

Representations

C/23/01019/PRMV - Jolly Nice Limited Variation

P Robb

I was concerned to read in the Stroud Times that the Jolly Nice Farm shop has applied for an extension to the opening hours of their Hive bar, and wish to object to the application for this licence on the basis of the negative impact it will have on the local wildlife and our own animals.

My family own the agricultural land and building to the south of the Jolly Nice property, and have been concerned for some time at the impact the development of the site is having on the wildlife and the peaceful environment we have enjoyed in the past. Whilst we respect the business needs of the enterprise, there has been no consideration of the valuable rural location, or attempts to minimise the negative impact on nearby animals and neighbours.

The Hive building itself has been placed immediately adjacent to our hedge line, which is having a detrimental effect on the number and movement of birds (and bats) in that area. The constant noise from staff and customers has shattered the peaceful beauty and is spoiling our enjoyment of our own space. The pervasive smell of stale cooking oil and foul toilet odour on a daily basis is disgusting.

The additional festoon lighting (which on a quick scan of the recent planning policies, does not appear to have planning permission) that now extends around the bar and yurt as well as across the whole site goes against all the local objectives of retaining dark skies and natural spaces. The impact of allowing this licence would mean these lights would be shining until 10pm, 7 days a week.

When planning was sought for the Hive, it was stated that it would be a meeting/stop off place for cyclists, not an entertainment venue. The addition of the outdoor seating and enormous canopy directly adjacent to our barn, now consumes almost the entire area that we were led to believe (by the planning application) would be dedicated to a wildlife meadow, and is a cause of great concern.

The noise levels from the Hive on a daily basis are a big issue for us, and there have been no attempts to shield our property from this noise. The current 8pm opening hours are disruptive enough, but the noise of the live music events that extend to 10pm is unacceptable. The music 'stage' is only a few metres from the southern boundary, and the walls of our barn actually vibrate during these events. We have two horses stabled within the barn, and this level of noise causes them significant stress and is compromising their health.

The four consecutive nights of events over the recent bank holiday weekend were incredibly difficult. The thought of this licence being allowed, with disruption possible until 10pm, 7 days a week is intolerable.

I would respectfully ask that the application for this licence for opening until 10pm, 7 days a week, is declined, to preserve the special nature of this rural haven.

Attached two photographs to show the close proximity of the Hive to the boundary



T Warren

Good morning,

My wife's and I (Rebecca Warren) would like to formally object to Jolly Nice receiving an alcohol license. We live next door within 50 years of the farm shop. They constantly hold events and develop their site using retrospective planning. We are not always opposed to this however as neighbours they are dreadful. They never consult or let the houses surrounding the site know. Or apologies when they have held live misc events without warning.

The junction that the farmshop is on is a very dangerous one with dozens of serious accidents every year. I feel that the addition to add a late alcohol license to this will only cause more as the site is not accessible by foot.

K & A Allen

As residents of the village of Frampton Mansell we strongly object to the above application to extend licensing hours.

This is a farm shop and cafe in an area of outstanding natural beauty, with dark skies. It is not appropriate for local residents nor local wildlife (including the welfare of the animals currently being housed as an "attraction" right next to "the Hive") to be subjected to the persistent light and noise pollution that would ensue from an outdoor venue operating "pub" hours, 7 days a week. It is not what the residents of a rural village either need or want.

Moreover, there are 5 public houses within the local area, all of whom are well established businesses with proper facilities, which serve and support the local community and conduct their business chiefly inside. When there is a thriving village pub less than a mile away, there is no need for a farm shop and cafe to serve customers alcohol on the premises until late into the evening. The impact on the custom of the local pubs in the area would be significant and detrimental, and yet they serve as far better a hub for the local community than Jolly Nice, who make minimal effort to engage with the residents of the surrounding village.

D Chitty

As a Frampton Mansell resident, I welcome the Jolly Nice Farm Shop and believe that the drive-through is a useful resource. The extra traffic is a price we have to accept. We should support rural businesses, which create jobs and provide a service.

