

## **Representations**

**Berrybank Amphitheatre C/22/00327/PRMA**

### **Mr and Mrs Johnson**

We write with reference to the current application as above.

This email includes all the information requested within part 2, licensing Act 2003 representation form.

We have read and understood the 4 statutory licensing objectives, and would object to the granting of the above licence on the grounds of 3 of these objectives.

- 1 Prevention of crime and disorder
- 2 Public Safety
- 3 The prevention of public nuisance

The construction of the pavilion and the summer events has clearly been prepared, designed and produced with skill and professionalism and it has been well thought out for the long term. It however has not had any involvement with the local district Council and highways as far as we can ascertain. In addition no consultation has been made with the immediate neighbours who would be materially affected. In the summary of the application on line it states the capacity for the event will be under 2000 people.

It would be wise in our opinion for the local authority licensing department, planning department and Gloucestershire highways to review all matters before issuing a license.

The application seeks to operate Monday to Sunday from 10 am to 22.30pm 365 days a year as shown in section 15 of the licensing application. There is a an uncertainty in section 17, where we read the events would be only on 14-16 July and 10 September. Can you please seek clarity on this.

Public Safety and nuisance should have been fully considered at the outset, prior to advertising and promoting such a large scale business venture

It is clearly the organisers intention to design and advertise a venue which caters for customer numbers of no more than 500, and to circumnavigate the law on regulated events, however the number of events, the frequency, both in terms of times and quantity of performances will have a dramatic affect on traffic, noise and an increase in the commercial growth within an area defined as an area of outstanding natural beauty. It is clear that the pavilion is stated as temporary but it appears that the structure and infrastructure is not temporary. This issue is being reviewed by the planning enforcement team at Cotswold district Council. See attached email from principle planning enforcement office of CDC dated 31/5/2022

In the licensing application the promoters also plan potential pop-up restaurants the wording of the application would in our opinion lead to no restrictions on the number of events or the time of year

that these are allowed and also the number of regulated and unregulated events that happen. Oddington Parish council at their last meeting raised concerns at how much this venue could grow.

The plans attached to the licensing application do not show the relationship as a venue to neighbouring properties which will be severely affected. Below are screen shots with distances in metres to neighbours and the village.

No event management plan as stated in the licensing application appears to have been submitted within eight weeks of the first event as required.

It states within the documentation that there are safety and emergency lighting , as well as Security lighting and festoon lighting having been installed. This could be seen as a permanent installation and not necessarily temporary.

#### 1 Prevention of crime and disorder

A). It implies that there is a gate at the entrance,there is not .

B) No detail of the winding down period is provided and this could lead to events not been vacated for some considerable time after the end of the events, and spread over a long period

C). It states in the licensing application the public are expected to clear shortly after the event. This statement is too flexible it does not cover private parties weddings and pop-up restaurants

#### 2 With regard to public safety.

The entry and egress of customers from the highway to the events currently planned and advertised on the amphitheatre website, including events not currently shown on the website, together with any weddings that use/hire the pavilion ( advertised on a separate website) on dates un- specified, are of a major concern.

The number of days that the premises could operate if a license were granted could be every day 365 days per year, and not only for the current advertised events.

With a specified capacity of 500 people, with parking for 300 vehicles (as specified on the amphitheatre website) and in addition extra vehicles for staff caterers /crew /performers /stage and lighting equipment, this will create (in our opinion), an exponential risk of an accident on the entrance off the A436 (a 50 mph road). This entrance is within 15 m of the exit off the A436 into upper Oddington . The number of additional vehicle movements could be in the region of 18,000 and this is only for the events currently advertised on the website from June to September. If the events can operate without restriction this number of movements will dramatically increase.

The vision time and time to react when heading in a car in an easterly direction on the A436, at a speed of 50 mph, when faced with a possible queue of traffic entering and leaving site could endanger Public Safety with the potential to produce a fatality.

The shortest route to Upper Oddington from our property on our horses, which we have used for the past 17 years, takes us up to the cross roads with the new Amphitheatre. When events operate in daylight hours the traffic risk to horse and rider will be greatly increased, added to the recent change in the Highway Code requiring a much slower and wider berth when passing on the highway.

We have asked Gloucestershire highways for comment, and would request that the licensing authority do likewise before granting a license, which would be a practical and logical forward step. Once the license is issued it may be more difficult to revoke this at a later date.

