ARUN
DISTRICT COUNCIL

MEMO

FROM:
Delwyn Jones
Planning Solicitor
Resources Department
Tel Ext 37737

TO:

A Gardner Planning Department

Dated Tuesday 10 September 2013.

REF: F/10/13/CLP , F/11/13/CLP AND F/12/13/CLP
ADDRESS : TARMAC TOPBLOCK FACTORY AND HANGAR 1 AND HANGAR 2 FORD INDUSTRIAL ESTATE FORD
NATURE OF OPERATION/USE:- IS THIS USE A B2 USE UNDER USE CLASSES ORDER 1987 ?

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent consultation memo now returned together with your file on which alone plus the authorities cited this is based. Your files are being returned.

2.GENERAL RECOMMENDATION

I recommend you GRANT THIS AS A B2 GENERAL INDUSTRIAL USE for reasons that follow subject to your finding any contradictory evidence.

I rely on you to tell me of any evidence indicating otherwise.

What about Complaints?

I advise, that if you get any complaints, that that would be a private or public nuisance, actionable by the residents, parish council and also an Environmental Health Statutory Nuisance, and/or a matter for the Health and Safety Executive or Environment Agency.

It is well known that the CLEUD and CLOPUD determination criteria exclude planning merits and also non planning matters. These matters fall into these categories. The fact that these other controls exist, should enable the Council to satisfy its duties and explain to complainants that they have other remedies.[EPL Vol 2 para 70.17].

I think this is one reason why you consult me on a CLOPUD.

3.DETAILS AND TESTS UNDER SS 191 TCPA 1990 AND CIRCULAR 10/97 ANNEX 8

The evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.

Para 8.15 and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity. S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

This being an application for Certificate of Lawfulness of Proposed Development the simple question is "does the application relate to future development and does it fit within the relevant parts of GPDO or is it otherwise lawful?"

I set out my advice and reasoning in tabular Q and A, form below:-

Number	Question	Answer
1	What does the application site cover ?	3 buildings on site ie factory , and 2 other large buildings within the factory curtilage as shown on the application plan
2	Does the use come with the exemptions within UCO 1987 Art 3(6)(a)-(m) exemptions or specific sui generis uses ?	No. This means, that on the face of it, the use fits within the general B2 category and is not sui generis.
3	What does the process involve ?	It is according to the file and some searches I have made a manufacturing process---note one building is called a factory—which produces a type of concrete or concrete blocks [see Wickes extract attached for "aerated concrete"]
4	Could the use be B1?	No –judging by the various conditions on the planning permissions in the planning history this is a use that would not be compatible with a residential area, and the comments and fears from the parish council. So if it isn't sui generis or B1 it is likely B2
5	What does the Land Use Gazetteer[LUG] say?	See extract from Land Use Gazetteer attached I have seen no precise entry for aerated blocks , but there are in the LUG comparable entries which I attach and these indicate a B2 use –see LUG pages 9 and 94
6	What does the previous planning history say	This indicates a planning permission for each building being granted with typical B2 type conditions
7	What do the conditions say and do?	The conditions indicate a B2 use of manufacturing and require indoor only storage and manufacture and restricted hours. The conditions will remain on the site and will control any subsequent B2 uses. This should enable future controls to be maintained on site.

Conclusion This use for aerated block factory use is B2 in Use Classes Order 1987.

4.FURTHER EVIDENCE

I rely on you to show me any fresh evidence or any questions which may alter the tenor of this advice.

