

Environmental Protection team objection – 15/05/26

Street trading application – reference: 26/00520/STA (“Moolicious”)

Proposal and overview:

The applicant of this street trading application is proposing to place a unit on the hardstanding area next to Cheltenham’s Imperial Gardens. They are seeking to serve milkshakes, specialist shakes, alcoholic shakes and alcoholic slushies, with additional items during the winter of hot chocolate and coffee. The applicant is intending to trade over a maximum period of:

Sunday – Thursday = 11.00 – 19.00

Friday and Saturday = 11.00 – 21.00

In summary the main basis for the objection to this street trading application from the council’s Environmental Protection (EP) team is on the grounds of the unacceptable impact on air quality and the environment.

The applicant is proposing to power the unit, which will be situated next to one of Cheltenham’s popular open green spaces of Imperial Gardens, by way of a petrol generator. The applicant is seeking to operate this for up to 10 hours a day on Friday and Saturday, and for 8 hours a day on other trading periods.

This is in direct contradiction to the Licensing departments Street Trading Policy, which specifically states that the authority will review applications environmental credentials in the assessment for permission. In line with this policy as well as the EP teams environmental concerns, there are also the following points to review.

Cheltenham Borough Council voted on 9 July 2019 to declare a climate emergency. The motion had three main pillars:

- To declare a climate emergency in the borough of Cheltenham
- To set a target of a carbon neutral town by 2030
- To call on the government to devolve resources and powers to support local efforts

As a local authority, we are seeking to be a carbon natural town by 2030, which is less than 4 years away. A petrol generator operating for up to 10 hours a day, twice a week as well as other trading hours is in direct conflict to this climate pledge for the town and people of the borough.

Further information on the above can be found at the website source of: <https://www.cheltenham.gov.uk/environment/climate-action/>

In terms of the impact of poor air quality for children, the World Health Organisation (WHO), have also published a paper “Air pollution and child health: prescribing clean air”:

This report summarizes the latest scientific knowledge on the links between exposure to air pollution and adverse health effects in children. It is intended to inform and motivate individual and collective action by health care professionals to prevent damage to children’s health from exposure to air pollution.

Air pollution is a major environmental health threat. Exposure to fine particles in both the ambient environment and in the household causes about seven million premature deaths each year. Ambient air pollution alone imposes enormous costs on the global economy, amounting to more than US\$ 5 trillion in total welfare losses in 2013.

This public health crisis is receiving more attention, but one critical aspect is often overlooked: how air pollution affects children in uniquely damaging ways. Recent data released by the World Health Organization (WHO) show that air pollution has a vast and terrible impact on child health and survival. Globally, 93% of all children live in environments with air pollution levels above the WHO guidelines (see the full report, Air pollution and child health: prescribing clean air. More than one in every four deaths of children under 5 years of age is directly or indirectly related to environmental risks. Both ambient air pollution and household air pollution contribute to respiratory tract infections that resulted in 543 000 deaths in children under the age of 5 years in 2016.

Further information on the above can be found at the website source of: <https://www.who.int/publications/i/item/WHO-CED-PHE-18-01>

Background to the application and EP team responses:

Prior to submitting a full street trading application, the applicant made a pre-application submission to the council's Licensing team, who in turn consulted the Environmental Protection (EP) team.

The EP officer responding to the consultation asked, via Licensing, the applicant for how they intended to power the unit. Information was provided that this would be by way of a petrol generator.

As a result, the EP team sent the following response on 12/03/2026:

Thank you for sending over the applicant's answer to our enquiry regarding power for the unit. The final formal response from Environmental Health to this pre-application, reference 26/00292/PREAPP, is as follows:

Air quality concerns:

From recent correspondence, the applicant has confirmed that they will be utilising a generator to power the proposed unit, it is our understanding in Environmental Health that this is an electric start up but is then petrol powered unit. The local emissions from petrol powered generators are likely to be considerable, as they will be burning fuel. As this unit is proposed to be located near a public open green space of Imperial Gardens, which is highly likely to be used by children and families, these emissions will directly affect young children, who are most vulnerable to the effects of air pollution. Positioning a petrol-powered generator near to a public open park, 7 days a week, is considerably undermining the work being carried out by this local authority to improve air quality in the borough.