No details of a traffic management plan had been appended to the licensing application and therefore must be assumed not to exist.

### 3 The prevention of public nuisance

The statement that the pavilion sound equipment installed will insure minimal leakage is absolute rubbish, it is of a fabric construction and noise will travel straight through it and this is as clear as a pikestaff and therefore the statement is false in our opinion.

Taking advice from sound engineers you can not prevent sound spilling, but only mitigate it. No detail on sound mitigation is set out in the application.

There is also a fireworks event planned which is on the website, this together with the potential for the wedding venue, to have fireworks as well, could be a clear nuisance. We have horses and livestock located less than 200 m from the event venue as do other neighbours in the vicinity. We do have to make plans to protect our animals from firework events that happen around the 5th of November and New Year, but other dates and without notice could potentially cause harm and suffering. It is unreasonable for us to have to move or sedate our animals, which is not only costly but it could put them at risk due to adverse reaction to sedation. This would be down to the unreasonable behaviour of others.

The use of fireworks are covered under the countryside and wildlife act 2006 and we object vehemently to these being set off so close and at such risk.

We have Bats in the immediate vicinity, in the adjacent barn to our property, and on our yard. Bats as an endangered species are disturbed by excessive noise and light, and this venue will affect them. There are penalties for causing suffering to Bats so this should be also be carefully considered.

It is acknowledged and clearly expressed in section 18 sub section d ) within the application, that noise pollution is expected, Mr Duffield as a director of Berrybank Events Ltd and Berrybank Ltd would likely gain financially from the events, and as such residing on site doesn't automatically make him aware of the effects of noise off site. With regard to the transmission of sound "IN" the event will be totally different to "OUTSIDE" the event and will affect, in our opinion the quality of life for us and our neighbours sitting outside on a summers day and evening.

As far as ourselves and our immediate neighbours are concerned, and we are the closest and most affected, we were not informed consulted or involved in this development and this is contrary to

the statement made in the licensing application in section D where it clearly states “local residents are involved and informed”

In this respect we suggest that this is a false statement under section 138 of the licensing act 2003 and should be dealt with accordingly.

Our first notification of this venue and the events planned was by way of a leaflet drop over this Easter weekend. The full extent of the programme of events were not shown. The implication in the initial leaflet was of 6 events.

Inconsistencies in the license application.

### Public Safety

1. It is not possible to make a statement that the events will be likely to be of under 300 patrons on the license application. Since the application was submitted there has been a large amount of increased signage /media both magazine / social and BBC TV coverage to promote all the events. It is clear that the 500 seats could be easily fully bookable

### Conclusion

Any action that the local authority takes now will likely be met with huge resistance from the promoters, as it is clear that a huge investment has been taken place both in infrastructure and advertising. The organisers must however appreciate that proceeding without consultation and approvals must be at their considerable risk.

The events will without doubt as they are outside, impact on our environment and quality of life, with the effects of noise, lights, and traffic as detailed above.

Stow rugby club which is further up towards Stow has indoor and outdoor events during the year and we hear these quite clearly and they are much further away. ( 800m )The difference is we moved in 17 years ago and that venue was in place and we could not and would not object to their license.

We would not object to a maximum of 6 events per year excluding fireworks, and that they finish at 10.30 pm. This excludes parties/ pop up restaurants, and weddings.

If these planned events affect one or 100 local people, we all have the right to have our neighbourhood protected from a clearly highly commercial venture.

On talking to some local people, many have not been aware of the extent of the events planned and have assumed that all necessary permissions have been granted due to the scale, and therefore more objections may not be forthcoming. In addition many elderly residents have no email or access to the internet or social media so we have a duty to protect them.

Appendix attachments.

1 View of the pavilion from our front gate with horses going up towards the entrance

2 Horseriders will be put a greater risk with the volume of traffic entering and leaving the event see attached photo taken on a bank holiday when traffic is not too busy.

