drawings received by the Local Planning Authority on the following dates: • Illustrative Landscape Masterplan (P23_2379_EN_0007_B_S1 ILMP_R) • Planning Statement (R001 v4 Planning Statement) • Statement of Community Involvement (R001v5 Statement of Community Involvement - 2025 04 07) • Covering Letter (L001v1 EM ASI - Application Covering Letter) • Sustainability/Energy Statement (Energy Statement - Toton West v3) • Environmental Statement (ref: P23-2379_Toton_West_ES) Covering matters of: • Contents Page

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	• Preliminary General Arrangement Sheet 2 (B076224-TTE-HGN-XX-DR-CH-010002 Preliminary General Arrangement Sheet 2 [P04]) • Planning Statement Addendum (P23-2379 - Planning Statement Addendum - FINAL) • Design and Access Statement (P23_2379_DE_G002B - DAS_R) • Environmental Statement Addendum (P23-2379_ES Addendum Dec 25_231225_final (text & figs)) • Environmental Statement Addendum Figures • Figure 1.1a Site Location Plan • Figure 4.1a - Parameter Plan (Outline) • Figure 4.2a Illustrative Masterplan – Outline • Figure 6.1 P23_2379_EN_1000_S1_REV - Site Location Plan • Figure 6.2 P23_2379_EN_1001_S1_REV - Planning Designations • Figure 6.3 P23_2379_EN_1002_S1_REV – Topography • Figure 6.4 P23_2379_EN_1003_S1_REV - Landscape Character • Figure 6.5 P23_2379_EN_1004_S1_REV - ZTV, Viewpoint Locations and PRow • Figure 6.6 P23_2379 EN_1005_v2 Figure 6 VPs • Figure 6.7 P23_2379_EN_1006_S1_REV - Combined ZTV • Figure 7.4 Baseline Habitats • Environmental Statement Appendices • App 7.4 10889 AA_D - (Outline) • App 7.5_Spring Bat Data Report • App 7.6_Supplemental BBS Report • App 7.7_BNG Report • App.9.1 251222_328827_TA (Outline Application) - 2 of 4 (Appendices A - D) • App.9.1 251222-328827_TA (Outline Application) - 3 of 4 (Appendices E - G) • App.9.1 251222_328827_TA (Outline Application) - 4 of 4 (Appendices H I)
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- App 9.2 RTP_(Outline Application)_LR
- App 9.3 Study Area
- App 9.4 2025 Baseline Scenario Traffic Data
- App 9.5 Assessment of Construction Traffic
- App 9.6 Future Year Scenario Traffic Data and Assessment of Operational Traffic Impacts
- App 12.2 19678 - Toton West - FRA & DS Addendum
- Environmental Statement Non-Technical Summary (P23_2379__NTS_ADDENDUM)

Received by the Local Planning Authority on 24 December 2025.

- App 9.1 TA R004 Rev A (Outline Application)

Received by the Local Planning Authority 16 February 2026.

- 260417_328827_TN003_Main Response.pdf
- 260417_328827_TN003_Appendices.pdf
- 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
- B076224 TTE HGN XX DR CH 010021 P03 Four Arm Signalised Tracking S1.pdf
- B076224 TTE HML XX DR CH 010012 P02 Four Arm Signalised Geometry S2.pdf
- B076224 TTE HGN XX DR CH 010023 P02 Four Arm Signalised Tracking S3.pdf
- B076224 TTE HML XX DR CH 010011 P02 Four Arm Signalised Geometry S1.pdf
- B076224 TTE HGN XX DR CH 010022 P03 Four Arm Signalised Tracking S2.pdf

Received by the Local Planning Authority 28 April 2026.

Reason: For the avoidance of doubt.