However, since opening of the bar, the noise levels, extra traffic and light pollution are becoming problematical. And any extension to hours will just make this worse, have further negative impact on the peace of our rural community and our dark skies.

Furthermore, we have a number of pubs in the area which are not having an easy time. It would be strange to encourage loud, very bright, late night competition to these businesses at the heart of our communities.

I fervently hope the application for extended hours will be rejected.

Mrs S Grant

This site has turned from a farm shop to an evening entertainment facility which has not got planning permission. I object due to adverse impacts on local residents amenity, safety of horses, noise, nuisance, not suitable for quiet rural area in AONB and adverse impact on local village pubs. The LPA should investigate lawful use of the site for bar and evening entertainment surely not in accordance with approval for farm shop and cafe.

C & H Benham

I am writing on behalf of myself and my partner to object to the extension of the licensing hours at The Jolly Nice.

We live at [REDACTED]. Our property is approximately 10m from the Jolly Nice.

The JN has introduced a "pub" facility over the last few months utilising temporary licences. They host live music events Thursday to Sunday on a regular basis (at least twice a week and for bank holiday weekends far more). The noise levels from these outdoor events is extremely disturbing. The sound of the base in particular represents a thumping which is clearly audible at our property to the extent that we can no longer sit in our garden in the evening due to the base which you can actually feel in your chest - this continues for hours and is both disturbing and distressing preventing us from enjoying our own home on a number of evenings per week.

One should distinguish the events held by the Jolly Nice from the White Horse Inn which previously occupied the site. The White Horse was a normal pub and any events were infrequent and held indoors which deadened the sound. In addition the White Horse provided screening in the form of mature hedges and trees which have been removed by the JN. The noise and lighting pollution from the White Horse was negligible. However that

from the Jolly Nice impacts its neighbours significantly and is not in keeping with the small village location.

If you live near one of our music festival venues you only have to live with the impact for a couple of weeks per year. If you live near a noisy nightclub you will have chosen to live in a town with the associated noise expectation. The JN is producing light pollution on a dark skies area as well and a major and regular noise disturbance in what was a quiet rural location.

I would also note that the proximity to the A419 (a normal 2 lane road here - not the dual carriage way to the South of Cirencester) in no way should influence the planners' views on noise disturbance. From 7pm onwards the traffic on the road decreases significantly and the odd car passing by has no impact on the enjoyment of the house and garden in contrast to a continual thumping sound from the music and festoon lighting which makes it impossible to sit outside for quiet enjoyment of the countryside in which we live.

We urge the committee not to allow the extension of the licensing hours which is not necessary for the functioning of a hot food takeaway and farmshop (the purpose of the site according to the planning permissions granted to it) and is preventing the neighbouring residents from enjoyment of their own properties due to the noise and light disturbance.

2nd Email

Please also note that the application states that the licence is for an indoor venue. As is clear from the website the venue is made up of a small hut called "the Hive" which houses the bar but does not have any space for customers or performers who are seated outside. Therefore this is actually an outdoor venue and should be considered as such.

S & P Jones

We wish to comment on the above application for Jolly Nice at Frampton Mansell.

To grant an alcohol licence for every evening of the week until 10 pm will completely alter the nature of the business - a farm shop.

Furthermore, it will be damaging to passing trade and tourist business for the Crown Inn in the village, less than a mile away, at a time when village pubs are all working hard to keep going.

We understand from neighbours nearer to the venue that there are already noise issues from The Hive which houses the bar: it is described as an indoor venue but a visit would reveal that this cannot be the case.

H Froggatt

As a local resident I am writing to object to this 2200hrs (10.00pm) drinks licence at Jolly Nice, GL6 8JZ for the following reasons:

1. Road Safety - There is the real potential for additional traffic noise affecting the residents of The Downs and Downs Mill.
2. The major exit from Jolly Nice leads by a short side road onto the A419 (a fast road) via a junction that has traffic accidents most weeks clearly demonstrated by the amount of vehicle debris in the verges (Highways will confirm).
3. Anything that increases the level of traffic late at night via this junction increases the danger to both residents and passers-by.
4. No mention is made of any measures to discourage drink driving by JN customers.
5. No mention is made of any "new" traffic calming measures to increase awareness of the A419 junction or indeed of people turning onto the Jolly Nice site from the A419 after 2000hrs (8.00pm) when it will be dark for part of the year.

