

13 January 2026

Our Ref: 25014/SS/PN

Planning Policy
Colchester City Council
Rowan House
Colchester
CO3 3WG

Via Email: local.plan@colchester.gov.uk

Dear Sir/Madam,

COLCHESTER NEW LOCAL PLAN TO 2041 — PREFERRED OPTIONS PUBLIC CONSULTATION REPRESENTATIONS ON BEHALF OF TOLLGATE PARTNERSHIP LIMITED

1. These representations have been prepared on behalf of Tollgate Partnership Limited ('TPL') in response to the Preferred Options Local Plan Regulation 18 document published in November 2025.

Background

2. TPL have significant land interests within the Stanway area of Colchester, including land within Tollgate District Centre which is subject to planning permission for a mixed-use development known as 'Tollgate Village'.
3. Outline planning permission (Ref: APP/A1530/W/16/3147039 and LPA Ref: 150239) was granted in August 2017 for the original Tollgate Village scheme ('TV1'). This was subsequently amended via a section 73 application ('s73') (LPA Ref: 199133) approved on 09 April 2020. Various reserved matters applications were approved pursuant to the s73 permission, the last of which was Ref: 201503 granted on 22 October 2020. In November 2021, the TV1 permission was lawfully implemented (as confirmed by CLEUD Ref: 220326).
4. In June 2021, a hybrid application (Ref: 211610) was submitted to the Council in relation to a revised scheme, referred to as Tollgate Village 2 ('TV2'). The description of development is as follows:

'Hybrid: Mixed-use development (i) Outline planning permission for flexible Use Classes E;F1(a-g); F2(b); C1 & uses to allow for cinema, indoor bowling, indoor golf, drinking establishments, drive-thrus, takeaways, amusement arcade, nightclub, venue for live music, casino, bingo hall, and/or dance hall & associated road infrastructure & parking, external improvements to existing retail units, landscaping & associated works (ii) Full planning permission for the erection of new buildings to accommodate flexible Use Classes E, B2, B8 and/or uses to allow for dark kitchen, laundrette, drinking establishments, takeaways &/or data centre associated road infrastructure, parking, landscaping'
5. The TV2 permission was granted on 20 December 2023 but this was subsequently amended via a s73 application (LPA Ref: 240626) ('the s73 permission') approved on 09 October 2024. The s73 permission has subsequently been subject to various minor amendments, approved under the provisions of section 96a ('s96a').
6. Following discharge of all pre-commencement conditions, the s73 permission has been implemented with Phase 1A due to be completed in early 2026.

7. The permission allows for development to come forward in phases and provides some degree of flexibility over the range of uses which could come forward within different parts of the Site, referred to as 'Development Zones' ('DZs'). A plan showing the respective DZs is included as **Appendix 1**. DZ3 and DZ4 in the south-western corner, are of particular relevance to these representations.
8. DZ1, DZ2 and DZ4 are approved in outline only and will be subject to reserved matters applications in due course. DZ3 was approved in detail, and it is the southern element of DZ3 (Phase 1A) which is currently in the process of being built out. The latest approved Phasing Plan is included as **Appendix 2**.
9. Upon completion, Phase 1A will provide 1No. office building (Block B) and 4No. buildings providing small business units ('SBUs') (Blocks A1, A2, C1 & C2) alongside access, parking and landscaping. There has been a reasonable level of interest in the various units, although to date this has largely been from operators within the F&B / retail and leisure sectors.

DZ3

10. The permission allows for the following range of uses to be accommodated within DZ3:

'Use Classes E, B2, B8, dark kitchen, data centre, launderette, drinking establishments, and/or take-aways'
(Condition 2)

11. The quantum of uses within Class E are additionally subject to the following floorspace 'caps' set out under Condition 45:
 - Class E(a) comparison goods floorspace: 1,000 sqm gross;
 - Class E(a) convenience goods floorspace: 500 sqm gross;
 - Class E(b)-(f) floorspace: 1,000 sqm gross of which no more than 500 sqm gross shall comprise Class E(b) food and drink, sui generis drinking establishments, and/or sui generis take-away floorspace;
 - Class E (g) floorspace: 9,345 sqm gross.

DZ4

12. Within DZ4, Condition 30 allows for Class C1 and/or Class E(b) - (g) uses only (with the exception of Class E(d) Indoor Bowling and Class E(d) Indoor Golf which are not approved) and/or a drive-through, and shall not exceed 3,000 sqm gross floorspace of which no more than 1,000 sqm cumulative gross floorspace shall comprise Class E(b) food and drink and/or a drive-through.
13. The permitted uses across DZ3 and DZ4 therefore cover a range of use classes and are not solely limited to employment uses / floorspace.

Adopted Policy Position

14. Under the adopted Local Plan, the Tollgate Village Site falls entirely within the Tollgate District Centre boundary as defined on the Policies Maps (shown in detail on the West Colchester insert). The Site also falls within the Stanway Strategic Economic Area ('SSEA') which covers a wider area encompassing the entire District Centre as well as land to the west which is shown designated for employment use; and land to the north and east which are within commercial retail/leisure use (but otherwise not formally designated).
15. Adopted Policy WC1 applies to proposals within the SSEA and Tollgate District Centre. The policy adopts a zoned approach and whilst the Zones are not expressly defined on the adopted Policies Maps, paragraph 6.99 within the adopted Local Plan clearly states that *'the area shown as Zone 2 comprises Tollgate District Centre'*. Within Zone 2, main town centre uses are supported and there is no suggestion that land within the District Centre is expressly allocated or protected for employment uses (i.e. Class E(g),

B2 and B8). Rather, employment uses are expressly directed towards Zone 1 which relates to land outside the District Centre.

16. It is also relevant to note that part of DZ3 is shown on the adopted Policies Maps as a Local Wildlife Site.

Representations

Employment and District Centre Designations

17. It is noted that the Preferred Options Local Plan Policies Map (November 2025) continues to show the TV2 Site as falling within Tollgate District Centre which is supported.

18. In contrast to the adopted policy position, there is no longer any reference to the SSEA and the southern part of the TV2 Site (encompassing DZ3 and DZ4) is additionally allocated as a 'Preferred Option Employment Allocation'. Land South of Tollgate West is also listed under Draft Policy ST6 (Colchester's Employment Needs) as capable of delivering 3.7ha of employment land.

19. Draft Policy PEP3 relates specifically to the allocation of Land South of Tollgate West which states:

'Land south of Tollgate West, as shown on the policies map, is safeguarded for employment uses in accordance with Policy E1'.

20. The justification provided states:

'Planning permission for mixed use development was approved in 2023 which includes outline permission on part of the planning application site, and full planning permission for the erection of new buildings to accommodate flexible use classes E, B2, B8 and/or uses to allow for dark kitchen, laundrette, drinking establishments, take-aways &/or data centre on part of the planning application site which is the land safeguarded in Policy PEP3'.

21. Whilst this reflects the TV2 permission for DZ3 it does not acknowledge the potential for other uses (including a hotel or drive-through) on DZ4. As such, even with the current permission built out on DZ3 and DZ4, the scheme is unlikely to deliver all 3.7ha of the land within employment uses.

22. Furthermore, as acknowledged at paragraph 10.2.7 of the Employment Study (February 2025) in reference to the planning pipeline, *'there is a possibility that some developments may not come forward at all, or be developed in different quantities by use class than has been consented, for example if amendments to the planning applications are made'*. There is therefore no certainty on delivery and indeed, in response to viability challenges relating to further employment floorspace, TPL are reviewing potential amendments to the permission consistent with the current District Centre designation. This would have the effect of further reducing the level of employment floorspace delivered on site (further reducing the 3.7ha allocation).

23. We would also point out factual errors within the Employment Topic Paper (July 2025) which, under paragraph 4.13 (4th bullet point), refers to Land South of Tollgate West as *'an allocated site in the adopted Local Plan (part of Stanway Strategic Economic Area)'* which is incorrect. The Site is not currently allocated; it falls within Tollgate District Centre which itself falls within the SSEA. References to the TV2 planning permission are also considered misleading as it suggests the permission is for 'employment floorspace' only with no recognition of the fact that the permission allows for a mix of uses, including a range of non-employment uses as noted above.

