

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 7TH JULY, 2026 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Goldman, Land, Sudra and Wiggins (except item 13)
Also Present:	Councillors P Honeywood (except items 13 to 15), S Honeywood (except items 13 to 15) and Scott except items 14 & 15)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Matt Lang (Planning Team Leader), Alison Newland (Planning Team Leader) (except items 14 & 15), Alison Pope (Planning Officer) (except item 15), Bethany Jones (Democratic Services Officer) and Katie Koppelaar (Democratic Services Officer)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray (with no substitution) and Codling (with no substitution).

9. MINUTES OF THE LAST MEETING

It was moved by Councillor Sudra, seconded by Councillor Land and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 9 June 2026, be approved as a correct record and be signed by the Chairman.

10. DECLARATIONS OF INTEREST

Councillor Wiggins declared an interest, in relation to Planning Application **26/00287/OUT – Land to North of Colchester Road, Elmstead, CO7 7EF**, in that she was one of the Ward Members and she was pre-determined. She therefore would not sit as a member of the Committee for this item but would retire from the room whilst this application was determined. However, she would also exercise her right, as one of the Ward Members, to speak on the application.

Councillor Scott, who was present in the public gallery, declared for the public record, in relation to Planning Application **26/00287/OUT – Land to North of Colchester Road, Elmstead, CO7 7EF**, that he was one of the Ward Members for the application and that he would speak on the application in that capacity.

Cllr S Honeywood, who was also present in the public gallery, declared for the public record, in relation to Planning Application **26/00580/FUL – Albany House, 29 Albany Gardens West, Clacton-on-Sea, CO15 6HN**, that she was the Ward Member for the application and that she would speak on the application in that capacity as well as in the capacity of the caller-in.

11. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted for this meeting.

12. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 26/00580/FUL - ALBANY HOUSE, 29 ALBANY GARDENS WEST, CLACTON-ON-SEA, CO15 6HN

Earlier on in the meeting, as reported under Minute 10 above, Councillor S Honeywood had declared that she was the local Ward Member and had called-in the application and exercised her right in those capacities to speak on the application.

It was reported that the proposed change of use was considered acceptable and would not result in material harm to the character of the area, heritage assets, highway safety, residential amenity, drainage, ecology or biodiversity interests.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee as follows:-

"Additional Objection

One additional letter of objection has been received from a member of the public raising the following material planning considerations;

- Harm to the Gardens Area of Special Character, specifically its intention to protect the special residential nature of the area.*

Officers Response – The proposal has been fully assessed against Policy PPL12 of the Tendring District Local Plan and found to be acceptable for the reasons set out within the Committee Report.

Updated Consultee Comment – ECC Children's and Families – Children's Residential

Updated comments have been received from ECC Children's and Families – Children's Residential. Whilst their original consultation response advised that the applicant had not been in contact with the service, the consultee has now confirmed that the applicant has attended a weekly drop-in session and engaged with officers. No objection is raised. The updated comments are set out below:

From a review of the documents submitted we can see that the proposal is to provide accommodation for up to five children and young people aged 8–17. This would include four bedrooms in the main house, along with a self-contained annex designed to support one young person preparing for independent living, meaning a maximum of five children or young people would be living at the property at any one time.

The children placed in the home would have emotional and behavioural difficulties. The care approach is described as trauma informed.

We also note that the home is intended to be registered with Ofsted and run in line with the Children's Homes (England) Regulations 2015.

We have reviewed our data to provide you with a picture of the current situation in the area in question.

In respect to the data regarding children in mainstream homes, the following data is applicable at present:

How many CYP with Tendring as home district are in mainstream residential care homes? 4

How many CYP with Tendring as home district are supported in district in mainstream residential care homes? 0

The total number of Essex CYP supported in district in mainstream residential care homes is 4

In respect to the data regarding children in children with disabilities (CWD) homes, the following data is applicable at present:

How many CYP with Tendring as home district are in CWD homes? 2

How many CYP with Tendring as home district are supported in district in CWD homes? 0

The total number of Essex CYP supported in district in CWD homes is 2

The total number of registered homes in the district is 12.