As a result, please could we ask the applicant if they can provide us with an update on their research into if there is a way for the unit to be mains powered while trading?

Noise/odour concerns:

Environmental Health also have a concern surrounding noise and odour from the operation of the generator for the unit, as the manufacturer reports it will operate at 70dB at a distance of 7m and it is petrol-powered. Although the applicant is not proposing to operate into the late evening period, they are proposing to operate 7 days a week for a large proportion of the day, with the latest closing time of 21.00 on Friday and Saturday night. Although Imperial Gardens is an open space there are existing businesses and residential properties in the immediate vicinity to the unit, who may be impacted by noise and/or odour. If a full street trading application is made, EH will of course be consulted, we reserve the right if necessary to object and/or make formal comment on any such application, which can include comments on noise/odour. If a unit were to be given permission and noise and/or complaints were made, EH have a duty to investigate under the Environmental Protection Act 1990.

Similar to our query above, a mains power option should be investigated for the site.

From this pre-application, the applicant then submitted a full street trading application, with some additional details on their research into an alternative power source for the unit.

Objection to the full street trading application:

As a result of the applicant's full application, with the petrol generator remaining in place, EP submitted a formal objection on 21/04/2026 detailing the following:

In relation to the street trading application, reference 26/00520/STA, for the business Moolicious proposing to trade in Imperial Gardens, Environmental Health wish to raise an objection on the grounds of air quality concerns, noise and odour. Please see below for our full comments:

Air quality concerns:

We can see from the information submitted, that the applicant is intending to use a generator to power the proposed unit, it is our understanding in Environmental Health that this is an electric start up but is then petrol powered unit. The local emissions from petrol powered generators are likely to be considerable, as they will be burning fuel. As this unit is proposed to be located near a public open green space of Imperial Gardens, which is highly likely to be used by children and families, these emissions will directly affect young children, who are most vulnerable to the effects of air pollution. Positioning a petrol-powered generator near to a public open park, at a maximum of 7 days a week, is considerably undermining the work being carried out by this local authority to improve air quality in the borough.

Noise/odour concerns:

Environmental Health also have a concern surrounding noise and odour from the operation of the generator for the unit, as the manufacturer reports it will operate at 70dB at a distance of 7m and it is petrol-powered. Although the applicant is not proposing to operate into the late evening period, they are proposing to operate up to 7 days a week for a large proportion of the day, with the latest closing time of 21.00 on Friday and Saturday night.

Although Imperial Gardens is an open space there are existing businesses and residential properties in the immediate vicinity to the unit, who may be impacted by noise and/or odour. If a unit such as this one were to be given permission and noise and/or complaints were made,

Environmental Health have a duty to investigate under the Environmental Protection Act 1990 and where a statutory nuisance exists, we are bound by the law to serve an abatement notice.

Further correspondence on the EP objection in line with the applicant's comments on the objection – sent 01/05/26:

Thank you for forwarding the applicant's response to the objection by Environmental Protection (EP) to their street trading application, reference 26/00520/STA.

It is my understanding that the company Moolicious are applying to place a unit on the pavement area directly next to Imperial Gardens, to sell milkshakes, specialist shakes, alcoholic shakes and alcoholic slushies, with additional items during the winter of hot chocolate and coffee. The applicant is intending to trade:

Sunday – Thursday = 11.00 – 19.00

Friday and Saturday = 11.00 – 21.00

The applicant made a pre-app with Licensing and EP made comments on this with all of the points as now raised in the EP objection.

