
Site Address:	Unit 2, Aysgarth Road, Waterloooville, PO7 7UG		
Proposal:	Application for Lawful Development Certificate relating to existing usage class B2.		
Application No:	APP/15/00088	Expiry Date:	20/03/2015
Applicant:	Mr N Scutt	Team:	Team 2
Agent:	Mr G Quar	Case Officer:	Richard Nash
	Graeme Quar & Co		
Ward:	Waterloo		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

The application site comprises an existing industrial unit within a predominantly commercial area of Waterloooville.

2 Planning History

None relevant.

3 Proposal

The current application seeks a Lawful Development Certificate for the existing B2 use of the site.

4 Statutory and Non Statutory Consultations

Council Tax: None received.
Legal: None received.

5 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: None

6 Planning Considerations

The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the current use of the site and its longevity.

The following evidence has been submitted in support of the application:

Statutory Declaration of Nicholas James Scutt (Applicant):

Has been a shareholder and director of Spectrum Laser since 10 February 1997;

On 24 May 1999 Spectrum Laser purchased the freehold ownership of the site;

In August 1999 Spectrum Laser moved into the site for the purpose of carrying out its commercial activities;

Spectrum Laser specialised in undertaking laser metal profiling. The company operated some of the most advanced laser profiling machines for producing basic or complex metal profiles;

Spectrum Laser handled large metal sheeting. The machinery comprised of substantial items of equipment. The machines handled sheeting of up to 4 metres in length and 2 metres in width. Such metal sheets can weigh up to one ton each.

Typically 100 tons of steel could be stocked at the Property at any one time;

The principal machinery comprised of two huge cutting machines which dominated the factory or floor space. The largest machine had a foot print of approximately 12 metres by 5 metres;

Spectrum Laser handled a variety of metals for example black iron, stainless steel heavy grade; titanium, brass, mild steel and copper. The metal sheets were up to 20mm in thickness. Such machines create considerable noise when cutting through the sheet metal. When oil coolant is applied to the metal during the cutting process it creates a burning smell and smoke as the metal and oil become extremely hot during the cutting process. The black iron has a coating black film which smokes and smells as the iron is cut by the machinery. The machinery noise and burning smell can be heard and smelt outside the Property;

The commercial activities carried on by Spectrum Laser at the site are general industrial activities within Use Class B2. These activities have been undertaken since August 1999;

The application for a Certificate of Lawfulness relates to the commercial and industrial activities described in the declaration which have been undertaken at the site for more than ten years prior to the date of the application;

By reason of being a substantial shareholder and director of Spectrum Laser since before 1999 the Applicant has first-hand knowledge of the commercial and industrial activities undertaken by Spectrum Laser at the site since August 1999.

No evidence to contradict that submitted has come to light during interrogation of the planning history of the site or as a result of the consultation process.

7 Conclusion

The applicant has provided evidence of a continuous B2 use of the site for a period in excess of 10 years. This application has been publicised in accordance with adopted procedures and no evidence to the contrary has been raised.

In conclusion, having reviewed all the information submitted with the application and on the balance of probability, it has been satisfactorily demonstrated that the site has been in continuous use, for a period of at least ten years, for Class B2 purposes. The Lawful Development Certificate should therefore be issued.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/14/00816 as set out in Section 191 of the Town and Country Planning Act 1990 for the following reason:

For inclusion in decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 23 January 2015, the use described in the First Schedule to this Certificate in respect of land described in the Second Schedule was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

Use of Unit 2, Aysgarth Road for B2 industrial purposes began, and has been continuous, for at least 10 years before the date of the application.

FIRST SCHEDULE:

This certificate relates to the following use:

Use of Unit 2, Aysgarth Road, Waterlooville, P07 7UG for B2 industrial purposes as described in the written particulars, plans and other documents submitted with this application - those documents being Application Form dated 21 January 2015 and Statutory Declaration and Exhibit of Nicholas James Scutt dated 19 January 2015.

SECOND SCHEDULE:

Unit 2, Aysgarth Road, Waterlooville, P07 7UG, as shown edged in red on Exhibit NJS1 to the Statutory Declaration of Nicholas James Scutt dated 19 January 2015.