The total number of registered beds in the district is 42.

The applicants have discussed their plans with us at one of our weekly Children's Residential drop-in sessions, where colleagues from our residential, commissioning and procurement teams can offer advice, guidance and support on their proposals. This is something we welcome, as it helps us to understand plans in greater detail.

As a general principle, provision with larger numbers of residents or a more institutional presentation do not align with Essex County Council's preferred model, nor with our current sufficiency needs. However, we note that the applicant is proposing a four-bed home within the main residence, alongside a self-contained annex to support a young person preparing for independent living.

This particular facility promotes inclusion within the local community and enables step-down pathways where appropriate through the use of the attached annexe. In this respect, the proposed children's home broadly aligns with our preferred model in terms of scale, for supporting children who can live within a group home setting."

Jeremy Hugband, the representative for the applicant, spoke in favour of the application.

Antony Cannon, member of the public, spoke against the application.

Councillor S Honeywood, the Ward Member and the Caller-in, spoke against the application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Would the children that are placed in the home have emotional and behavioural difficulties?</i>	<i>They might or might not. The Planning position is that this is a children's home who might be housed within this could be from any background and any circumstances. To point out, this is not a C2A use which is a secured residential institution. This is a generic children's home.</i>
<i>Would the same children that would qualify for this home also qualify for fostering?</i>	<i>Not quite. Fostering can fall within C3 which is what the current use is. If this was a large fostering home, it would not need planning permission.</i>
<i>Could you tell the Committee when the Public Space Protection Order (PSPO) was put in place at the gardens?</i>	<i>Referring to the PSPO, Officers do not know when that was put in place, it is not part of Planning, that is a separate matter.</i>
<i>How is 12 years of history going to impact this building now?</i>	<i>It is for the decision maker to consider what weight to apply to different material considerations. Planning history as far back as 1948 is a material planning consideration – how much weight Members give that planning history and the various uses that this site has gone through is for Members to consider and how much that makes a bearing on the decision is down to Members. As Officers, it has been pointed out that 12 years ago, this building was a C2 use, it was a care home rather than a children's home. Officers feel that if they were to present themselves at an appeal, should this application be refused, Officers would be arguing against that planning history to a planning inspectorate. Officers feel they have given this due weight; how much weight Members give it is down to the decision maker.</i>
<i>Would the children be home schooled or not?</i>	<i>Officers are not aware that the children would be educated at home or in a school. Officers do not have that information in front of them.</i>
<i>Would it be fair to say there could be up to five taxis doing the pick-up and drop-off to school?</i>	<i>Officers do not know.</i>
<i>How do Officers come to the conclusion of 'special character' and what factors are assessed to come to that conclusion?</i>	<i>Policy says 'within the gardens area of east Clacton, the new development shall have particular regard to special character and appearance of the area...' It is effectively character and appearance. It is a local designation, that is within the Local Plan. It has been in place for a long time (30 years), carried forward from each Local Plan and the main principle around it is the character appearance of the area because the former conservation area does not extend to this area and this is one of two special</i>

	<i>character areas that is within the District, the other being the Avenues in Frinton-on-Sea.</i>
<i>Is there any garden at the property and what size is it or is it a contained property without a garden?</i>	<i>There is a garden in the plans. It is small but it does meet the requirements for this home.</i>

It was moved by Councillor Land, seconded by Councillor Alexander and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to refuse planning permission subject to the reasons as stated below that follows:-
 - the proposal, by reason of its intensified and non-typical residential use, would introduce a level of activity and comings and goings that would erode the established quiet residential character of the Gardens Area of Special Character, contrary to Policy PPL12 and SP7;
 - in addition, in the absence of robust, site-specific evidence demonstrating that the operation of the children's home would not materially impact neighbouring occupiers, the proposal fails to satisfactorily demonstrate compliance with Policies SPL3, LP10 and SP7 relating to the protection of residential amenity; and
- 2) the applicant be sent any informative notes, as may be deemed necessary, by the Head of Planning and Building Control.

13. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 26/00287/OUT - LAND TO NORTH OF COLCHESTER ROAD, ELMSTEAD, CO7 7EF

Earlier on in the meeting, as reported under Minute 10 above, Councillor Wiggins had declared that she was one of the local Ward Members and that she was pre-determined. She did not sit therefore as a Member of the Committee for this item, and she retired from the meeting whilst it was deliberated but exercised her right as a Ward Member to speak on the application.

Also, as reported under Minute 10 above, Councillor Scott, who was present in the public gallery, had declared that he was also one of the local Ward Members for the application and that he would speak on the application in that capacity.

It was reported that the application site was laying outside but abutting the Settlement Development Boundary in the adopted Local and Neighbourhood Plans; within a Green Landscape Buffer in the adopted Neighbourhood Plan; and within a draft Strategic Green Gap in the emerging Local Plan.

Members were informed that no objections had been raised by consultees and that the titled balance applied.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee as follows:-

"Additional Parish comments:

Additional comments in response to Savills' letter dated 3rd June 2026.

We were disappointed to see that after we and dozens of residents pointed out the serious flaws in this application, and it initially being considered for refusal, this decision was reversed to be recommended for approval, despite clearly being in noncompliance with planning policy.

We're concerned about the contents of a letter dated 3 June from Savills and that its questionable claims may have wrongly influenced the recommendation and may influence the decision of the Planning Committee on the 7th July. If the committee is minded to refuse the application it may also influence the Planning Inspector if the application goes to appeal.

The letter in question focuses on the Elmstead Neighbourhood Plan, calling core policies of this plan into question and seriously misinterpreting them. In a number of statements it is outright false, and to make a planning decision based on the information within would not only allow development that is noncompliant with policy, but set a concerning precedent for future decisions that such policies are not effective guides for decision makers.

To be clear, the application is outright noncompliant with 2 policies: ELM1 and ELM2.

ELM1 is a simple settlement development boundary policy. The application site in its entirety is outside of the settlement development boundary which the letter from agent does not dispute. The fact that one border of the site is adjacent to the boundary is irrelevant to the policy.

As stated in the letter, the adopted Local Plan, policies SP3, SPL1 and SPL2 direct housing development to sustainable locations within settlement development boundaries.

The letter also suggests that Elmstead is supposedly 'one of the most sustainable villages in the district' pointing to transport links and education within the village. As explained in our initial objection unlike many local villages who have both trains and frequent buses the only public transport in Elmstead is at most an hourly bus, that runs less frequently through much of the week. Both schools named are already operating at above capacity – there is nothing sustainable in building houses with no clear access to primary schooling.

The letter's claim that the application conforms to a pattern of growth is also wrong, as recent growth has been increasingly focussed on the new settlement boundary established via this Neighbourhood Plan policy that created Lanswood as a distinct settlement with hundreds of homes being built in recent years and over a hundred more with outstanding planning permission.

The pattern of sustainable growth is focussed here, on the opposite edge of the village to avoid coalescence with the nearby TCBGC.

This brings us to policy ELM2 (protecting the settlement of Elmstead) which is wholly focussed on a vital small area of countryside, which remains functioning farmland, between the village boundary of Elmstead and the new A1331 link road that forms the defensible edge of the garden community.

The Neighbourhood Plan was carefully designed to accept the Garden Community when Tendring Planning Officers promised the Parish Council and local residents that no additional houses would be built in Elmstead, because the Garden Community (which is mostly within our Parish boundary) would secure the long term housing supply targets and contribute many times to Elmstead's fair share of housing growth in a truly sustainable way.

While the Garden Community's own planning policies protect a small area of countryside as a strategic gap only one field wide because it was limited to the Garden Community project area of search, ELM2 creates an additional landscape buffer that works alongside the strategic gap to create a meaningful barrier to coalescence as supported by the NPPF. This policy's green gap is at most 2 fields wide. This application removes one of those fields. It is against the very principle of the policy.

The letter strives to justify its position by making multiple unfounded assumptions and incorrect conclusions based upon this flawed reasoning.

The letter states the Garden Community 'incorporates a substantial country park to the east of the link road' – this is false. There is no country park to the east of the link road. The Garden Community includes only one country park, to the west of its development, between the Garden Community and Colchester, miles away from Elmstead and entirely irrelevant to this application.

The area that the letter's author has misidentified as a country park is defined in Part E of the Garden Community DPD policy GC1 which emphasises the importance of maintaining physical and visual separation of open countryside between the Garden Community and Elmstead. However, there is potential for development associated with the Garden Community within the Garden Community defined green gap such as sports fields or solar farms. This is why neighbourhood plan policy ELM2 was designed to work alongside the GC DPD to reinforce the separation, ensuring a clear transition from the urban high density development of the new town, through the strategic green gap which gently tapers into open countryside protected by the NP policy, with a series of agricultural fields identified as an important part of Elmstead's landscape setting and heritage, before then entering the clearly rural village with a clear boundary. This separation, especially when travelling along the A133 as most people entering Elmstead do, is the primary purpose of policy ELM2 – the development of a housing estate in this small and vital landscape buffer makes it ineffective and rides rough shod over a carefully considered Neighbourhood Plan policy that was designed to work alongside the Local Plan and DPD.

The letter tries to twist a few cherry-picked aspects of ELM2 to its benefit that we have to focus on and refute:

- The suggestion that the application somehow complies with ELM2/B.i 'improving access to and enjoyment of the countryside' by having the development grant minimal*

public access is absurd – once the houses are built, the site is no longer part of the countryside so this justification cannot apply.

- The excerpt from the LVIA suggesting the Garden Community will not be visible from the site is irrelevant to the site itself and only proves the combined efforts of the DPD and Neighbourhood plan have succeeded in creating an effective layout to prevent coalescence. The application if granted would take this effective planning policy and make it ineffective.*
- The LVA submitted alongside the application fails to consider the landscape setting of open countryside – instead relying on a border of planted vegetation which will not conceal the roofline of houses behind it and unquestionably does take away from the effectiveness of policy ELM2 which the applicant has evidently misunderstood. At their closest the houses shown in the illustrative plan are less than 15 metres from the A133 – under no conceivable definition can 15 metres containing a hedge, grass verge and driveway be considered open countryside. There is no stated reason the residential developments irregular shape needs to extend this close – it negates the meagre attempt at a 'landscape buffer' that seems to measure in single digits of metres width.*

Part B of policy ELM 2 states 4 scenarios where development will be supported within the green landscape buffer. This application categorically does not fall into any of these scenarios.

The development does not comply with policy ELM1 so reason i does not apply.

The development does not improve access and employment of the countryside as it detracts and removes the countryside – so reason ii does not apply.

The development diminishes (by definition makes smaller) the separation between Elmstead Market and the Garden Community and harms the landscape setting – so reason iii does not apply.

The development does not protect and reinforce the landscape features of the green buffer, it harms and weakens the very purpose of this feature – so reason iv does not apply.

Policy ELM2 requires an application to comply with ALL of these reasons to be supported. The development does not comply with any of the stipulations.

As many of the points made in reference to these policies in the letter refer back to the provision of a five year housing supply, we must provide context with some facts behind the Neighbourhood Plan process – the Neighbourhood Plan was certified at the end of 2024, meaning by planning standards it is as current as reasonably possible. It is important to note that while the report categorises the NP as 'less than 5 years old' it is in fact less than 2 years old so remains current and highly relevant. At this time it was written with no housing requirement for the NP area, but if there was such a requirement, because of the vital importance of land covered by policy ELM2 any supply of housing would have been allocated outside of this area as a priority.

