BEAMISH PLANNING CONSULTANCY

Our ref. : AB2545/LPA151225

Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

15th December 2025

Dear Sir/Madam,

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTY PLANNING ACT 1990 (AS AMENDED)
KFC, LARCHWARD AVENUE, BEDHAMPTON, HAVANT, PO9 3BF

On behalf of our client, Clokken Limited, please find enclosed an application under Section 73 of the Town and Country Planning Act 1990 (as amended), seeking to vary condition 11 imposed upon the granting (in February 2017) of planning application ref. APP/16/00875, relating to a site which now comprises a KFC store at Larchward Avenue, Bedhampton, Havant, PO9 3BF.

This Section 73 application, which is being submitted to Havant Borough Council (the LPA) electronically by way of the Planning Portal website, comprises the following documentation ;

- Completed application forms and ownership certificates.
- Completed Community Infrastructure Levy (CIL) form.
- This covering letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement.
- Acoustic Assessment (document ref. 472526 dated 30th November 2025) prepared by Ned Johnson Acoustic Consultants.
- Decision notice, dated 17th February 2017, relating to planning application ref. APP/16/00875.

Payment of the statutory application fee of £586, along with the Planning Portal service charge fee of £85, has been made electronically when submitting this application via the Planning Portal website.

Description of application site and surroundings

The application site comprises a detached rectangular shaped single storey commercial building, currently/lawfully in use as a KFC restaurant premises incorporating a 'drive-thru lane' which encircles the building. The curtilage of the site comprises vehicle parking and landscaping, including 2 EV charging stations.

Immediately to the north-east of the application site is a McDonalds store, also incorporating a 'drive-thru' lane encircling the building and associated vehicle parking. As detailed in the next section of this supporting statement, that McDonalds was originally approved to be open to the public between the hours of 06:00 to 23:00 but recently obtained temporary permission from the LPA to trade 24 hours a day.

Immediately to the south-west of the application site is ASDA Havant Supercentre and car park, with that ASDA trading 24 hours a day.

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Buildings to the north-east of the application site are in industrial use, whilst the nearest residential properties are to the east of the site, with the rear gardens of dwellinghouses in Chestnut Grove over 80 metres from the curtilage of the site (or a minimum of 94 metres between the rear elevations of those properties and the eastern boundary of the site).

Between those closest residential properties and the application site is Larchward Avenue, which serves as the sole vehicular access and egress route for all vehicular activity associated with the ASDA Supercentre.

Relevant planning history of application site and immediate surroundings

In February 2017 the LPA granted planning permission (application ref. APP/16/00875) for the following development on the application site ;

'The erection of a drive-thru restaurant (Use Class A3/A5), car parking, access, servicing, landscaping, engineering works and ancillary works.'

Conditions imposed upon the granting of that permission which required further information to be submitted to and approved by the LPA were subsequently discharged by way of 3 discharge of condition applications, whilst a non-material amendment application was also approved by the LPA in July 2017, and the approved development was subsequently implemented.

Condition 11 imposed upon the granting of planning application ref. APP/16/00875 states ;

'The premises hereby permitted shall not open to the public before 06:00 hours or remain so open after 23:00 hours on any day.'

The reason for the imposition of condition, as stated on the decision notice, was ;

'To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and The National Planning Policy Framework, March 2012.'

In February 2021 the LPA granted planning permission (application ref. APP/21/00042) for the erection of 2 rapid electric vehicle charging stations within the car park of the store.

In respect of the immediate surroundings and of direct relevance to the current proposals, in October 2024 the LPA granted temporary permission (application ref. APP/25/00557), for a 1-year period concluding on 1st November 2025, for the neighbouring McDonalds premises to trade 24 hours a day, i.e. varying condition 9 imposed upon the granting of previous planning application ref. APP/11/00993, which restricting the hours that store could be open to the public to 06:00 to 23:00.

