



# Agenda

## Planning and Licensing Committee

Wednesday, 14 October 2020 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15  
8AY

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### Membership (Quorum – 4 )

Cllrs Ms Sanders (Chair), McCheyne (Vice-Chair), Chilvers, Fryd, Haigh, Jakobsson, Keeble, Kerslake, Morrissey, Mynott, Tanner and Tierney

### Substitute Members

Cllrs Aspinell, Barrett, Dr Barrett, Bridge, Laplain, McLaren and Nolan

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Contents</b>		
	<b>Live Broadcast</b>		
	<a href="#">Live broadcast available from 7pm</a>		
1.	<b>Apologies for Absence</b>		
2.	<b>Minutes of the Previous Meeting</b>		5 - 10
3.	<b>Minutes of the Licensing Sub Committee</b>		11 - 14
4.	<b>Telecommunications Update</b> Report to follow.		
5.	<b>Planning and Enforcement Appeals Updates</b> Report to follow.		
6.	<b>Urgent Business</b>		

A handwritten signature in black ink on a light blue background. The signature is cursive and reads "Jonathan Stephenson".

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
06.10.2020

## Information for Members

Please note the changes in blue apply to remote meetings

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### Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

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### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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### Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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### Point of Order/ Personal explanation/ Point of Information

#### Point of Order


A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### Personal Explanation


A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

** Access to Information and Meetings**

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

** Guidelines on filming, photography, recording and use of social media at council and committee meetings**

**The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

** Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

**The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.**

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**  Access**

**The Council will provide remote access for public participation by the meeting be accessible.**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

** Evacuation Procedures**

**This procedure does not apply whilst using remote meetings**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



## Minutes

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### Planning and Licensing Committee Wednesday, 2nd September, 2020

#### Attendance

Cllr McCheyne (Vice-Chair)  
Cllr Chilvers  
Cllr Fryd  
Cllr Haigh  
Cllr Jakobsson  
Cllr Keeble

Cllr Kerlake  
Cllr Morrissey  
Cllr Mynott  
Cllr Tanner  
Cllr Tierney

#### Apologies

Cllr Ms Sanders (Chair)

#### Substitute Present

Cllr Bridge

#### Also Present

Cllr Laplain  
Cllr Parker  
Cllr Poppy  
Cllr Reed  
Cllr Lockhart – Blackmore, Hook End and Wyatts Green Parish Council

#### Officers Present

Philip Drane	- Director of Planning and Economy
Zoey Foakes	- Governance & Member Support Officer
Alastair Lockhart	- Corporate Governance Solicitor
Paulette McAllister	- Principal, Design & Conservation
Caroline McCaffrey	- Development Management Team Leader
Tessa Outram	- Senior Planning Officer
Brooke Pride	- Planning Officer
Jean Sharp	- Governance and Member Support Officer

**483. Apologies for Absence**

Apologies were received from Cllr Miss Sanders and Cllr Bridge substituted for her.

**484. Minutes of the Previous Meeting**

The minutes of the Planning and Licensing meeting which took place on 8 July 2020 were **APPROVED** as a true record.

**485. Minutes of the Licensing Sub Committee**

No Licensing Sub-committee hearings had taken place since the 8.7.2020 Planning and Licensing Committee meeting.

**486. APPLICATION NO: 20/00534/FUL - DUDBROOK HALL RESIDENTIAL HOME DUDBROOK ROAD NAVESTOCK BRENTWOOD ESSEX CM14 5TQ**

**PART DEMOLITION OF EXISTING BUILDING AND CONVERT INTO CHILDREN'S NURSERY (D1) WITH ANCILLARY FIRST FLOOR STAFF ACCOMMODATION (4 FLATS), CONSTRUCT INTERGENERATIONAL CARE CENTRE COMPRISING A NEW PURPOSE DESIGNED 62 BEDROOM CARE HOME WITH LAYOUT PARKING AND LANDSCAPING (REVISED APPLICATION)**

The application site was in the Green Belt and a Special Landscape Area and comprised a rural site occupied by a former manor house known as Dudbrook Hall. Dudbrook Hall was a part 2/3 storey non-designated heritage asset (important building, though not listed) that was converted into a care home following the grant of planning permission in 1995 and was operated by St Michaels Homes Limited. The care home currently had 44 residential bedrooms.

The proposal was to demolish the later additions of Dudbrook Hall and convert the retained elements into a children's day nursery at ground floor accommodating up to 35 children. The first floor would be converted into 4 workers flats in connection with the operation of the care home and the second-floor area would be retained as ancillary office space for the management of the care home and nursery.