3 Plans showing relationship of nearest houses in metres from the centre of the pavilion

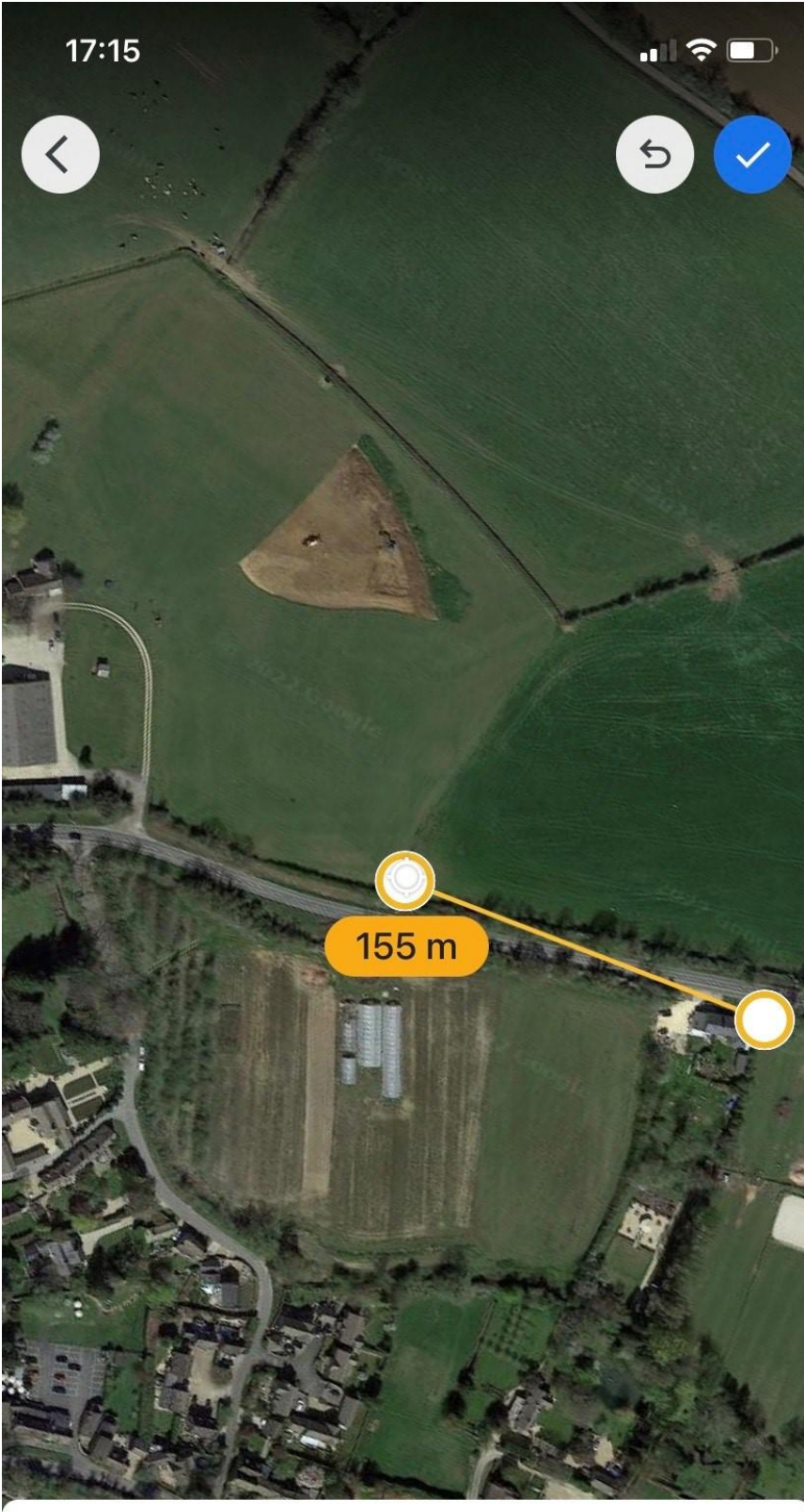
1.4. location of entrance of venue and turn into UpperOddington

1.5. Distance from our land boundary and that of the applicants land.

Regards

Gary Johnson and Sally Anne Johnson (This is our digital signature)

Enc:

