



## Regulatory Sub-Committee agenda

Date: Thursday 16 March 2023

Time: 11.00 am

Venue: Amersham Council Chamber, King George V House, King George V Road,  
Amersham HP6 5AW

### Membership:

T Green (Chairman), N Rana and J Towns

### Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the monitoring officer at [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

### Agenda Item

### Page No

**1**      **Introductory Remarks by the Chairman**

**2**      **Apologies for Absence**

**3**      **Declarations of Interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked, is



## Application for Street Trading Consent

|                                |  |
|--------------------------------|--|
| <b>Applicant:</b>              | Mr Ahmed Morjane                                     |
| <b>Proposed Trading Site:</b>  | Market Square (Chesham), HP5 1ES                     |
| <b>Proposed Trading Hours:</b> | Monday – Saturday 17:00hrs – 23:00hrs                |
| <b>Proposed Articles:</b>      | Italian food - pizza pasta and burger                |
| <b>Relevant legislation:</b>   | Local Government (Miscellaneous Provisions) Act 1982 |

### 1.0 Application

- 1.1 An application has been made by Mr Ahmed Morjane for a street trading consent to trade from the market Square, Chesham to sell Italian styles food, including pizza, pasta and burgers. The application is to trade 6 days a week between 17:00 – 23:00 (see **Appendix 1**)
- 1.2 Under the Council's Constitution and Internal Schemes of Delegation, the power to determine these applications is with the Regulatory Sub Committee in accordance with the Council's adopted Policies.
- 1.3 There is no right of appeal in the case of a refusal.

### 2.0 Site Details

- 2.1 The proposed location is within an area of craft beer bars, and retail food outlets. (See **Appendix 2** for application site plans).

### 3.0 Consultation

- 3.1 The application was received on 23 December 2022 and was deemed to be valid on the 17 January 2023 when all relevant documentation had been made as part of the application.
- 3.2 Consultation letters were sent to Ward Councillors, Chesham Town Council, Thames Valley Police and Buckinghamshire Council Highways. A Public Notice was also displayed at the site proposed and the expiry date for consultation was set for 14 February 2023.
- 3.3 The responses to the consultation were as follow: (**Appendices 3**)
  - 3.3.1 Councillors and the Parish Council objected on grounds of:
    - The application is not in line with Council plans to re-generate the area and improve the Night Time Economy (NTE)
    - If granted the applicant would undercut existing rate paying retail food businesses that are currently experiencing financial hardship due to a loss of footfall.
    - There are already existing complaints regarding the current food van located on the Broadway. It is considered that if granted this application would lead to further complaints.
    - It would be detrimental to the aesthetics of the clock tower area

3.3.2 Thames Valley Police – No objection.

3.3.3 Buckinghamshire Council Highways Authority – Objection to the consent being granted.

Market Square has limited space and is designated as a pedestrian zone (with vehicles only permitted for loading/unloading). Highways are required to minimise obstruction to the highway and still allow free-passage of highway users; there is likely insufficient space to accommodate both a towing van and mobile food van.

It is unclear from the submitted application whether the food will be 'take away' only, or if there is a desire to place some tables / chairs by the mobile unit. If this is the case, the applicant would need to apply for a Pavement Licence from Buckinghamshire Highways. If needed, and if granted, it could further reduce available highway space.

3.3.4 Public Response – Two objections were received from local residents on the following grounds:

- Conversation area
- The application would detract from retail food businesses in that locality
- There is already a food van in the town
- There is no power supplier for non-retail traders, so noisy generators would need to be used

3.3.5 Applicant comments – the applicant was given an opportunity to respond to the objections and his agent's comments are at **Appendix 4**.

## 4.0 Officer Comments

### Competition / Need

Competition is cited as one of the main grounds for objection. An existing trader, Kazim Caglar trading as Original Turkish Kebabs (also known locally as Charlie's and Chas's), has held a street trading consent to trade from outside the Fleur de Lis pub in the village centre since at least 2014. The permitted hours of trade for this consent are Tuesday – Thursday: 19:00 – 00:00, Friday – Saturday 19:00 – 00:30 and Sunday 19:00 – 23:00. Mr Caglar submitted an objection on the grounds of competition.

