

Design, Access and Planning Statement

Retrospective change of use from retail (Class E) to hot food takeaway (Sui Generis)



Site Location:	53 Trent Road, Hinckley, Leicestershire, LE10 0YA
Date:	26/04/26
Planning Authority:	Hinckley and Bosworth Borough Council

1. Introduction

This supplementary statement has been prepared on behalf of the applicant to address the proposal specifically against Paragraph 97 of the National Planning Policy Framework 2024.

The application should be assessed by reference to the wording of national policy, the characteristics of the site, the actual operation of the premises, and the planning balance as a whole.

Paragraph 97 requires planning judgement. It is not an automatic prohibition applying irrespective of context.

2. Site Located Within an Established Commercial Centre

The application site forms part of an existing neighbourhood shopping parade containing a mix of commercial and service uses.

The premises is therefore located within an established commercial environment where customer activity, food sales, servicing and day-to-day visits are ordinary and expected characteristics.

This context is materially important. The proposal does not introduce a standalone hot food use into a purely residential street. It concerns the continued use of an existing commercial unit within a recognised local centre.

That weighs positively in the Paragraph 97 assessment.

3. Walking Distance to Schools / Places Where Young People Congregate

Reference has been made to nearby parks, open spaces and wider youth activity.

However, proximity alone should not be treated as determinative.

Many neighbourhood centres are situated within walking distance of parks, schools, recreation areas and residential communities. The mere existence of such facilities nearby does not automatically render ordinary commercial uses unacceptable.

In this case:

- The site remains within an established commercial parade
- No evidence has been presented of direct conflict with nearby facilities
- No evidence has been presented of nuisance at park entrances or surrounding areas
- The nearest school has been identified at a materially greater distance than the parks referenced in consultation comments

The policy test requires judgement on planning impacts, not distance alone.

4. No Evidence of Harmful Concentration

Paragraph 97 also refers to locations where there is evidence that a concentration of such uses is having an adverse impact.

The key issue is not the existence of more than one takeaway use. The issue is whether harmful concentration has been evidenced.

In this case:

- The centre remains mixed in character
- Other retail and service uses remain present
- The proposal occupies one unit only
- No evidence has been presented that the centre has lost vitality, viability or functional balance

No adopted threshold has been identified demonstrating that the proposal automatically results in unacceptable clustering.

Accordingly, harmful concentration has not been substantiated.

5. No Evidence of Adverse Impact on Local Health

General health statistics and strategic public health data may provide wider context, but they do not establish site-specific planning harm arising from this individual premises.

No evidence has been provided demonstrating that the operation of this unit has caused measurable adverse health outcomes.

The planning system regulates land use. It does not determine personal dietary decisions or attribute area-wide health trends to a single commercial unit.

In the absence of specific evidence of harm, limited weight should be attached to broad assumptions.

The applicant further confirms that the premises trades predominantly during evening hours, with Sunday to Thursday opening from 4:00pm to 11:00pm and Friday to Saturday opening from 12:00 noon to 11:00pm. The operating pattern is therefore largely outside typical school arrival and departure times.

The business also offers lighter menu choices and is willing to introduce further healthier options, including salad bowls and lower-sugar drinks. It would therefore be inaccurate to characterise the premises as offering only a narrow or unhealthy food choice.

6. No Evidence of Pollution or Anti-Social Behaviour

Paragraph 97 expressly refers to pollution and anti-social behaviour.

The applicant has submitted further technical information relating to extraction and ventilation, together with evidence of managed operation.

In addition:

- No known complaints regarding odour, noise or disturbance have been brought to the applicant's attention
- Formal commercial waste collection arrangements are in place
- No evidence of anti-social behaviour linked to the premises has been identified
- No highways objection has been raised by the Highway Authority

There is therefore no evidential basis to conclude that the proposal gives rise to unacceptable pollution or anti-social behaviour impacts.

7. Positive Benefits of the Proposal

The proposal also provides tangible benefits which should be weighed in the overall planning balance:

- Continued occupation of an existing commercial unit
- Active frontage within the local centre
- Approximate private investment of £100,000
- Support for 7 jobs
- Service provision to local residents
- Ongoing economic activity within the parade

These are material benefits in favour of the application.

8. Overall Conclusion

When assessed properly against Paragraph 97 of the NPPF, the proposal does not justify refusal.

The site is within an established commercial centre. Harmful concentration has not been evidenced. No specific adverse health, pollution or anti-social behaviour impacts have been demonstrated. The use also delivers clear economic and town centre benefits.

For these reasons, the Local Planning Authority is respectfully invited to conclude that refusal under Paragraph 97 would be disproportionate and to grant planning permission.