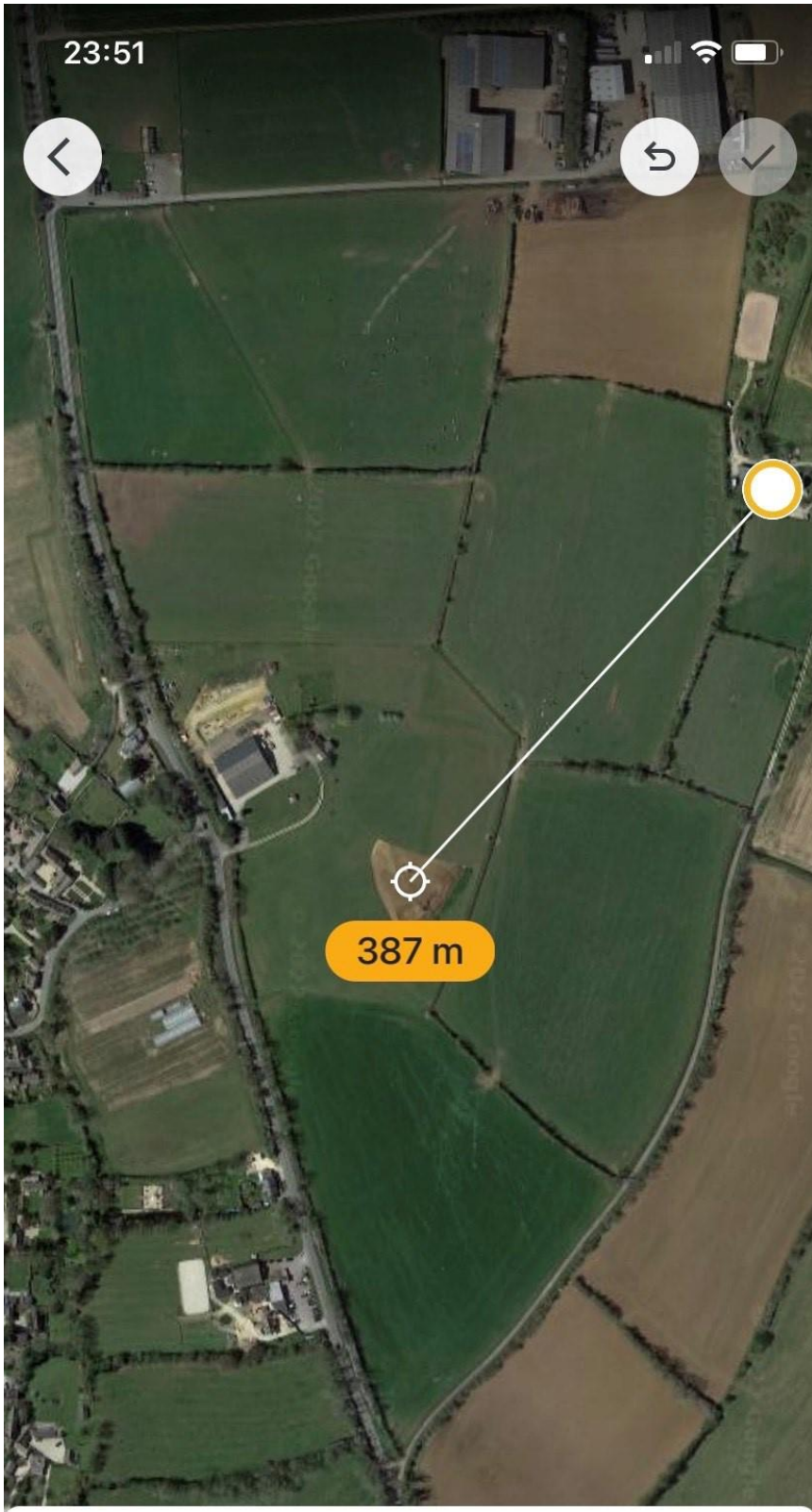


Distance ?

