

**SITE PLAN ATTACHED**

**HULLETTS FARM HULLETTS LANE PILGRIMS HATCH ESSEX CM15 9RX**

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF 71 UNITS WITH ASSOCIATED PARKING AND AMENITY SPACE**

**APPLICATION NO: 18/00843/OUT**

**WARD** Pilgrims Hatch

**Plan numbers:** 303/15/SK\_1001/A; 303/15/SK\_1002; 303/15/SK\_1001;

**Case Officer** Mr Nick Howard

**The application is presented to committee as it a major application in the Green Belt and is of strategic importance to the Borough**

**1. Proposals**

The proposal is in outline, with all matters reserved for 71 dwellings on land off Hulletts Lane, Pilgrims Hatch. The applicant has submitted an illustrative layout which shows a housing mix of 48 three-bedroom dwellings, 18 four-bedroom dwellings and 5 five-bedroom dwellings. The proposal includes 46 market housing with 25 affordable dwellings (35% of the total). The illustrative plan shows a proposed access onto Ongar Road, although access is a reserved matter for later consideration.

The site comprises 3.3 hectares on an irregular site. The site area can be divided into three main elements. The first element and largest is a field to the rear of properties fronting onto Orchard Lane and at the end of two cul-de-sacs Ash Close and Vale Close. The field has a number of boundary trees running along the northern and southern boundaries. A post and rail fence form the eastern boundary and the western boundary is open and is joined to the second element.

The second element is another field forming the northern part of the site, which is located mainly to the rear of properties fronting onto Hulletts Lane and wraps around the properties Fiesta and Cedars.

The third element is a triangular area of land that is between Ongar Road and Hulletts and includes an area of land to the south of Hulletts Farm. This area includes an overgrown enclosure, an open paddock and a group of farm buildings.

## **2. Policy Context**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policies GB1 & GB2: Development in the Green Belt
- Policy H6: Small unit Accommodation
- Policy H9: Affordable housing on larger sites
- Policy H14 Housing density
- Policy T2 New development and highway considerations
- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- Policy C16- Development within the vicinity of a listed building
- Policy PC1- Land contaminated by hazardous substances

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

## **3. Relevant History**

- None

## **4. Neighbour Responses**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

139 objections have been received on the grounds of building in the countryside, increased traffic in a problem area, not in keeping with the area loss of wildlife and flooding.

The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

## **5. Consultation Responses**

- **Essex Wildlife Trust:**

We must advise you that at present there is insufficient information provided with this application to enable determination. The application site includes priority habitats and may support protected species. In these circumstances, Brentwood BC's own Local List of Validation Requirements makes it clear that ecological surveys are required for all applications:

Essex Wildlife Trust therefore currently objects to this application on the basis that insufficient information has been provided by the applicant to enable determination.

We would advise that a Phase 1 Habitat survey is required. Additional protected species surveys may also be required, in particular for bats and reptiles. Once these surveys have been conducted we will be happy to examine the ecological reports and may be able to review our position depending on the findings of the reports and any recommended mitigation and/or enhancement proposals.

- **Essex Badger Protection Group:**

Members of the Essex Badger Protection Group considered view is that badgers would be put at risk should this scheme be given the go ahead. With these points in mind, we OBJECT to this scheme.

- **Historic Buildings and Conservation Officer:**

Object the Historic Buildings Officer comments are included in the report below.

- **Basildon Fire Station:**

The proposal itself does not affect fire service access to existing premises in the vicinity. With the exception of the northern spur road located as the development is entered; fire service vehicular access to the remainder of the site appears to meet with the requirements Approved Document "B" Sec B5 Volume 1 of the Building Regulations. 2010. (The spur road in question will require re-configuration / provision of an approved turning head to be acceptable to this Authority).