The applicant is intending to power the unit with a petrol generator and although isn't requesting to trade 7 days a week, they are seeking to trade for a number of days a week including the weekend periods. The generator will be petrol powered, which raises serious AQ concerns. As this unit is proposed to be located near a public open green space of Imperial Gardens, which is highly likely to be used by children and families, these emissions will directly affect young children, who are most vulnerable to the effects of air pollution. Positioning a petrol-powered generator near to a public open park, at a maximum of 7 days a week (even over less days per week), is considerably undermining the work being carried out by this local authority to improve air quality in the borough.

The unit also has a noise level of 70db at 7m. Given this is an open green space for people/families to enjoy and the existing residential homes EP have serious concerns about AQ as well as noise from the up to 10 hrs a day use of a generator and the odour from this too. This gives rise to the Environmental Protection team having concerns surrounding noise and odour from the operation of the generator for the unit. Although the applicant is not proposing to operate into the late evening period, they are proposing to operate up to 7 days a week for a large proportion of the day, with the latest closing time of 21.00 on Friday and Saturday night.

Although Imperial Gardens is an open space there are existing businesses and residential properties in the immediate vicinity to the unit, who may be impacted by noise and/or odour. If a unit such as this one were to be given permission and noise and/or complaints were made, Environmental Health have a duty to investigate under the Environmental Protection Act 1990 and where a statutory nuisance exists, we are bound by the law to serve an abatement notice.

As a result of the EP teams objection, the applicant put forward the following: (the applicant's reply is in italics with the EP comment marked as "EP" below) – this was sent to Licensing on 01/05/2026:

It's been mentioned before I did contact the Green Space Development team in regards to the possibility of using a nearby mains supply (any such costs obviously covered by Moolicious) to operate the trailer.

This request was unfortunately was declined at the 'first hurdle' though had it been successful would have obviously eradicated all 3 of the Environmental Health issues raised by the application.

Could this again be looked into as an option with someone from the Environmental Health team contacting the relevant counterpart within the Green Space Development office to come to a more amicable solution?

EP - We are not in a position to advise or recommend that the Green Space Development team provide the applicant with power. The proposed pitch for this STA is not on CBC land and as a result we are not bound to provide power, equally, the supply is owned and paid for by CBC, meaning it is to be retained for CBC.

Having carried out noise level readings (60 seconds) at several locations out of personal curiosity to envisage what 70 decibels actually sounds like in context to the proposed location the following Db levels were noted:

Major High Street Food Hall (with refrigeration units) - Avg 71 / Max 75.4

Town Centre Busker (violin with amp) - Avg 76.1 / Max 85.5

Bus sat idle - Avg 69.7 / Max 79.3

Imperial Gardens roadside (approx proposed location of Trader Application) - Avg 63.9 / Max 83.2

Winchcombe Street Fast Food Outlet - Avg 66.2 / Max 85.8

Restaurant Bar (16 diners chatting with recorded music present) - Avg 75.0 / Max 87.8

This illustrates to me that general day-to-day noise levels are similar to that of what would be present if Moolicious or any other similar unit were to operate using a generator similar to the one we propose to use.

In relation to the above and subsequent operational noise levels using any petrol driven generator we would aim to add mufflers/sound proofing etc to limit any excessive noise emanating from any such generator whilst also aiming any vents producing fumes in a direction facing away from the gardens and towards the main road.

EP – The EP team have no way of understanding the accuracy of the noise levels the applicant has put forward above, furthermore, there is no weighting to the dB measured nor a time period. As a result, we would not be in a position to compare these with the manufacturers information for the generator which has been confirmed to be at 70dB at 7m. This noise level running for a max of 10hrs a day on Fridays and Saturdays is likely to give rise to a disturbance.

EP – If the applicant were to add vents to direct the petrol generator emissions towards the main road, this will still add additional emissions in the area directly next to a green space. As a council we are striving to improve the air quality for people living, visiting and working in the borough, not to add to them, which this operation would do.