154 m ▾

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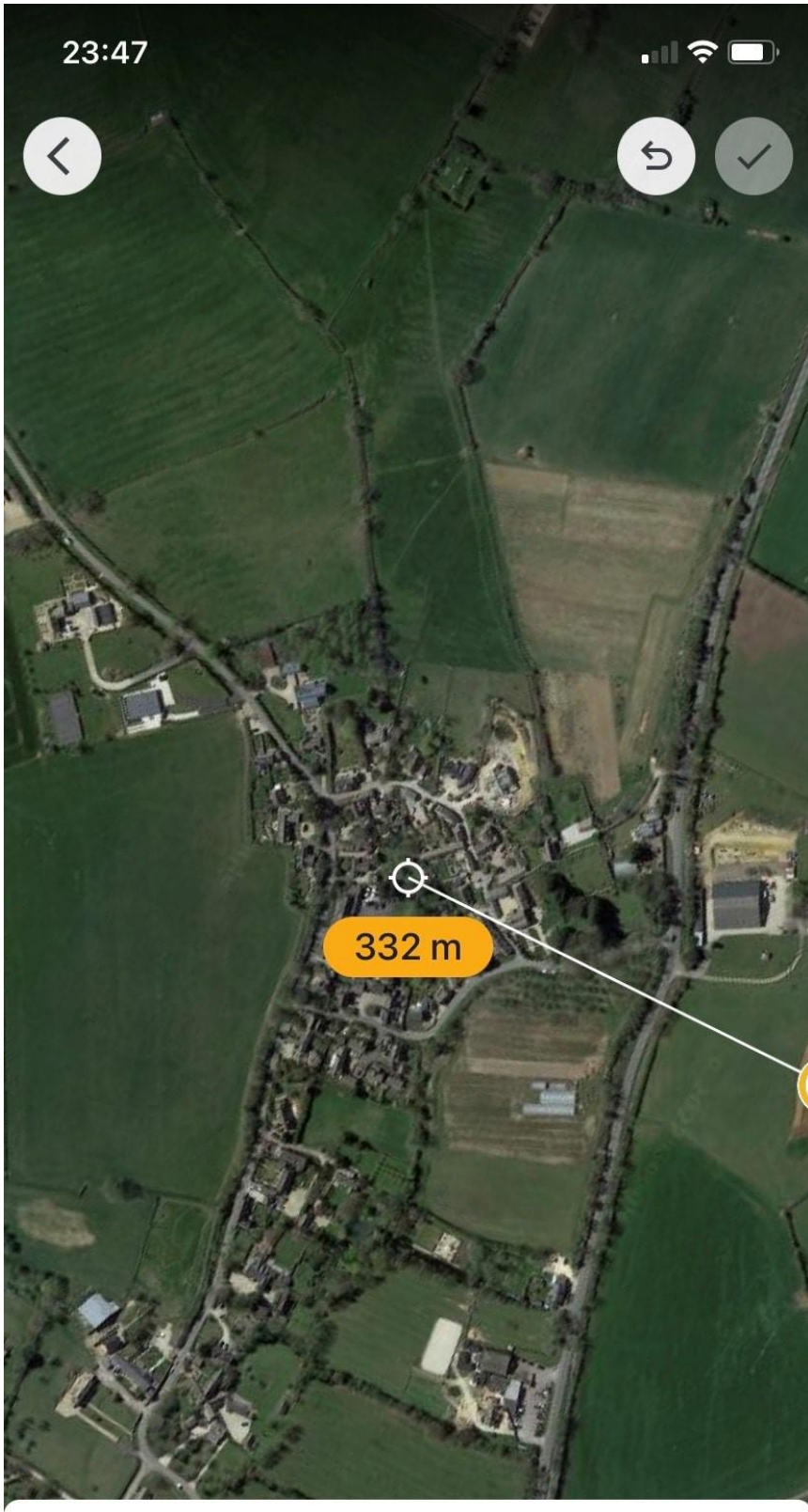