4.	Before any site clearance or development is commenced, detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority: (a) the layout, scale, and external appearance of all buildings; (b) parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, drainage and the location and detail of all Electric Vehicle Charging points. All details shall comply with the County Council's current Highway Design and Parking Guides (c) full manufacturer details of the materials to be used in the external surfaces and roofs of all buildings and including the location and colour of the external meter boxes; (d) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point; and (e) landscaping treatment of the site The development shall be carried out strictly in accordance with the approved details. 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.
5.	No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref ADC2897-RP-D, dated March 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 completion of the development. The scheme to be submitted shall: • Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175. • 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 STW 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 hereby approved 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 or brought into use until:-

	(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified. Reason: In the interest of public health and safety and in accordance with policy 17 of the Part 2 Local Plan 2019.
7.	No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include: a) The means of access 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 / demolition works / site clearance; f) details of dust and noise suppression to be used during the site preparation, ground works and construction phases and; g) wheel washing facilities. The approved statement shall be adhered to throughout the construction period. Reason: In the interest of highway safety and residential amenity and in accordance with policy 17 of the Part 2 Local Plan 2019.
8.	No development shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy 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 publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work. The scheme of archaeological investigation must only be undertaken in accordance with the approved details. <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.	No development above slab level shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details: (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed external lighting details (f) planting, seeding/turfing of other soft landscape areas The approved scheme shall be carried out strictly in accordance with the agreed details. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation. <i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policies 10 and 17 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019).</i>
10.	Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall

	be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details. <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 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>
11.	No development shall take place until details of and a timetable for the undergrounding of the on-site overhead pylons on site has been submitted to and approved in writing by the local planning authority. <i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policies 10 and 17 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019).</i>
12.	No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (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 approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

	<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>
13.	No part of the development hereby permitted shall be brought into use unless or until plans detailing the location of new bus stops and a temporary turning facility within the site have been made to the satisfaction of the Local Planning Authority, which must include a bus stop(s) within the land covered by the application and shall include any of the following: real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand (3.7 metres depth x 8 metres width if required), black top dressing (tarmacadam) and the above to be installed to an agreed timescale. If bus stops are not installed prior to bus services operating the developer will be responsible for the cost of any temporary infrastructure arrangements. <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>
14.	No part of the development hereby permitted shall be brought into use unless or until the details of a scheme for provision of free integrated bus and tram passes to residents of the development upon occupation are submitted and approved by the Local Planning Authority. The scheme should include details of the bus pass(es) including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application and monitoring arrangements. <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>
15.	Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall be in accordance with the enhancement 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 plan unless otherwise agreed in writing by the Local Planning Authority. <i>Reason: In the interests of securing an environmental net gain in</i>

	<i>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>
16.	No above ground works shall take place until details of play equipment to be provided within the site has been submitted to and approved by the Local Planning Authority. This scheme shall include the following and shall thereafter be provided in accordance with the approved details: a) Appearance, position and location of the play equipment which shall include provision for accessible equipment and surfacing; b) Access and boundary treatments; and c) Timetable for delivery of the play area and associated equipment. <i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
17.	No development shall commence until general arrangement plan(s) to a scale of 1:200 showing details of the walking / cycling infrastructure including works to the adopted highway 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 ; • 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 development or any phase of the development, whichever is the sooner, shall not be occupied until the walking and cycling infrastructure for the development or phase of development has been constructed and completed in accordance with the approved details. <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 Paet 2 Local Plan 2019.</i>

18.	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_015B_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 phase of development have been constructed in accordance with the approved details which shall thereafter be retained for access purposes only. Reason: In the interest of highway safety and in accordance with policy 17 of the Part 2 Local Plan 2019.
19.	No development shall commence until details of the cycle parking have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only. To comply with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum and in accordance with policy 17 of the Part 2 Local Plan 2019.
20.	No part of the development hereby permitted 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 and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in the 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 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>
21.	No part of the development shall be brought into use until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the