A new purpose built detached two storey care home comprising 62 residential beds was proposed to the rear of Dudbrook Hall extending into the undeveloped area of land to the west of the site. The development as a whole would be considered an inter-generational care centre that provided interaction between the care home residents and nursery children which had been shown to improve the mental and physical wellbeing of the elderly and improve learning and social interaction of children.

The site would be landscaped with a mixture of soft planting and hard surfaces and parking for each of the uses would be provided consisting of: 66 car parking spaces allocated to the care home, including 3 disabled bays and 15 spaces allocated to the Nursery, including 1 disabled bay. Cycle parking would also be provided at the care home entrance. The two existing vehicular accesses along Dudbrook Road would be reused and utilised.

Statements had been submitted by Navestock Parish Council and the agent for the application, Mr Fiely. These statements were read aloud, the former setting out concerns in relation to traffic issues and the latter in support of the application.

Ward councillors Cllr Parker, Cllr Poppy and Cllr McCheyne addressed the committee in support of the application.

The Chair, on behalf of the majority, considered that there was an increased need for care home provision within the north of the borough and all of the very special circumstances put forward by the applicant were significant to outweigh harm to the Green Belt and other harm identified.

The draft condition themes recommended by the planning officer to committee members, in the event that the committee were to approve the application, were as follows:

- Time – Development to be commenced within 3 years
- Drawings – Development in Accordance with Drawings
- Materials
- Surface Water Management Plan
- Landscaping Scheme
- Tree protection Measures
- Ecological Protection Measures
- Conditions relating to highways to include: details of new accesses, construction method statement, parking bay requirements
- Details of plant
- Obscure glazing of windows
- Construction Environmental Management Plan
- Schedule of Repair of Dudbrook Hall

Cllr McCheyne **MOVED** and Cllr Jakobsson **SECONDED** that the application be **APPROVED**. Following a debate a vote was taken and Members voted as follows:

FOR: Cllrs Jakobsson, Kerlake, McCheyne, Tanner and Mrs Tierney (5)

AGAINST: Cllrs Chilvers, Fryd, Haigh, Morrissey and Mynott (5)

ABSTAIN: Cllrs Bridge and Keeble (2)

The Chair used his casting vote and the application was **APPROVED** against the officer recommendation subject to the above conditions:

**487. APPLICATION NO: 20/00918/PNTEL . GRASS VERGE SW OF RUNNING WATERS BRENTWOOD ESSEX**

**REMOVAL OF EXISTING MAST AND REMOVE/ RELOCATE ASSOCIATED EQUIPMENT CABINETS, INSTALLATION OF A NEW 17.00M MONOPOLE SUPPORTING 6 NO. ANTENNAS WITH A WRAP AROUND EQUIPMENT CABINET AT THE BASE OF THE COLUMN, INSTALLATION OF 3 NO. NEW EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO**

The proposal related to a permitted development removal of an existing mast and remove/ relocate associated equipment cabinets as well as the installation of a new 17.00m monopole (which would be 2.3 metres higher) supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, installation of 4 no. new equipment cabinets and ancillary development thereto by a telecommunications code system operator (in this case Mobile Broadband Network Limited, i.e. EE and Three [H3G]).

The application site was located on a grass verge adjacent to the junction of Brentwood Road and Running Waters within the Metropolitan Green Belt. To the East were agricultural fields beyond a hedgerow. To the North and West was a residential area and The Pines scout camp. To the South was the Thorndon Park Conservation Area.

To be removed:

- 14.7 metre high mast
- 3no cabinets

To be repositioned:

- 1no cabinet

To be installed:

- 17 metre high monopole with wrap around cabinet and 6no antennas
- 4.no cabinets

Members were reminded that this was not a planning application as it related to a form of development that was permitted under the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. The prior approval of the Council was required for two issues – the siting and appearance of the development.

Cllr McCheyne **MOVED** and Cllr Jakobsson **SECONDED** that prior approval was not required for siting and appearance and following a discussion Members voted as follows:

FOR: Cllrs Bridge, Chilvers, Fryd, Haigh, Jakobsson, Keeble, Kerlake, McCheyne, Morrissey, Mynott, Tanner and Mrs Tierney (12)



AGAINST: (0)

ABSTAIN (0)

It was **RESOLVED UNANIMOUSLY** that prior approval was not required for siting and appearance.