In regards to the unit operating more eco-friendly this is something as a responsible business operator I have looked into obtaining a greener power supply. Having spoken to several companies hybrid generators still use diesel as a back-up and battery/solar powered generators can cost upwards of £40,000 which would add extensive expense to operating costs.

With this in mind and their drive for a greener town centre do the Cheltenham Council and/or Green Space Development offer any grants to offset any such costs to small local businesses?

And finally, as has also been mentioned in prior correspondence Moolicious wouldn't be trading 7 days a week.

The times listed was to merely allow 'flexibility' in trading hours due to the business on the whole being weather dependent. If further clarification is needed we could revise the previous submitted hours to reflect this, but obviously would also like the flexibility in order for the business to be successful in the proposed location.

EP - Even if there were to be conditions limiting the operation to a number of days per week, these would still mean the business is to be powered by a petrol generator directly next to a park and residential homes. The applicant may wish to approach the Climate Team at CBC to ascertain if grants are available or other agencies who support local businesses.

Further reply from the applicant:

The applicant replied to the EP comments above on 06/05/26 with the following:

Applicant:

We appreciate the EP comments and concerns in regards to fumes and odours emanating from any such petrol-powered generator.

It could be debated that any such fumes and odours would be of a minimal addition considering the green open space is adjacent to a very busy through road within the town centre.

And whilst again we appreciate the need to keep these 'additions' to a minimum with varying unmonitored road traffic vehicle numbers any such additional levels would be hard to ascertain if this would indeed be of a concern to those using this town centre green space.

Anyone using this area are already susceptible to such odours and fumes from the general day-to-day traffic volumes within the area.

The same could be said for noise levels produced by a generator experienced by any residents residing in the vicinity.

This is especially relevant given that there are a number of licenced premises within the same locality with outdoor spaces for their guests way beyond our proposed opening times.

It would be interesting to know if this 'noise pollution' been taken into account alongside our application?

In regards to the perceived 7 days and hours of operation we have continued to stress this was only to allow for flexibility due to the nature of our business being weather dependent.

Proposed Actual Opening Times:

Thursday - 12.00 - 18.00

Friday and Saturday - 12.00 – 19.00

Sunday - 12.00 - 18.00

Monday - 12.00 - 18.00 - Bank Holidays ONLY

We don't know if the above scheduled operational times would be more accommodating in regards to achieving a more positive reaction from the Environmental Health's concerns.

Attached a chart in regards to noise levels and where 70db would register on said scale as we don't believe this to be a deciding factor in objecting to the application.

We're also enquiring about an LPG power supply system, but again these subsequent costs would cause significant financial strain on a start-up independent business in an untested location.

Obviously, we want to work with the council and environmental health in order for Moolicious, something we're extremely passionate about, to be granted the Street Trading Licence and be a successful independent business addition to the town, but we're also aware of the time this process is taking.

Again, as it's been stated numerous times before we are weather dependent and the Summer is fast approaching and many further delays may result in the season not being a successful one.

EP team final comments:

As the EP team have made a formal objection to this street trading application, we have not directly replied to the final points from the applicant as we were aware that the application would be heard by the Licensing Committee.

Although yes there are additional commercial units near to the proposed trading area, these are not operating a petrol fuelled generator for up to 10hrs a day on consecutive days, nor are they creating a persistent/continuous noise from their activities which a generator could lead to.

We appreciate the applicant's proposed days of the week, however, these trading days of every Thursday, Friday, Saturday, Sunday and bank holiday remain to be a large proportion of the week. We have also reviewed the noise points which the applicant has raised. Although the chart sent may aim to show what 70dB is as an on-site comparison, the persistent use for up to 10 hours use of a generator is a cumulative issue and not an instantaneous use.

Overall, it remains our view that any permitted additional emissions from a petrol generator are in total contradiction to CBC's street trading policy and the council's aim to improve air quality for those living, working and visiting the borough.

Louise Boyle
Environmental Health Officer

15/05/2026