The proposed trading location is approximately one mile from both the existing trader and the centre of the village. There is no street lighting in the area but there is a footpath along the A40 from the village to the lay-by. There is a 50mph speed limit in place for the stretch of the A40 where the lay-by is located.

Having regard to the proposed hours of trading and the location of the proposed site, it is considered likely that any customers will reach the site by vehicle as opposed to being on foot. It is arguable that the proposed site would be more likely to attract passing traffic and drivers of visiting HGV's than those living in or visiting the village. As a result, it is likely that there would be no significant change to the existing trader's client base or detrimental impact on their business.

### Litter

Several of the objections refer to an increase in littering in the area if the consent is granted. There is no Council provision of waste bins at the site. When visited on the 10<sup>th</sup> August 2022 and the 21<sup>st</sup> September 2022 the site was overgrown with some evidence of litter. Conditions can be placed on street trading consents to manage issues relating to litter and nuisance and consents can be withdrawn where there is evidence of non-compliance.

### Road Traffic Movements

Concerns have been raised about an increase in road traffic movements and the perceived dangers of the junctions onto the A40 and City Road. Both the Highways Authority and Thames Valley Police responded to the consultation and confirmed that they had no objections to the application.

It is clear from both the representations, site visits and online images that the layby is regularly used by HGV drivers.

Road Traffic Collision data (link below) indicates only one reported accident in the area of the layby since 2016, with injuries resulting from the accident described as "slight".

<https://streetguide.co.uk/roadsafety/HP143RZ>

### ASB / Local Crime

One of the objections states that the area is well known for drug dealing and concerns have been raised about the possible danger to young people being attracted to the area if the consent is granted.

Thames Valley Police have confirmed that there is no information linking the area to drug dealing and no such reports have been received.

### Prohibited Streets

The objection received from the Parish Council refers to the A40 as being a Prohibited Street within section 3 of the relevant Guidance notes (link below). The proposed trading site is not situated on the A40 but on a lay-by adjoining the A40. It is not therefore considered to fall within the prohibition.

<https://www.wycombe.gov.uk/uploads/public/documents/Business/Licensing/Street-traders-guidance-notes.pdf>

### Aesthetics / AONB

The Parish Council have stated that the proposed site is adjoining an area of outstanding natural beauty which is also subject to an Article 4 direction, which permits the Council's Planning Authority to remove permitted development rights.

It has been confirmed with the Council's Planning Enforcement team that the Article 4 direction relates to fencing and so is not relevant to this application. The team have also confirmed that, on the understanding that the van is removed when the applicant is not trading, there would be no material change in use and planning consent would not be required.

In terms of aesthetics, the proposed trading area is a typical lay-by with overgrown vegetation and an unmaintained parking area. The lay-by is bordered by the A40 on one side and an uncultivated field on the other side (see photos in **Appendix 5**). It is not considered that the area would be detrimentally affected by the proposed trading.

## **5.0 Conclusion**

In determining this application consideration should be taken of the objections received from the Local Ward Councillors, parish council and local residents and also the comments received from the applicant in response to the objections.

The main objection seems to relate to possible competition to the existing trader in the village. As stated above, it is not considered that the proposed trader would constitute significant competition to the existing trader or detrimentally affect their current customer base. Competition can also be considered healthy in terms of greater customer choice, flexibility and the natural application of market forces. Customers who may not previously have had the benefit of this service provisions (such as HGV drivers) are likely to benefit. In light of significant difficulties experienced by business generally as a result of recent issues, it is also considered beneficial to encourage rather than hinder new business opportunities.

Litter has also been cited as an objection ground, although this can be controlled by condition and the consent can be removed should the applicant fail to comply. The applicant has offered to provide waste bins along with a waste management system.

There is no evidence to support the remainder of the grounds for objection to the application.

Having taking into consideration the objections received, the comments of the applicant in response and the criteria for new Street Trading licence applications, it is my opinion that the application should be approved on the following grounds; a) the proposed trading would not constitute unfair competition to the existing trader, b) litter could be able to be adequately controlled by way of conditions, c) the aesthetics of the area would not be detrimentally affected by the proposed trading.

