

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 revised Addendum Statement has been prepared on behalf of the applicant in response to consultation comments received from Environmental Health and Public Health, together with subsequent officer correspondence.

The purpose of this statement is to provide further factual, operational and planning information to assist the Local Planning Authority in reaching a positive determination.

The application relates to the continued occupation and operation of an existing commercial unit within the Trent Road Neighbourhood Centre as a food business involving takeaway, delivery and customer collection services.

The application should be determined having regard to the actual operation of the premises, the established commercial context of the site, relevant development plan policies, and all other material considerations.

2. Site Description and Context

The application site forms part of an established local commercial parade within Hinckley, serving surrounding residential neighbourhoods with day-to-day services and facilities.

The wider centre accommodates a variety of commercial uses, including:

- Convenience retail uses
- Public house / food and drink premises
- Hair and beauty services
- Existing takeaway / food uses
- Other local service functions

As such, the site is located within an established commercial environment where customer visits, servicing activity and local trade are expected characteristics of the area.

The unit was previously in Class E use and has since been reoccupied, refurbished and brought back into active commercial use by the applicant.

The proposal therefore concerns the continued productive use of an existing commercial premises rather than the loss of a vacant or protected community facility.

3. Nature of the Current Business Operation

The premises operates as a broader food service business serving made-to-order meals to customers, with takeaway, collection and delivery forming part of the overall trading model.

The business should not be characterised solely as a single-purpose late-night takeaway use detached from its wider food preparation and customer service function.

The premises has undergone significant internal investment and fit-out to provide a professional commercial kitchen environment with food preparation, storage, hygiene and operational management facilities.

The applicant confirms approximate investment into the premises of:

£100,000

The business currently supports local employment comprising:

- 4 kitchen staff
- 3 delivery drivers

Total employment supported:

7 jobs

Average order volumes indicate genuine customer demand and an active trading unit:

- Approx. 47 weekday orders
- Approx. 75 weekend orders

This demonstrates that the premises is meeting a local commercial need and contributing to the vitality of the centre.

4. Waste Management and Day-to-Day Management

The premises benefits from formal commercial waste arrangements.

The applicant has confirmed:

- 1 x 1100 litre bin
- General waste collection
- Weekly scheduled collection service

Accordingly, waste generated by the use is subject to a managed commercial disposal regime.

No evidence has been presented that the premises has caused litter accumulation, unmanaged waste issues or associated environmental harm.

5. Ventilation, Extraction and Technical Matters

Following comments from Environmental Health, the applicant has provided further information regarding the installed ventilation system.

A commercial extraction and ventilation system was installed in November 2025. Submitted technical information confirms the presence of:

- Condensed canopy system
- 2.4 metre canopy
- 500mm exhaust box
- 300mm duct connection
- Soler & Palau extract fan
- External weather louvre termination

Photographic evidence submitted with this response also demonstrates internal ducting, fan infrastructure and a professionally fitted commercial kitchen environment.

The applicant further confirms that the kitchen utilises electrically powered cooking equipment rather than traditional gas flame appliances. In practical terms, the installed system assists with ventilation, heat management and general kitchen air movement associated with food preparation activities.

No known complaints relating to odour, noise or disturbance have been brought to the applicant's attention since trading commenced.

Should the Local Planning Authority consider that further operational details, servicing records, maintenance schedules or commissioning data are required, such matters could reasonably be addressed by condition.

The existence of installed ventilation infrastructure, together with the ability to regulate any remaining detail by condition, weighs against refusal on technical grounds.

6. Planning Policy Context

The relevant national policy framework is the National Planning Policy Framework 2024.

The NPPF supports:

- Economic growth and small business activity
- Vitality and viability of centres
- Healthy, inclusive and safe communities
- Decision-making based on proportionate evidence and planning judgement

The application must also be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Public health strategies and evidence papers may be material considerations, but they do not override the requirement to assess the specific planning merits and impacts of the individual proposal.

7. Response to Public Health Comments

7.1 General Position

The applicant recognises the importance of promoting healthier communities. However, broad strategic public health objectives should not be conflated with automatic opposition to all food-related commercial uses.

The planning system regulates land use and development impacts. It does not control individual consumer choice, nor does it prohibit lawful businesses solely because food products are available for purchase.

Each application must be considered on its own site-specific planning merits.