**488. Urgent Business**

Two items of urgent business were considered as both required a report to be included in the agenda for the next Planning and Licensing Committee meeting:

1. Cllr McCheyne requested that an item be included in the agenda for the next meeting proposing to delegate authority to officers to make decisions regarding phone masts in future.
2. Cllr Chilvers requested that a short report be brought to the next meeting highlighting that provision and removal of phone masts was the responsibility of the service provider and not the Council. This related to the removal of the mast near Brentwood Station which had caused a loss of service to residents in the vicinity and the provider had advised those who complained that the Council was to blame for this situation.

Officers advised that an emergency mast had been erected near Brentwood Station but it did not provide sufficient coverage.

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The meeting ended at 8.45pm

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## Minutes

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### Licensing Sub-Committee Thursday, 10th September, 2020

#### Attendance

Cllr Chilvers  
Cllr Keeble

Cllr Tanner

#### Also Present

Cllr Mrs Davies

#### Officers Present

Paul Adams	- Principal Licensing Officer
David Carter	- Environmental Health Manager
Dave Leonard	- Licensing Officer
Alastair Lockhart	- Corporate Governance Solicitor
Jean Sharp	- Governance and Member Support Officer

#### 504. Appointment of Chair

Members **RESOLVED** that Cllr Chilvers should chair the meeting.

#### 505. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

#### 506. Application to Vary a Premises Licence - Licensing Act 2003 - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

An application had been received by Sisu Enterprises Ltd. to vary the premises licence of **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS**. They sought to remove two conditions attached to the current, add the supply of alcohol for consumption on the premises and amend their opening hours.

Sixteen relevant representations had been received. Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

The Licensing Officer introduced the report and Mr Carter – the Council's Environmental Health Manager – addressed the sub-committee regarding his representation which related to noise issues.

Members were advised that a Noise Impact Assessment for inclusion in their application had been submitted by the applicant after the close of business on 4 September 2020 and therefore did not comply with the five days before the hearing notice. Given that this pertinent information was not available for inspection by members of the sub-committee nor those who had made representation, Members left the Chamber to consider how to proceed.

In the circumstances the Sub-committee decided that in view of the importance of the document and in fairness to all involved, the meeting should be adjourned and re-arranged within 7-14 days if possible.

The Chair requested that the record of when the Noise Impact Assessment was submitted be attached to the minutes.

#### **507. Receipt of Noise Impact Assessment**

**Jean Sharp**

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**Subject:** FW: DUSK - Attendance Form  
**Attachments:** Licence Hearing Attendance Form.pdf; Sound Report.NIA.pdf

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**From:** Kaizad Cassad <[kaizad@cassadys.co.uk](mailto:kaizad@cassadys.co.uk)>  
**Sent:** 04 September 2020 16:33  
**To:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>; Dusk Brentwood <[info@duskbrentwood.co.uk](mailto:info@duskbrentwood.co.uk)>  
**Subject:** Attendance Form

Dear Dave,

As discussed, please find attached completed attendance details for the Hearing due to take place before the Licencing Committee on 10th September 2020 at 7 pm.

Both Mr Uddin and Mr Islam will be in attendance. They will be represented by Dr Tariq Mahmood, Counsel from 33 Bedford Row Chambers. Their telephone contact details are stated on the form.

I have also attached the recent Noise Impact Assessment conducted by Venta Acoustics upon inspection of the premises.

Have a nice weekend.

Kind regards,

Kaizad

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**Kaizad Cassad**  
**Director**

**Cassadys**  
**5 Chancery Lane**  
**London EC4A 1BL**

**71-75 Uxbridge Road**  
**Ealing**  
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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



## **Planning and Licensing Committee**

### **Planning**

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
  - (ii) enforcement of planning control;
  - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
- (i) determination of applications for Listed Buildings and Conservation Area consent;
  - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (i) To guide the Council in setting its policy objectives and priorities.
  - (ii) To carry out the duties and powers of the Council under current legislation;
  - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
  - (v) To consider and approve relevant service plans;
  - (vi) To comply with the standing orders and financial regulations of the Council;
  - (vii) To operate within the budget allocated to the committee by the Council.
  - (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

### **Licensing**

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
- i. Trading Requirements
  - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
  - iii. Animal Welfare and Security
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
  - v. Sex establishments (including Sex Entertainment Venues (SEV))
  - vi. Pavement Permits
  - vii. Charitable Collections
  - viii. Camping, Caravan Sites and Mobile Homes
  - ix. Scrap Metal
  - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.