

Representations objecting to the application to consent

COUNCILLORS

28/01/2023

Hi Karishma,

I have canvassed councillors in Chesham and we are all opposed to this. Main concerns :

- Not in keeping with the push to regenerate this area as a centre of evening / night time economy.
- These vans often undercut the rate paying businesses who are already struggling to make ends meet on the High Street.
- We have had a lot of complaints about the van at the other end of the street, near the war memorial.
- We are trying to raise the quality/ tone of the area and such a van would be a retrograde step.

What are the next steps when it comes to considering this? I would hope the views of local members carry weight here?

Kind regards
Gareth Williams
Deputy Leader
Councillor for Chess Valley ward
Buckinghamshire Council

18/01/2023

Hi Gareth,

We just had the Crazy Goat going out of business after only a few months, Burger-In are now complaining that not enough is being done to improve footfall at their end of the high street, which hasn't recovered post covid and fortunately Brimm has opened ... which I hope will be successful.

To be honest, in the past, I had alot on my plate with complaints about the Kebab Van on the Broadway, and would shy away from more food vans.

I can wholeheartedly support new businesses that rent a shop, but I believe a food van doesn't add much more value to the high street, and especially NOT to the aesthetics of the clock tower area.

Perhaps they would do better alongside the ice cream van in Lowndes park, especially if they sold coffee.

Kind regards,

Wilford

Cllr Wilford L. Augustus
Deputy Mayor &
Conservative Councillor,
St Mary's Ward
Chesham Town Council

Wed 01/02

Hi Brian

My inbox has exploded with angry of Chesham messages about a new licensing application for a food truck in Market Square. I note the consultation end date is 14th February and I'm urging everyone to make a proper submission to the licensing mailbox. Are you making the decision on this application or another officer?

Residents of Chesham are very angry that we have continued to have a fast food kebab van next to our War Memorial on our High Street in spite of numerous objections from a large number of residents. A submission from Chesham Town Council that they were not consulted on the original application and had objected to a previous application was felt to be summarily ignored. The owner's license was due to expire in December '21, yet despite various remonstrations to the licensing officers he has either remained on our High Street without a license or the licensing function has ignored all the objections to his presence. I have personally tried to encourage him into a nearby vacant retail unit but he has not engaged. We would like the kebab van removed and documented all the objections and lack of proper process last summer.

Now there is a new application for a permanent food van in Market Square. We run a regular market on a Wednesday and a Saturday and welcome traders and food trucks of all varieties participating in it. We also welcome them to supplement town centre events when and where appropriate. However, our High Street is a conservation area and is populated with listed buildings and nobody wants permanent food trucks on it as evidenced by the many comments coming through in resident and trader objections.

In addition, Chesham is now the subject of extensive regeneration scoping work and I can assure you that at no point in the preparation of the Chesham Neighbourhood Plan, the Buckinghamshire Council Regeneration Vision or any recent master planning process has our ancient and revered conservation area high street been nominated as the new mobile fast food capital of Buckinghamshire. The town council planning committee met recently and voted unanimously to reject this proposal, and a formal notice of this will be submitted. I hope our community and our parish council will be listened to this time and I sincerely hope that this application is going to be soundly rejected!

Thanks,

Jane

Cllr Jane MacBean
Buckinghamshire Council – Chiltern Ridges
Chesham Town Council – Lowndes

6/2/23

Dear Sir/ Madam,

Further to the Chesham Town Council Planning Meeting on Monday 30th January, to confirm that the councillors refused an application by Hungry Yasmine to have a van on Market Square, Chesham, HP5 1ES.

Reasons:

There is already a good range of quality food outlets in the vicinity which serves the demographic and we do not want existing businesses to be impacted.

Not in keeping with the market square.

Encourages people to congregate in the high street – noise

Feedback from local restaurant owners is very negative – whilst they are paying rates a van pays a permit and would potentially take away business from them.

It does not sit favourably with the night-time culture/ economy we are trying to develop in Chesham.

Please could you confirm receipt of this email.

