CIRCULATED PRIOR TO THE MEETING

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
28 OCTOBER 2026

ADDENDUM

AGENDA ITEM NO. 5 Land North of West Street Tollesbury

Application Number	**25/00381/OUTM**
Location	Land North of West Street Tollesbury Essex
Proposal	Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, Suitable Alternative Natural Greenspace (SANG) and sustainable drainage.
Applicant	Welbeck Strategic Land IV LLP
Agent	DLP Planning Ltd
Target Decision Date	5 November 2026
Case Officer	Gareth Ball
Parish	**Tollesbury West**
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary. • Development of over 75 dwellings

4. UPDATED PLANNING BALANCE AND CONCLUSION

Add the following after Paragraph 4.10 of the Update Report:

4.11 In the above assessment, Officers concluded that the proposed residential development adjacent to Tollesbury would be physically well-related to the existing development. Following the deferral of this application at the 5th August District Planning Committee, officers sought legal advice on the reasons for deferral as to whether they would be robust reasons for refusal based on the concerns that members raised during the 5th August committee. These reasons included:

- Primary school pedestrian access
- Sustainability and infrastructure
- Transport and traffic impacts
- Anglian Water capacity
- The cumulative impact on the character of Tollesbury
- Fire servicing

4.12 The legal opinion advice concluded as follows:

"Fundamentally, individually as things currently stand I do not think any of the RFRs has more than a low prospect of success and most are very low or negligible. If the Inspector considers the development falls within S5(1), then I think it highly unlikely

s/he would consider the adverse impacts to "substantially outweigh" the benefits and so, even cumulatively, I think the Council has low prospects of successfully defending this at appeal".

4.13 Based on the above advice the application recommendation is for approval as set out in section 6 of the Update Report.

5. CONSULTATIONS AND REPRESENTATIONS RECEIVED

5.1 Representations received from Parish Council

5.1.1 Tollesbury Parish Council submitted additional comments on the planning application, setting out a list of planning contributions which they consider should be secured if permission is granted.

5.1.2 A list of planning obligations which officers recommend be secured is provided in Section 6 of this committee update report. All planning obligations must comply with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, which requires that any planning obligations imposed on a planning application must be:

(a)necessary to make the development acceptable in planning terms;
(b)directly related to the development; and
(c)fairly and reasonably related in scale and kind to the development.

5.1.3 The requests from Tollesbury Parish Council are listed below, with a response from Officers in relation to the CIL tests above:

TPC S106 Contribution Request	TPC Supporting reason:	Response
Village 'gateway' and associated lighting to make this compliant with Highways regulations	• Marks a clear entry into the village and change in speed limits. • Highlights the 30mph speed limit signage. • Reduce speeding on entry into the village along West Street. • Quote from Maldon District Councillor Mark Durham estimated the cost of the gateway and associated lighting as approximately £12,000.	• The Highways Authority have requested the relevant contributions in order to mitigate potential impacts on highway safety, which have been included within the draft conditions and draft Heads of Terms of the committee report. This contribution is not deemed necessary to make the development acceptable in planning terms. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
New play equipment, outdoor gym equipment and multi-	• Several items of play equipment are nearing the end of their lifespan and	• The development proposes outdoor amenity space and facilities to mitigate its own

use games court for the existing Recreation Ground	need replacing. These are expensive items to replace, which would otherwise require fundraising. • There is no other outdoor gym equipment in the village – approximately £140,000. • There is not an all-weather court in the village and this would be too expensive for the precept to cover – approximately £165,000.	impact. The contribution is not required to make the application acceptable in planning terms, nor is it directly related to the development. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvement to the toilet facility at Woodup Amenity Pool	• Purchase and installation of a new waterless toilet facility to improve the experience for residents and also visitors from around the district and further afield. • Current portaloo is not appealing, with high visual impact. With flood risk and no drainage available, our options for facilities at this location in the village are very limited - approximately £20,000.	• The contribution is not required to make the application acceptable in planning terms. • A planning obligation cannot be imposed in order to secure benefits for visitors – this is not directly related to the development. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvements to the community space known as The Pavillion at Tollesbury Recreation Ground	• The size of the current changing rooms limits the capacity for sports teams that can use the community space at a weekend. These need extending. – approximate cost £224,000. • WIFI needs bringing into the building and long-term funding to support councillors in their work during meetings.	• The requested contributions to changing rooms and lack of WiFi are not directly related to the development, nor are they necessary to make the development acceptable in planning terms. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvements to the Cemetery: new fencing and an information board	• The Cemetery is the first public space that visitors arrive at on entry to the village, but there is currently no information about Tollesbury made	• An information board and broken fence are not directly related to the development, nor are they necessary to make the development

	available to them. A recent quote for this came in at £1,800. • The fencing along the perimeter on the roadside is broken and needs replacing. A recent quote for this came in at £1,650.	acceptable in planning terms. • Quotes for the costed schemes have not been provided to justify the requested contributions.
Addition of a noticeboard at the Station Road Allotments	• Residents have requested a noticeboard to signpost the rules and regulations and other key information to assist in the smooth and harmonious running of the allotments.	• An information board and broken fence are not directly related to the development, nor are they necessary to make the development acceptable in planning terms. • evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution or implementation is fairly and reasonably related in scale and kind to the development.

