

TENDRING DISTRICT COUNCIL

PLANNING COMMITTEE

ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

7th July 2026

Item A.1 - 26-00287-OUT - Land to North of Colchester Road, Elmstead, Essex, CO7 7EF

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.

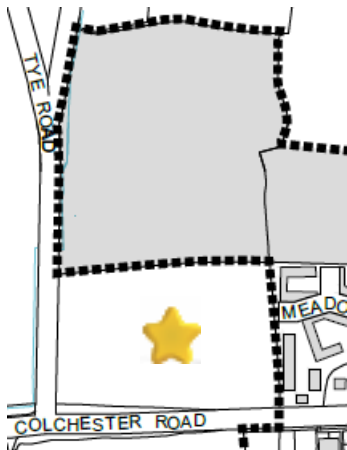
This communication is in response to specific concerns with publicised correspondence on the application, and we refer back to our initial objection comment that contains many more significant issues with the proposal.

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.



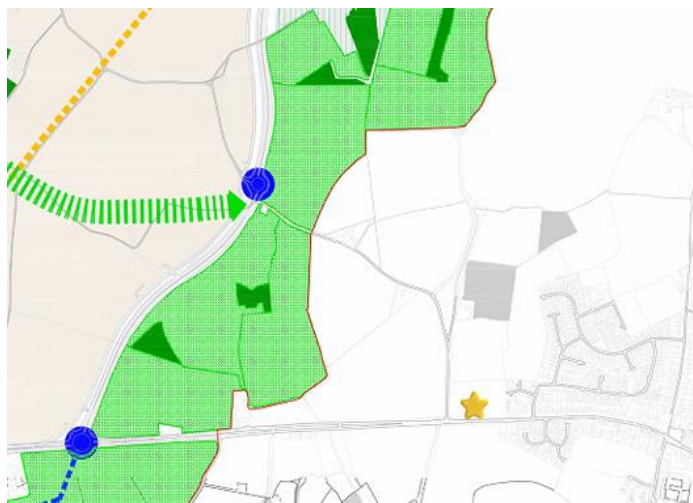
It is acknowledged that Elmstead does not have a train station, but it is classed as a Rural Service Centre under TDLP Policy SPL1 in recognition of its size and reasonable range of services and facilities. The location is therefore considered sustainable.

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 Lanswood 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.

Item No. A.2 – 26/00580/FUL - Albany House 29 Albany Gardens West Clacton On Sea CO15 6HN

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.

Item No. A.3 - 26/00085/FUL - Existing MUGA Within Crossways Recreation Ground Crossways Jaywick CO15 2NB

No Updates.

Item No. A.4 - 26/00388/FUL - Low Road Café Lower Marine Parade Dovercourt CO12 3ST

No updates