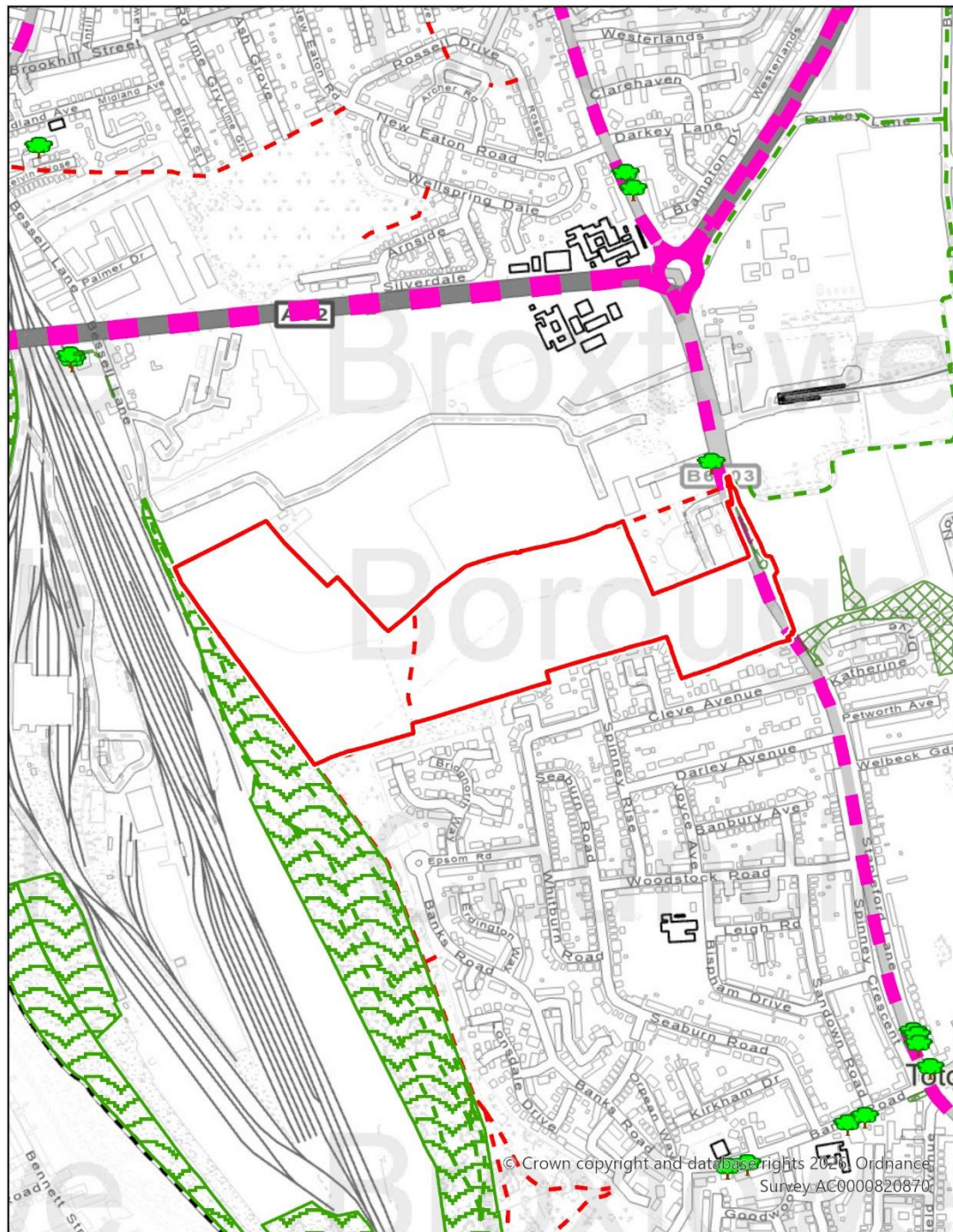
	scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details. <i>Reason: To reduce the potential for crime in accordance within Part 8 – Promoting healthy and safe communities of the National Planning Policy Framework 2024.</i>
22.	The dwellings shall not be brought into use until, a scheme detailing the developments adherence to design principles contained within the Councils Reduction of Carbon in New Development Supplementary Planning Document (2025) has been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. <i>Reason: In the interests of securing sustainable development in accordance with the aims of Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and the Councils Reduction of Carbon in New Development Supplementary Planning Document (2025).</i>
23.	No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank / Public Holidays. <i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i>
24.	The applicant shall provide a detailed obtrusive light calculations for the identified receptors along with an Isolux Contour plans for the relevant identified receptors prior to completion of the relevant phases. <i>Reason: To protect residential amenity and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i>
25.	The applicant shall provide certification that the noise mitigation measures contained within section 7 of the Hoare Lea noise report have been installed in the relevant plots prior to occupation. <i>Reason: To protect occupants from excessive environmental noise and in accordance with Policy 17 of the Part 2 Local Plan 2019.</i>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
3.	The County Council Public Rights of Way team advise: For path which required a TCPA diversion • Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion. • In cases where a Diversion Order has yet to be secured, the grant of planning permission does not permit the obstruction of the public right of way and that separate statutory approval for the stopping up or diversion order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990 or any other statutory provision. The development will require the diversion of a public right of way and no part of that development hereby permitted or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority. This is to ensure that the right