5.SUGGESTED TERMS OF GRANT /REASONS FOR REFUSAL

I suggest [subject to your comprehensive review of the evidence] that the application be granted in terms of a B2 use subject to the planning permissions in the file.

ref/lgdr/lprec/pl/cleudetcmodelmem

Delwyn Jones

From: Anita Gardner
Sent: 16 August 2013 08:26
To: Delwyn Jones
Subject: FW: F/10/13/CLP, F/11/13/CLP and F/12/13/CLP

No this relates to Tarmac Topblock at Ford Airfield. I have consulted you because the application relates to a question of Use Classes and Juan has suggested that you may be able to provide clarification of the legal view. If we agree General Industrial operates from the site there are likely to be complaints from residents so we need to be certain before issuing a decision.
Thanks
Anita

Anita Gardner | Principal Planner, Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37529 | External: +44 (0) 1903 737529 | E-mail: anita.gardner@arun.gov.uk

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From: Delwyn Jones
Sent: 14 August 2013 17:23
To: Anita Gardner
Subject: RE: F/10/13/CLP, F/11/13/CLP and F/12/13/CLP

Anita,

Thanks for the email dated 14/8/13.

Does this relate to Hangleton Farm?

If not , let me know the address.

Please note I don't usually comment on CLPs [CLOPUDs] only on CLEs[CLEUDs]. Please let me know what precise questions you have , or indeed, please can we discuss.

All best.

Delwyn.

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer , Legal Services, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37737 | External: +44 (0) 1903 737737 | E-mail: Delwyn.Jones@arun.gov.uk

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From: Anita Gardner
Sent: 14 August 2013 13:31
To: Delwyn Jones
Subject: F/10/13/CLP, F/11/13/CLP and F/12/13/CLP

If possible could I have your comments on these applications by the end of the week?
Thanks
Anita

Anita Gardner | Principal Planner, Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37529 | External: +44 (0) 1903 737529 | E-mail: anita.gardner@arun.gov.uk

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ARUN DISTRICT COUNCIL F/10/13/CLP

GAZETTEER

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THE COMPREHENSIVE GUIDE TO LAND USES AND THEIR USE CLASSES

• permitted changes • environmental assessment and protection • hazardous substances • waste regulation

Volume 1 General listing

Land Use to Use Class

Leaf Coppin

Land Use	Class	Permitted Changes	Remarks
ement, laser-generated illuminated (including r projected at business premises within retail park car park	Schedule 3 TCPCAR 1992 Class 4 as amended		deemed consent under TCPCAR 1992 but subject to limitations, refer to LA
ement, poster panel	sui generis		subject to special controls and consents, refer to LA
ement, rotating	sui generis		subject to special controls and consents, refer to LA
ing (direct mail) agency	B1	to/from B8 max 235 m2; from B2	
ing (outdoor) agency	B1	to/from B8 max 235 m2; from B2	
ing (point of sale) agency	B1	to/from B8 max 235 m2; from B2	
ing (poster and transport) agency	B1	to/from B8 max 235 m2; from B2	
ing (television and radio) agency	B1	to/from B8 max 235 m2; from B2	
ing agency	B1	to/from B8 max 235 m2; from B2	
ing awning	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing balloon, tethered	Schedule 2 TCPCAR 1992 Class A		exempt from control under TCPCAR 1992 but subject to conditions, refer to LA
ing blind	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing board	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing canopy	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing consultancy	B1	to/from B8 max 235 m2; from B2	
ing flag not on flagpole	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing notice	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
ing novelty manufacturing place	B1	to/from B8 max 235 m2; from B2	
ing placard	sui generis		may be exempt from control or have deemed condent under TCPCAR 1992, refer to LA
and conciliation service office	B1	to/from B8 max 235 m2; from B2	may be A2 where for visiting members of the public
water manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
equipment for fish farming on >0.4, <5 ha nent area	Pmtd. 6		Permitted on agricultural only; subject to limitations, refer to LA; may be subject to Sch. 2 env. imp. asst.
equipment for fish farming on >5 ha nent area	Pmtd. 6		Permitted on agricultural only; subject to limitations, refer to LA; may be subject to Sch. 2 env. imp. asst.
plant	B2	to B1; to B8 max. 235 m2	unless ancillary to primary use
ntenna) manufacturing place	B2	to B1; to B8 max. 235 m2	some processes subject to health/pollution control, refer to LA
telecommunications code system operator	Pmtd. 24		subject to limitations, refer to LA
ector's depot	sui generis		mixed use (i.e. no identifiable primary use) is sui generis
mast, mobile			not an operational development, but could constitute a material change of use
peway	sui generis		
peway for mining not on mining land	sui generis		may be subject to Sch. 2 env. imp. asst.
peway for mining on ancillary mining land	Pmtd. 19		subject to limitations, refer to MPA; may be subject to Sch. 2 env. imp. asst.
peway manufacturing place	B1	to/from B8 max 235 m2; from B2	
peway passenger terminal	sui generis		
gine testing place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; may be subject to Sch. 1 or 2 env. imp. asst.
activity centre	D2		
centre	D2		
place	D2		
ne	sui generis		may be subject to Sch. 1 env. imp. asst.; extension/alteration may be subject to Sch. 2 env. imp. asst.
ne building etc by airport operator or its nent agent	Pmtd. 18		subject to limitations, refer to LA
ne communications centre by airport operator or opment agent	Pmtd. 18		
ne runway or extension	sui generis		may be subject to Sch. 1 or 2 env. imp. asst.
e display place (not being an aerodrome)	D2		
e engine manufacturing place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; may be subject to Sch. 1 or 2 env. imp. asst.; subject to Sch. 2 env. imp. asst. if an engine/turbine/reactor test bench is involved
e engine testing place	B2	to B1; to B8 max. 235 m2	process may be subject to IPPC A/IPPC B; may be subject to Sch. 1 or 2 env. imp. asst.