P Tuck

I strongly object to this permission being granted on the following grounds:-

* Light - The Jolly Nice Site has had planning permission refused for the polluting and obtrusive lighting that is strung across the site - see planning application 22/03850FUL. Breaches of planning regarding this lighting which is still in place and has been added to since, have been reported to CDC. The site remains bathed in artificial glare 15 hours a day. Extending licensing hours will create more light spillage beyond the additional business hours of 10pm as patrons will inevitably take time to leave after closing time. Our District Council should be protecting this valuable countryside, the Dark Skies it enjoys, and the natural habitat for wildlife which is so important to the character of the surrounding area.

*Noise - the regular live music events and DJ sessions have caused escalating disruption to local residents. This has become a statutory nuisance as locals are deprived of their rights to enjoy the tranquility of their own homes and gardens. The adjoining open air canopy to the Hive which hosts these events is constructed of thin tent material and offers little protection from the incessant sub bass repetitiveness which carries long distance! Residents [REDACTED] and the village have concerns about the ongoing development of the site in ways that are a long way from the original concept of a farm shop and cafe. The Hive and yurt were originally seating for cyclists and yet now it is an 'entertainment venue'.. The Hive is set in a rural tranquil setting in an AONB and this should be respected and cherished.

*Hygiene - the structure known as the Hive is situated along the southern boundary of the site. This structure, toilets, car park, canopy and yurt have been erected only metres away from a neighbours property comprising of an agricultural building and pasture land with animals.

The Jolly Nice development site plans submitted to the Cotswold District Council showed a Wildflower Meadow along this southern boundary where the Hive Coffee Hut, Bar extension and

toilets now stand. These structures have an adverse impact on their neighbours enjoyment of their property, land and livestock. The Hive already creates car parking vehicle fumes, car alarms, toilet odour stench, excess litter, vermin and unacceptable loud live music in this outdoor venue detrimental to wildlife, bats, nocturnal animals and residents.

No attempt has been made by the owner to mitigate these issues so granting additional licensing hours to 10pm, 7 days a week, will only exacerbate the position.

J De Freitas

I hope this email finds you well.

I have just been made aware of a licensing application being made by Jolly Nice.

I am directly affected by the music and light pollution (Previous light pollution complaint - See below and attached).

The application is completely inappropriate and the music overwhelming impacts on the environment and an AONB.

Jolly Nice have incrementally abused the planning system and gradually encroached further into the land they own, which was formally a paddock.

Once the autumn is over we will be subjected to the music and continued light pollution, which you and your colleagues in Planning have not addressed.

The music is not contained within a building and there will be no mitigating measures put in place.

They own the former Whitehorse Public House and the provision of music would have been appropriate within a stone and brick building, not a yurt in an open field.

I strongly object to this application, please deal with the light and noise pollution. I make no apologies for the tone of this email, but the community has had enough of the behaviour of Jolly Nice. Please do not tell me that I am out of time regarding this matter, as you have previously sat on and not acknowledged previous complaints made by me.

Content of email attachment:

Dear ERS and Planning,

I hope this email finds you all safe and well.

I am writing to you to complain about hours of darkness artificial light pollution from commercial premises and land owned by Jolly Nice Farm Shop and Kitchen, Frampton Mansell, Gloucestershire GL6 8HZ. I make this complaint on the basis that obtrusive light and artificial light is now defined as a statutory nuisance in the Clean Neighbourhoods and Environment Act 2005.

I want to make it clear from the outset that I have no personal axe to grind with the business, which I regularly use.