- 24. Against the context of the above, the proposed employment allocation under Policy PEP3 is not considered to be justified nor effective on the basis that it is not deliverable. The allocation should be omitted on this basis alone.**

25. Further to the above, it is noted that the employment allocation overlaps with the District Centre boundary creating an obvious tension between the objectives of draft Policy E1 (i.e. to safeguard employment land for employment uses) and draft Policy E4 (Retail and Centres) which supports retail and other main town centre uses within defined centres as per the ‘Town Centres First’ approach advocated by the NPPF. Given the nature of these policies, there is no clear basis for a decision maker to give preference for one policy over the other and it is therefore imperative that the overlap be removed.
26. As part of the Retail, Leisure and Town Centre Study 2024 (November 2024) no changes to the extent of Tollgate District Centre were considered necessary or justified. As such, the District Centre Boundary should remain as proposed and in line with the evidence base. **The proposed employment allocation under PEP3 should be omitted to avoid any overlap with the Tollgate District Centre boundary.**

Draft Policy E4 (Retail and Centres)

27. The overall objectives of draft Policy E4 are generally supported. The policy is considered to align with the objectives of the NPPF in supporting the vitality and viability of defined centres and adopts the ‘town centre first approach’ which directs retail and other main town centre uses towards the defined Primary Shopping Areas. Whilst it is noted that much of the policy wording has been carried over from the adopted Local Plan, the inclusion of criteria relating to in-centre proposals under the ‘Sequential Test’ sub-heading (which itself would not apply to in-centre proposals) is confusing. Criteria a) and b) should be adjusted under the Sequential Test heading as follows:

- | |
|--|
| <p>a) Proposals for main town centre uses in-or on the edge of centres are of a type, proportion and scale appropriate to the role and function of the centre and would not threaten the primacy of Colchester City Centre at the apex of the centre hierarchy, either individually or cumulatively with other committed proposals; and</p> <p>b) Proposals for main town centre uses in-or on the edge of centres are suitable to the town/district centre function and maintains or adds to its vitality and enhances the diversity of the centre without changing the provision of the centre within the overall hierarchy; and</p> |
|--|

28. The application of criteria a) and b) to ‘in-centre’ proposals is also not consistent with the NPPF which ultimately directs proposals for main town centre uses towards defined centres. There is no sound basis on which to require in-centre proposals to justify their appropriateness within a town centre location.

Local Wildlife Site Designation

29. It is noted that the Local Wildlife Site (LoWS) designation on DZ3 is proposed to be carried forward into the new Local Plan, as illustrated on the Preferred Options Local Plan Policies Map. This is not considered appropriate or justified on the basis that a large part of the area is now developed and as such that land is not considered to meet the definition of a LoWS as set out below¹:

‘Local Wildlife Sites (LoWS) are sites that have substantive nature conservation value and are considered to be of county importance in the geographic hierarchy. They are selected using a published set of criteria largely based upon the NERC Act Section 41 lists of habitats and species of principal importance for the conservation of biodiversity, also known as Priority Habitats and Species. LoWS help to buffer and connect areas of natural and semi-natural habitat, contributing to ecological networks and increasing the resilience of biodiversity to pressures of land use and climate change.’

30. The proposed approach set out within the draft Policies Map is also inconsistent with the evidence base as the Local Wildlife Sites Network: Partial Review Findings and Recommendations Report (September 2025) clearly states that ‘the boundary of Stanway Pits will need to be updated again to reflect the development which has recently taken place within the centre and north east of the site’ (Appendix D, p.161).

¹ p10, Colchester City Council Preferred Options Local Plan Topic Paper — Environment (July 2025)

The latter refers to land to the south of Tollgate West (east of Stanway Western Bypass). The evidence base clearly therefore supports the de-designation of the Site as forming any part of the Stanway Pits LoWS moving forwards.

