



Application: 20230770

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 TOWN AND COUNTRY
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

To: **Mr Nick Haskell
Britannia Refined Metals Ltd
Botany Road
Northfleet
Gravesend
Kent
DA11 9BG**

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT
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GRAVESHAM BOROUGH COUNCIL hereby certify that on 31st August 2023 the use, operation or matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **WOULD HAVE BEEN LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

- 1 The proposed building complies with Schedule 2, Part 7, Class H of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Therefore, planning permission is not required and a Lawful Development Certificate can be **granted**.

First Schedule

Application for Lawful Development Certificate for the proposed erection of a sample preparation plant building.

Second Schedule

**Britannia Refined Metals Ltd
Lower Road
Northfleet
Gravesend
Kent
DA11 9BG**

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application form for a Lawful Development Certificate for a Proposed Use or Development dated 23 August 2023;
Drawing no. 01 Rev. P0 Site location plan;
Drawing no. 02 Rev. P0 Red and blue line site boundary plan received 05 September 2023;
Drawing no. 02a Rev. P2 Proposed block plan;

Drawing no. 03 Rev. P1 Proposed south west and south east elevations received 27 November 2023;

Drawing no. 04 Rev. P1 Proposed north west and north east elevations received 27 November 2023;

Drawing no. 12 Rev. T2 Proposed ground floor layout; and
Covering letter dated 17 July 2023.

2 INFORMATION FOR THE APPLICANT

The applicant is advised that any development undertaken under Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is subject to the following conditions;

- (a) the development is within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered is only to be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered is used to provide employee facilities—
 - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
 - (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999;
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

3 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 29 November 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, was would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

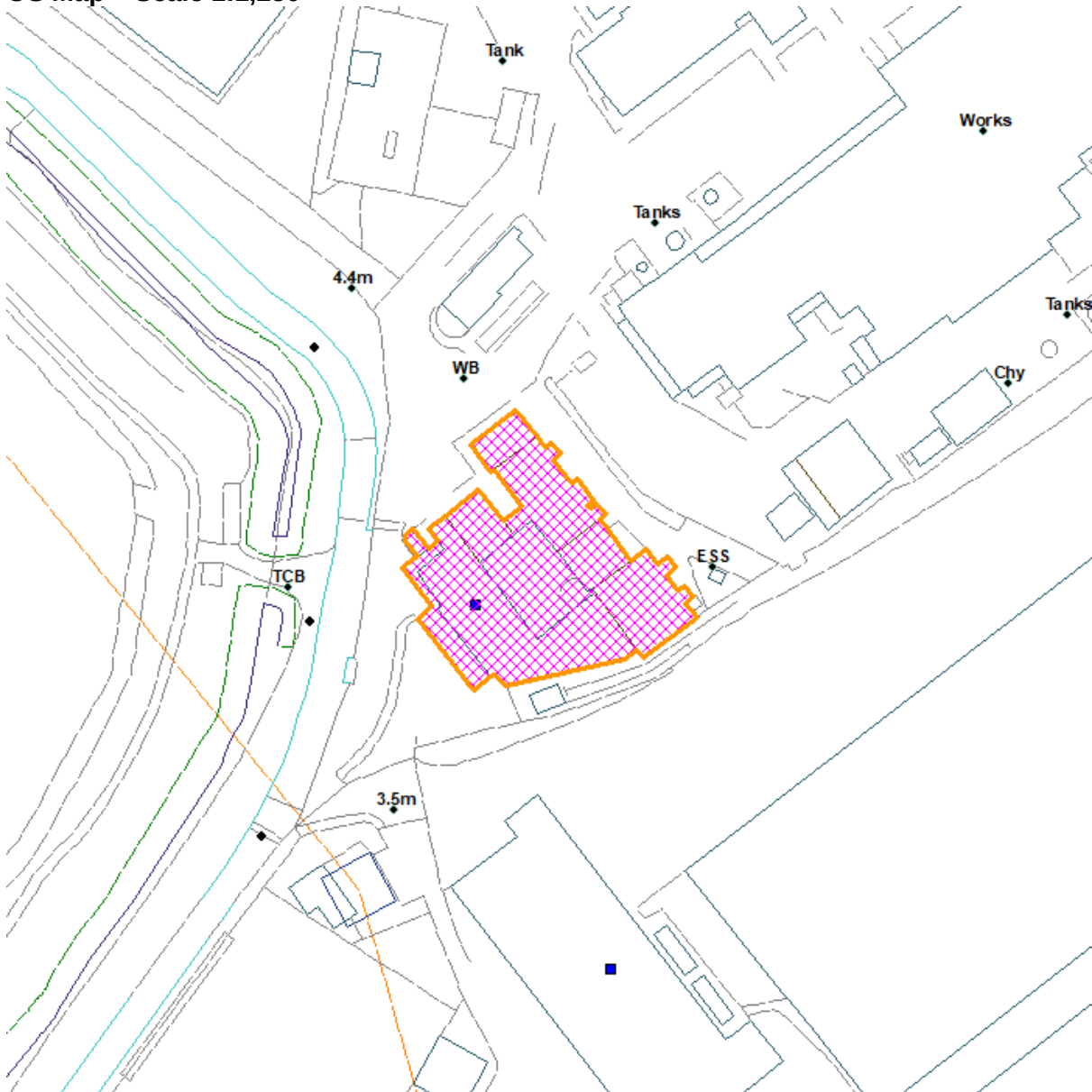
This certificate applies only to the use, operation or matter described in the First Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use, operation or matter is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the other matters relevant to determining such lawfulness.

Gravesham Borough Council

Application	20230770
Site Address	Britannia Refined Metals Ltd Lower Road Northfleet Gravesend Kent DA11 9BG
Date	29 November 2023
PMSA Number	0100019166

OS Map – Scale 1:1,250



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