7.2 NPPF Paragraph 97

Reference has been made to Paragraph 97 of the NPPF.

That paragraph requires local planning authorities to consider takeaway proposals in relevant contexts. It does not establish a blanket prohibition in every case where open space, schools or places used by young people exist within walking distance.

The correct approach is to consider:

- Whether the site is within an appropriate commercial location
- Whether there is evidence of actual harm
- Whether unacceptable concentration exists
- Whether impacts can be controlled or mitigated
- The benefits of the proposal in the round

In this case, the site is an existing commercial unit within an established neighbourhood centre. That context is materially different from an isolated non-commercial location.

7.3 Diversity of Offer and Choice

It has been suggested that the proposal would reduce diversity of food choice and encourage poorer dietary behaviour.

Respectfully, that conclusion is overstated.

The centre and wider area continue to provide a range of commercial choices, including convenience retail, other services, supermarkets and alternative food sources. The occupation of one unit by the applicant does not remove wider consumer choice or compel any particular dietary behaviour.

The proposal therefore does not materially undermine the diversity or overall function of the centre.

7.4 Nature of the Food Offer

The premises operates as a made-to-order food business rather than a passive retail sale of pre-packaged goods.

Customers retain personal choice over purchases, frequency of use and menu selection. The availability of one additional food business within an established commercial area should not be equated automatically with demonstrable harm to public health.

Planning decisions should be evidence-led and proportionate.

7.5 Concentration of Uses

Comments have been made regarding clustering or concentration of similar uses.

However:

- The centre remains mixed in character
- A range of non-takeaway uses remain present
- No adopted policy threshold has been identified that is automatically breached
- The proposal relates to one unit only within an existing commercial parade

The relevant question is whether the centre's vitality, viability or balance would be harmed to an unacceptable degree.

There is no evidence that such a threshold has been reached.

7.6 Proximity to Parks and Open Space

Reference has also been made to nearby parks and open spaces.

Proximity alone should not be determinative. Many local centres are situated close to parks, schools, recreation grounds and residential neighbourhoods. That does not in itself render ordinary commercial uses unacceptable.

No evidence has been presented that the proposal has caused:

- Harm to the operation or enjoyment of nearby parks
- Anti-social behaviour attributable to the premises
- Noise nuisance arising from customers
- Site-specific health impacts linked to this unit

The objection therefore rests on generalised assumptions rather than demonstrated local harm.

8. Amenity and Actual Effects

This is a retrospective application for an established operating business. That is an important material consideration because the authority is able to assess real-world impacts rather than theoretical concerns.

To date, no substantive evidence has been presented of:

- Unacceptable noise nuisance
- Odour nuisance causing material harm
- Highway safety issues
- Waste mismanagement
- Anti-social behaviour linked to the premises

Where a use has been operating without evidenced unacceptable impacts, significant weight should be afforded to that factual position.

9. Highways and Accessibility

The Local Highway Authority has confirmed that it would not resist the application and could not demonstrate that the proposal would result in a severe transport impact.

That is an important technical consultation response which weighs positively in favour of the proposal.

The site forms part of an existing local centre with established access arrangements and customer activity.

10. Planning Balance

The proposal delivers a range of tangible benefits:

- Reoccupation and reuse of an existing commercial unit
- Active frontage and continued investment within the local centre
- Approx. £100,000 private investment
- Support for 7 jobs
- Provision of a customer-facing local business
- Managed waste arrangements
- Installed ventilation infrastructure
- No objection from the Highway Authority
- No evidence of unacceptable actual operational harm

Against this, concerns raised are largely strategic and generalised rather than based on demonstrated site-specific impacts.

When assessed in the round, the benefits of the development materially outweigh the concerns identified.

11. Conclusion

The continued use of 53 Trent Road as a food business involving takeaway, collection and delivery is acceptable in planning terms.

The premises occupies an existing commercial unit within a neighbourhood centre where commercial activity is expected. The business has invested substantially in the property, supports local employment, operates with formal management arrangements and has not been shown to generate unacceptable harm.

The concerns raised by consultees do not provide a sufficient evidential basis to justify refusal when considered against the actual operation of the site and the planning benefits arising.

The Local Planning Authority is therefore respectfully invited to grant planning permission, subject to any reasonable conditions considered necessary.