31. **Against this context and on the basis that planning permission has been granted for the redevelopment of the Site, the permission has been implemented and development is in the process of coming forward, the historic LoWS designation over the Site should be removed accordingly.**

Summary

32. TPL continue to support the inclusion of the Tollgate Village Site within Tollgate District Centre as defined on the draft Policies Map.
33. TPL do not support the inclusion of Land to the South of Tollgate West as an employment allocation under draft Policy PEP3. The delivery of additional employment floorspace over and above that already under construction is uncertain due to viability constraints and TPL are presently looking at potential alternatives, suitable within the District Centre designation. Added to this, there is an inherent conflict between the employment allocation and the District Centre designation which would give rise to uncertainty and ambiguity as to how the policies would be applied in practice. Having regard to the above, it is duly requested that the employment allocation be omitted. This will remove the identified conflict and maintain the District Centre boundary as currently proposed and consistent with the evidence base.
34. It is also duly requested that the historic Stanway Pit LoWS designation be removed given the change in circumstances since the adoption of the previous Local Plan.
35. We have suggested some minor adjustments to Policy E4 to assist usability and ensure consistency with the NPPF.
36. We would welcome a dialogue with the Council in relation to the above. This is considered imperative to ensure the emerging policy position appropriately responds to (and does not act to stymie) the development potential of the Site moving forwards.

