

From: Jon Bryant
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY
Date: 16 March 2023 10:24:00

Dear Mr Conway

Thank you for your further email.

The Sub Committee will be advised during the meeting by the Council Legal Representative regarding the issues that they are able to consider and which they have to disregard.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway
Sent: 16 March 2023 10:17
To: Jon Bryant

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

Thank you for your email and confirmation.
I do not accept that the panel should disregard the logic of MSDC's considerations surrounding planning application 05/00322.

Whilst the areas of licensing and planning may be legislatively separate, the logic of MSDC's arguments presented in relation to the above equally apply to both and are thus relevant.

I have furthermore adopted the logic of MSDC's arguments in my representations on this licencing application.

Accordingly, they should be represented to the panel.

Yours sincerely,

Gerard Conway

From: Jon Bryant
Sent: 16 March 2023 09:58
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr Conway,

Thank you for your further email and detail surrounding your earlier emailed representations. As stated earlier, the Licensing Authority needs as much detail as possible in order to assess the relevance of any representations in respect to the actual application. Representations without substance or evidence cannot be accepted. Your email has provided further information.

I would highlight that, any decisions taken and representations made during planning applications are not relevant in respect of Licensing applications. The two legislative areas have separate and different considerations.

In view of your additional comments, I can now accept your representation as relevant in respect of the Licensing Objective of the Prevention of a Public Nuisance, however the panel will have to disregard issues and comments surrounding any previous planning applications.

Where there are unresolved representations, the decision on the grant of the Variation is made by the Licensing Sub Committee which consists of three District Councillors drawn from the full Licensing Committee. The members would not represent the Ward where the application has been made. The Sub Committee meeting will be arranged for a date in the next 20 working days from today's date, by the 14th April 2023. All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised or introduced at this stage and parties are limited to speaking to matters outlined in their original representation although detail provided may be expanded upon.

We will advise once the date of the meeting has been fixed.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway
Sent: 15 March 2023 18:16
To: Jon Bryant

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

Thank you for your email.

As before, I am concerned about public nuisance resulting from this application to vary the premises licence.

1. **Increase in size of clubhouse**
- 2.

MSDC has recognised the likelihood of increased public nuisance resulting from a larger size of this clubhouse elsewhere. Whether or not these specific comments have been made in a planning context is irrelevant – the logic they follow applies equally to the licensing considerations in LI/23/0190. Accordingly, they should be taken into account.

The officer's report (attached – see page 4 for 05/00322) for the original 165m² clubhouse stated: *"the history of the Paxhill course in Lindfield shows that the use the building will be put to is a function of its size and if there is concern about introduction of extraneous uses that must be addressed at this stage. It is considered that if a building is larger than is necessary to provide the required facilities for the golf course, a more intensive use will be made of it than just golf. Conditions limiting use are ineffective once the size of the building has been agreed. In this case there are residential properties in the vicinity which might suffer from an intensified use"*.

MSDC had previously refused a larger 232m² clubhouse for this very reason. Against this, the current licensing application is for a 328m² building (increased from 165m²). Based on MSDC's own pronouncements, the likelihood of public nuisance from the clubhouse is thus

clear:

The intensity of a building's use is a function of its size;
A larger building will lead to a more intensive use;
Residential properties are located close to the clubhouse;
These properties are likely to suffer from the intensified use;
Conditions to limit the use would be ineffective; and Public nuisance would consequently result.

The larger building will lead to more noise from a greater number of people/vehicles etc. attending a given event. Due to its larger size, the building will also be suitable for a greater number of events, increasing event frequency. In this regard, the applicant commented on 20 May 2019 under 19/0964 that the extended clubhouse would provide "*a venue for the use of members and the general public.*" Because the licensed hours will remain as before does not mean that greater frequency of use of the venue will not occur - the clubhouse may not have been utilising the full extent of hours for which it was licensed prior to this proposed variation of the premises licence.

I would again note that the doubling of the building's internal floor space will be accompanied by a five to sixfold extension in its external area as well. This external area has greater interconnectivity to internal areas through the large doors, which have recently been inserted into the building's northern elevation as part of the extension and through which noise will be emitted (see northern elevation in the attached plans). Noise will also arise from the use of the terrace area itself.