	of way is retained in such a state that it achieves continuity with the wider rights of way and highway networks. • There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. • If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. The route should have natural surveillance and is not narrowly fenced as this is a concern for public safety and a consideration for potential crime. • If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. • Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. • Open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide. • If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this 2 should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission • The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. • Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottsc.gov.uk
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	• If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic • The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
3.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and County Planning Act 1990, and reference should be made thereto.
4.	The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
5.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any

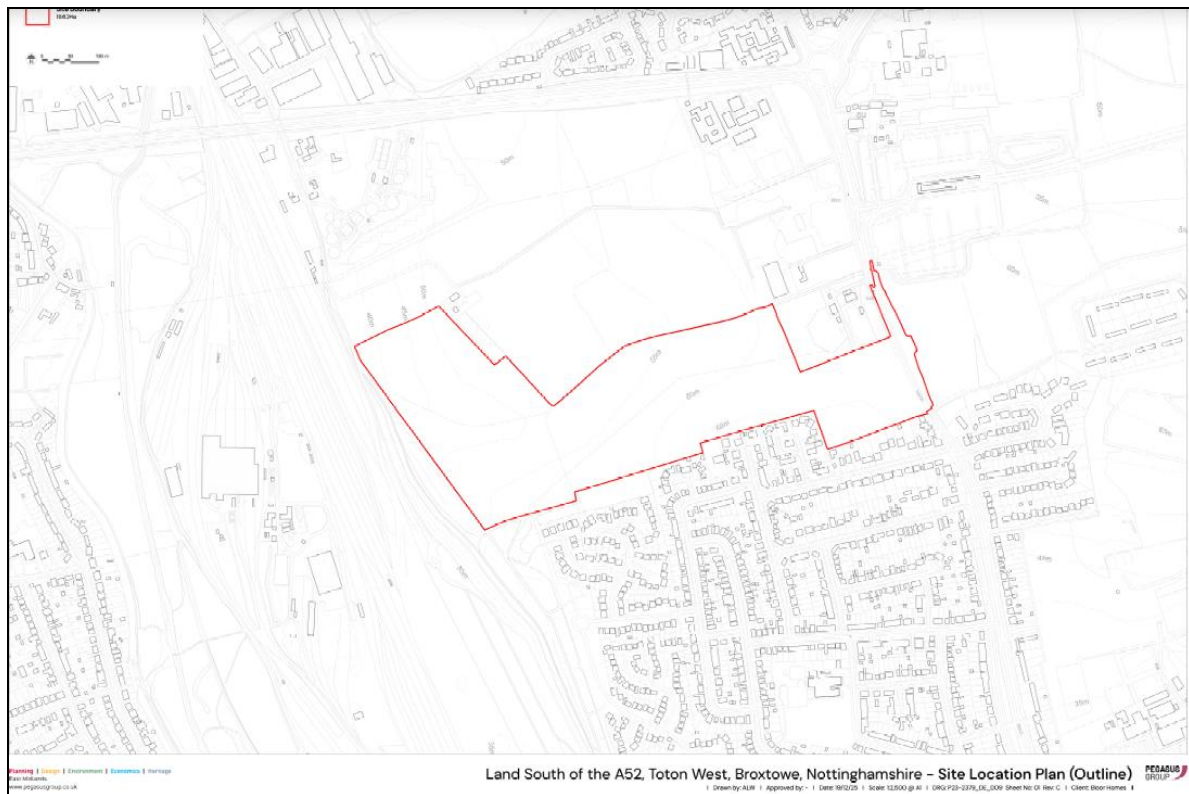
	contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.
6.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
7.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
8.	Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Map

- | | |
|---|---|
| Site | Classified Road |
| Byway open to all traffic | Local Wildlife Site |
| Bridleway | Group TPO |
| Footpath | ● Single TPO |

Plans (not to scale)

Site Location Plan



Illustrative Masterplan

