

Our Ref: JRF/CH/23.7901

Your Ref: PP-12810695

16 February 2024

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## Brentwood Borough Council

Town Hall  
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By planning portal

Dear Sir/Madam

### **Town and Country Planning Act 1990 Application to Discharge Condition on 22/00502/TECON: Condition 6 Contamination Remediation Scheme (relating to above ground buildings only) Frenches Farm, Wigley Bush Lane, Brentwood, CM14 5QP**

I enclose an application for discharge of condition as described above. The documents are set out in the attached 'Schedule of Application Documents'. My client will pay the application fee of £145.00 plus Planning Portal Service Charge online.

The consultant for this application is Russell Forde BEng (Hons) DipTP (Dist) MRTPI.

Permission in principle was granted on 14 April 2021, 21/00413/PIP. Technical details of the whole development was subsequently granted on 29 April 2022, 22/00502/TECON.

The technical details permission contains four pre-commencement conditions i.e:

- Condition 2 Contamination Remediation Scheme
- Condition 4 Level Details
- Condition 5 Tree Protection (details submitted to LPA, 14 February 2024)
- Condition 6 Construction Management Plan (details submitted to LPA, 9 February 2024)

All four conditions are being prepared/submitted as they become ready. The current application relates to Condition 2 Contamination Remediation Scheme. The relevant details are submitted in the form of a standalone Asbestos Inspection Report by Esoteric group.

Condition 2 states that:

**"The agreed remediation scheme will be implemented prior to the commencement of any part of this planning permission (unless otherwise agreed in writing by the local planning authority)"**

There is a logical sequence of events that must take place if the assessment of contamination is to take place in a scientifically sound manner. The physical presence of existing buildings on the site is an obstruction to the assessment of the ground conditions beneath the buildings. However, demolition of the buildings constitutes a 'commencement' of the planning permission by definition which the condition expressly forbids. This is a logical conundrum and needs resolving.

This is further compounded by the fact that the age and nature of the buildings is such that they are likely to contain contaminants in the form of asbestos. ....continued

In this context, the current application comprises an assessment of the asbestos content in the existing buildings. The enclosed report identifies the existence of asbestos in the fabric of the buildings, and recommends remediation in each case as "Removal by Trained Operatives".

The application also seeks a variation in the trigger point within the condition. Following demolition of the existing buildings, including careful removal of asbestos, in accordance with legislation, this then provides access to the ground. Then the sub-ground conditions can be assessed through an intrusive survey, taking samples for laboratory assessment with proposed remediation if necessary.

We propose that the condition is altered along the lines of: Demolition of the buildings may take place in accordance with the proposed asbestos remediation scheme. No further development shall take place until a remediation scheme to bring the site to a suitable condition for residential development has been submitted to and approved in writing by the Local Planning Authority. Such scheme to be based upon an intrusive site survey to take place following removal of the existing buildings.

We intend to commence the planning permission by undertaking a material operation as defined in Section 56 of the 1990 Act. This will be a demolition of three of the existing buildings on the application site. Such works will be undertaken before 14 April 2024.

Given the short deadline to commencing the development, we respectfully request that the Council consider this application with some urgency. If there are any matters requiring further attention or possible revision, then please contact us at your earliest convenience.

Please would you register the application, notify me of the application reference and timetable and supply a receipt for payment of the application fee. Should you have any queries relating to this proposal, please do not hesitate to contact me. I will otherwise make contact with the case officer in due course.

Yours faithfully

**Clare Higham**  
**Senior Planning Support Team**

c.c. Home Partners Group Ltd  
SPL