- **Highway Authority:**

The documents accompanying the application have been duly considered and, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reason;

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is therefore contrary to policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Notes:

The applicant should be advised that, consistent with Essex County Council's Development Management Policies, a full Transport Assessment should be provided to support a planning application of this kind. It should consider all the traffic and transport aspects of the proposed development and its impact on the local highway network.

The applicant's attention should also be drawn to the fact that much of Hulletts Lane is a registered byway (path no 164, Brentwood parish) and is not suitable for significant levels of vehicle usage.

- **Essex Bridleways Association:**

The proposed development encompasses an existing right of way - Byway 272\_15 - which is not mentioned within the application documents. It is of course imperative that this Byway is preserved and remains open to all legal users without obstruction or restriction, both during construction works and in perpetuity.

- **ECC SUDS:**

Having reviewed the submitted information we consider that the drainage strategy does not meet requirements of NSTS nor ECC SuDS Design Guide Locals Standards 1 and 2.

Surface water drainage details, details of SuDS measures, management of flood risk, discharge locations, and consent(s) to discharge are to be provided for review as a minimum. NSTS standards should be satisfied by the proposed design.

Having considered the above, we would offer a Holding Objection to the proposals in their current form until sufficient detail in relation to the above has been provided.

- **Environmental Health & Enforcement Manager:**

Contaminated Land

The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to the commencement of development, a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation

scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

### Construction

A site-specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iii) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (iv) Measures to control the tracking of mud off-site from vehicles.
- (v) Measures to control dust from the demolition and construction works approved along with land disturbance in general.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

### Air Quality

An assessment of the likely impact of the development on air quality should be undertaken and submitted. The assessment should be carried out by a suitably qualified person. The assessment should consider the impact the proposed development will have in terms of the air quality objectives described in the National Air Quality Strategy and EU limit values. The cumulative impacts of other development in the area should be taken into account. It is recommended that the Environmental Protection Team is contacted for further advice on what should be considered in the assessment and to obtain the latest air quality data.

#### Green Development

Energy saving, and renewable technologies should be considered for this development, such as solar panels, ground source heat pumps, electrical car charge points etc in the interests of Carbon saving and energy efficiency.

- **Open Space Strategy Coordinator:**

Looking at the site itself an attempt has been made to provide some publicly accessible formal open space in the form areas surrounding the three open water courses and around two existing properties off Hulletts Lane that do not form part of the development. However, there is no detail of the percentage of land this equates to within the overall area of development. I would be grateful if the developer could confirm at their earliest opportunity what the percentage figure is in this case Under the Councils current Replacement Local Plan a development of this size is required to:

'Within larger housing area (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having densities and/or smaller gardens more open space will be sought.'

In addition to the above the document goes on to state:

'Developers of residential sites greater than 1.0 ha (or 50 units) will normally be required to provide a LEAP with a minimum area of 400 sq.m and 5 types of play equipment (either on or off-site) and a least 1 LAP on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a NEAP. [A NEAP should have a minimum area of 1000 sq.m and 8 types of play equipment]'

At this junction the level of financial contribution being sought towards the improvement of existing open space will be in the region of between £250,000. In terms of justification, this is broken down as follows:

- o Cost to provide contribution towards a LEAP with fencing, footpaths and ancillary items such as furniture - £90,000 (overall cost to provide such a facility would be in excess of £90,000)
- o Cost to provide a LAP (minus land cost) - £5,000
- o Cost to provide contribution towards a NEAP - £150,000 (overall cost to provide such a facility would be in excess of £200,000)

Details on any landscaping and plantings is limited and further information about species and quantities and scope of the plantings will be needed be a substantive opinion can be made.

