

Supporting Planning Statement
Section 73 Application – Variation of Condition 3
151C Bearton Road, Hitchin, SG5 1UB
Methi Hitchin Ltd

1. Introduction

This application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary Condition 3 of planning permission 95/00276/1, which restricts the hours of operation of the existing hot food takeaway.

The purpose of this application is to allow limited Sunday operation in a manner that fully addresses the concerns raised in the previous refusal (22/00254/S73, dated 26 August 2022).

2. Planning History

The premises has operated lawfully as a hot food takeaway for many years under the existing planning permission. The earlier Section 73 application was refused solely on the grounds that extended opening hours could result in noise and disturbance from customers attending the premises, thereby affecting residential amenity. No other planning issues were identified.

3. Proposed Variation

This application proposes a significantly more restricted form of operation than previously refused:

- Sunday opening limited to 16:00–20:00 only
- Delivery-only operation on Sundays
- No customer collection or customer access
- Existing approved hours remain unchanged for other days

4. Impact on Residential Amenity

As the operation is delivery-only on Sundays, there will be no customer visits, no congregation, and no late evening disturbance. The takeaway has operated for several years during approved hours without complaints, demonstrating compatibility with the surrounding residential area.

5. Planning Policy Considerations

The proposal complies with Policy 57 of the Saved Local Plan, Policy D3 of the Emerging Local Plan, and Sections 8 and 12 of the National Planning Policy Framework by safeguarding residential amenity while supporting a sustainable local business.

6. Conclusion

This application represents a materially different and more controlled proposal than the one previously refused. By removing customer access and limiting hours, the proposal avoids harm to residential amenity. The applicant respectfully requests approval of this variation.