We can find no record on the LPA's planning database of a further application being submitted seeking to either make permanent or extend the period within which that McDonalds can trade 24 hours a day, although we note that the currently advertised trading hours of that store are 24 hours a day and the LPA granted express advertisement consent (application ref. APP/25/00031) in March 2025 for the addition of additional signage stating 'open 24 hours'.

Variation of condition sought by way of this application

This application, under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to vary condition 11 as imposed upon the granting of planning permission ref. APP/16/00875 to enable the KFC store to remain open to customers until 02:00 on Friday and Saturday nights, and until 00:00 every other night of the week.

Relevant planning policies and associated guidance

At local level and having regard to the specific nature of the proposals and the location of the application site, the adopted development plan currently comprises the Core Strategy (adopted 2011) and the Site Allocations Plan (2014).

The LPA has commenced preparatory work on a new Local Plan, but it is not expected (based upon the December 2025 Local Development Scheme) the pre-submission local plan will be published for consultation until Autumn 2025 and accordingly full weight must continue to be attached to the adopted development plan, as long as it reflects the thrust of more up-to-date national planning policy and associated guidance.

At national level, the most recent update to the National Planning Policy Framework (NPPF) was published by the Government in February 2025 and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

The National Planning Policy Guidance (NPPG) was first published by the Government in March 2014 and is regularly updated, and also streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements, into a single document.

Planning appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

In appraising the planning merits of the proposed variation of condition 11 imposed upon the granting of planning application ref. APP/16/00875, it is essential to consider both the reasoning behind the imposition of that condition, i.e. to protect residential amenity and any planning decisions of direct relevance to the proposed extended trading hours.

It is also important to emphasise that the imposition of that condition does not mean that any variation of the previously approved trading hours would be harmful to amenity, rather the imposition of the condition ensures the LPA can consider any proposed variation on its planning merits.

The current application includes an acoustic assessment prepared by Ned Johnson Acoustic Consultants, with that assessment based upon the findings of an acoustic survey undertaken between the hours of 22:45 and 02:00 on 22nd/23rd November 2025. As set out within that assessment, no activity resulting from the proposed extended trading hours, be it the later operation of the store, including the mechanical plant, or vehicular activity/movements within the curtilage of the site, would have any unacceptable adverse impact on the amenities of the nearest residential properties.

Furthermore, the neighbouring ASDA supercentre, which is served by a single vehicular access/egress road (Larchward Avenue) running between the application site and the nearest residential properties, is open 24 hours a day, and therefore the vehicular activity associated with those premises contributes significantly to the existing background noise levels. Additionally, as recently as October 2024, the LPA has granted (albeit temporary) permission for the neighbouring McDonalds store (sited a similar distance from the closest residential units as the application store) to trade 24 hours a day.

We have been unable to find any evidence to suggest that the 24 hour trading of the neighbouring McDonalds store generated any complaints from local residents, and indeed we note that store continues to trade 24 hours a day despite the temporary permission having lapsed, which again does not suggest that such trading has been, or is now, causing unacceptable harm to amenity.

Notwithstanding this, we would stress that this application seeks the variation of condition 11 as imposed upon the granting of planning application ref. APP/16/00875 to enable the KFC store to remain open to customers until 02:00 on Friday and Saturday nights, and until 00:00 on any other night on the week, i.e. it does not seek approval from the LPA for the store to trade 24 hours a day.

Conclusion

For the reasons set out within this supporting planning statement, the proposed variation of condition 11 imposed upon the granting of planning application ref. APP/16/00875 would not cause any unacceptable harm to amenity, thereby complying with adopted Core Strategy policy DM10 and no material planning considerations would outweigh that compliance with the development plan.

Accordingly planning permission should be granted by the LPA to enable the KFC store to remain open to customers until 02:00 on Friday and Saturday nights, and until 00:00 every other night of the week.

We look forward to receiving confirmation, in due course, that this Section 73 application has been validated, and also look forward to engaging in proactive dialogue with the Case Officer to whom this application is allocated over the coming weeks.

Yours faithfully,

[redacted]

Adam Beamish
BA (Hons), DIP TRP, MRTPI

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