Land Use	Class	Permitted Changes	Remarks
Computer consultancy (not a retail shop)	B1	to/from B8 max 235 m2; from B2	
Computer dating bureau	B1	to/from B8 max 235 m2; from B2	may be A2 where for visiting members of the public
Computer hardware manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Computer hardware shop	A1	to A1 from A3, A4, A5; to A1 + window from A2; to mixed A1 + flat from A1; to mixed A1 + window + flat from A2; to A1 from mixed A1 + flat; to A1 + window from mixed A2 + flat	where for retail sales of goods to VMP
Computer hire place	A1	to A1 from A3, A4, A5; to A1 + window from A2; to mixed A1 + flat from A1; to mixed A1 + window + flat from A2; to A1 from mixed A1 + flat; to A1 + window from mixed A2 + flat	where sales, display or service to VMP
Computer manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Computer program production place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Computer research and development place	B1	to/from B8 max 235 m2; from B2	
Computer services centre (not a shop)	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity; may be A2 where for visiting members of the public
Computer shop	A1	to A1 from A3, A4, A5; to A1 + window from A2; to mixed A1 + flat from A1; to mixed A1 + window + flat from A2; to A1 from mixed A1 + flat; to A1 + window from mixed A2 + flat	where for retail sales of goods to VMP
Computer software manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Computer software shop	A1	to A1 from A3, A4, A5; to A1 + window from A2; to mixed A1 + flat from A1; to mixed A1 + window + flat from A2; to A1 from mixed A1 + flat; to A1 + window from mixed A2 + flat	where for retail sales of goods to VMP
Computer typesetting place	B1	to/from B8 max 235 m2; from B2	
Computerised information service place	B1	to/from B8 max 235 m2; from B2	
Conalbumin manufacturing plant	B2	to B1; to B8 max. 235 m2	process subject to IPPC A
Concert agency	A2	to A2 from A3, A4, A5; to A1 + window from A2; to mixed A2 + flat from A2; to mixed A1 + window + flat from A2; to A2 from mixed A2 + flat; to A1 + window from mixed A2 + flat	where services appropriate to shopping area and principally to VMP
Concert arena	D2		
Concert hall	D2		
Concertina manufacturing place	B1	to/from B8 max 235 m2; from B2	B2 where potentially detrimental to residential amenity
Concrete admixture manufacturing place	B2	to B1; to B8 max. 235 m2	
Concrete crushing place (and storage thereof of said waste)	B2	to B1; to B8 max. 235 m2	process subject to IPPC B; a licence may be required, refer to EA (waste)
Concrete formwork manufacturing place	B2	to B1; to B8 max. 235 m2	
Concrete grinding place (and storage thereof of said waste)	B2	to B1; to B8 max. 235 m2	process subject to IPPC B; a licence may be required, refer to EA (waste)
Concrete piling manufacturing place	B2	to B1; to B8 max. 235 m2	
Concrete product manufacturing place	B2	to B1; to B8 max. 235 m2	where used for the production of cement or the crushing, screening, or heating of minerals or slag may be subject to health/pollution control, refer to RAAP
Concrete pulverisation place (and storage thereof of said waste)	B2	to B1; to B8 max. 235 m2	process subject to IPPC B; a licence may be required, refer to EA (waste)
Concrete pumping company office	B1	to/from B8 max 235 m2; from B2	
Concrete pumping loading place	B2	to B1; to B8 max. 235 m2	
Concrete screening place	B2	to B1; to B8 max. 235 m2	process subject to IPPC B
Concrete size reduction place (and storage thereof of said waste)	B2	to B1; to B8 max. 235 m2	process subject to IPPC B; a licence may be required, refer to EA (waste)
Concrete sizing place (and storage thereof of said waste)	B2	to B1; to B8 max. 235 m2	process subject to IPPC B; a licence may be required, refer to EA (waste)
Condensate associated with crude oil handling place	B2	to B1; to B8 max. 235 m2	may involve hazardous substances subject to consent, refer to HSA; process subject to IPPC A; may be subject to Sch. 1 or 2 env. imp. asst.
Condensate associated with crude oil heating place	B2	to B1; to B8 max. 235 m2	may involve hazardous substances subject to consent, refer to HSA; process subject to IPPC A; may be subject to Sch. 1 or 2 env. imp. asst.