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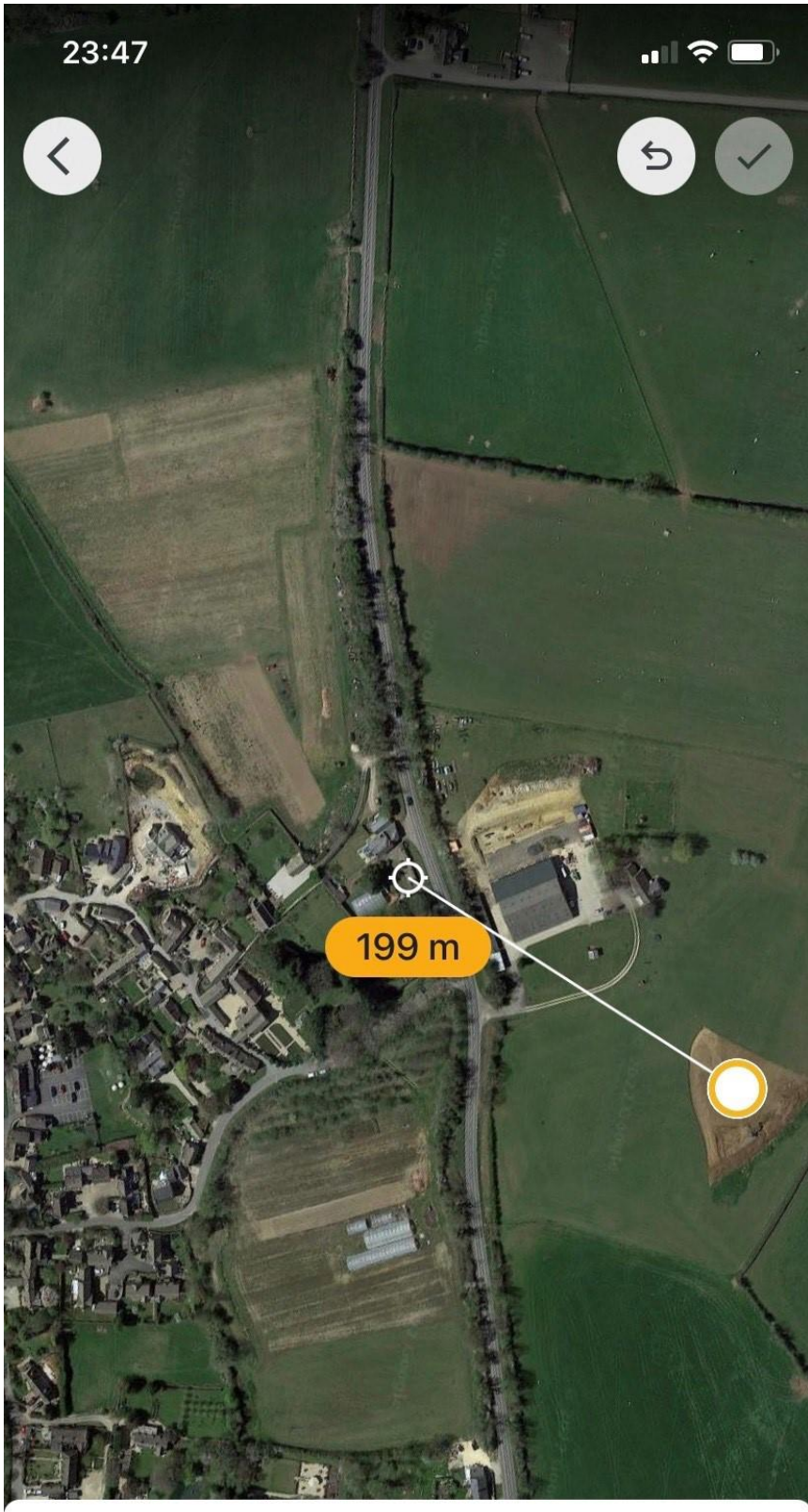
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**Gary Johnson**

**From:** Lisa-Marie Evans <Lisa-Marie.Evans@cotswold.gov.uk>  
**Sent:** 30 May 2022, 12:41  
**To:** 'Gary Johnson'  
**Subject:** Planning Enforcement Investigation - ref: 22/00117/OTHER - Berrybank Amphitheater

Good afternoon Mr. Johnson,

Thank you for your continued diligence in relation to the potential breaches of planning control at Berry Bank.

I have forwarded your last email (below) onto the planning case officer who has been allocated the Certificate of Lawfulness application (22/01634/CLEUD). On that note, we have briefly discussed the current application and I have informed him of the enforcement investigation, which is currently underway. We have agreed that the best way forward would be to conduct a joint site visit to Berry Bank and to discuss the detail of the application as well as the potential breaches of planning control that have been identified, all at the same time with the landowner.

To confirm, the potential breaches we are investigating are as follows:

1. Unauthorised engineering works to create amphitheatre;
2. Unauthorised operational development to erect pavilion;
3. Unauthorised erection of other structures near the entrance of the site;
4. Unauthorised material change of use of the land;
5. Unauthorised widening of the existing access;
6. Illegal display of advertisements.

I must stress, however, that the above potential breaches have yet to be fully assessed and further information from the landowner is required. As a result, it may be the case that some of the alleged breaches may meet the criteria set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); such as Schedule 2, Part 4 which covers the temporary use of land and temporary structures. As such, some of the identified concerns may benefit from the permitted development rights of the land and may fall outside of the control of the LPA, however we've yet to make this assessment.

In order to assist further with the investigation, I would very much appreciate if you could confirm, where possible, the locations of all of the advertisements that you are aware of that are currently being displayed. I have been informed that their dimensions measure approx. 2.5m x 1m, and I'm also aware of the one located at the Ivy Lodge crossroads on the A429, between Donnington and Broadwell. I assume that all the advertisements are the same, however confirmation relating to their locations would be very helpful.

Kind regards,

Lisa-Marie Evans  
Principal Planning Enforcement Officer



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