

**Minutes of a meeting of Planning Committee  
held on Thursday, 16th January, 2020  
from 7.00 - 8.24 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

G Allen	R Eggleston	C Phillips
R Cartwright	A MacNaughton	N Walker

**Absent:** Councillors E Coe-Gunnell White, J Dabell, M Pulfer and D Sweatman.

**Also Present:** Councillor Webster

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Coe-Gunnell White, Dabell, Pulfer and Sweatman.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

Councillor Eggleston declared a prejudicial interest in both DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is the Leader of Burgess Hill Town Council (BHTC) as well as being the Chair of the BHTC Arts Quarter Steering Group. He also declared that he runs a live arts programme and is likely to hire the venue if it is completed. He confirmed that he would remove himself from the voting and discussion on the item and instead speak as Ward Member on the application.

Councillor Cartwright declared a predetermined interest DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is a member of Burgess Hill Town Council. He noted that he was not involved personally in the application however upon advice from the Chairman he resolved to remove himself from the discussion and voting on the items.

Councillor Allen declared a predetermined interest DM/19/3138 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX and DM/19/3148 – Royal British Legion, 30 Cyprus Road, Burgess Hill, RH15 8DX as he is a member of Burgess Hill Town Council. He noted that he was not involved personally in the application however upon advice from the Chairman he resolved to remove himself from the discussion and voting on the items.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 19 DECEMBER 2019**

The Minutes of the meeting of the Planning Committee held on 19 December 2019 were agreed as a correct record and signed by the Chairman.

**4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman had no urgent business.

**5 DM/19/3138 – ROYAL BRITISH LEGION, 30 CYPRUS ROAD, BURGESS HILL, RH15 8DX.**

Andy Watt, Senior Planning Officer, introduced the application which sought full planning permission for the demolition of the former Royal British Legion Club building (use class D1) and the erection of an entertainment and community venue (D2 use) in its place. This will comprise a 237-seat theatre, a multi-purpose dance/rehearsal studio, meeting rooms, dressing room/support spaces, foyer spaces and associated café/bar. The proposal also includes landscaping works to the north (rear) and south (front) of the new building and to the alleyway to the east (alongside Cyprus Hall). He drew attention to the Agenda Update Sheet which provided an additional representation from the Council's Consultant Ecologist and Southern Water, revision to the text of the application details in relation to the car parking and amended conditions 3, 6 and 18.

The Chairman requested that the Solicitor clarify the legal position relating to the ownership of the car park with respect to the application's removal of five car parking spaces in the public car park.

Jennifer Bale, Solicitor, stated that land ownership issues have no relevance to the decision of the committee and therefore only usual planning considerations can be discussed and taken into account.

Councillor Robert Eggleston, Ward Member, spoke in favour of the application. He drew attention to the extensive public engagement that was carried out to produce a name for what will be a contemporary, modern arts venue. He noted that the loss of the Martlets Hall created a void of a community facility to which the proposed venue is looking to fill. He added that the design of the building will create an attraction to draw people to the town and that the building is acoustically secure to ensure that the neighbouring properties are not affected by its activities.

Members commended the design of the building.

A Member raised concerns that a waste collection freighter would use the public car park instead of the side access road to collect the waste as he believes that a large freighter would not be able to travel down the road due to its small size.

The Chairman confirmed that when the Council leased the land it was widened to ensure that a waste collection freighter would be able to travel down it.

The Member also raised concerns over the alleyway stairs as it prevents wheelchair users and those who are mobility impaired and suggested that the alleyway be a gentle slope rather than stairs. He also enquired whether an exception can be made to extend the closing time of the venue on New Year's Eve as he noted that the specified hours of use is 9:00 to 23:00 and on only 6 calendar days of the year until 00:00.

The Senior Planning Officer confirmed that a sloped alleyway was considered during the design stage however the designers took a view that it was not practical to push a wheelchair up the steep slope. He noted that wheelchair and those who have

mobility impairments can access the venue via the rear entrance and take the lift to their desired floor. With regard to hours of use, he confirmed that those hours are there to provide flexibility. The Senior Planning Officer also advised that the opening hours would also be subject to separate licencing legislation when the building is opened.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor MacNaughton and seconded by Councillor Philips, which was agreed unanimously.

### **RESOLVED**

That the application be approved subject to the conditions set out in Appendix A and the revised conditions set out in the Agenda Update Sheet.

## **6 DM/19/3148 – ROYAL BRITISH LEGION, 30 CYPRUS ROAD, BURGESS HILL, RH15 8DX**

Andy Watt, Senior Planning Officer, introduced the application which sought advertisement consent for various signage on a new entertainment and community venue building.

A Member enquired whether it is the intention to keep the alleyway illuminated when the building is not in use.

The Senior Planning Officer confirmed that whilst the remainder of the building's lighting will be turned off when the building is closed, the alleyway lighting will remain on.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor Walker and seconded by Councillor MacNaughton, which was agreed unanimously.

### **RESOLVED**

That the application be approved subject to the conditions set out in Appendix A.

## **7 DM/19/3357 – HIGH TREES, 41 HICKMANS LANE LINDFIELD, RH16 2BZ**

Steve King, Planning Applications Team Leader, introduced the report which sought retrospective planning permission for a replacement dwelling at 41 Hickmans Lane, Lindfield. He drew Member's attention to the Agenda Update Sheet which detailed an additional letter of objection, revision to the application details, a minor amendment to the details of a consultation and an additional condition. The Planning Applications Team Leader highlighted the minimal differences between the scheme before Members and what would have been constructed on site if the previous consent had been implemented.

Ben Dempster, local resident, spoke against the application.

Martin Kenward, local resident, spoke against the application.

Jeff Borrows, applicant, spoke in favour of the application.

Graham Middle, local resident, spoke in favour of the application.

The Chairman requested that the Officer clarify the comments made by the public speakers in relation to the retrospective change to the garden facing window for it to become a door and in relation to planning enforcement's involvement in the application.

In response to the Chairman's query the Planning Applications Team Leader showed the difference between the approved plan on the previous consent which showed a ground floor window on the side elevation facing the neighbour to the north and the scheme now before Members which showed a door on the ground floor side elevation facing the neighbour to the north. The Planning Applications Team Leader advised that he did not consider that this change caused any harm. He added that the Council does not condone work being carried out without the required planning permission being in place however legislation does allow for retrospective applications to be made and retrospective applications had to be considered on their own merits. The fact that an application was retrospective was not a reason to refuse it.

The Planning Applications Team Leader explained the timeline for events on the site. The Council's records showed that a complaint was received on 8 August 2019 that the house that was on the site had been completely demolished. No site visit was required at this point in time as the house had been demolished. A site visit on 27 August 2019 established that works were taking place to erect a replacement dwelling. The retrospective application was validated on 9 September 2019.

The Chairman also noted that a condition ensures that the Juliet balcony is actually constructed.

A Member noted that the application is similar to the one previously approved and felt it would be irrational to reject the application.

A Member stated that he could not see any demonstrable harm and that changing the ground floor garden window to a door would not cause any harm. He believed that there were no substantial planning reasons to refuse the application.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve, proposed by Councillor Coote and seconded by Councillor Walker, which was agreed unanimously.

#### **RESOLVED**

That permission be granted subject to the conditions outlined at Appendix A and the additional condition set out in the Agenda Update Sheet.

#### **8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 8.24 pm

Chairman