The letter references paragraph 11d of the NPPF that states 'policies in this framework that protect areas of importance provide a strong reason for refusing the development' – the narrow area between Elmstead Market and the Garden Community is vitally important for preventing coalescence as required by the NPPF. Protecting this limited area is a strong reason for refusing the development.

The assertion that the Neighbourhood Plan is outdated because it contains no allocations shows a distinct lack of understanding that the Neighbourhood Plan functions alongside the Garden Community DPD that also falls within our Parish boundary and provides thousands of housing allocations – far more than Elmstead's balanced allocation and contributing exponentially more to the District's future housing supply than the application's 30 dwellings. The conclusions of the letter ultimately revolve around the assertion that the lack of 5 year housing supply over rules every Neighbourhood Plan policy – but it is essential to consider the Neighbourhood Plan as adopted as a part of the Local Plan.

If a precedent is set that applications such as this that attempt to override Neighbourhood and Local Plan policies, it creates a serious risk of invalidating many more such policies across the District.

We reiterate that we are most concerned the letter dated 3rd June misunderstands and so misrepresents many key aspects of the Neighbourhood Plan, and its interaction with the Garden Community DPD. The possibility that this communication may have influenced and continue to influence decision making is even more worrying, and we ask the committee to consider our specific concerns listed above and assure itself of the facts before making its decision.

We recognise that the District's planning officers are far more knowledgeable and experienced than ourselves as a Parish Council so would also request they consider the conflicts in interpretations and if possible correct the factual inconsistencies.

However we have the benefit of local knowledge to point out the serious flaws in this application that have made it worryingly far into the application process and so ask these be clarified before the application can be properly considered by committee.

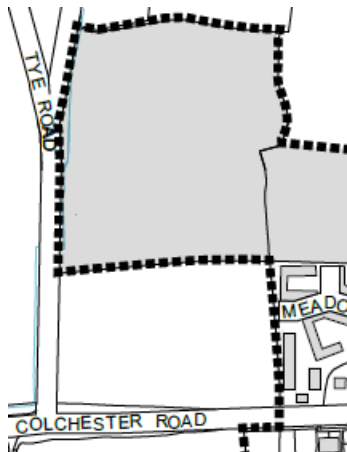
This communication is in response to specific concerns with publicised correspondence on the application, and we refer back to our initial objection comment that contains many more significant issues with the proposal.

Officer response to additional Parish comments:

The Parish refer to a change in the Officer recommendation. Paragraph 7.64 of the committee report refers to the Sladburys Lane, Clacton appeal decision which was allowed on 03/06/2026. That appeal proposal shares many similarities, but it was in an adopted Strategic Green Gap (SGG) so is subject to more significant landscape protections. In allowing that appeal the Inspector acknowledged the moderate adverse impacts but confirmed they would not outweigh the substantial benefits of up to 30 dwellings given the Council's housing delivery position. In defending the SGG objection the Council also had costs awarded against us. This very recently allowed appeal is a material planning consideration and the Local Planning Authority must have regard to previous decisions to ensure consistency in decision making. This appeal decision, in conjunction with the absence of any objections from statutory consultees, and the tilted balance benefits and harm assessment, has resulted in the recommendation of approval.

The Parish maintain outright non-compliance with Elmstead Neighbourhood Plan (ENP) Policies ELM1 and ELM2. Paragraph 7.24 of the committee report confirms ELM1 is supportive in principle of proposals within and adjoining the defined settlement

boundaries where they provide defensible boundaries. The snippet below shows the site (denoted by a yellow star) adjoining the ENP settlement boundary to the north and east with all boundaries being defensible (existing development or roads) in accordance with ELM1.



It is acknowledged that Elmstead does not have a train station, but it is classed as a Rural Service Centre under TDL Policy SPL1 in recognition of its size and reasonable range of services and facilities. The location is therefore considered sustainable.

Education/schools are addressed at paragraph 7.109 of the committee report and no comments or S106 request has been received.

