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| **Meeting** | Planning & Highways Committee |
| **Date** | 24th November 2026 |
| **Report Title** | Street Trading Application 26/2691/STSTAT |
| **Agenda Reference** | 17B |
| **Author** | Georgina Morgan-Denn Chief Officer & RFO |

**Requested determination: Refusal of street trading application 26/2691/STSTAT at the proposed location.**

Haydon Wick Parish Council formally objects to street trading application 26/2691/STSTAT and requests that consent is refused at the proposed location.

The Parish Council supports local enterprise and recognises the contribution small businesses make to the community. However, commercial trading must be appropriately located and comply with the protections contained within Swindon Borough Council's adopted Street Trading Policy.

Our objection concerns the suitability of the proposed pitch, its impact on the established use of the car park, public safety, protection of children and vulnerable adults, proximity to educational and play facilities, public health and potential nuisance.

Our objections are set out against the relevant policy provisions below.

## 1. Public Safety

Street Trading Policy: Section 8.5(a)
Section 8.5(a) requires consideration of site safety, road safety, obstruction and access requirements.
The Parish Council raises the following objections:

- The proposed trading position is not a designated parking bay. It forms part of the established vehicle circulation and manoeuvring area.
- The raised kerb island immediately adjacent to the proposed pitch provides a pedestrian refuge and place of safety for all users crossing the car park.
- The island is not served by a continuous designated pedestrian walkway. Its function is to provide a safe refuge within the existing vehicle circulation arrangements.
- Positioning a static trading vehicle alongside this refuge could obstruct pedestrian access, restrict visibility between pedestrians and approaching drivers, and compromise its intended safety function.
- The proposed trading vehicle could introduce customer queuing and pedestrian movements into an active vehicle circulation area.
- The car park provides access to the GP surgery, pharmacy, leisure centre, preschool, bowls club and Haydon Wick Parish Council offices.
- The proposed pitch is situated within the circulation route used by vehicles accessing the GP surgery, pharmacy and parish council facilities.
- Larger operational vehicles, including parish council cage tippers, service vans, a minibus and refuse collection vehicles, require access and manoeuvring space.

- Refuse collection vehicles also require access to bins serving the GP surgery and parish council.
- A static trading vehicle, together with customers and additional vehicle movements, could restrict safe turning and manoeuvring arrangements.
- The submitted application documents do not demonstrate how the proposed vehicle, customer queuing, pedestrian refuge and existing vehicle movements can safely operate together.

The Parish Council considers that the proposed position presents material risks to public safety, pedestrian access and vehicle circulation under section 8.5(a).

Landowner permission does not, in itself, demonstrate that the proposed trading location is safe or suitable.

The Parish Council expects the Licensing Authority to establish that the proposed operation would not compromise established pedestrian safety arrangements, vehicle circulation or essential access requirements.

## 2. Protection of Children and Vulnerable Adults

Street Trading Policy: Section 8.5(e)
Section 8.5(e) requires consideration of whether an application presents an adverse and disproportionate risk to the health and wellbeing of children and vulnerable adults.

The Haydon Centre car park is extensively used by families, children and people accessing healthcare and community services.

- The car park is regularly used by families attending Haydonleigh Primary School.
- On Tuesday 3 November 2026, at approximately 3.30pm, a Parish Councillor spoke directly with 23 families using the Haydon Centre car park.
- All 23 families confirmed they were returning from collecting children at Haydonleigh Primary School.
- They confirmed they used the car park because they considered it a safer location for school collection.
- These conversations were undertaken to establish the use of the car park, rather than to solicit objections to the application.
- This provides direct evidence of the car park's established role in school collection during the proposed trading hours.
- The proposed 3pm opening directly overlaps with this established activity.
- Haydon Meadow Pre-School operates within the leisure centre, bringing additional young children and families to the site.
- The car park also serves the GP surgery and pharmacy, including patients who may have mobility difficulties, disabilities or additional support needs.
- The proposed trading activity could introduce additional customer vehicles and pedestrian movements into an area already used by these groups.
- The potential obstruction of the adjacent pedestrian refuge and reduction in visibility could create additional risks for children and vulnerable users.

The Parish Council considers that the application has not adequately demonstrated how the safety and accessibility needs of children and vulnerable adults would be protected under section 8.5(e).

The established use of the car park for school collection must be considered independently of the physical distance between the proposed trading pitch and Haydonleigh Primary School.



## 3. Proximity to a Dedicated Permanent Children's Play Facility

Street Trading Policy: Section 8.9 and Appendix A, Condition 27

The Council's Street Trading Policy contains specific restrictions concerning food trading near dedicated permanent play facilities, subject to provisions for exceptional circumstances.