5.1.4 The requested contributions have not been requested by any of the relevant statutory or other consultees, are not based in any calculations of costed schemes to be brought forward, do not directly relate to the impacts of the development and appear to be requested largely to address existing issues as identified in the table above along with the Officer's explanations of why these requests do not meet the CIL Regulation 122 requirements.

5.2 Representations received from Interested Parties

5.2.1 One additional public representation received since the agenda was published. The representation objects to the development and the following are the additional points raised which are summarised below:

Objection Comment	Officer Response
There is no confirmation that the school transport contribution will be made prior to the first occupancy. It cannot be assumed that the lack of a safe route and members' concerns have been addressed by the payment of a financial contribution.	The school transport contribution secures safe access and the payment would likely be secured as 50 per cent payable prior to commencement of development and the remainder prior to occupation within the S106 agreement.
The development does not accord with Active Travel England (ATE) standing advice. The North Road access is unsafe for pedestrian, wheelchair and mobility scooter access.	The development proposes multiple routes which are considered satisfactory to nearby services. ATE standing advice is noted but provides only guidelines. Officers have also considered recent appeal decisions and nearby planning decisions. As noted by the Highways Authority, limited benefits are identified in relation to the North Road access and an acceptable route is also provided on West Street; however, there are no objections on

	highways safety as evidenced in the submitted Road Safety Audit, which is supported by the Highways Authority.
The Transport Technical Note Section 4.3.3, digital page 4, does not include a more recent accident, 6th October 2026, when a bus reversed into a parked car in Church Street, opposite the bus stop.	Noted and this is only a minor collision. The applicant has already updated their information as part of the addendum, with the latest Essex County Council (ECC) for the period from 1 November 2024 to 30 June 2026 included and the Highways Authority do not object to the application.
The Transport Technical Note does not consider potential impact on the Protected Lane Colchester Road from recently approved and pending applications.	This was addressed within the cumulative assessment on transport impact submitted by the applicant and following assessment this has raised no objections from the Highways Authority.
The submitted updated Covering Letter does not confirm that all 159 properties will be built within a 5-year window.	This is not a requirement, nor assumed. The development is however still expected to make a contribution within the 5-year Housing Land Supply period if approved.
The information regarding traffic impact on Colchester Road is not evidenced. Traffic volumes on the Protected Lane should be accurately assessed via an ATC system rather than be based on a consideration.	Notwithstanding the applicant's calculations, the Highways Authority advise that there would not be any significant uplift in trips on Colchester Road To warrant the proposal unacceptable in highway terms.
The Density plan (extract from DAS page 61), Page 2, Site boundary, is different to the Illustrative Master Plan Site Boundary, it is not clear which of the two plan boundaries is correct.	Plans within the Design and Access Statement are indicative. The individual submitted plans which are proposed to be approved plans should be referenced and are listed in condition 4.
Proposed highway works in the village centre to widen footways, combined with on-street parking is likely to create additional pinch points, reducing the carriage way to a single vehicle width.	The highways works are no longer proposed.
Whilst further technical highway details may be supplied in the supporting highway note, the highway note cannot be viewed as the uploaded file is corrupt.	The note is fully accessible on the public access.
The updated Ecology Note does not include an assessment on many protected sites.	The Ecology Note is not intended for this purpose. Other designated ecology sites were assessed within previously submitted information.
The loss of hedgerows on Colchester Road would result in impacts on ecology, flood risk, pollution and soil health. The desk-based survey states that there would be negligible impact but is insufficient to assess this.	The Ecology Note is not intended for this purpose. Other designated ecology sites were assessed within previously submitted information.
The Highways Authority comments, dated 14 October 2026, are not able to be viewed online.	The Highways Authority were uploaded on 20 October and viewable on the public access service.

Index-linked contributions are linked to different periods, but they should be linked to the same time.	This has no impact on the value of contributions. Different consultees use different processes and it would be unreasonable to require all consultees to synchronise their contribution reviews to the same point.