I moved to my present home [REDACTED] just over 2 years ago. We are located 400 metres to the west of Jolly Nice (JN) and apart from large trees abutting the Rodmarton Road we have a clear and unobstructed view of the west and south aspect of the Jolly Nice footprint.

In the time that I have been here I have witnessed the relentless expansion of the site footprint into the paddock at the rear, which now comprises of a drive thru and a further area demarcated for development, expansion and relocation of the current drive thru' business (Currently subject to planning permission decision).

My specific complaint is in relation to all the obtrusive external lighting to the rear of the premises (South aspect), which comprises of festoon lighting attached to raised (Above head height) wooden posts. During the day, these lighting features appear benign, but during the hours of darkness they are too bright, excessive and unnecessarily spill into the adjacent countryside. I and my neighbours at [REDACTED], who are much closer, consider the light pollution excessive and a nuisance.

The business hours are advertised as 8am to 7pm, but the lights remain on well beyond 8pm and sometimes later. At the beginning of the month the lights remained on throughout the night for 5 consecutive nights. Although I am 400 metres from JN, the light emitted is sufficient to be noticeable in my main bedroom, which faces JN.

We reside in an AONB and the CPRE estimates that 49% of the area covered by the AONB is classified as having Dark Skies. JN and our house falls within the catchment area designated as the next step down from Dark Skies, but we abut areas classified as such. This is not now the case, due to the excessive and unnecessary light pollution emitted from JN. CDC planning policies recognise the need to maintain dark skies. We have no street lighting and there is an expectation in this rural location of a dark sky at night.

The lights cannot be classified as Christmas decorations, as they are on throughout the winter months and spring.

I have read through all the planning applications and site plans submitted by JN and there is no mention of lighting schemes or any consideration given to mitigating artificial light pollution from obtrusive external lights. In a current retrospective planning application an objector, who resides 1.8 km away across the other side of the valley (Oakridge Lynch), describes the external lighting at JN as excessive. I concur.

Having read the Guidance Note issued by the Institute of Lighting Professionals (ILP), planning policies and other relevant regulations it is clear that JN has not given any thought to installing suitable lighting or implemented measures to mitigate the light pollution and nuisance caused. A large proportion of the area lit is unnecessary and disproportionate.

I have not written to JN as they have a well-documented habit of ignoring the rules and submitting retrospective planning applications.

I am happy for a site visit to my home if you deem it necessary. I have not submitted photo imagery as I believe that the manipulation of exposure settings may give a false impression of the levels of light complained about.

I am submitting a separate objection to the most recent retrospective planning application submitted by JN.

Yours sincerely

Mr Jose De Freitas

[REDACTED]

[REDACTED]

Email 30/11/2020

Dear ERS and Planning,

I hope this email finds you all well.

Further to my email dated Thursday 19th November 2020 I wish to make a further complaint regarding the ongoing light nuisance at commercial premises and land owned by Jolly Nice Farm Shop and Kitchen, Frampton Mansell, Gloucestershire GL6 8HZ. I again, make this complaint on the basis that obtrusive and artificial light is now defined as a statutory nuisance in the Clean Neighbourhoods and Environment Act 2005.

Overnight (28th to 29th November 2020) all obtuse external lighting left on, illuminating my principal bedroom.

I also complain on behalf of the following residents [REDACTED]
[REDACTED], who commented on our Community WhatsApp Group, as follows, "Trying to sleep with a thick face mask on to block out the light - just doesn't happen. So much brighter even than normal streetlights. And this will go on at least until after Christmas"; [REDACTED] "Same here Jo, Lights at back and front left on all night shine into our house like daylight. Shame"; [REDACTED]

[REDACTED] "It doesn't impact on us the same as you, but we can see the lights from our house and the pollution is awful".