Due to the general openness of the surrounding area I do not believe there will be an impact on the public's ability to access general open space amenity especially as this site has, for many years, been a privately-operated farm/farm land and therefore not readily available to the general public in the first instance. Although gardens are being provided it is inevitable that the development will have an impact on the demand of existing open spaces provision such as parks, play area, sports pitches and cemeteries just by its very nature and design i.e. family orientated housing mix, therefore the contribution is sought to assist and enhance existing provision within the Borough to mitigate any additional demand and usage of these areas. If required then specific projects that the monies will be expended on can be provided, however due to the length of time a planning application can take to progress to approval it is likely that those projects identified may change from this point to that of approval. With this in mind I would be happy to provide a list of projects prior to the approval stage that will realistically reflect the Council's current position within its project management progression.

I would also expect to see a full Arboriculture impact survey/assessment completed for examination along with an ecological impact assessment before any comment could be made on this area.

At this stage there is no initial objection from an open spaces perspective.

- **Planning Policy:**

Object- Comments are within the 'summary of issues' part of the report

- **Anglian Water Services Ltd:**

The foul drainage from this development is in the catchment of a Thames Water Recycling Centre. Anglian Water can confirm that there is capacity to receive the foul discharge, but we cannot confirm that a Water Recycling Centre will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. Via a gravity discharge regime.

#### Section 4 - Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

## **6. Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) and National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Green belt

The majority of the site is within the Green Belt, as defined from the Brentwood Replacement Local Plan. The extreme south west of the site, a small area to the south of Hulletts farmhouse which comprises some outbuildings, is situated within Brentwood Urban area. The green belt boundary then runs along the rear boundaries of properties fronting onto Orchard Lane, Ash Close and Vale Close.

Paragraphs 89 & 90 of the Framework provide exceptions to inappropriate development in the Green Belt. However, none of those apply to the proposal which represents inappropriate development and therefore as paragraph 87 states that it is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Turning to the five purposes of the Green Belt as set out in the Framework, the most relevant ones to this development is to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. At present the area to the south of the site is a large residential estate served off Orchard Lane. The proposal would lead to a further extension of development alongside the existing built form plus an area extending north further into the Green Belt. The proposed development would therefore lead to a clear sprawl of a large built up area. The site in the main comprises of mown grass with the paddocks located between Ongar Road and Hulletts Lane comprising overgrown grass. The site, apart from the small area forming the south western area and within the urban area comprises of a significant area of countryside in excess of three hectares. The proposal would therefore lead to a significant level of

encroachment to the countryside. Accordingly, the proposal would be contrary to two purposes of the Green Belt as set out in the Framework.

With regard to the emerging draft local plan, the site has previously been submitted for consideration as part of the Local Plan process (site ref 011 and 011B). In the Draft Local Plan Preferred Site Allocations published in January 2018 site 011 and 011B were not proposed allocations. The strategy has focused on developing urban brownfield sites first with any Green Belt releases being within sustainable locations and having strong defensible boundaries.

The Council is in the process of producing the final Pre-Submission version of the Local Plan (Regulation 19) ready for consultation in the autumn. It is not anticipated that the strategy is likely to change significantly from what was previously published. Whilst the Local Plan process still has a number of stages to go through before it can be adopted including Examination in Public it is not currently anticipated this site is likely to be allocated.

Notwithstanding, the emerging draft local plan the applicant has not put forward any very special circumstances and therefore the proposal is contrary to Green Belt policy. The proposal is contrary to paragraph 89 of the Framework and Policies GB1 & GB2 of the Local Plan.

#### Small Unit Accommodation

Policy H6 of the Local plan refers to the provision of small unit accommodation. The proposal states that in a new housing development the Council will seek the provision of a mix of units on suitable sites of 6 units and above or on suitable sites of 0.2 of a hectare or more, with at least 50% of total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units will be inconsistent with the character of existing development in the area or where such provision cannot be adequately accommodated on the development site.

The proposal is for 71 dwellings with a mix of 3-5-bedroom properties. No provision has been made for smaller units and no exception to this policy has been demonstrated. The proposal is therefore contrary to Policy H6.