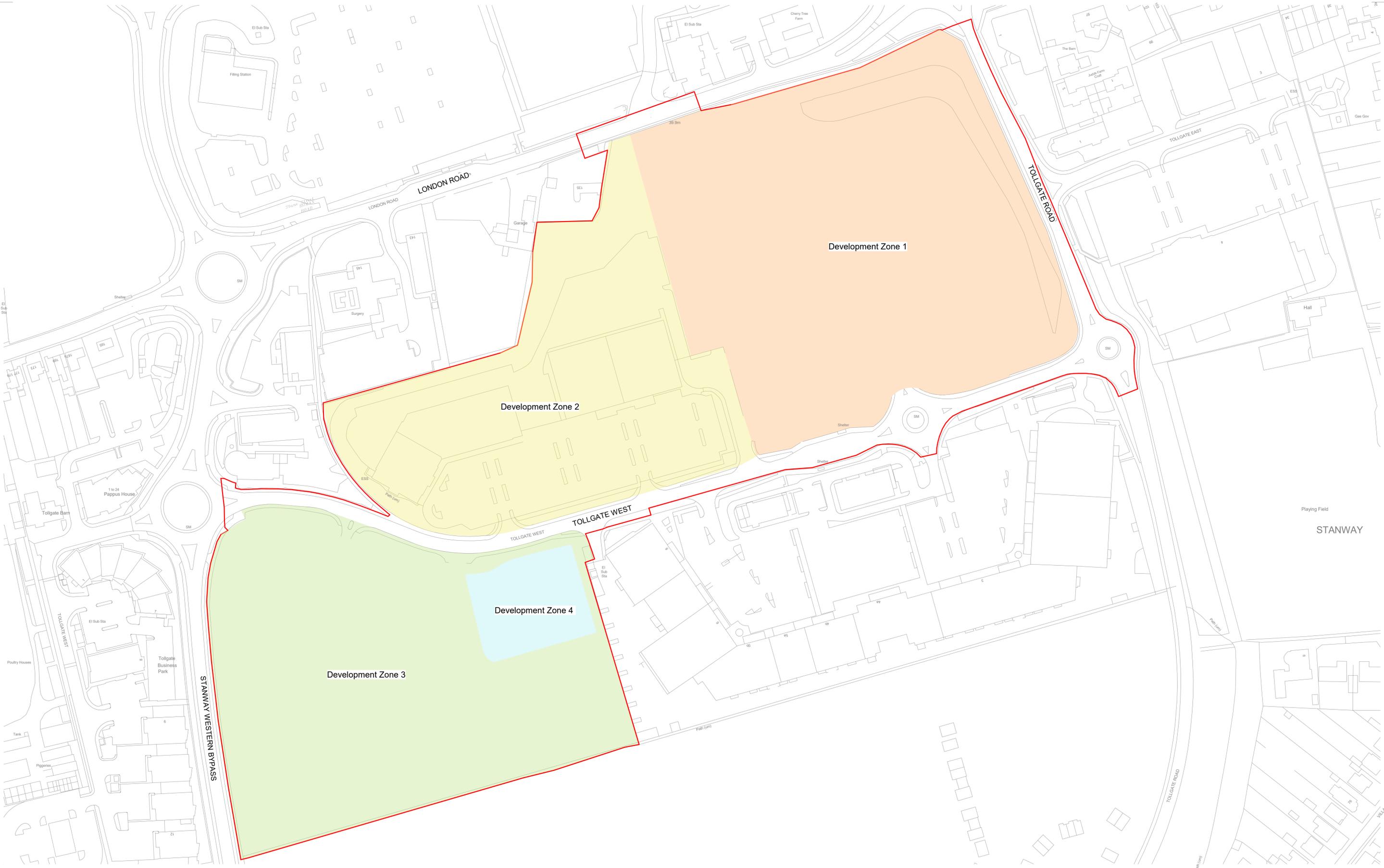
Yours sincerely



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NWS Planning Limited





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P-03	Updated in line with Phasing Plan	11.09.2024	AS	JD
P-02	Issued for s74 application	15.03.2024	AS	JD
P-01	DRAFT issue - Section 73 issue	05.02.2024	AS	JD
P-00	Submitted for Planning	27.05.2021	JD	VV
Rev.	Description	Date	Drawn	Chk.

- Application Boundary
- Development Zone 1
- Development Zone 2
- Development Zone 3
- Development Zone 4

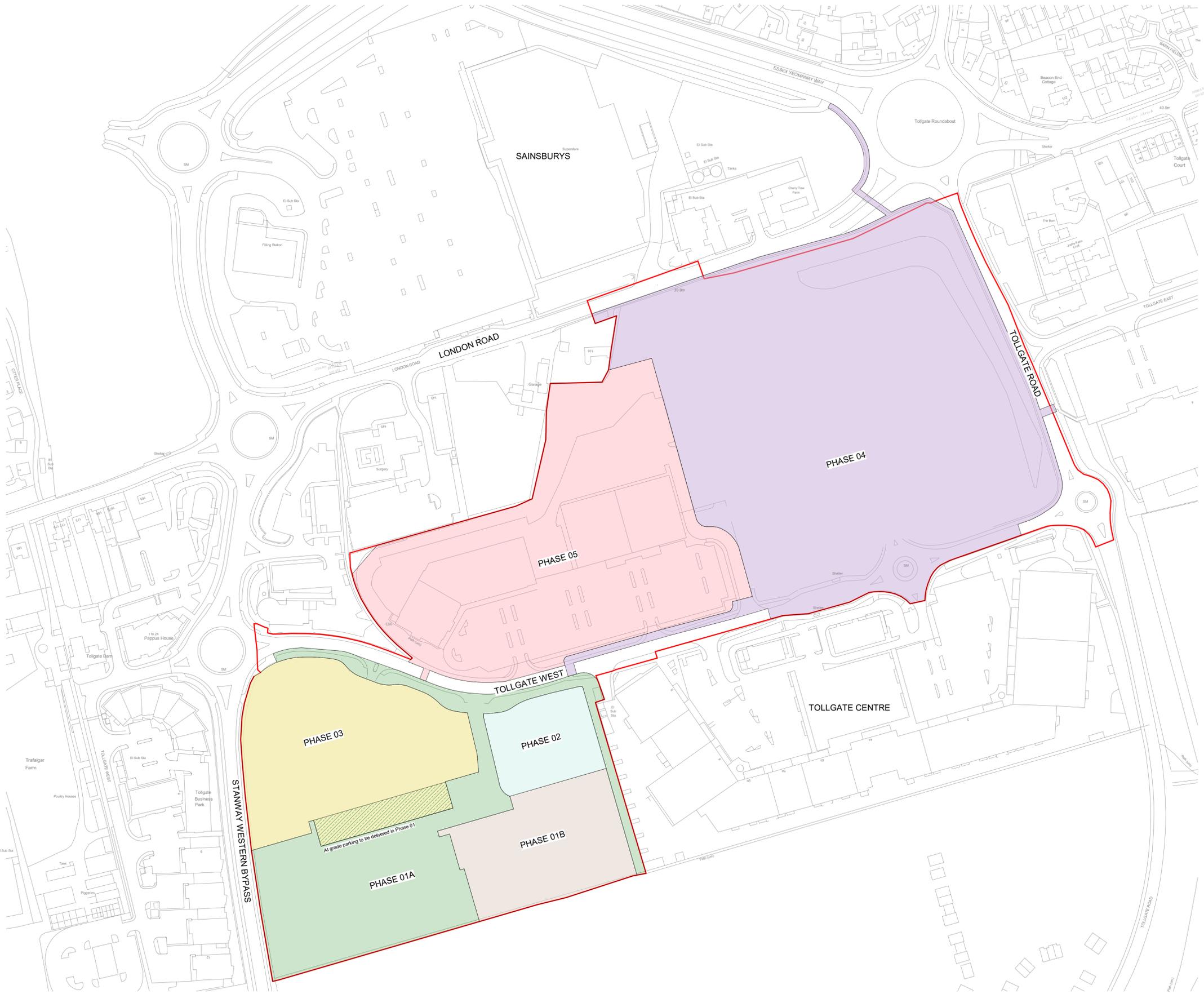
Client: Tollgate Partnership
 Project: Tollgate Village 2.0