The above is just a sample of the comments made by fellow residents. The owners of this site have made multiple planning applications to expand the footprint, including a drive thru' (20/02657/FUL and 20/02852/FUL) and as previously stated a retrospective application (20/03785/FUL) for lighting to the front. None of the applications set out the lighting for the rest of the site, which comprises of multiple obtuse external lights that are the cause of this complaint. My neighbours and I have an expectation that we can enjoy dark skies during the hours of darkness. I will leave you with comment previously made (18th November 2020) by [REDACTED] "The lighting is extremely intrusive, lighting our sitting room and shining directly into our kitchen and illuminating our garden.....When I moved here there was complete darkness at night. Now you struggle to see the stars due to the light pollution from the cafe (Jolly Nice)".

Please acknowledge receipt of this complaint and I respectfully ask that you provide an update on what action, if any, will be taken.

Dr R Howes

I would like to raise an objection to the above application on the following grounds :

1. Prevention of Public Nuisance. It is reasonable to expect an increase in both noise and light pollution from the site which is within sight and sound of a quiet residential area, and therefore will have a detrimental impact on residents lives, which has already suffered with the existing licensing that you have granted. Since the site is a tent, there is no insulation from either noise or light which is all outside.
2. Public Safety. It is reasonable to expect an increase in traffic at the site, and that the cross roads outside the site at the A419 is already an accident hotspot. There is no street lighting and therefore the increase in traffic can be expected to affect public safety. There is no public transport any these extended hours, therefore the risk of drink driving can reasonably be expected to increase.

Sapperton Parish Council

Parish Clerk, For and on Behalf of Sapperton Parish Council

Dear Sir/Madam,

Sapperton Parish Council - Objection to Licence C/23/01019/PRMV - extending licencing hours to 10pm, 7 days a week. Jolly Nice Farm Shop. Stroud Road, Frampton Mansell GL6 8HZ

Sapperton Parish Council wishes to lodge an objection to this licencing application opposing the granting of the extension of licencing hours to 10pm, 7 days a week, on the grounds that this site does not comply with policy tests related to noise and light in this location.

The map submitted by the applicant does not accurately depict the current layout of the site. The Hive Bar, cited in the application, is not shown on the map. It is located in the southeastern corner of the site, against the boundary with an adjacent agricultural property, where the map shows a 'wildflower meadow'. There is no wildflower meadow shielding the Hive from the adjacent property to the south. The Farm Shop on the map does not yet exist.

Noise:

NPPF Paragraph 185 and Cotswold District Plan Policy E4

Cotswold Local Plan Policy EN4 10.4.11 states 'Some aspects of landscape quality, such as the tranquillity of an area, are difficult to define but important to protect as a key element of the character of the district. The PPG says that tranquil areas are those that are "relatively undisturbed by noise from human caused sources that undermine the intrinsic character of the area. Such areas are likely to be already valued for their tranquillity, including the ability to perceive and enjoy natural soundscape, and are quite likely to be seen as special for other reasons including their landscape'.

We object to an extension of licenced hours for the consumption of alcohol on these premises, as the venue described as The Hive Bar is 'al fresco' meaning open air, and levels of noise are not contained within a solid building. The Yurt, to be used as well, is canvass. The noise level is markedly greater than would be the case within a solid structure as has already been experienced. Noise travels in this rural location, carries further at night and is more intrusive than would be the case if confined indoors. This application proposes greater noise levels between 8pm and 10pm, and therefore does not meet the policy test within the NPPF Paragraph 185.

It does not comply with Policy E4 in the CDC Local Plan in relation to the relative 'tranquillity' of this location. The area surrounding the Jolly Nice is designated one step down from 'Dark Skies' and the AONB is considered a 'tranquil' rural area.

Lighting:

This licence application states that 'external lighting is directed away from residents/occupants in the vicinity'. This is not the case. The festoon type lighting currently in use is unshielded and cannot be directed away from residences nearby as claimed by the applicant.