- The proposed trading location is less than 100 metres from the established children's play park adjacent to the Haydon Centre.
- The play park is a permanent recreational facility and is identified on the applicant's submitted site plan.
- Section 8.9 and Appendix A, condition 27, contain specific restrictions concerning food street trading near dedicated permanent play facilities.
- The application proposes the preparation and sale of hot takeaway food between 3pm and 11pm, seven days a week.
- The application documents provided to the Parish Council do not identify any exceptional circumstances justifying departure from the policy.
- The Parish Council considers that the proposed location presents a direct potential conflict with the policy restriction concerning dedicated permanent play facilities.

The Parish Council objects on the grounds that the proposed pitch is less than 100 metres from a dedicated permanent children's play facility.

We expect the Licensing Authority to verify the distance, confirm how section 8.9 and Appendix A, condition 27, apply, and identify any exceptional circumstances relied upon to justify granting consent.

In the absence of a policy-compliant justification, the Parish Council requests refusal at this location.

## 4. Proximity to Haydonleigh Primary School

Street Trading Policy: Section 8.9 and Appendix A, Condition 27

Section 8.9 refers to a distance of 100 metres from a school or college entrance during specified weekday trading hours.

Appendix A, condition 27, instead refers to the school boundary.

- Licensing has advised that Haydonleigh Primary School is more than 100 metres from the proposed pitch.
- The measurements supporting that position have not been provided.
- The distinction between the school entrance and school boundary is material, as these represent different measurement points.
- The Parish Council requests confirmation of the measured distances to both the school entrance and boundary, together with clarification of which provision is being applied.
- The car park's established use for school collection remains relevant regardless of whether the pitch falls outside the 100-metre restriction.
- The proposed 3pm opening directly coincides with school collection activity.

The Parish Council requests that the Authority reconciles the differing wording within the adopted policy and demonstrates how the application has been assessed accordingly.

The school's physical distance from the proposed pitch does not remove the separate requirements concerning public safety and protection of children.

## 5. Public Health

Street Trading Policy: Sections 6.6 and 8.5(g)
Section 6.6 provides for consideration of the proposed food and drink offer, children's health, operating hours, existing takeaway provision and proximity to educational establishments and permanent play facilities.

Section 8.5(g) also considers the nature of the locality and existing takeaway provision.

- The application proposes kebabs, burgers, fried chicken, fries, wraps, soft drinks and other hot takeaway food.
- Trading would commence at 3pm, coinciding with school collection.
- The car park is regularly used by children and families attending Haydonleigh Primary School.
- Haydon Meadow Pre-School operates within the leisure centre.
- The proposed pitch is less than 100 metres from the established children's play park.
- The wider site serves a GP surgery, pharmacy, leisure centre, gym and other community facilities.
- The nature of the locality and its established use should be considered when assessing the public health implications of the proposed operation.
- The proximity to healthcare facilities does not create an automatic prohibition on takeaway food trading, but it forms part of the wider context of the location.
- The Parish Council has not been provided with a Public Health assessment addressing the proposed food offer, operating hours and proximity to children's facilities.

The Parish Council considers that the proposed operation requires explicit assessment against sections 6.6 and 8.5(g), particularly the provisions concerning children's health and proximity to permanent play facilities. We expect the Authority to demonstrate that the relevant public health factors have been properly considered, including advice received from Public Health.

## 6. Prevention of Public Nuisance

Street Trading Policy: Section 8.5(d) and Appendix A, Condition 14
Section 8.5(d) addresses nuisance arising from noise, smells, fumes and other disturbance.

- The application proposes trading until 11pm, seven days a week, including Sundays.
- Cooking odours and extraction equipment could affect nearby residential properties, including those around Furlong Close.
- Customer vehicles could introduce additional noise, engine idling and late-evening movements.
- Generators, refrigeration and extraction equipment could generate additional noise.
- Customer congregation and takeaway collections could cause disturbance beyond the immediate trading position.
- The proposed operating hours extend into periods when many of the existing community facilities are less active, potentially changing the character of evening activity at the site.
- Environmental Health has been consulted, but its assessment and any proposed conditions have not been provided to the Parish Council.

The Parish Council considers that the proposed seven-day operation until 11pm raises material concerns under section 8.5(d).

We expect the Licensing Authority to establish that potential nuisance to nearby residents and existing community users has been appropriately assessed and that any proposed controls would be sufficient.

## 7. Environmental Impact and Waste

Street Trading Policy: Section 8.5(f) and Appendix A, Conditions 15 and 16
Section 8.5(f) concerns environmental impacts, including generators, litter, waste disposal and recycling.

- The proposed operation would generate takeaway food packaging and commercial food waste.
- Cooking oil and wastewater would require appropriate storage and disposal.
- Additional litter could affect the car park, adjoining community facilities and surrounding residential areas.
- Commercial waste storage and collection would require suitable arrangements.
- Existing refuse collection access serving the GP surgery and parish council must remain unobstructed.
- Additional waste servicing could introduce further vehicle movements into an established circulation and manoeuvring area.
- The submitted documents do not demonstrate how these arrangements would operate without affecting existing users.