It is acknowledged that recent growth has been focussed on the Lansv  side of Elmstead, however each proposal must be assessed on its merits.

Although zero housing growth was agreed within the ENP in light of the Tendring Colchester Borders Garden Community (TCBGC), the committee report at paragraph 7.31 confirms appeal decisions have afforded reduced weight to NP policies where the underlying housing requirement is inconsistent with up-to-date housing need as is the case here.

It is agreed that the applicant's letter is incorrect in referring to a country park to the east of the TCBGC link road. This error is repeated at paragraph 7.5 of the committee report in summarising their letter. However, this error does not impact upon the Officer assessment or recommendation as paragraph 7.29 of the committee report correctly refers to this as the TCBGC Elmstead Strategic Green Gap. The adopted TCBGC Development Plan Document (DPD) shows this land (bright green in the snippet shown with the site denoted by a yellow star).



The Parish raise concern this land could still be developed for sports fields or solar farms hence the need for the NP Green Landscape Buffer under ELM2. The DPD confirms: "Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, local low carbon energy generation, cemeteries and burial grounds or allotments." It is therefore considered that these potential uses would maintain the general openness and character of this area and serve to maintain appropriate separation between the two settlements, in accordance with the requirements of ELM2.

The Parish disagree that the proposal would improve access to and enjoyment of the countryside. This is addressed at paragraph 7.27 of the committee report which confirms: There is not currently public access to the application site however the proposal will introduce this in terms of the provision of on site public open space.

The Parish raise concern that this recommendation will set a precedent. This is strongly disputed as the site in question abuts the Settlement Development Boundary to two sides, is clearly defined by defensible boundaries to all sides, and is effectively the rounding off of the settlement following the Barley Close development to the north. Officers maintain that the proposal would not therefore compromise the remainder of the NP Green Landscape Buffer or project any further westwards than the existing two storey dwellings to the north. Paragraph 14 of the NPPF is engaged and is a material consideration of substantial weight in the decision-making process however conflict with a Neighbourhood Plan does not represent an absolute bar to development particularly in light of the current housing land supply position. In this specific case the adverse impacts of the conflict with the ENP do not significantly and demonstrably outweigh the benefits and approval is therefore recommended in accordance with the NPPF.

Additional letters of objection

4 additional letters of objection have been received raising the following additional concerns which have not already been addressed at paragraph 6.2 of the committee report: (Officer response in brackets)

- There have been 359 dwellings proposed in Elmstead plus some currently being built which will severely affect our community and quality of life (Each application must be assessed on its merits as detailed and assessed within the committee report)*
- Clacton should have the highest percentage of new homes, including highest percentage of affordable housing (The location is considered sustainable as detailed within the committee report. The District's spatial strategy and affordable housing policies are explained within the adopted and emerging Tendring Local Plans)*
- Every new dwelling in Elmstead should be rejected because of the Garden Community housing provision and Neighbourhood Plan zero requirement (Assessed and explained within the committee report)*
- Existing drainage problem is due to faulty pumps in the Meadow Close development circa 2019 releasing odour and causing sickness and extreme stress (Drainage is assessed and explained within the committee report)*
- Elmstead has seen a 37% increase in dwellings since 2015 this is too much for a Rural Service Centre (The location is considered sustainable as detailed within the committee report)*
- Site is not allocated for development and no unmet housing need in Elmstead (It is correct that the site is not allocated for development. Housing need and the tilted balance is assessed within the committee report)*
- Would set a dangerous precedent weakening the integrity of the Green Landscape Buffer (addressed above under Parish comments)*
- Question how BNG can be achieved on this site (addressed at paragraphs 7.115-7.118 of the committee report)*
- Contrary to ELM17 (This is incorrect – ELM17 requires healthcare improvements only when requested by the North East Essex Clinical Commissioning Group or equivalent body. Such a request has not been received and the proposal is also below the threshold for healthcare consultation.)*

- Limited local bus service and shops will result in car dependence contrary to sustainable travel principles (The location is considered sustainable as detailed within the committee report)
- No completed S106 agreement to secure the stated mitigation (the applicant is willing to enter into a S106 legal agreement as confirmed at paragraphs 7.97 and 9.1 of the committee report with the recommendation of approval subject to securing the S106)

Correction to committee report

The committee report at paragraph 7.58 incorrectly refers to trees along the western site boundary with Tye Road being protected by Tree Preservation Order 16/00004/TPO. However, the TPOs on these trees were removed in 2017. They are still important features in their setting and are to be retained as detailed at paragraph 7.59 of the committee report.”

