

Officer Assessment

Site Assessment	
Criteria	Officer Comments
Potential risks to public safety, including obstructions or unhygienic conditions, potential for public disorder	The lay-by is large enough that vehicles attending the site should not cause issue with safe access to the lay-by, and the applicant has stated that customers usually come for 'take-away', although there is a seating area present so it is not possible to ascertain the true volume of traffic that attends site. The site has been the subject of three arson attacks due to the permanent nature of the structures so this needs to be factored in.
Risk of public nuisance, such as noise, odour, litter or similar issues	Noise and odour should not cause issue. Commercial waste contract may be needed – See additional information
Impact on the safe movement of pedestrians, including wheelchair users	Site is located on part of a lay-by so should not impact safe movement of pedestrians
Whether planning permission is required for the proposed location	There are fixed structures located at the site but Planning is a consultee.
Proximity to places of worship, educational institutions, healthcare facilities or places of cultural or historical significance	Not applicable
Proximity to residential properties	New build estate is in progress opposite, but no concerns from the proximity as it is far enough away from the estate that the site should not cause issue
Proximity to other businesses, particularly where there may be obstruction, reduced visibility, or concerns around competition.	No other businesses present that could be impacted by site location

Unit Assessment	
Criteria	Officer Comments
The overall appearance and design, including height, width, colour, signage, stock	No concerns with the overall appearance or design, subject to any comments to be made by Planning or Highways as a permanent structure has been built and cannot be taken away.

layout, trading area, canopies and lighting	
The visual and physical impact on the character of the surrounding area	No negative visual or physical impact
The type and prominence of advertisements, including any illuminated signage and environmental impact, such as noise, emissions or disruption caused by generators or other equipment.	Advertisements are unlikely to cause impact. Petrol generator unlikely to cause noise to the extent that the housing estate would be impacted.

Additional Information Received

Further information received from applicant on 16/01/2026

Site Plan

Seating Area. 3m x 2.5m	Container. 3m x 2.5m
-------------------------	----------------------

There multiple refuse bins in the layby which have been in place since we started trading in 2022. All our food is takeaway so some customers utilise these. Some leave the area to eat. All our packaging is and always has been fully compostable so if any customer discarded it irresponsibly it would breakdown.

Our own waste is either cooking oil, or recyclable packaging such as cardboard boxes. Our oil is collected periodically by our supplier to be used as biofuel I believe. I have a friend whose company has a large recycling waste contract so I can put ours in with him. There is also a local farmer and customers who take and shred a lot of our boxes for bedding for their chickens.

We have zero food waste. Due to the cost of ingredients, we have strict controls over how much is purchased and prepared.

We have 2x 4-seater wooden picnic benches with integrated seating. These are fixed in place and cannot move from the verge location into the highway. These sit well within the curtilage of the Seating Area. This set up has not changed since it was inspected by the council and also, I believe the Highways department approx. 18 months ago. FYI It was also exactly the same last year when it was included in the annual license.

Officer Comments

The site is within a lay-by, so consent from County Council Highways will be required as the land/area is managed by their department. The permanent structure covering the seating will also require consideration from Planning.

The site has been subject to recent arson attacks as the trading unit is not removed from site. Subject to the outcome of the consultation, consideration will need to be given to the trading unit and picnic benches being left in situ when trading is not occurring.

Site Visit / Remote	Remote Assessment
Officer Name	William Dell'Orefice
Officer Title	Licensing Officer
Date of Assessment	20/01/2026

Post Consultation Assessment

Comments received from Consultees	
Consultee	Comments Received
Planning Enforcement	I have an active enforcement case for this site (25/00003/ENUCO). The business activity is potentially being carried out on County land. At present no action has been taken until ownership has been confirmed.
Highways – Policy & Regulation	<p>As far as the street trading aspect is concerned I have no objections to make, however, I must say this is a confusing situation and I'm unsure how this arrangement has been legitimised?</p> <p>Historically the verge within the layby had a kerbed edge, but for some reason this was removed or has been covered over with dirt. Then at some point someone must have permitted (or this was just done without permission) the construction of a small, tarmacked section along with the building of the Higgys's shack (all of which appears to be on land that is considered public highway).</p> <p>Presumably HDC planning can shed some light on this?</p>

	<p>Only other comments I can really make are that the log and posts that have been installed in front of the shack (shown on the latest Streetview images London Rd - Google Maps), to protect the area for customers, should be removed as such structures are not permitted on the public highway.</p>
<p>Highways – Cambs County Council</p>	<p>The Council objects to the renewal of this street trading licence on the following grounds:</p> <ol style="list-style-type: none"> 1. Unauthorised expansion of the trading operation – The burger van has increased significantly in size beyond what was originally permitted in 2022. In addition, a lean-to/gazebo with seating has been erected for customers without permission from the Council increasing the footprint again. The layby site is not suitable or appropriate for a venture that has significantly grown since it first started trading. This is a material change. 2. Highway safety concerns – The level of custom now consistently results in queues of vehicles extending from the layby onto the live carriageway, creating a clear risk to road users. This is contrary to the Council’s duty to ensure the safe operation of the highway. 3. Repeated breach of licence conditions – <ul style="list-style-type: none"> o The original licence from 2022 requires that, “The container must be removed within 24 hours from the location if required by an authorised officer”. The container is never removed and has become a permanent fixture in breach of this condition. o Condition 15 of the 2022 licence states that, “The Council reserves the right to require the site to be vacated by the holder of the consent at any time.” The Council is therefore fully entitled to require removal of the trading unit

	<p>particularly in light of the safety issues and unauthorised structures noted Above.</p> <p>4. Damage to the highway – The increased volume of vehicles attending the site generated by the popularity of the business has caused serious deterioration of the layby surface and drainage gully. Continued trading at this level exacerbates this problem causing further safety issues.</p> <p>For these reasons, including unauthorised expansion, persistent non-compliance with licence conditions, proven highway safety risks, and detrimental impact on the public highway the Council considers the site unsuitable for continued trading and therefore opposes the renewal of the licence.</p> <p>The Council would be willing to assist the applicant in identifying a more suitable and safer alternative location from which to trade</p>
--	---

Decision to Grant or Refuse	Refuse
Date	25/02/2026
Completing Officer	William Dell'Orefice