## **6.0 Recommendation**

To approve the street trading application.

# 8 Market Square, Chesham, HP5 1ES



This page is intentionally left blank



**Representations objecting to the application to consent**

18/01/2023

Hi Karishma,

Do we have any more detail on the food van, ie what kind of offering is it likely to be?

Personally, I'm not comfortable with granting an effectively permanent license (all day, every day) which cannibalises custom from the cafe's and restaurants who pay business rates up and down the High Street.

What fees are payable for a van like this? Do they pay business rates and rent?

Thanks

Gareth

Gareth Williams  
Deputy Leader  
Councillor for Chess Valley ward  
Buckinghamshire Council

28/01/2023

Hi Karishma,

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

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

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

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

18/01/2023

Hi Gareth,

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

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

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

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

Kind regards,

Wilford

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

Mon 30/01

Morning

A couple of comments / observations from me

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

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

I hope these are helpful comments

Kind regards

**Julie Snelling**

Food & Safety Officer, Buckinghamshire Council

Mon 30/01

Dear All

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

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

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

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

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

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

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

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

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

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

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

Why would another one be allowed?

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

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

Many thanks

Laura Collins  
Orbitpress Ltd  
11 Market Square, Chesham, HP5 1HG

Tue 31/01

Hi Kathryn,

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

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

Kind regards,

Martin Parkes

*Salon Owner*

5 High Street, Chesham, HP5 1BG

26/01/2023

Dear Karishma,

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

1. I can confirm the proposed location of the mobile food vehicle does form part of the publicly maintained highway for which we are responsible;

2. It is unclear from the application as to what type of mobile food vehicle would be utilised. The applicant has stated they will be selling mostly Italian food (pizza, pasta and burgers) and wish to apply for a mobile trading permission. However, Under Section 6, they have answered 'No' to the question "Will you be using a vehicle in connection with your work as a trader?". The following question then asks "Description of unit from which you intend to trade, including dimensions", to which the applicant has responded "FORD TRANSIT 1997 3.5 METER LENGTH 2.5 WIDE". No other vehicle details/dimensions have been provided. Does the applicant intend to cook and serve food from a standard Ford Transit? Or is this being used to tow the mobile food unit? If so, what are the dimensions of the mobile food unit itself and where does the applicant intend to park the Ford Transit once the mobile unit has been located on site each trading day? I'm sure you can appreciate, Market Square has limited space and is designated as a pedestrian zone (with vehicles only permitted for loading/unloading), even if the applicant is proposing to set up in the 'widest' available area. We need to minimise obstruction to the highway and still allow free-passage of highway users; there is likely insufficient space to accommodate both a towing van and mobile food van. As such, further information needs to be submitted by the applicant addressing these points;
3. Under Section 7 the applicant has stated they have £1 Million public liability insurance; we require a minimum of £5 Million for any trading / activity of this nature on the public highway;
4. It is unclear from the submitted application whether the food will be 'take away' only, or if there is a desire to place some tables / chairs by the mobile unit. If this is the case, the applicant would need to apply for a Pavement Licence from Buckinghamshire Highways (<https://www.buckinghamshire.gov.uk/parking-roads-and-transport/highway-licences-and-permits/apply-for-a-pavement-licence/>). If needed, and if granted, it could further reduce available highway space so would need to be considered in accordance with the information required in my point 2 above. I have copied in my colleagues in the Street Works Licences Team who would process any such application.

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

Kind regards,

**Karen Smith**  
**Highways Technical Liaison Officer**

Highways & Technical Services  
Communities Directorate  
Buckinghamshire Council

Wed 01/02  
Hi Brian

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

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

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

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

Thanks,

Jane

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

31 January 2023  
Hi Everyone

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

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

The reasons so far for objecting as follows :-

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

Can we ask you to please email your objections as soon as possible (feel free to rephrase the above if necessary but you get the points) to [Georgina.Fernandez@chesham.gov.uk](mailto:Georgina.Fernandez@chesham.gov.uk) and to [enquiries@chesham.gov.uk](mailto:enquiries@chesham.gov.uk) with a firm request that the planning committee object to this request in the strongest terms. You could also copy them to [Licensing@buckinghamshire.gov.uk](mailto:Licensing@buckinghamshire.gov.uk) and [jane.macbean@buckinghamshire.gov.uk](mailto:jane.macbean@buckinghamshire.gov.uk)

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

Thanks and fingers crossed.

