

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/144/21/CLP**LOCATION:** Unit 1
Dickinson Place
Bognor Regis
PO22 9QU**PROPOSAL:** Install a new paint booth into unit 1 Dickenson Place, facility. To allow this to happen we have been advised by the paint booth manufacturer 3 off (Ducts) flues will need to be put through the roof of unit 1, we therefore request information to advise us if planning permission is required for the installations of these roof flues (Ducts) or not. This building is categorised as a light industrial unit.

The requirements and dimensions for these flues (Ducts) has been defined by the manufacturer of the Spray booth as follows: -

Booth Exhaust = 1 No. ? 660mm - Ducting terminates 3m above the building ridge or highest point of building within 15m of opening

Booth Air Inlet = 1 No. ? 660mm - Ducting Terminate 1m from roof opening (or via wall of building)

Paint Mixing Room

1 No. ? 150mm = Ducting terminates 3m above roof opening

DESCRIPTION OF APPLICATION

This application seeks 3 x flues/ducts to industrial unit to carrying out of an industrial process for the purposes of the business. The highest of these flues is to be 3m above the ridge height of the unit and at its closest point the works will be within 10m of the curtilage of the premises.

RELEVANT SITE HISTORY**REPRESENTATIONS****Representations Received:****CONSULTATIONS****Consultations Responses Received:**

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Part 7, Class H, which pertains to extensions or alterations to industrial units.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The alteration to the industrial unit is considered to fall under Schedule 2 part 7 class H of the town and country planning (General Permitted Development) (England) Order 2015.

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.

H.2 Development is permitted by Class H 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(1);
- (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.

Interpretation of Class H

H.3 For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

H.4 For the purposes of Class H-

"dangerous substance" has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999; "employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including creche facilities provided for the children of such employees; and "original building" does not include any building erected at any time under Class H.

The property known as Unit 1 Dickinson Place is an industrial unit and is not listed or within a conservation area.

After examination of the sites history no restrictions the the building Permitted Development rights were found.

The alterations to the building do not comply with relevant sections H.1(d)(i) and is not considered permitted development and as such does require the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 18th May 2021 the developmen described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and

edged in black on the plan attached to this certificate, was not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of non-compliance with the relevant criteria within Schedule 2 Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed industrial unit alterations are considered to fall under Schedule 2 Part 7 of the GDPO. For the avoidance of doubt the proposed works are shown in the following plans

- CD9725-01
- Location Plan

SECOND SCHEDULE

Unit 1 Dickinson Place, Bognor Regis

EXTENT OF USE

3 x flues/ducts to industrial unit to carrying out of an industrial process for the purposes of the business. The highest of these flues is to be 3m above the ridge height of the unit and at its closest point the works will be within 10m of the curtilage of the premises.