2. History of noise and disturbance

You intimate that because there have been no recent complaints to MSDC Environmental Health, no public nuisance could result from this licencing application.

I disagree for the following reasons:

An applicant for a premises licence may moderate its behaviour ahead of making one to increase the likelihood of the licence being granted. Once this occurs, the applicant may change its behaviour;

The recent period is unrepresentative due to COVID; and
Complaints about noise may have been made to the club itself as opposed to MSDC or not at all as neighbours sometimes wish to avoid souring relations.

The above said, noise and disturbance from the clubhouse has in my opinion occurred in the past. In this regard, please follow the link below to a video I took from my property on 29 June 2019 when I believe a private function was occurring at the clubhouse. The audio records karaoke, which continued over a considerable period that day.

<https://1drv.ms/v/s!Ag3ovgMPWA5eh9xNs6dLLvGlnFaAvg?e=4F3EVg>

I furthermore attach a radius around the clubhouse for the same 539m distance to my property, from which I hope you will appreciate (a) the extent of the above noise, given this distance and (b) the number of other properties (some of which are considerably closer) which may have also been affected.

I also note that I am not alone in expressing concerns about public nuisance from the clubhouse, in relation to which I attach the representations of another resident living closer to it on one of the planning applications to extend it.

Mid Sussex District Council, should, with respect, refuse the above application to extend the premises licence for Cuckfield Golf Centre. I would be grateful if you could please send me a copy of your decision.

Yours sincerely,
Gerard Conway

From: Jon Bryant
Sent: 13 March 2023 13:48
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr Conway

Thank you for your email and comments regarding the application to vary the current Premises Licence at Cuckfield Golf Club.

I note your comments below relating to the increase in size of the current building in relation to the previous building plan that forms part of the premises licence. You make your comments in respect of the Licensing Objective of the Prevention of a Public Nuisance.

As outlined in my previous email, for representations in relation to applications to vary a Premises Licence to be relevant, they should be confined to the subject matter of the variation. In Licensing Applications a representation is only “relevant” if it relates to the *likely* effect of the grant of the variation on the promotion of at least one or more of the Licensing Objectives. Comments and representations cannot be considered if they relate to anything else, such as planning, the location of the premises, the need for the premises, trade competition, the effect on house prices, the local road infrastructure, parking etc. In other words, representations should relate to the likely impact of the variation on the licensing objectives. The variation process cannot be used as an opportunity to review a current licence.

You have mentioned in your email that you and your family have in the past been disturbed by noise from the location but do not give any further detail regarding the circumstances or frequency. Have complaints been made to the Environmental Protection Team regarding these issues?

You outline the increase in size of the premises stating that “*much larger premises creates significant scope for public nuisance*” but do not explain why there would be an increase in public nuisance. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation in respect of the actual application. Representations without substance or evidence cannot be accepted.

In addition, the location of the premises and the comment that the current licensing hours are excessive for the purpose of the use of the premises as a golf course are not relevant in respect of this application to vary the licence.

Therefore, at present I cannot accept your comments however I look forward to any clarification or further detail that you can provide in support of your representation. Any further information must be received by 2359 hours on Wednesday 15th March 2023

Kind regards

Jon Bryant
Jon Bryant

Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway <EMAIL REDACTED>
Sent: 11 March 2023 10:18
To: Jon Bryant <Jon.Bryant@midsussex.gov.uk>

Subject: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

The above licencing application has been made to Mid Sussex District Council for premises at Cuckfield Golf Centre.

I am writing to express my serious concerns about public nuisance from them.

My family and I have in the past been disturbed by noise from them, including late at night. The floor plan in the current licensing application shows a significant increase in the interior licensable floor area from approximately 165m² (under LI/19/0364) to 328 m² (i.e. a doubling). In addition, the external terrace area has increased from approximately 42m² to 225m². These increases have resulted from the recent extension of the clubhouse permitted under planning application DM/20/4123. The building is located on a promontory in a tranquil rural location.

Existing licensing hours are arguably already excessive for the purpose of the use of the premises by a golf course.

The combination of these hours with what are now much larger premises creates significant scope for public nuisance.

Yours sincerely,
Gerard Conway

ADDRESS REDACTED