Hazel

Blue Haze Arts & Crafts

2 Church Street, Market Square, Chesham, Buckinghamshire, HP5 1HT

This page is intentionally left blank



## Representations objecting to the application to consent

### COUNCILLORS

28/01/2023

Hi Karishma,

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

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

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

Kind regards

Gareth Williams

Deputy Leader

Councillor for Chess Valley ward

Buckinghamshire Council

18/01/2023

Hi Gareth,

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

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

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

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

Kind regards,

Wilford

Cllr Wilford L. Augustus

Deputy Mayor &

Conservative Councillor,

St Mary's Ward

Chesham Town Council

Wed 01/02

Hi Brian

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

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

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

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

Thanks,

Jane

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

6/2/23

Dear Sir/ Madam,

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

Reasons:

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

Not in keeping with the market square.

Encourages people to congregate in the high street – noise

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

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

Please could you confirm receipt of this email.

Kind Regards,

**Georgina Fernandez**  
**Democratic Services Officer**  
Chesham Town Council

## **HIGHWAYS RESPONSE**

26/01/2023

Dear Karishma,

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

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

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

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

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

Kind regards,

**Karen Smith**  
Highways Technical Liaison Officer

Communities Directorate  
Buckinghamshire Council

## **Environmental Health Response**

14/2/23

Further to the application.

### **1. Identified Environmental Services issues relevant to the application:**

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

### **2. Conclusion**

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

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

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

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

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

*(a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.*

*(b) Cause an obstruction to the vehicles or pedestrians in the street.*

*(c) Cause a danger to occupiers of adjoining property or to other users of the street.*

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

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

### **3. Recommendation:**

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

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

**Charlie Robinson**

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

30/1/23

A couple of comments / observations from me

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

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

I hope these are helpful comments

Kind regards

**Julie Snelling**

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

## PUBLIC RESPONSE - OBJECTION

Mon 30/01

Dear All

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

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

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

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

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

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

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

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

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

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

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

Why would another one be allowed?

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

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

Many thanks

Laura Collins  
Orbitpress Ltd  
11 Market Square, Chesham, HP5 1HG

31 January 2023

Hi Everyone

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

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

The reasons so far for objecting as follows :-

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

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

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



4/2/23

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

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

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

Thank you for listening.

Ray Williams

## **PUBLIC SUPPORT OF THE APPLICATION**

Tue 31/01

Hi Kathryn,

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

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

Kind regards,

Martin Parkes

*Salon Owner*

5 High Street, Chesham, HP5 1BG

## APPENDIX 4

Ahmed morjane [morjinho\\_1989@live.it](mailto:morjinho_1989@live.it)  
14/2/23

I have read the file attached and I have seen a lot of complain , but I have nothing to say just need a licence to start trading in chesham hopefully I will be no rejected .

Sent from [Outlook for Android](#)

---

**From:** Brian Whittall <[Brian.Whittall@buckinghamshire.gov.uk](mailto:Brian.Whittall@buckinghamshire.gov.uk)>  
**Sent:** Tuesday, February 14, 2023 12:04:02 PM  
**To:** [morjinho\\_1989@live.it](mailto:morjinho_1989@live.it) <[morjinho\\_1989@live.it](mailto:morjinho_1989@live.it)>  
**Subject:** Street Trading consent - Chesham

Mr Morjane,

Please refer to the attached representation received by the authority with respect to your application.

Before I complete my report for the authority to determine the application have you any comments or observations on the basis of the attached that you would like the authority to take into consideration.

I would be grateful if any comments are made in writing before the close of business on **Monday 20<sup>th</sup> February 2023.**

Regards,

Brian Whittall  
Licensing Officer  
Communities Directorate  
Buckinghamshire Council

Tel: 01494 421346  
Email: [Brian.Whittall@buckinghamshire.gov.uk](mailto:Brian.Whittall@buckinghamshire.gov.uk)  
Address: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

This page is intentionally left blank