

BRITANNIA REFINED METALS

A GLENCORE COMPANY



17 July 2023

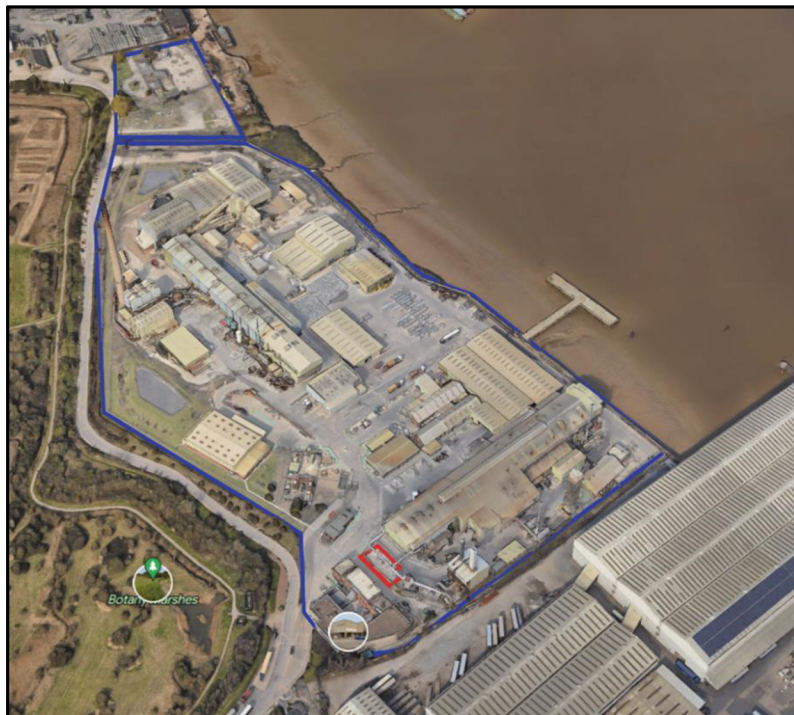
Attention:
Kelly Joyce,
Gravesend Borough Council
Planning Department,
Civic Centre,
Gravesend,
DA12 1AU

RE: Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) for a proposed sample preparation plant building at Britannia Refined Metals, Botany Road, Northfleet, Gravesend DA11 9BG.

Dear Kelly Joyce,

Following the receipt of your formal pre app advice (ref. PRE20230067) dated 4th May 2023 which confirmed that *"it would appear that the proposed development could be undertaken using permitted development rights"*, we are applying for a lawful development certificate, to obtain a formal response regarding whether the proposed sample preparation plant building would meet the criteria for permitted development.

The proposed application site can be seen edged red within the Site Location Plan. Other land within the applicant's control is edged in blue.



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The pre app advice was based on a proposal for 2 buildings, linked by a corridor, with a floorspace of 141m². The proposed development now comprises a single building, with a floorspace of 170m². As the building would be in the same location within the site and used for the same purpose as the 2 smaller buildings, it is considered that the pre application advice is valid and applicable to the development now proposed.

A drawing of the single building within the site (Ref. SK06 P1 Site Layout Single Building) and a drawing of the internal layout (Ref. SK03-CP2) is attached to this Certificate of Lawfulness application.

Consultation Background

Britannia Refined Metals (BRM) submitted a pre-application request (ref. PRE20230067) to Gravesham Borough Council (GBC) on the 3rd March 2023. GBC contacted Kent County Council (KCC), as the Waste Planning Authority, to discuss whether or not the proposed development may constitute a waste development, which should be determined by KCC.

Following an exchange of e mails between BRM, GBC and KCC, it was agreed that the proposed building fell within the definition of 'Industrial Buildings' and therefore could be dealt with by GBC, as the development would constitute an 'industrial use' and not a 'waste' use. It was also agreed by GBC that as an existing industrial premises, the proposed location of the building benefitted 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 GPDO) the erection, extension or alteration of an industrial building or warehouse can be permitted development, provided it complies with certain criteria as set out in Section H.1.

The table below sets out Section H.1. criteria and demonstrates that the proposed development would comply with all the criteria for permitted development.

H.1 Criteria	Would the proposed building comply with the H.1. criteria?
Development is not permitted by Class H if:	
a) <i>the gross floor space of any new building erected would exceed:</i> i. <i>for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;</i> ii. <i>in any other case, would exceed 200 square metres;</i>	Yes. The land is not article 2 (3) land or a SSSI. The gross floor space of the building would not exceed 200m ² . The floor space would be 8m x 21.2m (170m ²)

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H.1 Criteria	Would the proposed building comply with the H.1. criteria?
<i>c) the height of any part of the new building erected would exceed</i> <i>i. if within 10 metres of a boundary of the curtilage of the premises, 5 metres</i>	Yes, the building height would be below.
<i>e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;</i>	Yes. No part of the development would be within 5m of the curtilage of the premises.
<i>f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or</i>	Yes. The development would not lead to any reduction in the space available for parking or turning of vehicles.
<i>g) the development would be within the curtilage of a listed building.</i>	Yes. The development would not be within the curtilage of a listed building.

The GBC pre application response also advised that any development undertaken under the GPDO would be subject to the conditions set out in Section H.2.

The table below sets out Section H.2. conditions and demonstrates that the proposed development would comply with them.

H.2. Conditions	Would the proposed building comply with the H.2.conditions?
<i>a) The development would be within the curtilage of an existing industrial building or warehouse.</i>	Yes. The development would be within the curtilage of an existing industrial building or warehouse.

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H.2. Conditions	Would the proposed building comply with the H.2.conditions?
b) <i>Any building as erected, extended or altered is only to be used 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.</i>	Yes. The proposed building would be used for the carrying out of an industrial process for the purposes of the undertaking, for the preparation of samples for laboratory analysis. The processes would include the roasting and then matting (pyrometallurgical treatment) of the samples to create ingots and for the grinding (mechanical treatment) of the ingots to create fine (homogenous powder at a maximum size of 150 micron) representative samples. The Sample Preparation Plant would be used to process up to 150 kg per day (10 samples of 15 kilograms each).
c) <i>No building as erected, extended or altered is used to provide employee facilities between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment.</i>	Yes. The use of the proposed building would be restricted to employees undertaking the lab analysis, which would be the purpose of their employment. Whilst these staff may need to use the lab buildings outside of 7.00pm and 06.30 am to allow for a 2-shift pattern, this would be for the purpose of their employment.
d) <i>No building as erected, extended or altered 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.</i>	Yes. No quantity of a dangerous substance would exceed the quantity for that substance listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999.
e) <i>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.</i>	Yes. The site is not within article 2 (3) land but the building would be constructed of materials suitable for an industrial estate location.

Summary

GBC's pre application advice confirmed that the principle of industrial development in this location is acceptable and in line with Policies CS03 and CS07 of the Gravesham Local Plan Core Strategy (2014). GBC went on to say that *"It would appear that the proposed development could be undertaken using the permitted development rights available under Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)"*.

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This application for a lawful development certificate has demonstrated how the proposed building would meet the relevant permitted development criteria and conditions for an industrial building, under Section H of the GPDO.

Closure

We hope that the submitted application form, location plan and the information contained within this letter is sufficient to show that the development is lawful under permitted development rights. If you have any queries regarding the submitted information, then please do not hesitate to contact us.

Regards,



Enc: CLOPUD Application Form
Drawing Ref. SK06 P1 Site Layout Single Building
Drawing Ref. SK03-CP2 P2 Building Plan Single Building Option
Site Location Plan