

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240854
Location	St Andrews Gardens Royal Pier Road Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate in respect of re-landscaping the gardens, including removal of grass areas and replacement with hard standing paving, together with soft landscaping to include removal and re-siting of tree(s), planting of new trees and other plants and installation of bench seating.
Applicant:	Verde Landscapes Ltd
Site Visit	17 April 2025

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
 Site location plan;
 Drawing no. 1501-HED-ZZ-DR-L-0002 Rev. A02 Landscape masterplan – All Phases;
 Drawing no. 1501-HED-ZZ-DR-L-1000 Rev. A05 General arrangement plan;
 Drawing no. 1501-HED-ZZ-DR-L-4000 Rev. A01 Sections;
 Drawing no. 1501-HED-ZZ-DR-L-3001 Rev. A01 Planting plan – Phase 1;
 Drawing no. 1501-HED-ZZ-DR-L-2000 Rev. A01 Hard materials palette;
 Drawing no. 1501-HED-ZZ-DR-L-1001 Rev. A01 Tree retention and removal plan;
 Drawing no. 1501-HED-ZZ-DR-L-0001 Rev. A01 Conceptual Landscape Masterplan – All Phases;
 Drawing no. 1501-HED-ZZ-DR-L-5003 Rev. A01 Soft materials sections;
 Drawing no. 1501-HED-ZZ-DR-L-5002 Rev. A01 Staircase details ;
 Drawing no. 1501-HED-ZZ-DR-L-5001 Rev. A01 Hard materials sections;
 Drawing no. 1501-HED-ZZ-DR-L-5000 Rev. A01 Hard materials details and sections;
 Drawing no. 1501-HED-ZZ-DR-L-3002 Rev. A01 Planting schedule;
 Drawing no. SJG2820 Topographical survey 2018;
 Topographical survey 2021;
 Email from the applicant received 16 April 2025; and
 Email from James Young received 24 April 2025.

Procedural Issues

The submitted application form refers to the proposed development delivering all five phases of a wider landscaping proposal. However, the applicant has confirmed (by an email received 16 April 2025) that the proposal would only deliver phase one.

Property Type

The application site comprises of an area of land located to the south of Royal Pier Road and to the north of The Terrace, Gravesend. The site contains areas of hard surfacing, retaining walls, steps and soft landscaping including grass, trees and other vegetation. It is a town centre, open space used for recreational purposes.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

Reference	Description	Decision	Decision Date
20250241	Works to trees in a Conservation Area; 3 x Chestnut trees on the bank - felling to allow significant light for new more suitable planting scheme; 5 x Chestnut Trees on top of bank - re-pollard to restart pollard management for future retention; 1 x Cherry Tree on the lawn area - fell and re-plant due to poor quality species; 1 x Sycamore Maple Tree - reduce canopy by 2m to balance and reshape; and 2 x Conifer Trees - fell both to ground level due to proximity to road and footpath and low quality species.	Approved	22.04.2025
20131066	Erection of a statue.	Permitted	07.01.2014

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area*)	Y
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

* The application site is within the Riverside Conservation Area.

General Approach

This application is for a LDC and not for a planning permission and as such, the planning merits of the case are not relevant. The determination must be based on the facts of the case and the interpretation of any relevant planning law or judicial authority. The applicant is responsible for providing sufficient information to support the application and the proposal must be described with sufficient clarity and precision to enable the Local Planning Authority (LPA) to understand exactly what is involved. The case officer has had regard to the advice contained in the National Planning Practice Guidance (the section relating to LDCs, paragraphs 005 to 009).

Details of the proposed development

The applicant has submitted a number of plans/documents, which are set out in the Plans & Documents Section above.

The applicant has confirmed that the proposed works relate only to phase one of an overall landscaping scheme. As such drawing nos. 1501-HED-ZZ-DR-L-0002 Rev. A02 (Landscape Masterplan – All Phases) and 1501-HED-ZZ-DR-L-0001 Rev. A01 (Conceptual Landscape Masterplan – All Phases) have been treated as being for reference purposes only.

From the submitted information, the proposed development would comprise;

- Hard landscaping including the reconfiguration of existing steps and the installation of natural stone paving, resin boundary surfacing, hard terrace edges and terrace bench seating.
- Soft landscaping including the removal of two trees, re-siting of four trees, the planting of seven new trees and areas of grass and shrubs and re-grading of topsoil.
- Groundworks to form three terraces on a sloped section of land located at the north of the site.

Officer Analysis

St Andrews Gardens is an open space used for recreational purposes, which would fall within Class F2(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed development would not alter the existing use of the land and as such, there would be no material change of use.

The proposed development would include soft landscaping works such as tree and shrub planting, which would not normally be considered to be operational development. However, the proposed development would also result in a number of permanent features being erected on and around the application site.

The permanent features include hard surfaced areas, hard terrace edges and terrace bench seating. Furthermore, an existing staircase would be reconfigured (from two sets of steps with one level area in between to three sets of steps with two level areas in between). Although it is noted that the overall height of the staircase would be very similar to existing (circa 3 metres).

In addition, groundworks would be undertaken to form three terraces to the west of the proposed staircase and to re-grade the topsoil across the site. The area that would be terraced would have a similar height to the existing land but with a different shape. The proposed alterations to the topsoil would involve small level changes only (circa 0.2/0.3 metres).

The proposed permanent works could constitute building and engineering operations and as such, they could be operational development, for which planning permission would be required (under section 55(1) of the Town and Country Planning Act 1990 (as amended)).

However under Class A, Part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), local authorities can undertake various developments without the need for planning permission. The wording of Class A, Part 12 is as follows;

Permitted development

- A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority or by or on behalf of an urban development corporation of—
- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;
 - (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephon boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barrier for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.

Interpretation of Class A

- A.1 For the purposes of Class A, “urban development corporation” has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development)¹²⁴.
- A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The application site is owned by Gravesham Borough Council and the applicant would be undertaking the proposed works on behalf of the local authority.

Under Classes A(a) and A(b) of Part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) a variety of works, equipment and structures are listed including seats and ‘any associated infrastructure, and similar structures or works require in connection with the operation of any public service administered by them.’ The Borough Council operates and maintains St Andrews Gardens as a public open space and the proposed development works would be improvement works to the gardens that would be required in connection with providing that public service.

No part of the proposed works would exceed four metres in height or 200 cubic metres in capacity.

As such, the proposed works would benefit from the permitted development rights available under Class A, Part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

The proposed works under Phase 1 only would include operational development that would benefit from the permitted development rights available under Class A, Part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal would therefore be lawful and pursuant to section 192(2) of the Town and Country Planning Act 1990 (as amended), a Certificate of Proposed Lawful Development/Use can be granted.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
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Signed:	K Joyce	Signed:	Jusab
Dated:	20th May 2025	Dated:	20 May 2025