The site currently has NO planning permission for any of the festoon lighting currently in situ, which was considered inappropriate when the applicant lodged a retrospective planning application for external lighting in October 2020. Planning application 20/03785/FUL was subsequently withdrawn when the Landscape Officer's report recommended refusal, clearly stating that festoon lighting across the site was significantly more than had been applied for, was an inappropriate type for the location in the AONB, was not in accord with the AONB management Plan (now Cotswold National Landscape), their position statement on light pollution, the Cotswold Conservation Board's position statement, the NPPF 2019 Paragraphs 170, 172 and 180, nor the Cotswold Local plan Policies EN2, EN4 and EN5. Both the Landscape Officer and the Parish Council, as consultees on the above planning application, submitted photographs of the volume of inappropriate lighting which existed across the site.

A second retrospective planning application was lodged in December 2022, 22/03850/FUL and was subsequently refused. The decision notice states:

'The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development is considered inappropriate and would have a negative impact on the character and tranquillity of this valued landscape. The dark skies of the AONB are one of its special qualities. Implementation of the proposal would harm this special quality to the detriment of a nationally valued and protected landscape. It is considered that the proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN2, EN4 and EN5 and NPPF paragraph 174 and 176.

There has been no other application for external lighting and the significant volume of unauthorised lighting **remains in situ** despite residents and the Parish Council lodging 'breaches' of planning permission in relation to it. The strings of the same inappropriate festoon lighting added to the Hive Coffee Shop, the canopy above and the adjacent Yurt at the southeastern end of the site and referred to in 22/03850/FUL are still in place as are the significant other strings of lights across the site from North to South. Cotswold District Council has not acted on the reported breaches to date, and unshielded, these open bulbs continue to create significant light spillage and nuisance to the equine facility to the south of the site, residential properties and harm to nocturnal animals and insects.

Cotswold National Landscape Policy CE5 and CPRE Mapping 'Dark Skies'. The use of festoon lighting in this position and context contravenes policy CE5 of the Cotswold National Landscape/AONB Management Plan).

The CPRE Tranquillity mapping places this area one step down from Dark Skies and policy CE5 of the Cotswold National Landscape/ AONB Management Plan states 'Conserving dark skies means ensuring the use of well-designed artificial light that is directed to where it is needed, when it is needed and not into the sky or across the landscape'. The lighting currently in place across the site is neither well-designed nor directable. Light from this site spills into neighbouring residential and agricultural properties and can be seen from across the valley in Oakridge.

Cotswold District Local Plan Policy EN4 states "Lighting can also have major impacts on landscape quality, particularly in areas of "Dark Skies" where there currently is little artificial light pollution. There are no significant artificial light sources other than the Jolly Nice in this area.

Uncontrolled light spill resulting from festoon lighting has a detrimental effect on ecology as confirmed by the Biodiversity Officer in the Case Officer's Delegated Report on planning application 22/03850/FUL and as such the current volume of inappropriate lighting fails to accord with Local Plan policy EN8 and Section 15 of the NPPF.

The Landscape Officer's Report on planning application 20/03785/FUL and the Case Officer's Delegated Report and the Decision Notice on 22/03850/FUL are still applicable and we include them herewith for your reference. NPPF 2019 cited in the Landscape Officer's report has since been updated and relevant paragraphs in the NPPF 2023 are 185 and 185C. References to the Cotswold District Local Plan are still current.

The NPPF 2023 Paragraph 185 and 185c clearly states that planning decisions should take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'. Allowing an unauthorised volume of inappropriate lighting across the site does not comply with the above policy test.

The granting of extended hours will increase the amount of time this unauthorised lighting will be illuminating the area. The Parish Council therefore objects to this application because allowing the consumption of alcohol until 10pm, 7 days a week, in **a venue devoid of mitigation for noise or lighting**, would have a detrimental impact on the character of the area which the District Council as local planning authority is 'statutorily' required to protect, and adversely impact residences and wildlife in the vicinity. The Parish Council has received complaints from residents regarding significant light spillage and noise from recent late evening events held at the Jolly Nice.

The Parish Council therefore strongly suggests that no extension of licencing hours on this scale should be approved until an application for an appropriate type and level of lighting for this site and its location in the Cotswold National Landscape, has been received from this applicant and approved by Cotswold District Council.