Rosanna Metcalfe, the agent for the application, spoke in support of the application.

Tara Gargiulo, a member of the public, spoke against the application.

Councillor Gladwin, Chairman of Elmstead Market Parish Council, spoke against the application.

Councillor Scott, one of the Ward Members, spoke against the application.

Councillor Wiggins, one of the Ward Members, spoke against the application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Is the Committee looking at an outline for access?</i>	Yes, for up to 30 dwellings with two points of access.
<i>Could Officers give an idea of the width of the access as it stands now?</i>	The existing access is 4.8 metres, and the new carriageway will be 6 metres to be modern standard which means that it would widen as it comes into the site.
<i>How are the applicants going to divide that considering the houses are tight together on the road and are Officers satisfied that the construction would work well with the neighbours?</i>	There is a construction management plan condition which is the standard one which controls hours of operation and where the site compound etc. is so it is not too close to neighbouring properties. Essex Highways also requested that condition so they have assessed whether the site could be served by construction traffic and they have not raised any objections. Officers do not have any concerns about the construction of the site through that access.
<i>Is the left of the site Tye Road?</i>	Yes, it is Tye Road to the western boundary.
<i>Is there any reason the applicants did not link up with Tye Road?</i>	In the site plan, the darker green area is the trees and good quality vegetation along that part of the site. Essex Highways would not be supportive of an access that close to a junction, so any access would have to be further up Tye Road where it would lose a lot

	<i>of existing vegetation where there was previously a Tree Protection Order there. There are around 11 Oak Trees and one Holly Tree which were not removed but the TPO was removed and the trees are still a positive feature. It is also an important view in the neighbourhood plan because of the attractiveness of Tye Road so Officers think there would be issues with vehicular access through there.</i>
<i>Can Members make the acceptable subject to a suitable connection on the Anglian Water Sewage Scheme?</i>	<i>In respect on this occasion, Members job in this instance is to consider each merit, their burden and the harm, if there is any. This proposal is looking at the main sewer connection. What other sites around this area are connected up to is not before Members.</i>
<i>Why is the Elmstead neighbourhood plan being overridden in this instance?</i>	<i>The neighbourhood plan is part of Members development plan which is the development of all plans (Local Plan, neighbourhood plan, etc.). Members have before them the Officers interpretation of the neighbourhood plan and that is what is being recommended to Members. When it comes down to ELM1, which is the Settlement Boundary policy, it refers back to the boundary as a whole. There is no clear policy in any plan that says nothing can be built here. ELM2, which is protecting the setting of Elmstead Market. Officers do recognise that in the recommendations before Members that this is a valued landscape and this has been considered as part of that assessment. This policy does not specifically restrict housing development; it simply gives Officers a regard to the judgement that is recommended to Members. B mentions the green landscape buffer and that particular part of the development does not deny development. In terms of access to and enjoyment of the countryside, it is a location and it is a private agricultural field with no access to it. Does the housing change the access position? It does in part. Would it demolish the visual separation of the Tendring Colchester Borders Garden with Elmstead Market? That is up for the Committee to judge. Members could be judging the landscape setting and in Officer opinion, it can be enhanced. There is nothing in the policy that says that no housing can go here.</i>

Will the reserved matters application come back to the Committee?	Central Government have issued a requirement in respect of National Delegation requirements and under those requirements, at the end of October 2026 onwards, your current delegation arrangements and any request of return of an application, including reserved matters may not occur. There is still some legal working work in respect of the actual mechanisms that are going to replace this, but essentially, Government are looking to reduce what items come to Committee. Officers are not legally allowed to say that an application will come back to Committee.
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It was moved by Councillor Alexander, seconded by Councillor Goldman that the application be deferred on the reasons as follows:-

- Ownership;
- What happens to the footpath;
- A clearer plan for the access point; and
- Further consideration by the applicant of the impact on amenity.

14. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 26/00085/FUL - EXISTING MUGA WITHIN CROSSWAYS RECREATION GROUND, CROSSWAYS, JAYWICK, CO15 2NB

It was reported that the application sought permission for the replacement of the existing MUGA at Crossways Recreation Ground with a Football Foundation PlayZone, including associated fencing, lighting and ancillary facilities.

Members were informed that, technical consultees, including Essex Highways and Environmental Protection, raised no objections subject to conditions.

The Committee heard that the proposal had been demonstrated to be acceptable in flood risk terms, and would not materially impact parking or highway safety, and would also provide managed and inclusive access to the community. Biodiversity enhancements were also secured through additional planting and conditions.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (AP) in respect of the application.

No updates had been circulated to Members in relation to this application.

There were no speakers on this occasion for this item.

Matters raised by Members of the Committee:-	Officer response thereto:-
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<i>Would everything be renewed?</i>	<i>That is correct. The old multi-use games area will be completely removed, and the proposal will take its place.</i>
<i>The new area is going to be larger, is that correct?</i>	<i>Yes, it is a bigger facility.</i>
<i>What does the booking system mean?</i>	<i>Tendring District Council own the land and will manage the facility so there will be details on the fencing which will enable people to book the facility for private use, group bookings, football teams, sports groups, etc. There is also a system whereby the facility will be open, as is the case at the moment, and any body can go and use the facility at any time.</i>
<i>How will that booking take place?</i>	<i>Officers believe there will be a website link next to the gate to go online and book the facility, a QR code or a phone number. Officers are not completely sure.</i>
<i>Would the users be given a code and will that be changed regularly?</i>	<i>The code is unique to each booking.</i>
<i>Are all the PlayZones the same around the District?</i>	<i>Yes, it is a standard model.</i>

It was moved by Councillor Land, seconded by Councillor Wiggins and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant full planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.3), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) informative notes be sent to the applicant, as may be deemed necessary, by the Head of Planning and Building Control.

15. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.4 - 26/00388/FUL - LOW ROAD CAFE, LOWER MARINE PARADE, DOVERCOURT, CO12 3ST

It was reported that the application sought to redevelop an established seafront café within the Dovercourt Settlement Development Boundary, replacing the existing building with an enlarged, modern facility and introducing a new padel court. The proposal would enhance the site's tourism and leisure offer, support local economic growth, and would improve the visual appearance of the area.

Members were told that, the development was acceptable in principle and accorded with Local Plan policies, with benefits including improved design, increased visitor provision, and new recreational facilities. Technical matters relating the highways, flood risk,

residential amenity, and ecology had been satisfactorily addressed, with no objections from consultees subject to conditions.

The Committee heard that, overall, the scheme represented a sustainable redevelopment that would enhance the character and functionality of the site.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (ML) in respect of the application

No updates had been circulated to Members in relation to this application.

There were no speakers on this occasion for this item.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Are Members correct in saying that Tendring District Council own the land and the person who holds the lease is presenting this opportunity for this piece of land?</i>	<i>Yes, that is correct. Tendring District Council own the land, and the applicant is the current tenant. Planning permission is one aspect/stage of the permission and then another discussion with our assets team going forward to construct the development.</i>

It was moved by Councillor Alexander, seconded by Councillor Fowler and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.1 of the Officer report (A.4), or varied as is necessary to ensure the wording is enforceable, precision, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) informative notes be sent to the applicant, as may be deemed necessary, by the Head of Planning and Building Control.

The meeting was declared closed at 8.00 pm

Chairman