Kind Regards,

Georgina Fernandez
Democratic Services Officer
Chesham Town Council

HIGHWAYS RESPONSE

26/01/2023

Dear Karishma,

Thank you for your email regarding the below street trading application consultation. I have read through the supplied documentation (attached) and have the following comments to make from a highways perspective:

1. I can confirm the proposed location of the mobile food vehicle does form part of the publicly maintained highway for which we are responsible;
2. It is unclear from the application as to what type of mobile food vehicle would be utilised. The applicant has stated they will be selling mostly Italian food (pizza, pasta and burgers) and wish to apply for a mobile trading permission. However, Under Section 6, they have answered 'No' to the question "Will you be using a vehicle in connection with your work as a trader?". The following question then asks "Description of unit from which you intend to trade, including dimensions", to which the applicant has responded "FORD TRANSIT 1997 3.5 METER LENGHT 2.5 WIDE". No other vehicle details/dimensions have been provided. Does the applicant intend to cook and serve food from a standard Ford Transit? Or is this being used to tow the mobile food unit? If so, what are the dimensions of the mobile food unit itself and where does the applicant intend to park the Ford Transit once the mobile unit has been located on site each trading day? I'm sure you can appreciate, Market Square has limited space and is designated as a pedestrian zone (with vehicles only

permitted for loading/unloading), even if the applicant is proposing to set up in the 'widest' available area. We need to minimise obstruction to the highway and still allow free-passage of highway users; there is likely insufficient space to accommodate both a towing van and mobile food van. As such, further information needs to be submitted by the applicant addressing these points;

3. Under Section 7 the applicant has stated they have £1 Million public liability insurance; we require a minimum of £5 Million for any trading / activity of this nature on the public highway;
4. It is unclear from the submitted application whether the food will be 'take away' only, or if there is a desire to place some tables / chairs by the mobile unit. If this is the case, the applicant would need to apply for a Pavement Licence from Buckinghamshire Highways (<https://www.buckinghamshire.gov.uk/parking-roads-and-transport/highway-licences-and-permits/apply-for-a-pavement-licence/>). If needed, and if granted, it could further reduce available highway space so would need to be considered in accordance with the information required in my point 2 above. I have copied in my colleagues in the Street Works Licences Team who would process any such application.

For the reasons given above, until further clarification is supplied addressing my queries above, I raise an objection to this application on behalf of the Highways team and cannot support it in its current submission.

Kind regards,

Karen Smith
Highways Technical Liaison Officer

Communities Directorate
Buckinghamshire Council

Environmental Health Response

14/2/23

Further to the application.

1. Identified Environmental Services issues relevant to the application:

- Noise from the proposed activity.
- Odour from the proposed activity.

2. Conclusion

Environmental Health have reviewed the application for the Street Trading Consent and have also been in contact with the applicant to discuss their proposals and gain further information.

The proposed site is within the busy and vibrant town centre of Chesham which consists of a mix of building uses including both commercial and residential. Of particular relevance from an Environmental Health perspective are the residential properties that are above the majority of the premises on Market Square as they have the potential to be impacted by both noise and odour from the proposed street trading activity.

It is noted that there are a number of food vendors within Market Square that are operational at the same times as proposed in the application and as such it may be argued that the introduction of a similar business operation may not have a significant detrimental impact on residents. However, the nature of a street trader is very different to a permanent premises as it does not benefit from the same mitigations and protections that come with a building, such as sound insulation (i.e. solid walls, doors and windows being closed etc.) nor does it benefit from odour mitigation (i.e. extraction and filtration systems).

It is noted that, if granted, the consent would be required to comply with the standard conditions as outlined in the Council's Street Trading Policy, most notably condition 18:

18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:

- (a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.*
- (b) Cause an obstruction to the vehicles or pedestrians in the street.*
- (c) Cause a danger to occupiers of adjoining property or to other users of the street.*

This does provide considerable reassurance and control if this application were to be granted, as non-compliance with this condition may result in the consent being revoked. However, there are a number of concerns that still remain following my conversation with the applicant. This is due to a number of aspects remaining unclear at this stage of the applicant's plans. From the conversation, it was noted that the applicant does not yet have the vehicle that they would intend to use as part of the activity; this means that some aspects of operating such a business are also unknown.

Particular concern relates to the methods of cooking. For example, whether pizzas will be fired in a gas oven, solid fuel over (i.e. wood), or by other means. Similarly, whether any deep frying or other high temperature methods will be used. This will impact on the level of odour and other waste product such as smoke. Equally, it is unclear how the applicant intends on powering the vehicle/equipment. If a generator is required, this could result in unreasonable noise levels.

3. Recommendation:

In light of the above, Environmental Health would welcome more information relating to the practical operation of the proposed activities, however if this is not provided prior to a decision being made and the Licensing Authority are minded to grant the consent, Environmental Health would support the following conditions being imposed in addition to the standard conditions:

- No fumes, steam, smoke or odours shall be emitted from the licensed premises so as to cause a public nuisance to any persons living in the area where the premises are situated.
- The use of any generator in connection with the street trading activities shall not result in noise that causes a public nuisance to any persons living in the area where the premises are situated.

Charlie Robinson

Environmental Protection Officer
Housing and Regulatory Services
Planning, Growth and Sustainability Directorate
Buckinghamshire Council

30/1/23

A couple of comments / observations from me

- I have spoken with the applicant as we received his completed food business registration form
- As the business is not currently trading, I have been unable to inspect & therefore cannot provide any insight as to how legally compliant the business is in relation to matters of food safety/hygiene
- Before granting a licence, there are some issues as regards on site provisions to consider e.g. access to a WC for the staff during the trading hours, arrangements for access to power supply and possibly water supply and refuse arrangements.

If and when this business begins trading I will obviously carry out my routine food hygiene inspection. However, I was just wondering as part of their street trading licensing conditions if there is any requirement for them to have a Food Hygiene Rating Score at any particular level (possibly 3 or above)? This is a particularly useful measure if there were any food hygiene issues, as their right to trade is linked with them being able to maintain a good level of hygiene and is a huge incentive for a Food Business Operator to maintain required standards.

I hope these are helpful comments

Kind regards

Julie Snelling

Food & Safety Officer
Commercial Team (South)
Housing and Regulatory Services
Buckinghamshire Council

Fire & Rescue Service Response



Buckinghamshire
FIRE & RESCUE SERVICE
we save lives

Form FSD025

THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION

LICENSING REFERENCE NO:	NOT CURRENTLY IN USE	FOR ATTN: LICENSING
PLANS NO:	YES	
DATE RECEIVED:	18/01/2023	
PREMISES ADDRESS	HUNGRY YASMINE 2022, MOBILE FOOD VAN, 1 DEANSWAY, CHESHAM. HP5 2NU	
OUR REF. (FILE NO).	C2433	FSEC Cat. I

SECTION A - THIS AUTHORITY DOES NOT WISH TO MAKE "RELEVANT REPRESENTATION" UNDER THE FOLLOWING SECTION OF THE ABOVE ACT

- Application for a premises licence under section 17
- Application for a premises licence under section 18(6) and 18(6)b
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)
- Application for a club premises certificate under section 72(3)
- Application for variation of a club premises certificate under section 85(3)

THE GROUNDS FOR "RELEVANT REPRESENTATION" ARE: -

NO REPRESENTATION

NOTES

A fire risk assessment must be completed by the Responsible Person in accordance with the Regulatory Reform (Fire Safety) Order 2005

Signature and Role of officer: *C. Moore*

Carrie-Anne Moore

Date: 20/02/2023

Business Fire Safety Inspector

Correspondence address: Buckinghamshire Fire & Rescue Service,
Headquarters, Stocklake,
Aylesbury, Buckinghamshire
HP20 1BD

Telephone Numbers

Office: 01296 744417

Mobile: 07771973739

Email address: cmoore@bucksfire.gov.uk

PUBLIC RESPONSE - OBJECTION

Mon 30/01

Dear All

I have just been made aware of an application for an Italian food van to be permanently placed in Market Square.

I would like to object to this application for a number of reasons:

There are two weekly markets Wednesday and Saturday and also our monthly Local Produce market, The Italian van could be part of this?

The Clock Tower Traders along with the council are trying to encourage Market Square to become the heart of our food and restaurant offer in Chesham but through **proper premises not through casual vans.**

Market Square is the heart of our town and heritage and within our conservation area and a permanent food truck dilutes the integrity of both.

A fast food van does not encourage healthy eating habits to members of our local community and as a casual van they will not be in a position to supply adequate seating to customers and will also vast increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status. There is already too much rubbish that's left from Peri Peri customers.

The van would detract from our established food and drink outlets without contributing anything to business rates or the local economy.

Where is their power supply coming from? I assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.

As a small business in Market Square we would not appreciate the noise of a generator going all the time.

Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to the culvert.

There is already a fast food van in The Broadway which I understand a team is working with to get them into a permanent premises to get the van off the street.

Why would another one be allowed?

At the end of the day you have to ask is this really the look and feel we want for our town, fast food vans cluttering our high streets.? I think not, Chesham deserves more than this.

Chesham is a beautiful heritage town nestling in the valley of the Chiltern Hills, this is what we should be on the map for not the junk food capital of Buckinghamshire.

Many thanks

Laura Collins

Orbitpress Ltd

11 Market Square, Chesham, HP5 1HG

31 January 2023

Hi Everyone

I know so of you have already become aware of this, forgive me contacting you again.

There was a town council planning meeting last night 30th Jan! Jane MacBean has kindly drawn our attention to no 9 on this attached agenda. Basically, there has been an application to permanently site an "Italian" food truck on Market Square.

The reasons so far for objecting as follows :-

- we welcome all traders to participate in our weekly Wednesday and Saturday markets and also our monthly Local Produce market but we do not support permanent trucks on our High Street.
- we are trying to encourage Market Square to become the heart of our food and restaurant offer in Chesham but through proper premises not through casual vans.
- Market Square is the heart of our heritage quarter and within our conservation area and a permanent food truck dilutes the integrity of both.
- a fast food van does not encourage healthy eating habits to members of our local community.
- a casual mobile provider will not be in a position to supply adequate seating or eating infrastructure to customers and will also foster an increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status.
- a casual provider will detract from our established food outlets without contributing anything to business rates or the local economy.
- there is no power supply for private traders so assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.
- Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to our infrastructure.
- we are already working with a current provider near the War Memorial to move him into a permanent shop rather than a mobile vehicle due to the high level of complaints from the public about environmental health concerns, noise pollution, lack of support for a fast food van and the demeaning of a valuable heritage structure.

While we have empty retail units on our High Street, there really shouldn't be a need for 'permanent' food vans.

Hazel, Blue Haze Arts & Crafts, 2 Church Street, Market Square, Chesham, Buckinghamshire, HP5 1HT

4/2/23

I own a business in Market Square and have been supporting Chesham and its community in this location for at least 25 years here at JPS Stationers, 7 Market Square.

I am disappointed that this Application has even reached this stage, when other businesses have endured enormous pressure over the last 3 years. I firmly object to this application for the following reasons :

- I welcome all traders to participate in the weekly Wednesday and Saturday markets and also the monthly Local Produce market but I do not support permanent trucks on the High Street.
- I firmly believe Market Square can become the heart of our food and restaurant offer in Chesham but through proper premises not through casual vans.
- Market Square is the heart of the heritage quarter and within the conservation area and a permanent food truck dilutes the integrity of both.
- a fast food van does not encourage healthy eating habits to members of our local community.
- a casual mobile provider will not be in a position to supply adequate seating or eating infrastructure to customers and will also foster an increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status.
- a casual provider will detract from the established food outlets without contributing anything to business rates or the local economy.
- there is no power supply for private traders so assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.
- Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to our infrastructure.
- we are already working with a current provider near the War Memorial to move him into a permanent shop rather than a mobile vehicle due to the high level of complaints from the public about environmental health concerns, noise pollution, lack of support for a fast food van and the demeaning of a valuable heritage structure.
- In addition there are residents in Market Square, to whom a food van will detract from their enjoyment and facilities of the square.

Thank you for listening.

Ray Williams

PUBLIC SUPPORT OF THE APPLICATION

Tue 31/01

Hi Kathryn,

I'm not sure if you are the right person in the council to respond to, therefore please forward to who it concerns:

- We have a well-supported food van in the Broadway that adds to the cultural diversity of the High Street
- I agree that the Market Square should be promoted as the food and restaurant offering of Chesham. Therefore, a different offering would strengthen this feature of the High Street scene
- I disagree that a "food truck" dilutes from Chesham's heritage integrity. The opposite is true in that street food reflects Chesham's cultural diversity, providing food that is accessible to all pockets
- While fast food is not everyone's choice and we should always promote healthy eating. From the information given there is no evidence that this business will not provide healthy choices.
- It should be a condition of the licence that the trader provides adequate bins and the use of recyclable packaging. The Market Square is a place where people should be able to sit and eat outside. However, there are a lot of homes in the High Street, Watemeadow and Red Lion Street who would be natural customers of this type of business.
- This type of business does contribute to the local economy in many ways, depending on where the staff live, suppliers used, and more importantly the of local business that will benefit from the greater food offering.
- This type of business will have a positive impact on the area by promoting the evening economy and increasing the feeling of safety at night due to the increased numbers of people.
- The objections below assume a certain type of generator will be used, but this should be a question raised. There are many silent generators available on the market now.
- The issue of the Culvert had been resolved and is no longer "ancient".
- Lastly the Market Square, should be promoted as a place where both "street food" more traditional restaurants can sit side by side. Although not all the "bricks and mortar" offerings in the Market Square match the profile suggested below.

Kind regards,

Martin Parkes

Salon Owner

5 High Street, Chesham, HP5 1BG