#### Affordable Housing

Policy H9 of the Local plan refers to affordable housing on larger sites. The policy states on suitable sites for housing development of 20 units and above or on suitable residential sites of 0.66 hectares or more within the Brentwood urban area, and on sites of 5 units and above or on suitable sites of 0.16 hectares or more within the defined settlements elsewhere in the borough, the Council will seek a proportion of 35% of the number of dwelling units to provide for affordable housing in a manner to be agreed with the Council.

The proposal includes provision of 25 affordable dwellings, which is 35% of the total development. This level of affordable housing represents a significant benefit of the scheme and accords with Policy H9.

## Housing Density

Policy H14 refers to the housing density of proposed development. The policy states that the Council will expect any proposal for new residential development to be of an appropriate density that makes efficient use of land. Residential densities will be expected to be no less than 30 dwellings per hectare net unless the distinctive character of the surrounding area determines that such densities would be inappropriate. The character of the area, particularly along Orchard Lane is of higher density housing primarily comprising semi-detached properties. The proposal comprises mainly of detached dwellings and represents 21 dwellings/ha which is significantly below the requirement set out in policy H14 and is considered to be out of keeping with the prevailing character of the surrounding area.

## Open Space

Appendix 5 of the Local Plan refers to the level of open space that is required to be provided. The policy states of residential sites greater than 1.0 ha. (or 50 units) will normally be required to provide a Local Equipped Area for Play (LEAP) with a minimum area of 400 sq.m and 5 types of play equipment (either on-site or off-site) and at least 1 Local Area for Play (LAP) on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a Neighbourhood Equipped Area for Play (NEAP). A NEAP should have a minimum area of 1000 sq.m and 8 types of play equipment.

The proposed layout plan although illustrative does not provide any provision for a LEAP and/or a LAP. The provision of 71 dwellings largely fills the application site, leaving little scope for either play facility.

The second element of the open space policy is that within larger housing areas (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having higher densities and/or smaller gardens more open space will be sought.

The layout plan shows three pond areas with a small area of land around them plus an area of land close to the mini roundabout on Ongar Road, situated to the south west of the site. Little other provision for open space is provided other than small verge areas. The applicant has not demonstrated that 15% of the site has been set aside for public open space. However, in assessing the layout plan it is considered that the level of usable open space is well below the required 15% of the site. The proposal is therefore contrary to Appendix 5 of the Local Plan.

## Highway matters

No transport assessment has been submitted with the planning application. The application shows an illustrative access point onto Ongar Road, although access is a matter reserved for later consideration. The Highway Authority object to the proposed on the grounds the impact of the proposal is not acceptable. Furthermore, the proposal

includes a significant level of usage along Hulletts Lane which is not suitable as it is a registered byway (path no 164).

#### Heritage issues

The site is within the immediate context of Nationally Designated Heritage Assets including the GVII listed buildings of Name: HULLETTTS FARMHOUSE (List entry Number: 1187222) and GENTS FARMHOUSE (List entry Number: 1297237). Having assessed the submission, the Historic Buildings Officer advises the submitted information does not provide any assessment of the impact the proposals would have upon the significance of Heritage Assets, this is a requirement of National Planning Policy; in the absence of any Heritage Statement/assessment and to be constant with her advice at preapplication. Even if the principle was acceptable in planning terms, Conservation strongly oppose the proposals which would result in urban sprawl in an open countryside setting and thus constitute a high level of harm to the setting of listed buildings. This location with the interplay of landscape with the listed buildings is intrinsic to setting, development of this nature should not be encouraged here in the interests of the setting of GVII listed buildings.

#### Other matters

The Council acknowledges that it cannot demonstrate a five-year supply within the Borough. However, Paragraph 34 of the Government's Planning Practice Guidance (PPG) advises that unmet housing need is unlikely to outweigh the harm to the Green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt.