Drawing Title: Parameter Plans - Development Zones
 Drawing No: 17735-0411

Drawing Status: **PLANNING**

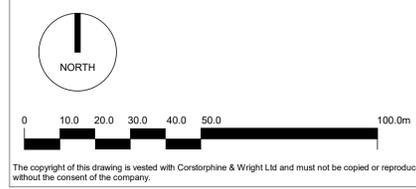
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Drawn	Checked	Paper Size	Scale	Date	Revision
VV	JD	A1	As Indicated	03/10/21	P-03



KEY

- PHASE 01A** to include:
1. SBU area of DZ3 consisting of blocks A, B & C.
 2. Ground parking.
 3. Entrance road.
 4. A 4m wide shared footway/cycleway between Tollgate West and Lakelands (item d, Condition 20).
 5. A 5m segregated footway/cycleway along the southern side of Tollgate West (item e, Condition 20).
 6. Improvements at the Stanway Western Bypass/Tollgate West roundabout as shown in principle on Intermodal Transportation drawing number IT698/TA/04 (item a, Condition 21).
 7. Any necessary amendments at site access junctions (including removal of the existing refuge island).
- PHASE 01B:**
1. SBU area of DZ3 consisting of blocks D & E.
- PHASE 02** to include:
1. DZ4.
- PHASE 03** to include:
1. Office Blocks in DZ3.
 2. Top level of parking deck.
- PHASE 04** to include:
1. DZ1.
 2. A 5m footway/cycleway on the northern side of Tollgate West between Tollgate Road and the toucan crossing to be provided in Tollgate West (item b, Condition 20).
 3. A 3.5m footway/cycleway in Tollgate Road (item a, Condition 20).
 4. Improvements to the site access roundabout in Tollgate West (item h, Condition 20).
 5. Toucan crossing in Tollgate West (item c, Condition 20).
 6. Upgrading existing Zebra Crossing on Tollgate Road to Toucan Crossing as defined within schedule 6 of the section 106 agreement.
 7. The footway / cycleway works in London Road and at the Tollgate roundabout as defined within schedule 6 of the section 106 agreement.
- PHASE 05** to include:
1. DZ2.
 2. Removal of existing westernmost site access to DZ2 and provision of footway in its place (item g, Condition 20).
 3. Zig-zag ramp.
 4. Uncontrolled pedestrian crossing (item f, Condition 20).



Rev.	Description	Date	Drawn	Chk.
P-05	Phasing lines tweaked	23.06.2025	AS	JD
P-04	Phase 01 split into 1A & 1B	10.06.2025	AS	JD
P-03	Alignment of DZ3/DZ4 updated	29.05.2024	AS	JD
P-02	Blue line omitted, notes amended	25.04.2024	IS	JD
P-01	Notes amended, cycle track added	24.04.2024	IS	JD
P-00	Planning Issue	31.01.2024	AS	JD

Note: Each phase as shown should be considered separate and severable from other phases, as shown, of the development.

Client: Tollgate Partnership
 Project: Tollgate Village 2.0

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Drawing Title: Discharge of Condition no.20 Phasing Masterplan

Drawn	Checked	Paper Size	Scale	Date	Revision
AS	JD	A1	1 : 1250	01/31/24	P-05

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