

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	CC	02.05.2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:	N/A	
Team Leader authorisation / sign off:	AN	02/05/25
Assistant Planner final checks and despatch:	ER	02/05/2025

Application: 25/00270/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Colin Davey

Address: 34 Harwich Road Lawford Essex

Development: Planning Application - Open sided canopy to increase covered retail space.

1. Town / Parish Council

Ardleigh Parish Council No comments received.

2. Consultation Responses

Not Required

3. Planning History

87/01955/FUL	Single storey dwelling (relating to existing nursery building)	Refused	09.02.1988
15/01272/LUEX	Existing use as garden centre (class A1) with ancillary coffee shop, nurseries and landscape contractors yard, as shown on submitted drawing no. G1433-02B.		14.10.2015
15/01606/FUL	Widen existing road crossing.	Approved	15.01.2016
16/00487/DISCON	Discharge of condition 05 (vehicular turning facility) of planning permission 15/01606/FUL.	Withdrawn	19.05.2016
20/01383/FUL	13m span x 31m long Taper trellis galvanised steel canopy with Opal 60 roof cladding.	Approved	15.12.2020
23/00155/FULHH	Proposed single storey extension to both dwellings (33 and 34 Harwich Road).	Approved	22.03.2023
23/00763/FUL	Erection of office building (following demolition of existing store).	Approved	18.08.2023

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

The weight that can be attributed to any emerging or draft neighbourhood plan, can be understood as follows:

Stage 1: Designated neighbourhood area (Limited Weight)
Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
Stage 3: Pre-submission publicity and consultation (Limited Weight)
Stage 4: Submission of a neighbourhood plan (Limited Weight)
Stage 5: Independent Examination (Limited/Significant Weight)
Stage 6: Referendum (Significant Weight)
Stage 7: Adoption by LPA (Full Weight)

Ardleigh Neighbourhood Plan

The site is located in the parish of Ardleigh and therefore the Ardleigh Neighbourhood Plan is relevant. The Ardleigh Neighbourhood Plan, and any relevant policies therein, can be understood as reaching Stage 7 in terms of the weight that can be attributed to it in the decision-making process.

Any relevant policies have been considered as part of the officer assessment below.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2025 ([NPPE](#))
National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP 1 Presumption in Favour of Sustainable Development
SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

Ardleigh Neighbourhood Plan

GDP: General Approach to Development
TP: Transport and Parking

Supplementary Planning Documents
[Essex Design Guide](#)

Local Planning Guidance
[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is located to the south of Harwich Road, outside of any defined settlement development boundaries.

The application site forms part of the larger 'Craft Nurseries Garden Centre'. The parcel of land subject to this application currently serves as a hard standing area for the storage of waste.

Proposed development

This application seeks full planning permission for the erection of an open sided canopy to increase the covered retail area.

Assessment

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.

The proposed canopy is located to the rear of the garden centre and will therefore be largely shielded to the public views from the highway and will not appear overly dominant within the area. However, it will be visible to the users of the garden centre. The canopy Frame will be finished in Galvanised steel with an Opal 60 fabric roof. It will have a maximum height of 5.7 metres, a width of 12.8 and depth of 19.9. Given the use of the wider site, the canopy is considered to be of an acceptable design and appearance, in keeping with its locality.

Impact on Neighbouring Amenities

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

There are no residential dwellings located immediately adjacent to the proposed canopy. It therefore cannot be said to have any impact on the loss of light, outlook, nor privacy to neighbouring occupiers.

Whilst the proposed canopy is increasing the existing covered retail space, the use of the site is to remain the same (garden centre). Any noise emitted as a result of the proposal is considered to be that expected of a commercial / garden centre use. The proposal is not considered likely to have any material impact on noise or increased comings and goings given the floorspace of the existing garden centre.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). The land subject to this application serves an area of hardstanding used for standing waste, the proposal will not result in the loss of habitat and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

BNG and Ecology Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Highway Safety

The proposed development does not reduce / alter the existing parking arrangements at the site. The vehicular access to the site is also unaffected by the proposal. Officers therefore consider the proposal is acceptable in terms of highway safety.

Other Considerations

Ardleigh Parish Council have not submitted any comments in relation to this application.

No other letters of representation have been received.

Conclusion

The proposal is consistent with the above-mentioned national and local planning policies. In the absence of material harm the proposal is recommended for approval.

8. Recommendation

Approval Full

9. Conditions / Reasons for Refusal

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Titled 'Location Plan', dated 10-Mar-2025

Drawing No. BP-01 - Block Plan

Drawing No. GP-01 - Ground Plan

Drawing No. GA-01 - Plan and Elevations

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless

otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:
<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO