

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Licensing Sub Committee		
MEETING/ DECISION DATE:	Thursday 29 July 2021	Agenda Item Number	
TITLE:	Application for a New Street Trading Pitch - Bathford		
WARD:	Bathavon North		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Annex A - Application (including photo of proposed unit) Annex B - Plan of the pitch location Annex C - Objections Annex D - Message of support Annex E - B&NES Street Trading Conditions Annex F - B&NES Street Trading Policy			

1 THE ISSUE

- 1.1 On 30th. April 2021 an application was received for a new Street Trading pitch to be created near the junction of Ostlings Lane and Bathford Hill, Bathford. The application proposes the sale of hot food and drink from a trailer unit.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 THE REPORT

- 3.1 An application has been received from Omer Faruk Akdeniz. **(Annex A)**.
- 3.2 The type of stall to be used will be a mobile trailer unit measuring 12ft. in length.
- 3.3 The times applied for are 5pm to 11pm every day.

- 3.4 Notification of the application was posted at the proposed location giving persons until midnight on 11th. June 2021 to submit any objections. The application was also published on the Council's website.
- 3.5 Copies of the application notices were hand delivered to nearby residential and retail premises that would be affected.
- 3.6 A plan of the area and photos of the proposed unit are included (**Annex B**).
- 3.7 Objections were received. (**Annex C**). All redactions in the objections received are solely to remove personal data in compliance with data protection legislation. The grounds for the objections are:
- Public nuisance, litter, detrimental effect on the area and public safety.
- One message of support for the application was received (**Annex D**).

4 STATUTORY CONSIDERATIONS

- 4.1 In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act), Bath and North East Somerset Council have adopted Schedule 4 of that Act. In accordance with that Schedule, the Council has designated all Streets/Highways within the Authority as "consent streets". This means that street trading is prohibited, subject to legal exemptions, without first having obtained a street trading consent from the Council.
- 4.2 Paragraph 7(2) of Schedule 4 to the 1982 Act provides that subject to sub-paragraph (3) the Council may grant consent if they think fit.
- Sub-paragraph (3) provides that a street trading consent shall not be granted:
- (a) To a person under the age of 17 years; or
- (b) For any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- 4.3 Paragraph 7(4) of Schedule 4 to the 1982 Act provides that when granting or renewing a street trading Consent the Council may attach such conditions to it as they consider reasonably necessary. When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.4 Bath and North East Somerset Council has standard Street Trading Conditions which are applicable to all Street Trading Consents issued by the Council. (These are produced at **Annex E**).
- 4.5 Bath and North East Somerset has a Street Trading Policy that was ratified by the Council (produced at **Annex F**).
- 4.6 When making a decision consideration need to be given to the Human Rights Act 1998.
- 4.7 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There are no resource implications arising from this report. The costs of processing licences are covered by the fees charged.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 CLIMATE CHANGE

7.1 The Local Government (Miscellaneous Provisions) Act 1982 Act is prescriptive and does not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses.

8 OTHER OPTIONS CONSIDERED

8.1 None.

9 CONSULTATION

9.1 In accordance with the current Bath and North East Somerset Street Trading Policy, the Licensing Service consulted with Avon and Somerset Police, the Council's Highways team, Property Services, Environmental Services, Development Control, Ward Councillors and adjacent premises.

9.2 The Council's Monitoring Officer (Director of Legal & Democratic) and Section 151 Officer (Director of Finance) and Information Governance Officer have all had the opportunity to input to this report and have cleared it for publication.

Contact person	Geoff Cannon. Public Protection Officer (Licensing) Tel: 07977 228120
Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

Annex A

A request for a street trading pitch was submitted as follows:

Name: Ömer Faruk Akdeniz

Address:

Phone:

Email:

NI No: Yes

Trading Name: Akdeniz kebab Van

Pitch: Mayfield,Bradford.bathford-Bath,ba1 7sd

Goods: I will do doner kebab,chicken kebab,chips,burgers

Times:

Monday-17:00-23:00,Tuesday-17:00-23:00,Wednesday-17:00-23:00,Thursday-17:00-23:00,Friday-17:00-23:00,Saturday-17:00-23:00,Sunday-17:00-23:00

Type: Trailer 12ft

Size: 12ft trailer

Attachments:

<https://www.bathnes.gov.uk/system/files/webform/d09cd0a7-fd37-4d9b-ae19-bcedd6f475f6.jpeg>

<https://www.bathnes.gov.uk/system/files/webform/8dbc9fa9-9e0e-4f7b-b7d6-34a1f8ae169f.png>

Declaration:

My application is for a new pitch outside of Bath City Centre.

Unless I intend to use an existing pitch, I have attached a plan (to scale) of the proposed new pitch location, or will send one by email.

I have attached a manufacturer's photo or diagram of the proposed stall, or will send one by email.

I understand that my application will not be considered until I have provided all supporting documents and information.

I am over 17 years of age.

I understand the Street Trading Policy and shall abide by it at all times.

I understand the Street Trading Conditions and shall abide by them at all times.

I understand that the Consent may be revoked at any time.

I confirm that I have permission from the landowner to trade in this location.

Annex A

I understand that other Council departments e.g. Tourism, Leisure and Culture, Open Spaces, Commercial Estates, Property Services and Highways may have an interest as landowner and may restrict use at certain times, either temporarily or permanently.

The information I have given in this application is true.

Submitted on Friday, 30 April 2021 - 5:31am



Annex B

Street Trading Proposed New Pitch

21/00770/STTRAD

Ostlings Lane Bathford



Annex B

Street Trading Proposed New Pitch

21/00770/STTRAD

Visual representation of proposed pitch (not to scale)



Annex C

Objection 1:

Dear Ms Brown,

I would like to register my objection to the proposed licensing application for the following reasons:

1. It would have a detrimental impact on our local pub The Crown, as we all know many rural pubs have been struggling long before Covid-19 and the various lock downs during the past 12-months have further compounded the pressure. The pub is a vital part of village community and approving this application for this kebab van to be situated directly outside The Crown will affect the viability of an already struggling local business.
2. The application for the licensing site is on a junction to the A363 which has become increasingly busy since the clean air zone was introduced in Bath this year. There is already insufficient parking in/around the location either when the pub is open or when rugby is being played, this will further compound both parking and highways safety issues.
3. Our village is in an a recognized Area of Outstanding Natural Beauty (AONB), not an industrial estate, how would having a kebab van enhance this area? The answer is it would not, i can only see it having a detrimental affect on the area, likely causing an increase in litter from takeaway rubbish. As well as increasing unnecessary noise through increased traffic and people congregating late at night at the bottom of the village.

I would be grateful if you can confirm receipt of my objection - thank you.

Kind regards,

Objection 2:

Dear Cathryn Brown

I wish to object to the proposed licencing of a Kebab van near to Ostllings land in Bathford. A look at Crash map will show that the turning from the A363 onto Bathford Hill is already a danger area for traffic. People slowing down and turning to access a Kebab van would increase this problem.

In addition, there is a much valued pub and restaurant just across the road which is in keeping with the local area and which would probably suffer a loss of trade if a van were permitted to trade so near to it.

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Objection 3:

To whom it may concern,

As a resident of Bathford, I OBJECT to App ref: 21/00770/STTRAD due to the following:

- Impact on Highway: A kebab van at the Ostlings Lane junction will have a significant impact on parking, access to Ostlings Lane and the Bathford hill/Bradford road junction. The junction is particularly busy around rush hour and parking is limited. An increase in vehicles parking/manoeuvring in this area would be hazardous.

-Smell/litter/noise: Neighbouring properties would be subject to lingering smells, an increase noise pollution and litter from the Kebab van every day 1700-2300.

-Impact on an area of AONB/rural village: Bathford is a rural village. A kebab van is not in keeping and has no benefit the local area. There is a much more suitable lay-by on the A46 dual carriage way which would suit such a business.

With Regards,

Objection 4:

Dear Ms Brown

We would like to register our Strong objection to a proposed pitch for a Kebab Van on Ostlings Lane Bathford, Cotswold Way Area of Outstanding Natural Beauty.

We are residents of Ostlings Lane and strongly object to the application for a Kebab van on our quiet residential street, which is also part of the area of outstanding natural beauty.

It would be highly inappropriate to pitch a food van in this position, for both aesthetic and practical reasons. The van would cause litter which in turn would attract wild animals to venture across a road from farmland and would in turn attract vermin to Ostlings Lane.

Kebab van customers would also contribute to noise disturbances, cooking smells and traffic in this quiet road and residential area between the hours of 5pm and 11pm.

There is already a country pub in this area Bathford which serves food all day, which is more than adequate for this quiet village.

There is a take away food establishment Robbies' Plaice, approximately half a mile away which serves Kebabs, Fish and Chips and more.

Kind regards

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Objection 5:

I would like to formally write to you to object to the following application for a kebab van in Bathford - Ref 21/00770/STTRAD.

A 12ft trailer selling kebabs is a horrible eye sore that will spoil the main road into beautiful Bathford.

It is absolutely not in keeping with the rest of the village and will not be welcomed by any of the residents.

It will also attract people in vehicles to the pub which simply does not have enough adequate parking for this.

I am gobsmacked that this application would even be allowed to get to this stage and would like to know why it is considered a suitable location for this? I think you will seriously struggle to find a single person residing in Bathford who thinks this would be a good idea!

Please let me know what I can do to object to this further as I am happy to put together a petition to stop this from happening.

Thanks,

Objection 6:

To whom it may concern,

I have recently noticed the licence application, reference 21/00770/STTRAD, for a kebab van at the bottom of Bathford hill.

As a local resident I have to wholeheartedly object to this being an appropriate place to situate a kebab van. First and foremost, Ostlings lane is narrow and an access route for local residents. But most importantly, there is a lovely pub right there who are trying to get back on to their feet after a tough year and serve lovely home cooked food until 10pm for eat in and take away.

I wish the new business applying the best of luck but please consider the established independent pub and restaurant who are trying their best to get back on their feet, and granting this application would give licence for a van to permanently park right on their doorstep. This will also take up space in what is already an undersized car park for the volume of cars that use the pubs at busy times.

I hope someone really considers how this application affects the local business and residents and reject it, perhaps suggesting an alternative location.

Thank you for your time and with kind regards,

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Objection 7:

Hello,

I would like to express concerns around the attached application for a "Kebab pitch" at Ostlings Lane Bathford.

We 100% object to this for the following reasons:

1. we do not "need" a temporary kebab van in the village and this is clearly targeting the A363 for passing traffic, or hoping that people coming out of the pub going to this stand to buy a kebab..
2. Cars arriving to buy kebabs or whatever else, coming to the village and occupants potentially gathering whilst they eat, generally disruptive in a quiet location.
3. Rubbish - No need to say anymore as this tends to happen around takeaways.
4. Unsightly and right on the edge of the village, opposite green space and a Historic pub building.
5. This is not necessary due to "Robbies Plaice" in Bathford being well established and if kebabs are needed they can be purchased there ... from a fixed high quality premises.

I could go on, but this is the wrong location for a trade stand such as this.

Regards

Thanks John,

Forgot to add the obvious smells that are going to be coming up over the village too at night.

The air is so clean over here it would be a shame to ruin it too..

Many thanks

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Objection 8:

Cathryn Brown
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Ref 21/00770/STTRAD

And North East
Somerset Council
- 9 JUN 2021

Received

Dear Ms Brown,

I wish to object to the granting of a Street Trading Consent for a Kebab Van at Ostlings Lane, Bathford.

There is no need for another food outlet in the village, we already have The Crown on Bathford Hill and The Swan on the way to Kingsdown. Food is available at the Village Shop until 5.30pm and there are other food outlets in Batheaston which is not far away.

My main objection however is that the junction of Bathford Hill, Ostlings Lane and the A363 to Bradford on Avon is a complicated one and already very busy. It was remodelled some time ago as it was dangerous and is still congested at times as there is insufficient parking for the Crown and many cars are parked on the roads. To attract more traffic and parking especially at 5pm would be foolish.

Yours faithfully,

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Objection 9:

AKDENIZ proposed new pitch Ostlings Lane Bathford

I object to this proposal on the following grounds.

It is in an extremely dangerous position. It is on the junction of the A363 / Bathford Hill junction plus Ostlings Lane. A363 carries a constant flow of heavy traffic from the South and West Wiltshire much increased by a diversion from the A36 on account of Pollution charges in Bath and traffic congestion in the city. Bathford Hill is now used as a relief road to the West Wilts towns by avoiding the busy A4.

Any van near this site would attract parking for which there is no provision and would create traffic congestion.

The site is on Highway property of Banes. It is within the Cotswold area of AONB.

There would be problems of litter and smell and annoyance to neighbours.

There is no demand in the village as it has a mutual cooperative shop.

I support the Bathford Parish council in opposing the application.

Objection 10:

Good morning.

I am writing to voice my concern at this application following a similar van using the layby at Newbridge on the A4, just on the outskirts of Bath. The van at Newbridge is permanently parked in the layby which the council should never have allowed. Has the council now set a precedent? Has any feasibility study been carried out as to the effect of vehicles stopping at or near the junctions at Bathford near this site?

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Objection 11:

Objections to Kebab van at Ostlings Lane, Bathford.

- It is not needed. The Crown Inn is there already there providing food.
- The roadside parking is already taken up by Crown customers. Any more vehicles will make the junction with the A363 more dangerous.
- Not only will the van be an obstacle for drivers using Ostlings Lane, but any customers queuing or standing in front of the van will block passage even more.
- Greater risk of people being hit by vehicles.
- It will attract out-of-parish customers – risk of burglaries?
- There will INEVITABLY BE A LITTER PROBLEM.
- None of the residents that I know would use it or want it there. Where will its customers come from?
- During Covid restrictions the Crown will have struggled: please don't make it worse for it by locating a fast-food outlet on its doorstep. We must support local business. The Crown has served Bathford from at least before 1757 AD. There were once at least 6 pubs in the village and the Crown is the last one operating!
- Fast food vans such as these are better suited to Trading Estates where tradesmen, staff and visitors welcome them all day. The stall at the Bumpers Farm trading estate by Chippenham is a good example.
- It is totally out of character in the village.

I oppose this application.

Please refuse the application.

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Objection 12:

Dear Cathryn Brown,

Subject: AKDENIZ KEBAB VAN PROPOSED PITCH:OSTLINGS LANE BATHFORD

Application Ref.21/00770/STTRAD Proposed Pitch

I refer to the Notice I received from you dated 21 May 2021. Having studied the contents carefully, I OBJECT to the granting of a Street Trading Consent application for the following reasons.

1.) Residential home impact.

I am a resident of Ostlings Lane [REDACTED]

[REDACTED] Being retired, I am a pensioner.

2.) Environmental protection.

The village of Bathford is a quintessential English country village with a modest population of circa 1759 persons. Ostlings Lane is a delightful tranquil leafy lane and is a key entry point to the Church and Bathford village. (Attached Photo 1) On this verge area [REDACTED] is a sign which states "The Cotswolds Area of outstanding natural beauty." It would be most surprising to see as the first view a kebab van and would be in direct conflict with the beauty and charm of this special area.

3) Traffic hazards and danger.

The junction is a very busy one as traffic from three roads converge, so there is potential danger at this corner. The A30 has a constant traffic flow with HGV's swinging round the corner in both directions with heavy braking and accelerating. Bathford Hill has a steady flow of vehicles. Ostlings Lane with its steep incline is in regular use. Buses to and from Bath, Corsham and Trowbridge pass by constantly. They all converge where the kebab van will park which is very close to the corner junction, and traffic will need to go round it.

Buying from a food van is impulse purchasing, often initiated by children. The danger at this busy road junction is that if drivers are suddenly distracted, there will be sudden braking, U turns, as they look to stop for parking.

4.) Parking issues.

The area by the corner junction is already a busy parking area and is the scene of numerous camper vans parking so frequently it looks like a camper van site.

(See attached photos 4/5). With the addition of a kebab van, the parking area will be reduced even further.

3) Weather issues.

During the year bad weather storms and heavy rains do occur from time to time. Drains are located in the same area as the van would park. Water quickly accumulates flowing down Ostlings Lane which is steep so the Highways Department service vehicles need to have easy access to assist with drain clearing and

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pumping .The kebab van would be a inconvenient hindrance to this activity.Heavy lying surface water attracts bugs and flies.

4) Health and Hygiene issues.

The kebab van will be located right opposite the Council garbage bins used by the Crown.Sometimes they are full, and on windy days litter can overflow.Garbage attracts rats vermin,and scavenging birds. (Attached Photos 4/5)

A kebab van will generate additional garbage waste and smells.This can be a health hazard especially for children and adults and unsightly for everybody.

In addition,litter is already a problem for me as litter louts walking or in their cars traveling either up and down the Lane, regularly toss bottles, beer cans, crisp packets and other packaging etc on to my verge which I have to clear up and throw away quite frequently.With a kebab van the litter throwing will intensify.

5.) Food and beverage outlets currently open.

There are several convenient outlets for Bathford residents.A kebab van will be direct competition for the Crown and would impact their revenues after a tough year.The pub which is important for the village, only recently reopened having been closed for so long due to the covid lock down restrictions.

The Crown, and Robbie's Plaice, Easton Spice just 5 minutes away in Batheaston ,together already provide a good range of meals and snacks including kebabs ,chicken ,fish and chips ,burgers and curry and more.

By providing kebabs, chips and burgers, all the kebab van will do is to duplicate exactly what is already available.

6.) Kebab van operation impact.

The van will need a diesel generator for power and lighting, and food storage causing noise and dirt plus garbage waste .As the kebab van will operate from 1700 -2300 this means the pungent smell of cooking oil and smoke will be invading my home and other residents for 6 hours every night,7 days a week,year round which will be nauseous.Takeaway food is finger unfriendly with ketchup and mustard oozing out, this will generate paper towels,and some will become litter. It will encourage late night jollification noise at the time when we want peace in the evenings to relax.

7.) Village improvement action.

In 2020 Bathford Parish Council introduced a positive initiative ,beautifying Bathford which I fully supported as it involved clearing of bushes and roadside debris.This involved lifting the appearance and setting of Ostlings Lane. I helped as the work was undertaken and the result was a pleasing improvement.

To then allow a kebab van to operate in this location at the entrance to the Lane is thus a direct contradiction to the spirit of this Parish Council Plan of preserving and improving village life.

To conclude:

The constant presence of a kebab van every evening and year round would lead to a negative impact on the market value of my home and therefore for this and the other reasons I have stated,my request is that you and Bath and North East Somerset Council please reject this application for Street Trading Consent a it is inappropriate in this location in Ostlings Lane, Bathford.

Would you please kindly acknowledge that you have received this email from me.

Yours sincerely.

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Objection 13:

I am objecting to the proposal of a kebab van to permanently be located at the bottom of Bathford Hill. Bathford is a beautiful village and the location is next to listed grade 1 and 2 properties and is the gateway to the village. To see a kebab van in the gateway to our beautiful village is one of the most mental planning applications I have seen. And the car volume will also increase. Surely this cannot be granted and there are much more suitable locations elsewhere like the A4.

Many Thanks

Objection 14:

I am a resident of Bathford [REDACTED]
[REDACTED]

I and also my husband wish to place an objection to the above daily kebab van stand application.

Over the course of the past few years in particular we have had a growing problem with parking at the bottom of Ostlings Lane, leading to the exact location specified in this application. There have been sets of camper vans parked both sides of the road and people living in the vans on a permanent basis and various related environmental problems with overflowing waste bins and litter and intermittently the Crown pub runs a waste pipe pumping foul smelling waste substance into the road.

The location described is a very popular location for cyclists and other members of the public to park and with no car park, it is the only place for the pub customers to park.

We have already had several situations where ignorant parking and overflow has blocked the road and that means that several properties including mine are denied access to emergency services should we need it, as they would not be able to access from the other end of Ostlings lane (restricted access high walled entrance with a bend).

The addition of a large daily kebab van at that spot will only exacerbate the existing problems. Particularly on a daily basis. As it stands, a large camper van has been parked in the application location since the re-opening of the crown (believed to be where some of their temporary staff are living), so there is no space anyway and we are concerned about conflict that may result.

Finally, knowing the community well and with the village already well served by a fish and chip shop, another kebab shop a very short distance away, I would also dispute that there is any need for a kebab van in Bathford and in particular this location in what is also a conservation area.

I would be very happy to discuss any of these concerns and objections further, should you wish to contact me.

Kind regards,

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Objection 15:

Dear Licensing Committee

I wish to object to the application on several grounds as noted.

Road Safety.

I use Ostlings Lane daily including evenings and the Junction that the proposed location of the License that is being applied for is not suitable as its location is at a very busy and dangerous T- junction of a main road. During my 12 years many Accidents has happen at this Junction due to its proximity to the Crown Pub where those travelling and wishing to stop and park have caused many collisions. In recent years Highways have modified this Junction making it much narrow to steer from the main road to the High Street. (see photo's enclosed)

I have taken a few photo's which clearly shows the busy traffic.

Other concerns, Where are visitors going to Park once they arrive at this Junction ? I have enclosed a photograph where my view from Ostlings Lane to the junction we already have vehicles parked on the Left and vehicles for the Crown Pub on the right, Leaving just a single route for traffic that should flow for both directions. There are many other residents that use Ostlings Lane.

I recommend the case officer to visit and view this location to witness the unsuitable location where I can only see further traffic start and stop at a location where collisions are inevitable.

The proposed site would also encourage much more traffic to an already busy location.

I strongly oppose and object to the application on Road Safety grounds both for pedestrians and on flowing traffic that requires access to Ostlings Lane uninterrupted.

Additional Noise and Disturbance to a Quiet Village

If approved, There will be an increase in traffic and noise to the local area. I see no reason why the village would benefit from another food source when our Local Pub provides various food served most of the day and till 11.pm

During the last 15 months over the Lock down restrictions, We have benefited from many other local home delivery hot food services that have a comprehensive variety of foods and see no reason for this additional

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service. We benefit from Hot food services from our Neighbour Village in Batheaston some a few 100 yards away.

It would appear the Kebab Van would generate more business from outside the village than its residents and hence my first concerns over additional traffic.

There are many other reasons which will have a negative impact on our Village, Noise to the adjoining local residence, Rubbish and encouraging vehicles to travel to this Location from outside the Village perimeter up to 11pm.

If this application was to be approved, It will have much more of a negative impact to our Village than positives.

It would also contravene on Green policy, encouraging additional carbon emissions generated from vehicles outside the village.

I strongly Object this application.

Regards



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Annex C



Annex C

Objection 16:

Dear Cathryn Brown

Refs 21/00770/STTRAD

Proposal to License a Kebab Van at the junction of Ostlings Lane and Bathford Hill, Bathford

As a resident of Bathford am writing to object to the above proposal

1) It is well known that the pandemic of the past eighteen months has been most damaging to the hospitality sector, and particularly for local pubs and many may not survive.

The Crown at the bottom of Bathford Hill is now the only remaining pub in the village and is an important amenity for the village. It serves food and granting a licence for this van would be seriously detrimental to the pub's current and future customer base.

2) Bathford is a Conservation Area, indeed there are particularly stringent regulations regarding the felling of trees or their branches in the area as often these are considered another amenity for the village. It is well known that mobile catering vans generate a lot of extra litter in their vicinity. I know that in recent times there have been problems with vermin at the bottom of Ostlings Lane and it is likely that such a problem could return if this licence was granted.

3) Vehicles that drive down Ostlings Lane and hope to turn left onto towards Bradford on Avon on the A363 do not necessarily need to join the traffic queuing at the bottom of Bathford Hill in order to turn right. Having a pitch for such a van there makes the junction more dangerous than it currently is. I am sure that customers queuing will also inhibit important sight lines to traffic both joining and leaving the A363 at this point.

Over the years there have been numerous accidents at this junction. The current layout, in place in recent years has considerably improved the safety aspects of this junction, I fear that granting such a trading licence here will make the area far less safe.

I do hope you will take these points into consideration when making your decision

Yours sincerely

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Objection 17:

I would like to place an objection regarding the proposal to use the bottom of Ostlings Lane as a licensed parking spot for a kebab van 7 nights a week from 5pm to 11pm.

We currently live in Ostlings lane and have witnessed persistent rodent problems in the area with the bins from the nearby pub – this would create further rodent problems in the area and be a health and safety concern that would effect the local residents significantly.

The area can be a bottleneck at the best of times with cars parking for the pub which has only just managed to re-open. Having additional obstructions there would cause a problem for ambulances or delivery lorries or even just family cars trying to turn in. The pub itself would be impacted by having an alternative food seller literally on its doorstep – the whole idea is totally inappropriate and I am surprised it has even got this far. There is also a perfectly good takeaway restaurant in Batheaston that serves kebabs and it would affect their trade too. Does the council really want to damage business for 2 other up and running tax paying premises, who are trying to keep their heads above water as it is?

The noise and smell would permeate the whole area and be a total disaster for anyone living in the area, who are not going to be the ones using it.

Objection 18:

Dear Sirs

We wish to object and are surprised the applicant anticipates making a profit from passing trade whilst locating next to a popular and competitive village pub. However he guarantees to spoil the local environment at the entrance to the pleasant residential village of Bathford. The location at the junction of narrow Ostlings Lane Bathford Hill and A363 main road bend is often busy with speeding traffic and and parked vehicles which is not a good mix. Particularly when it is dark. If a food van is needed the open space adjacent to the railway arch is much more suitable or even Batheaston car park.

Mr & Mrs [REDACTED]

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Objection 19:

FAO: Cathryn Brown.
Dear Madam,

We note and are commenting on the application made for a burger van to be sited at the bottom of Ostlings Lane, Bathford.

We are local resident, having lived in Church St., Bathford for almost 40 years; I therefore feel we are quite well able to comment on the above application which we think should be rejected for the following reasons:

There is the village pub within 20 yards of the proposed site – what would that do for its trade? It would encourage cars, motorcycles etc to congregate at the well-known local accident blackspot involving the heavily used junction of Ostlings Lane with Bathford Hill and the A363. There is extremely limited parking nearby which is already well used by both local residents and visitors to the pub. The village is constantly trying to reduce litter – this would only risk creating more. Is there any local demand for this kind of offering – I doubt it very much.

We urge you to reject this Proposal on the grounds of it being a highly inappropriate type of food offering in the wrong place and of no local benefit.

Yours sincerely,

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Objection 20:

For the attention of Mr Geoff Cannon
Case Officer

Kebab Trailer – Ostlings Lane, Bathford
Reference No. 21/00770/STTRAD
Comments – 07/06/2021

Geoff Cannon
Case Officer
BathNES

Dear Mr Cannon,

Further to the licence application referenced above, I should be grateful if you would kindly take my following remarks into consideration.

Location

The intended location for the proposed position presents several potential problems, not least, Highway Code Rule 242 which states:

“You **MUST NOT** leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.”

And the reader is guided to both the Road Traffic Act 1988 sect 22 and regulation 103 of the Construction and use Regulations.

Further the Highway Code at Rule 243, advises *inter alia*:

“**DO NOT** stop or park”.

- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space

There is no such authorised parking space, and given the area identified one assumes that the authority is not about to provide one in such a position.

A significant point which is not obvious, is if it is intended that this trailer will arrive and depart each evening or be permanently sited.

Business Model

If the location is as mentioned above, then it is beside a long established and well-known public house. The Crown PH is itself a vendor of good quality food.

And whilst it could be argued they are not natural provender competitors; it must nevertheless be a consideration. And it would be unconscionable for the pub management to permit the consumption of a competitors food brought onto pub premises by its own clientele.

It is highly unlikely that customers attending at the pub restaurant for food will also become customers at the Kebab Trailer.

It is acknowledged that some customers exiting the public house are potential customers of the Kebab Trailer. However, it can equally be surmised that very few will be buying food from the proposed outlet every evening/night of the week.

Customer Base

A rather obvious question must be, where are the proposed customers intended to come from?

Annex C

Locals.

The total population of Bathford, comprising all age groups, is less than 1,800 inhabitants and they are widely spread over approximately 7.28 square kilometres {1,800 acres - Wikipedia}. The immediate area in and adjacent to Ostlings Lane is not overly populated.

It can be stated that there are only a small number of residents local to the site, of which few, are likely to form a core clientele for this outlet.

The indicated Ostlings Lane site, is at the bottom of a steep hill. For other local people to make use of this proposed facility on foot, there is an inevitable energy sapping return journey.

This informs us that there is little natural potential customer base, and such customers as there are will in all probability have transport, in which case there is already a variety of fast food available within a very short distance at Batheaston, less than one mile away.

Passing Trade

The junction of Ostlings Lane [lower end] with Bathford Hill, is itself immediately adjacent to the junction of Bathford Hill with the Bradford Road [A363]. This is known to be a 'difficult' junction. Traffic traversing the A363 is invariably moving too quickly. Local people are aware of this.

The upper end is via Church Street, which is accessed, via an 'uncomfortable' junction, from the Bradford Road.

If local trade is insufficient, it is fair to assume that the intention is to 'attract' business. This would inevitably require some form of signage, which may be, or become, a planning issue.

And signage would be critical, at least initially, if it is intended that this site be a destination for kebabs!

To be effective such signage would have to be variously located on several junctions leading to Ostlings Lane from the busy Bradford Road [A363] including Church Street, and at the top and bottom of Bathford Hill. It would not be surprising if further 'fly' advertising were to appear in other nearby locations notably on the A4.

It is hard to see where the intended customer base is supposed to come from to sustain the capital outlay, depreciation, loan repayments, running costs, wages, and taxes.

Without too much imagination one is drawn to the possibility of an alternative business plan, an ulterior motive for this location.

It is not unknown for such businesses to be a cover for drug distribution or money laundering.

Have these been considered and does the licencing process allow for the police to be asked to background check the applicant and or his backers.

Litter

What provision is proposed to resolve the inevitable litter problem which characteristically arises from this type of outlet.

There are no publicly provided litter bins nearby. And although it may well be a requirement of licence for a bin to be provided, where will it be emptied?

Annex C

Ordinarily such litter does not attend at the point of sale.

Customers will invariably carry away their food once purchased, and it is not unknown for the discarded food wrapping [litter] to be disposed of carelessly, and the cost of dealing with the ensuing mess inevitably falling upon the local community.

What precautions, if any, are intended to mitigate the potential for vermin?

Hygiene and Sanitation

Given the requirement for suitable washing of utensils, how much water will be provided on board? Is the resultant grey water to be taken away or disposed of locally, if so, where?

What toilet facilities will be provided for the 'staff' for the duration of the proposed six hour trading period.

A period which will inevitably be longer than six hours envisaged due to: setting up, opening up, stocking, cleaning and closing.

Smell

What provision if any is proposed to mitigate the inevitable cooking smells produced?

Noise

Energy supply: presumably, bottled LPG for cooking, and electricity from a generator for lighting.

What consideration has been given to noise level. Even though the immediate area is sparsely inhabited, those who do reside nearby, however few, should not have their right to the quiet enjoyment of their property inhibited by such a business.

Anti-social Behaviour

Unintentional

This is by its very nature a short stay, pull up, buy and go, high turnover enterprise. Not at all like the adjacent Public House where the majority of customers arrive and stay for a significant period.

Now compare the style of business in question namely 'Fast Food'.

Car pulls up [parks where?] one person alights, door closes, order is placed, cash is taken, order is served, customer returns to car, door opens, door closes, car starts and pulls away.

Now repeat this for six hours every night and it can be quite easily become an intolerable problem for neighbouring properties.

In closing I wish to formally oppose the approval of this site for the activity proposed.

The area selected is not suitable, the need cannot be demonstrated, and the customer base is not evident.

I do not believe this type of business is either sustainable or desirable in a location such as Bathford.

Yours sincerely

Annex C

Objection 21: (Bathford parish Council)

BPC 3.6.21 Strong objection on grounds: difficult for cars to park by this already congested busy junction (Crown Car Park will not be available to non-customers); dangerous for customers to congregate by busy junction; increase in litter, noise, smells. The BPC is unable to think of a less suitable location.

Objection 22:

I would like to stress my objection to the planning application for a Kebab Van at the bottom of Ostlings Lane.

When this was brought to my attention I thought someone was winding me up.

This van would look unsightly as well as the Environmental, Health and Safety impact on the local community. It will attract rodents already present at the pub next to the proposed site for the van. There is a natural draft up Bathford Hill so the smell will potentially waft across the whole village.

There will be a commercial impact on the pub selling food and there is a business selling kebab takeaway in Batheaston.

Perhaps most importantly the junction at the bottom of Bathford Hill is already an accident hot spot and any distraction/obstruction the van will cause as well as added cars parking will I fear potentially create greater danger.

I am not sure who this business is targeted at as it is unlikely that it will be used much by local residents but purely serve passing trade. There is little benefit for the community.

A bad idea and I am surprised BANES Planning have even allowed it past its first reading. I am sure you will have many other objections from the local community.

A moot point but the Govt are trying to encourage the public to eat more healthily. I think even the Lib Dems would support this initiative.

Yours sincerely.

Annex C

Objection 23:

Attn Cathryn Brown

As a resident of Bathford, I would like to raise an objection to the proposed siting of the Kebab Van at the bottom of Ostlings Lane. The proposed site is a busy junction and I feel that it would make this more dangerous with the additional traffic coming to the area and trying to park. The parking on the hill is already used by customers of the pub and visitors wishing to walk or cycle in the area. The additional litter that is associated with takeaway food would be very damaging to the local environment - an area of outstanding natural beauty.

As The Crown already provides an excellent service to the local community with its varied menu, I feel that this extra service is not needed and could indeed impact on the facilities already available. We already have an excellent option of takeaway food available at Robbie's Plaice in Batheaston. It has obviously been a very difficult time for hospitality and it would be a shame to add a mobile unit to the area to impact on existing or new trade to long standing local existing businesses who are struggling to survive.

Objection 24:

Dear Cathryn Brown,

I wish to make an objection to the proposed Doner Kebab Van pitch on Ostlings Lane, Bathford. There are a number of reasons for the objection, as follows.

The proposed pitch is in an extremely prominent site at the entrance to this beautiful, historic conservation area village, only a few metres from the Cotswold Area of Outstanding Beauty, River Avon and Bybrook. This part of the village is also home to an abundance of wildlife. A large Doner Kebab Van would detract from the natural beauty of the area and would have an extremely detrimental impact on the natural environment.

Bathford is a small, very quiet, semi rural village whose main residents are young families and elderly people. A kebab van would create excess noise, smells, pollution, litter and crowds of people in a quiet residential area during the evening and night time.

Additionally, the proposed pitch is on the corner of two well used residential roads and only metres away from a very busy junction between Bradford Rd and Bathford Hill, which would be a very dangerous spot to place a kebab van, for both pedestrians and vehicles. Many accidents have already occurred at this junction. It would also attract people from surrounding areas during the evening, causing excess traffic and dangerous parking chaos in an area which is already busy with the Crown Pub.

Also, access would be restricted going up Ostlings Lane, which is a narrow country lane, particularly for larger vehicles such as recycling/waste trucks.

We choose to live in Bathford as it is a quiet and safe environment for our children to walk around and is a beautifully unspoilt village. The introduction of a Doner Kebab Van would be totally inappropriate, extremely damaging for the environment and entirely unnecessary in a village such as Bathford.

I sincerely hope these views are taken into consideration and that this application is rejected.

Yours Faithfully

Objection 25:

To whom it may concern,

I am emailing my objection to the App of a Kebab Van in Bathford.

The reasons I wish to object are:

Damage to local business (The Crown)

Highways Safety Issues for Bathford Hill / A363 Junction Parking Issues Not in Keeping with AONB / rural village Increased noise from customers Increased traffic issues on a small lane with limited access Increased litter issues Pollution and smells from the fryers and grills.

Encouraging people to loiter at unsociable hours

Thank you for your consideration

Objection 26:

Please accept this email as an objection to the above application at Ostlings Lane, Bathford.

As residents, we will be directly affected by the proposed use of Ostlings Lane for street trading purposes. The location is entirely unsuitable for the following reasons:

1. Use of Ostlings Lane. The primary use of Ostlings Lane as an access road to properties will be adversely affected. This includes the safety of kebab van staff and customers. The proposed location is a junction with Bathford Hill and adjacent to the A363. Traffic accessing this part of the village will pass immediately adjacent to the van. Has a Road Safety Audit been undertaken in support of the application, given the proposed site is within active highway, rather than a lay-by?
2. Conservation Area Status. The proposed application is within the Bathford Conservation Area, requiring all parties to take particular care of the historic environment. The Conservation Team at B&NES has not been consulted. Furthermore, the proposed location is in the immediate setting of the Crown Inn - a listed building and historic coaching inn. The historic setting includes Ostlings Lane, named after its original use as horse stabling.
3. Sequential Testing. The application fails on the most basic application of a sequential test. There is a far less sensitive, and therefore suitable, location in the lay-by adjacent to the Railway Bridge between Ostlings Lane and the A4.

Please acknowledge receipt of this objection, which we will also copy to relevant Ward Councillors.

Annex C

Objection 27:

Dear Cathryn,

I am writing to express my objections to the proposed kebab van license.

The location is but a few metres away from the beginning of the Cotswold way, an area of outstanding beauty. It is also close to an historic pub that signals the beginning of the long climb up through the village. In my opinion, a kebab van would be an eyesore for such a lovely village. Apart from this, I would be afraid that the smell, noise and parking problems would all have a negative effect.

Kind regards

Objection 28:

For the attention of Cathryn Brown

RE: Planning application ref: 21/00770/STTRAD

Firstly although the planning application states trading hours as 17.00 - 23.00 it does not indicate whether the 12 ft trailer would remain at the location when not trading - please could you provide clarification on this point?

This planning application is of concern for the following reasons:

The proposed location of the trailer at the junction of Ostlings Lane / Bathford Hill

- is right next to a stone marker indicating that this is an Area of Outstanding Natural Beauty (AONB)
- in or on the border of (difficult to see tell precisely on the bathnes map I consulted) a conservation area
- in a residential village

Positioning a catering trailer here creates the potential for increased traffic, increased demand for the very limited parking, and for increased noise and litter all of which are at odds with this local environment

The proposed location is also the junction of Bathford Hill with the A363. This is already a difficult junction to pull out of onto the A363 at peak traffic times and the position of a 12 ft trailer (with lighting in winter months) has the potential to be a distraction to drivers or even to obscure their view along the A363 towards Bradford on Avon increasing the risk of accidents

These concerns lead me to object to this planning application and to suggest that it should be refused.

Annex C

Objection 29:

Dear Sir/Madam,

I am writing as a resident of Bathford that I do not support the application for a kebab van at the bottom of Ostlings Lane.

I believe the following to be true, and therefore would urge you to not grant this application.

1) Having a kebab van placed at an extremely busy junction is increasing the risk of crashes and congestion.

Cars approaching from Batheaston are likely to not see the van until the last minute, potentially resulting in cars stopping very quickly and having the potential to cause a crash. The same would apply to those coming from Bradford-on-Avon, where a sharp stop and turn onto Bathford Hill could cause a crash. Furthermore, this could also exacerbate congestion on the Bradford Road, which is already a problem.

2) Having a kebab van on the junction is also likely to encourage dangerous parking/stopping which causes congestion, and trading concerns for The Crown.

There is very little parking available as it a busy main road junction, so cars would have little choice but to either a) park outside The Crown, which could mean customers for The Crown are unable to park and may therefore not visit the establishment, b) obstruct Ostlings Lane by parking in the road to stop to get the food from the van. I urge you to visit the site, and you will already see that parking is extremely limited.

3) The kebab van is likely to cause litter and noise, especially from those returning to surrounding areas from Bath late at night.

Having the van is increasing the chances of litter in the village, as there are very few public bins in Bathford. Furthermore, individuals and groups who are returning from Bath late at night may stop at the kebab van, which will cause unwanted noise and litter to local residents who are trying to sleep.

3) Having a kebab van in this area would damage local trade (The Crown, Bathford / Robbie's Place, Batheaston).

Both of these establishments have been hit extremely hard by the pandemic, and encouraging competition which sells similar food next to their existing premises could cause them to suffer even more and severely damage their businesses.

4) A kebab van on the junction does not fit with a rural village / area of outstanding natural beauty, and could discourage tourists and visitors.

Bath, and surrounding areas such as Bathford, heavily rely on tourism. Having a kebab van does not fit with the aesthetic that encourages tourists and passers to visit such areas.

I please ask that you consider all of the above points and do not grant this application. The van ultimately offers little benefit to those other than the operator and passing patrons, and could cause severely negative consequences for those who live in the village, or those who use the main roads often. Increasing the risk of traffic accidents, as well as litter, noise and damaging local businesses is not something which I believe should be risked at the expense of the van.

Thank you very much.

Yours sincerely

Printed on recycled paper

Annex C

Objection 30:

I'm sorry I missed the meeting this week about this licensing application.

If I am not too late please could you note my objection to the location of the van. It is difficult enough to access Ostlings lane in the evening due to customers parking at the pub. Traffic is also still speeding when accessing the village at that point. It seems incredibly dangerous to have a van at which people will be queuing, after drinking, so close to such a fast road.

There would be better pitches further up in the village where the traffic is quieter and slower.

Regards

Objection 31:

Dear Cathryn Brown

> I write with concern regarding the above application in the name of Mr Omer Farouk Akdeniz.

> I was made aware of the proposal by Councillor Hillary Carr who was making house to house calls, there have been no notices displayed. It is unclear from the proposal where the exact site is but as I read it, allowing a kebab van to park on the junction of Bathford Hill and Ostlings lane is really not in keeping with the AONB that Bathford is so proud of. The strict planning rules should remain in place in order to preserve the area.

> The listed Crown pub serves wonderful burgers, chicken and chips and encouraging cars and people to congregate on this busy corner, 7 days a week, is not suitable for village life.

> There are a lot of residential houses and a successful B and B within the vicinity and noise pollution and rubbish will mar the area if the proposal is accepted.

> Yours sincerely

Objection 32:

Good afternoon I am writing to raise my concerns regarding this application to put a kebab van outside the crown pub at Bathford in ostlings Lane.

A. There are already lots of vans parked up outside the crown at the bottom of ostlings Lane.

B. I have concerns about litter.

C. It may affect the custom of the pub.

D. The chip shop in Batheaston sells kebabs.

E. Ours is a little country village.

F. People living close by will have to endure the stink of cooking.

I personally am apposed to this application.

Annex C

Objection 33:

Dear Cathryn

Re AKDENIZ KEBAB Proposed new pitch: Ostlings Lane, Bathford

I would like to strongly OBJECT to this application, on numerous grounds.

My family and I have lived in the village of Bathford for 15+ years, we have a strong community, a thriving community village shop and pub. In my opinion if this application was successful, it would undermine all of our community services. People invest their time and support for the success of these invaluable services. The village shop is also a cafe, and our pub The Crown is also a key part of our community - both providing people in Bathford for somewhere to meet and be sociable....at last.

If this application was successful, it would add nothing but problems to people in our village. The traffic in the village is already a huge concern, with limited visibility and parking through the high street and a busy bus route (no.3 every 15 minutes).

The position of the 12ft van would also limit parking for customers of the Crown, who are trying to get back on their feet and who we will support. It would also create parking issues around a notorious traffic black spot junction!

Then we come onto the litter...we have pride in our village, which has been voted Best Kept Village on many occasion and the thought of passing traffic throwing rubbish out of cars through the village, or indeed on the road up towards Sally in the Woods should be a huge concern to BANES and wildlife. The proposed pitch his also a residential area, with a number of families living inclose proximity - there would be an obvious increase in noise, late at night, that would be a nuisance for residents.

In short: STRONGLY OBJECT

Why would you consider this in a Residential Area?

Please keep Kebab Vans and the noisy customers away from busy village amenities and keep them in lay-bys perhaps further up the dual carriageway!

Kind Regards

Annex C

Objection 34:

Dear Ms Brown.

Application for Street Trading Consent. Ref 21/00770/STTRAD

We have received notice that there is an application to permit a burger van to trade in Bathford. The proposed pitch is 'near the junction with Bathford Hill'. We would like to object to this application on the following grounds.

Road safety. This is a busy junction with the A363. There have been several collisions in the last three years. There appears to be some problem with visibility, possibly caused by the bends in the road and the traffic navigating the bridge. We think that, due to the size of the junction, it is likely that a number of customers' vehicles will carry out U-turns, either upon arrival or when leaving. Not a good idea on a busy junction!

Congestion. The bottom of Ostlings Lane needs careful navigation even when it is quiet. A burger van is bound to attract customers who will view parking close-by as a higher priority than ensuring there is no obstruction on the Queen's Highway.

Noise, loss of amenity and litter. Obviously these points won't be known until a van starts trading. However, there are plenty of sites operating, where local residents might wish that permission had not been given. Does a licence, once granted, have any provision for monitoring and compliance?

Bathford is a quiet village, most of which is in the Conservation Area. If the burger van will not be trading within the Conservation Area, it will be as near as makes no difference. There is plenty of provision for fast-food deliveries if residents feel the need for that type of food during the evening.

Thank you for giving us the opportunity to raise our objections. We look forward to seeing the outcome in due course.

Yours sincerely,

Annex C

Objection 35:

FAO Cathryn Brown

This email is to formally object to the above referenced application for the following reasons.

1. Ostings Lane is a quiet village street and this application is not in keeping with the surroundings.
2. The junction of Ostlings Lane with Bathord Hill and Bradford Rd is a busy intersection and there are regular road traffic accidents and any additional traffic maneuvering to get to the kebab van will add risk and increase the likelihood of accidents.
3. There is already a problem with rats in this location and a takeaway service with its subsequent litter will add to the problem
4. The location of the pitch is within the **Cotswolds Area of Outstanding Beauty** and adjacent to a CAO marker (Ironically!) see attached photo.
5. There is already a facility in the local area (Batheaston) that offers a 'Kebab' service.
6. There is no layby in the proposed location, therefore the van would need to be parked on the road and the council street sweeping service would be unable to sweep this area, and this area regularly floods due to the drain covers being blocked.

Objection 36:

Dear Cathryn Brown

I would like to **object** to the above application as I live [REDACTED] and it will be directly visible from my house on Bathford Hill. There are a number of reasons I think the location of this van is in the wrong place, from being in a residential area to questionable hygiene and litter problems. A concern to us would be the extra traffic and parking on what is already a busy junction and being local we frequently hear the sound of car horns of near misses of cars pulling off of Bathford Hill onto the A363. I do not know if there are records of accidents on that junction but I would guess that an accident involving the emergency services happens there 4 times a year. This 12ft van would only add to the lack of visibility. Another major factor is that the food on offer is already available at the local takeaway less than 800 metres away in Batheaston, at Robbies Plaice. This is a long established business providing employment and paying business rates to the council, a source of income that in the present economic situation the council should not jeopardise.

So please reject this application

Regards

Annex C

Objection 37:

Apologies, I couldn't find the portal / area to lodge a complaint.

Reasons are fairly simple, the position of the van next to the green, which is already a black spot for motorists and cyclists due to the speed of traffic coming down the hill from Bathford. Will further inhibit the traffic with people parking close to it. People attempt to turn left from Bathford up the hill toward Bradford Upon Avon.

I also feel that a burger / kebab van not to be in keeping with the village generally.

Thanks

Annex C

Objection 38:

24.5.21

Replanning application

21/00770/STTRAY

Bath And North East Somerset Council

- 1 JUN 2021

Received

Dear Ms Brown,

I must protest against this application.

The site at the bottom of Ostlings Lane is unsuitable for use as a pitch for a kebab catering trailer.

Reasons: Already many cars park there. Congestion.

Proximity to a busy cross-roads.

Clients creating noise and crowds?, queues?

Litter

Smell, which is pungent and carries a fair distance.

It is not appropriate in this semi-rural village.

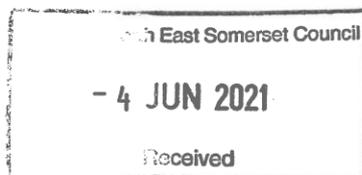
Neighbours would suffer.

Yours sincerely,

Apologies, though, to Omer Akdeniz, who needs to earn his living)

Annex C

Objection 39:



1



Cathryn Brown
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JB

June 2nd 2021

Dear Cathryn Brown,

**AKDENIZ KEBAB VAN PROPOSED NEW PITCH:
OSTLINGS LANE BATHFORD
Application Ref. 21/00770/STTRAD Proposed Pitch**

As a resident of Ostlings Lane, I wish to object to the above Street Trading Application for the following reasons:

1. A kebab van or trailer with a towing vehicle parked outside The Crown for 6 hours a night (and maybe during the day) would **restrict parking space** for the pub patrons and **residents' access** to Ostlings Lane.
2. If the kebab van requires a diesel generator there would be **constant noise** disturbing local residents for 6 hours a night, 7 days a week.
3. The **noxious smell** of fatty food being cooked would permeate the homes of residents.
4. Selling kebabs and burgers would **reduce The Crown's income** derived from sales of their hot food.
5. **More noise** would be generated late at night by the loud cars and voices of revellers buying burgers and kebabs outside in this quiet location.
6. Fast food packaging and wasted food would be discarded causing **street litter** and encouragement for **rats to populate the area**.

I strongly suggest that a Licensing Officer visits the proposed site to assess the reasons for a Refusal of a street trading licence.

Yours sincerely,



Annex D

Message of Support:

I would like it to be noted that as a resident of Bathford I am in support of the licensing application for a "kebab van" at the junction of Ostlings Lane. Ref 21/00770/STTRAD

It has been noted during the periods of lockdown that many takeaways will not deliver as far out as Bathford and the more local takeaway food premises that serve similar close by 9pm.

The Crown provides wonderful food but I don't believe the kebab van will affect the sales of gourmet food that they provide. It is to be noted that food service finishes early at The Crown also.

If the location is found to be safe for commuting drivers and for pedestrians from the local area I believe the business should be welcomed with the caveat that if local residents and/or The Crown suffer any adverse affects from the van's location, then the license can be immediately revoked.

Yours Sincerely,

Street Trading Policy Conditions

Standard Conditions (attached to each Street Trading Consent)

1. The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed to assist on the Pitch shall produce the Consent on demand when so required by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
2. The holder shall return this Consent to the Council immediately on revocation or surrender of the Consent.
3. The holder shall not trade otherwise than strictly in accordance with this Consent.
4. The holder shall notify the Council's Licensing Team at Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG immediately of any convictions or cautions obtained by the holder of this Consent.
5. The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.
6. The holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent or in relation to Consents relating to buskers.
7. The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the consent, in writing, of the Council's Licensing Manager.
8. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.
9. The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
10. The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and they must maintain the same in a clean and tidy condition and not place them so as to cause any obstruction.
11. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, statutory or common-law nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The holder shall not assign underlet or part with his interest or possession under this Consent or any part thereof but they may surrender it at any time.

13. The holder shall observe and comply with any directions in relation to the use of the street given by any duly authorised officer of the Council.
14. The holder shall keep the trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
15. The holder shall provide at their own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use under this Consent.
16. The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
17. The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this Consent.
18. The Consent Holder shall arrange their own Public Liability Insurance for a minimum value of £5M.
19. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
20. The Consent holder or any person employed by them to assist them on the Pitch shall at all times wear the identification badge issued by the Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
21. The holder shall return the identification badge(s) to the Council immediately on revocation or surrender of the Consent.

22. Street Trading Fees

All street trading fees are due in advance:

- i. Where fees are paid by cash or cheque then they need to be paid before the
1 January, 1 April, 1 July and 1 October each year unless;
- ii. The Consent Holder has in place arrangements to pay the street trading fee by monthly Direct Debit installment whereas the Consent will be renewed on an annual basis commencing on 1 April.
- iii. Failure to maintain Direct Debit payment as above may result in the consent being revoked or not renewed.
- iv. Where the payment fails to be made by the due date the Council may charge an administration fee as determined by the Licensing Manager.

Notes:

1. Street trading in a consent street without a Street Trading Consent, or from a van, cart etc., not specifically permitted by Consent, or contravening certain conditions attached to a Consent, amounts to an offence for which proceedings may be instituted.
2. A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order unless an exemption has been specifically approved. In case of doubt about the effect of any such Order, enquire at Licensing Services, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG. Any abuse of a specifically approved exemption may lead to the privilege being withdrawn for all traders.
3. The Local Government (Miscellaneous Provisions) Act 1982 provides as follows: Schedule 4, paragraph 10
 1. A person who:
 - b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
 - d) being authorised by a street trading consent to trade in a consent street, trades in that street:
 - i) from a stationary van, cart, barrow or other vehicle; or
 - ii) from a portable stall,without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
 - e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.

Street Trading Policy

1 Purpose

1.1 Bath and North East Somerset Council understands that street trading is important to both the local environment and local economy. Street trading can provide vibrancy and interest to the local environment and an opportunity for small businesses to establish themselves and grow.

1.2 The Council's vision for Bath and North East Somerset is to create a street trading environment which:

- o complements premises-based trading
- o is sensitive to the needs of residents
- o ensures that public spaces become active spaces
- o provides diversity and consumer choice;
- o seeks to enhance the character, ambience and safety of local environments
- o promotes healthy eating
- o provides local food

2 What is Street Trading?

- 2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public has access without payment.
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'Consent Streets' for street trading purposes.
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.
- 2.4 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.
- 2.5 Street trading consents for buskers wishing to sell items associated with their performance (e.g. CD's) will be established
- 2.6 Consents may be issued to mobile vendors such as Ice Cream Traders to operate in specific locations outside of the central area of Bath.

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3 Exemptions from the need to obtain a Consent

3.1 The Local Government (Miscellaneous Provisions) Act 1982 states that the following are exempt from the need to obtain Street Trading Consent:

- trading by a person acting as a pedlar under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area
- trading as a news vendor
- conducting a public charitable collection
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station, and
- trade carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop

4 Pitch assessment

4.1 The Council will maintain a map showing the location of street trading pitches. This map is available on the Council's web site at www.bathnes.gov.uk/services/business/streettrading

4.2 The Council may from time to time identify new pitches for street trading and will consider applications for new pitches. In determining whether to create a street trading pitch the Council will have regard to:

- an overriding public interest
- any effect on road safety, either arising from the siting of the pitch, or any loss of amenity caused by noise, traffic or smell □ existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians; and
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- any land owners permission which may be required from a private land owner or a relevant Council service e.g. Environmental Services (Open Spaces), Commercial Estates or Economic Regeneration

5 Application Process for a New Pitch

5.1 Before new pitches are created the Council will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite
- existing holders of street trading consents in the immediate area
- relevant ward councillors
- relevant parish or town councils
- Avon & Somerset Constabulary
- relevant Council Services including Development Control, Highways, Property Services, Environmental Services (Open Spaces), Commercial Estates, Trading Standards and Food Safety
- a relevant land owner
- any other stakeholder considered by the Council's Licensing Team to be relevant to the application

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- 5.2 In addition to the above, public notices will be placed in a clearly visible location at the site of the proposed new pitch.
- 5.3 The Council will consider any responses received in relation to public notices and any objection from consultees will be assessed against the criteria in paras 1.2, 4.2 and Section 12 and may be referred to the appropriate Licensing Sub-Committee for determination.
- 5.4 Any proposed change to conditions attached to a consent will be in consultation with consent holders and others, as specified in 5.1 above, if relevant.

6 Application Process for an Existing Pitch

- 6.1 When an existing or new pitch becomes available, the Council will publish details of the vacancy, inviting applications for the pitch. The details will be published on the Council's website.
- 6.2 Applications will be determined by the Licensing Manager. If no suitable application is received then the pitch will be re-advertised.
- 6.3 In situations where there are competing applications then the Licensing Manager will decide the most appropriate applicant in consultation with the Service Manager. The pitch will be offered to the applicant whose proposal is considered the most suitable for the particular location.

7 Mobile Street Artists

- 7.1 Mobile street artist consents may be issued to persons who sketch or paint and sell their own work and move from location to location.
- 7.2 Applicants for mobile street artist consents must give a minimum notice period of 48 hours to the Licensing Team in relation to their application.

8 Mobile Traders

- 8.1 Any mobile trader e.g. ice cream vans, will require a street trading consent.
- 8.2 Before issuing a consent the Council will consult with relevant bodies, as specified in section 5.1, and will require details of the daily routes and times of the rounds.

9 Street Markets

- 9.1 The Council actively supports the provision of temporary street markets within the district and special consideration will be given to markets which are considered beneficial to the local area.
- 9.2 Applications for temporary street markets will be considered using the same criteria set out in Para 1.2 and in sections 4 and 5 of this policy.

10 Pitches for Buskers

- 10.1 The Council will issue Street Trading consents for use by buskers who wish to sell items associated with their performance (e.g. CD's).

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10.2 Applications for pitches for buskers will be considered using the same criteria set out in Para 1.2 and sections 4 and 5 of this policy.

11 Pitches for Charitable Street Trading

11.1 The Council issues permits to enable charitable street trading. Charitable street trading must not be undertaken in any street or public place unless the Promoter has obtained a consent from the Council. The only exception to this is where the collection is exempt under schedule 4 of the 1982 Act (see section 3)

11.2 In relation to charitable street trading, the Council has a designated street trading pitch for this purpose at Kingston Parade, Bath. This pitch will be available to registered charities, or organisations demonstrating that they are a 'not-for-profit' organisation. Use of this pitch will be subject to the Council's standard street trading conditions.

11.3 The charity or organisation must obtain permission from the Principal Consent Holder responsible for the pitch at Kingston Parade whose details can be obtained from the Licensing Department.

12 Nature of Goods and Trading Hours

12.1 The nature of goods which may be sold from any pitch and the trading hours will be specified in the consultation process. Any subsequent application for a change in the nature or type of goods sold or the trading hours will require a further application and will be subject to the level of consultation as set out in section 5.1 above.

12.2 Until 1st April 2015, the Council will not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops or nearby street trading pitches. (After this date, changes to Schedule 4, Local Government [Miscellaneous Provisions] Act 1982 come into effect which promote open competition).

12.3 Goods will normally consist of craftwork, fresh flowers, fresh fruit and vegetables, ice cream or soft drinks. Other types of goods, including services, will be considered on a pitch by pitch basis and have particular regard to local needs, product diversity and balanced with other retailers in the immediate vicinity.

12.4 Street trading hours will normally mirror those of shops in the immediate vicinity. Extended trading hours will be determined on a pitch by pitch basis.

12.5 In the case of stalls selling hot food trading hours will be determined on a pitch by pitch basis.

12.6 Late night food traders operating after 11:00 pm will be subject to the requirements of the Licensing Act 2003 regarding the need for a Premises Licence. Greater consideration will be given to the impact on the night time environment and the possibility of crime and disorder on the streets as a result of the granting of a street trading consent.

13 Design and Appearance of Stall, Barrow, Van, Cart etc.

13.1 The design and appearance of the stall, barrow, van or cart etc. to be used must be agreed by the Council.

13.2 The Council has a preferred set of standards of design and appearance that they wish to achieve for all street trading pitches based in the central area of Bath.

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- All new applicants will be required to use an approved design unless a suitable alternative is agreed
- All existing Consent Holders will be required to change to an approved design by 1st January 2017, or upgrade the whole or parts of their units, as appropriate

13.3 The condition of all pitches will be monitored regularly to ensure that the required standards are maintained.

13.4 All consent Holders trading in food products are required to be registered and inspected by the Council's Food Safety Team. Contact details of the Food Safety team can be found on the Council's website.

13.5 All consent Holders are required to comply with relevant health and safety regulations including those relating to electrical and gas safety.

14 Issue of Street Trading Consents

14.1 An application for a street trading consent or the renewal of such a consent shall be made, in writing, to the Council. Applications can be e-mailed to the Council at: licensing@bathnes.gov.uk.

14.2 Consents will not normally be issued for a period of less than six days per week, unless the applicant can provide an alternative scheme acceptable to the Council.

14.3 Where a consent has expired the pitch will become subject to paragraphs 14.4 and 14.5 below.

14.4 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch on its website.

14.5 Applications for an existing pitch will be determined by the Licensing Manager or other authority delegated by the Council. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received then the pitch will be re-advertised.

14.6 Any application received by a person less than 17 years of age will be considered by taking into account the provisions contained in the Children and Young Persons Act 1933 and the Children and Young Persons Protection at Work Regulations 1998.

14.7 An application for an existing pitch may be refused or revoked if the applicant is found to be unsuitable to hold the consent by reason of having been convicted of a relevant offence, or for any other reason.

14.8 The issue of a street trading consent will not normally be delayed where other approvals, permits, licences are required by other departments or statutes except in the case where advice is required from the Council's Food Safety and Health and Safety teams.

15 Fee Structure

15.1 The Council may charge such fees as it considers reasonable having regard to pitch location, the size of the Pitch, trading days, hours and the description of goods offered for sale.

15.2 The fees will be reviewed and set on an annual basis and any variation advertised by notice in a local newspaper.

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15.3 Fees for consents must be paid in full in advance:

- in the case of Direct Debits, on a monthly basis
- all other methods, three months in advance

15.4 Failure to maintain payments as above may result in the consent not being renewed. Where a payment is not made by the due date the Council may charge an administration fee as determined by the Licensing Manager. This will include cheques or Direct Debit requests that are not honoured.

15.5 The Council cannot guarantee that pitches will be available every day and accepts no liability for the loss of earnings in relation to street trading consent holders or their employees.

15.6 In the event of roadworks, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Licensing Manager will consider appropriate refunds on a case by case basis, provided a written request has been made by the consent holder.

16 Street Trading Consents for which fees are not payable

16.1 The Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people); and
- sale of articles by householders on land contiguous with their homes

17 Conditions and Enforcement

17.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

17.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

17.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.

17.4 Persons trading without a consent and who are not exempt (see 3 above for examples) will be the subject of enforcement action in accordance with the Council's Enforcement Policy. Copies of the Enforcement Policy can be obtained from the Council's Licensing team or website.

17.5 The consent Holder is required to obtain and maintain their own Public Liability Insurance to a minimum of £5m. This will be required to be produced for inspection before any consent is issued and on demand when requested by an officer of the Council.

18 Equality

18.1 The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area.

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18.2 The Council commits to ensure that no resident of, or visitor to, the area or other person associated with the Council is treated inequitably or in an unlawful or unjustifiably discriminatory manner.

18.3 The Council will take positive steps to stop any unfair/unlawful discrimination, and will carry out positive action where discrimination is found.

19 General

19.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

19.2 This policy will complement and inform other Council initiatives including those on street markets and the public realm.

19.3 This policy will be the subject of periodic monitoring and review.

19.4 This policy will inform the detailed conditions attached to every street trading consent.

19.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.