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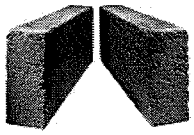

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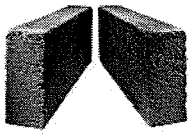

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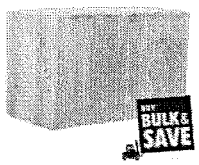

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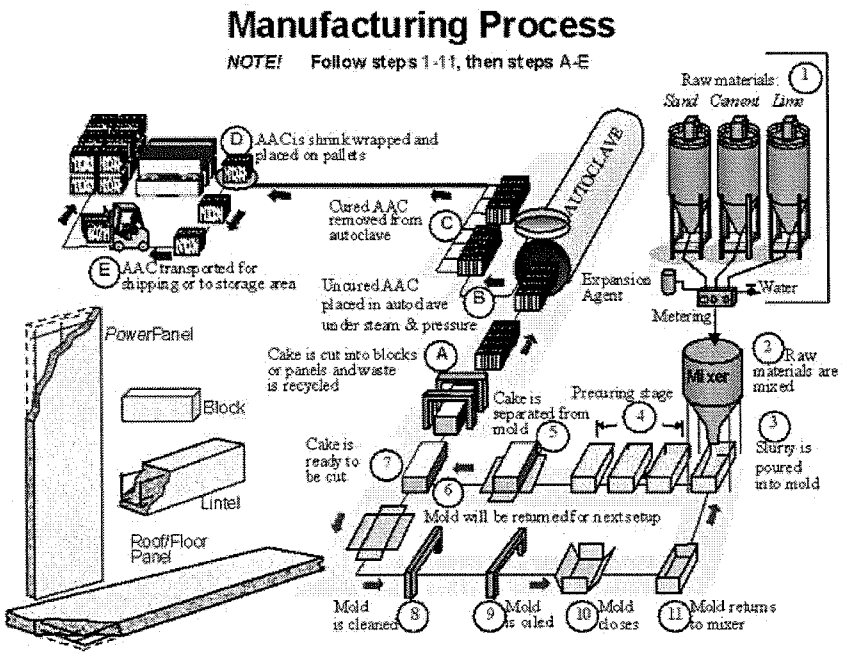

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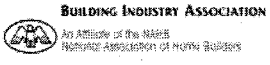

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