The Parish Council considers that the proposed operation presents environmental and servicing considerations that must be assessed under section 8.5(f).

## 8. Application Site Plan and Operational Information

Street Trading Policy: Section 6.12(d)
Section 6.12(d) requires a scaled site plan identifying the proposed trading location, with the relevant boundary marked in red.

- The applicant's submitted site plan identifies the proposed position using a small red marker.
- It does not clearly delineate the full operational footprint of the proposed trading vehicle.
- The vehicle's orientation is not identified.
- The position of the serving hatch is not shown.
- No customer queuing or waiting area is identified.
- No safe pedestrian approach is demonstrated.
- The impact on the adjacent raised pedestrian refuge cannot be established from the submitted plan.
- The plan does not demonstrate how the established vehicle circulation and manoeuvring area would remain available for its intended purpose.

The Parish Council considers that the submitted information is insufficient to demonstrate the suitability and safe operation of the proposed pitch, particularly when assessed against section 8.5(a).

We expect the Licensing Authority to satisfy itself that the application meets the relevant documentation requirements and that sufficient operational information is available before determination.

## 9. Planning Requirements and Street Trading Consent

Street Trading Policy: Sections 6.7 and 8.12

The Parish Council recognises that planning permission and street trading consent are governed by separate regulatory processes. However, where both permissions are required, both must be obtained before trading can lawfully commence.

- Section 6.7 recognises that static street trading operations will usually require planning permission before commencing.
- Section 8.12 confirms that street trading consent does not remove the requirement to obtain other necessary permissions.
- It remains unclear whether planning permission has been obtained or whether the Planning Authority considers it necessary for this proposal.
- The proposed trading position occupies an established vehicle circulation and manoeuvring area, raising questions about compatibility with the site's existing authorised use and any relevant planning conditions.
- Landowner consent does not replace planning permission or demonstrate compliance with the public safety provisions of the Street Trading Policy.
- Planning and licensing requirements should be properly considered, with neither regulatory process disregarded in favour of the other.

The Parish Council requests written confirmation of the planning position and any relevant existing planning conditions.

While recognising that planning and licensing decisions must be made independently under their respective legal requirements, the Parish Council considers it essential that both regulatory processes are properly addressed.

Where planning permission is required, street trading consent alone must not be treated as sufficient authorisation to commence trading.

## 10. Formal Request for Refusal

Street Trading Policy: Section 8.15
Haydon Wick Parish Council formally requests refusal of street trading application 26/2691/STSTAT at the proposed location.

Our principal objections concern:

- Section 8.5(a), Public Safety: The proposed occupation of an established vehicle circulation and manoeuvring area, potential obstruction of a raised pedestrian refuge, restricted visibility and interference with existing access arrangements.
- Section 8.5(e), Protection of Children and Vulnerable Adults: The established use of the car park for school collection, the adjoining preschool and the accessibility needs of existing healthcare users.
- Section 8.9 and Appendix A, Condition 27: The proposed pitch being less than 100 metres from an established permanent children's play facility, and the need to demonstrate compliance with the relevant restriction.
- Sections 6.6 and 8.5(g), Public Health: The proposed food offer, operating hours and location near facilities regularly used by children.
- Sections 8.5(d) and 8.5(f), Public Nuisance and Environmental Impact: Potential cooking odours, noise, customer vehicle movements, litter and commercial waste.

The Parish Council considers that the physical characteristics of the proposed pitch, its established use and the evidence presented raise substantial concerns regarding compliance with the adopted Street Trading Policy.

The proposed position is within a vehicle circulation area, adjacent to an established pedestrian refuge and close to facilities regularly used by children, families, patients and other community users.

The Parish Council does not consider that the application has adequately demonstrated how these concerns can be addressed.

We therefore formally request refusal of application 26/2691/STSTAT at the proposed location under section 8.15 of the Street Trading Policy.

We expect the Licensing Authority's determination to address the material objections raised and demonstrate how the relevant policy provisions have been applied.

## 11. Licensing Sub-Committee and Determination

The Parish Council requests that:

- This submission is accepted and registered as a formal objection under section 5.5.
- The objections and supporting evidence are considered in full within the officer's assessment.
- The Authority addresses the material policy concerns raised in this representation.
- The application is referred to the Licensing Sub-Committee where required by the Council's policy.
- The Parish Council is notified of the determination arrangements.

Should the application be referred to the Licensing Sub-Committee, Haydon Wick Parish Council requests the opportunity for nominated representatives to attend and address members.

We also request advance access to the officer's report, relevant consultee responses and hearing arrangements, together with confirmation of the procedure for presenting supporting evidence.

The Parish Council requests written notification of the final determination and the reasons for the decision.

Requested determination: Refusal of street trading application 26/2691/STSTAT at the proposed location.