The applicant has not submitted many documents that would normally accompany an application of this nature and size. Policy C5 refers to Retention and Provision of Landscaping and Natural Features in Development. The policy states that all development schemes must be accompanied by site survey showing existing landscape and natural features and existing ground levels. Overall a Phase 1 Habitat survey including a badger survey is required to be submitted. In the absence of such documentation the proposal is contrary to Policy C5. Other documents that have not been submitted include an Arboriculture impact survey/assessment, surface water drainage strategy and plan layout, flood risk assessment (as site is bigger than 1 Hectare), contamination report, Construction Environmental Management Plan and Air quality report.

#### Conclusion

The site is within the Green belt and the proposal represents inappropriate development. No very special circumstances have been demonstrated to outweigh the harm to the Green Belt which is exacerbated by the creation of urban sprawl and the loss of a significant area of countryside. The proposal includes a number of affordable housing which is a benefit, however the significant harm to the Green Belt and the absence of

many documents outweigh the benefits of the scheme and therefore the recommendation is to refuse the application.

## **7. Recommendation**

The Application be REFUSED for the following reasons: -

1. The proposal would be inappropriate development in the Green Belt would materially detract from openness, would represent an encroachment of development into the countryside and it would result in sprawl of a large built up. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.

2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

3. The proposed development would represent a high level of harm to the setting of the adjacent Grade II listed buildings, Hulletts Farmhouse and Gents Farmhouse, by reason of the proposal's urban sprawl in an open countryside setting where the interplay of landscape with the listed buildings are intrinsic to their setting. Furthermore, the proposal does not provide any assessment of the impact the proposal would have upon the significance of the Heritage Assets. The proposed development would lead to substantial harm to the significance of the designated heritage assets as set out in paragraph 133 of the National Planning Policy Framework, the substantial harm would not be outweighed by the public benefits of the scheme. The proposal is therefore in conflict with the Brentwood Replacement Local Development Plan Policy C16, and the aims and objectives of the NPPF and guidance set out in the NPPG.

4. The proposed housing density is significantly below that of the requirement set out in Policy H14 of the Brentwood Local Plan and is at odds with the prevailing pattern of built development in the surrounding area which is considered harmful to the character and appearance of the area. The proposal is therefore contrary to Policy H14 and the provisions of the Framework.

5. The proposed development does not provide any small dwellings, i.e. one or two-bedroom properties, which will provide a harmful imbalance in the population structure of the future residents. Furthermore, the proposal, by not providing a range of units, would not fully meet the type of housing needs required in the Council's objectively assessed needs. The proposal is therefore contrary to Policy H6 and the provision of the Framework.

6 The proposal development from the submitted layout plans does not show a level of usable open space or provision for a LEAP/LAP which would adequately serve the future residents of the development. The proposed lack of public open space would be harmful

to the well-being of the future residents and would be contrary to Appendix Policy 5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

7. The proposal would be detrimental to highway safety and pedestrian convenience due to the lack of an acceptable transport assessment and the potential significant increase in level of vehicle usage along Hulletts Lane, which is a registered byway (path no 164, Brentwood Parish) and is not suitable for such an increase in usage. The proposal is therefore contrary to Policy T2 of the Brentwood Replacement Local Plan and the provisions of the Framework.

8. The proposal would be harmful to the ecology and the habitat of the site and surrounding area due to the lack of appropriate ecological surveys to inform mitigation. The proposal is therefore contrary to Policy C5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

9. The applicant has not demonstrated that the proposal can adequately drain the site due to the lack of a surface water drainage strategy and plan layout and flood risk assessment (as site is bigger than 1 Hectare). The proposal is therefore contrary to the provisions of the Framework.

10. The applicant has not demonstrated adequately that the site is free of contamination by hazardous substances due to the lack of contamination report, given the previous use of the building(s). The proposal is therefore contrary to Policy PC1 of the Brentwood Replacement Local Plan and the provisions of the Framework.

#### Informative(s)

##### 1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, H6, H9, H14, T2, C5, C16, PC1, the National Planning Policy Framework 2012 and NPPG 2014.

##### 2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

##### 3 U05637

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**