

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230770
Location	Britannia Refined Metals Ltd Lower Road Northfleet Gravesend
Proposal:	Application for Lawful Development Certificate for the proposed erection of a sample preparation plant building.
Applicant:	Mr Nick Haskell
Site Visit	18 October 2023

Plans & Documents

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.

Superseded Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development dated 17 July 2023;

Drawing no. SK06 Rev.P1 Proposed block plan;

Drawing no. 02 Rev. P0 Red and blue line site boundary plan received 24 July 2023;

Drawing no. 03 Rev. P0 Proposed layout and sections received 31 July 2023;

Drawing no. 02 Rev. P0 Proposed block plan received 30 August 2023;

Drawing no. 03 Rev. P0 Proposed layout and sections received 30 August 2023;

Drawing no. 04 Rev. P0 Proposed north west and north east elevations; and

Drawing no. 02a Rev. P0 Proposed block plan.

Property Type

The application site comprises of a large industrial premises, which has been operating for over 40 years. There are numerous buildings, plant and machinery.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230376	KCC Consultation - Development of an enclosed electronic waste (E-Scrap) transfer facility, involving shredding, sampling, sorting, and bulking up of electronic waste streams for onward transportation to recycling/management facilities. The proposed development includes the demolition of existing buildings, construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf.	Observations sent	10.05.2023
20221087	KCC Consultation - Development of an enclosed electronic waste (E-Scrap) transfer facility, involving shredding, sampling, sorting, and bulking up of electronic waste streams for onward transportation to recycling / management facilities. The proposed development includes construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf	Observations sent	11.11.2022
20211588	KCC/SCR/GR/0250/2021 - Retrospective Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 as to whether the proposed development of a facility to sample waste electronics material (also known as an E-Scrap facility) requires an Environmental Impact Assessment at Britannia Refined Metals (BRM) site, Botany Road, Northfleet, Kent DA11 9BG.	Permitted	23.12.2021
20170325	Installation an above ground, 1000 cubic meter capacity, cylindrical drainage water storage tank on the BRM site.	Permitted	13.07.2017
20130580	Construction of roof over existing 10 metres of open steel frame work at the end of No 1 Refinery building.	Permitted	23.08.2013

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

As an existing industrial premises, the application site benefits from permitted development rights. Under Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England)

Order 2015 (as amended), the erection, extension or alteration of an industrial building or warehouse can be permitted development, provided it complies with certain criteria. These criteria are as follows;

Development not permitted

H.1 Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—
 - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
 - (ii) in any other case, would exceed 200 square metres;
- (b) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
 - (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
 - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);
- (c) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (d) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

The proposed building would have a gross floor area of 196 square metres (when measured from the submitted drawings) and would not be located on article 2(3) land.

The proposed development would not extend the floorspace of an original building, as it would result in the erection of a separate building. Therefore, the size restrictions in paragraph H.1 (b) do not apply.

The proposed building would be located some 36 metres from the site boundary and would have a maximum height of 8.1 metres, including the roof maintenance access ladder (when measured from the submitted drawings).

The proposed development would result in a new building. Therefore, the height requirements in paragraph H.1 (d) do not apply.

The proposed building would not be within five metres of the curtilage boundary, would not lead to a reduction in the space available for the parking or turning of vehicles and would not be within the curtilage of a listed building.

The applicant should be advised (by way of an informative on any certificate granted) 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.

With reference to the submitted details, the proposed building would comply with the above conditions.

Conclusion

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.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	28 November 2023	Dated:	28 November 2023