

COMMITTEE REPORT

Site Address: Burger King, 26 Park Road South, Havant, PO9 1HB

Proposal: Variation of Condition 15 of planning permission 00/61718/003 to extend trading hours as follows:

Internal Restaurant area:
05.00 hours to 24.00 hours 7 days a week

Drive-through facility:
00.00 hours to 02.00 hours and 05.00 hours to 24.00 hours Monday to Thursday inclusive
00.00 hours to 24:00 hours Friday, Saturday, Sunday (24 hours)

Application Type:	Variation/Relief of Condition		
Application No:	APP/25/00126	Expiry Date:	09/06/2025
Applicant:	BKUK Group Limited		
Agent:	Mr Roberts	Case Officer:	David Eaves
	Firstplan Ltd		
Ward:	Bedhampton		

Reason for Committee Consideration: At the request of Councillor Fairhurst

Recommendation: **GRANT TEMPORARY PERMISSION**

Executive Summary

Burger King is located in a busy town centre location on the junction of Park Road South and Solent Road. The original planning permission for the Burger King restaurant and drive through included a planning condition limiting the original opening hours as follows:

15. *The premises hereby permitted shall not open to the public before 0600 hours or remain so open after 2400 hours.*
Reason: *To protect the amenities of nearby residential properties and of the locality.*

The current proposal is to vary the approved hours as follows:

Variation of Condition 15 of planning permission 00/61718/003 to extend trading hours as follows:

*Internal Restaurant area:
05.00 hours to 24.00 hours 7 days a week*

*Drive-through facility:
00.00 hours to 02.00 hours and 05.00 hours to 24.00 hours Monday to Thursday inclusive
00.00 hours to 24:00 hours Friday, Saturday, Sunday (24 hours)*

As the site is in the Town Centre and built up area there is no objection in principle to extending the opening hours of the site. It is recognised however that the area is mixed in terms of uses, with retail and restaurant outlets together with residential properties to the east and north-east of the site including Dolphin Court (Accommodation for persons who require nursing or personal care) and flats at South Park Court.

The report considers the wider potential impacts of the development. With regards to the impact on the character and appearance of the area as there would be no changes to the building or the layout of the site the main consideration would be the traffic overnight. The Highway Authority raise no objection to the proposals and given the location of the premises on Park Road South it is not considered that any change in traffic movements would be significant.

The potential impact on residential amenity has been considered in relation to traffic noise, noise from intercom / plant noise, odour, antisocial behaviour and litter. The application is supported by a Noise Assessment together with information in relation to Burger King's management of antisocial behaviour and litter. Consultations have taken place with the Council's Environmental Health Team.

Given the location of the site at a busy road junction it is not anticipated that the proposed extended opening hours are likely to negatively impact the nearest residents as a result of increased vehicle movements but this needs to be tested fully and a Temporary Consent is recommended which would allow for a further assessment after a year of operation.

In relation to intercom / plant noise, a condition is recommended in relation to the intercom to ensure that concerns are suitably addressed and the Environmental Health team confirm that plant noise is not a concern in relation to residential amenity.

In relation to odour concerns there is an existing planning condition controlling odour issues and this is proposed to be repeated (see condition 7).

With regards to antisocial behaviour, measures to control antisocial behaviour are set out by the planning agent within Burger King's management strategy. It is noted that any criminal activity would be a matter for the Police. Notwithstanding this a temporary consent is recommended to allow the impact of extended opening to be assessed over a period of time.

The proposal would support the night time economy in Havant Town Centre and provide additional employment opportunities and this is supported.

Conditions are recommended to ensure that potential impacts from the late night use are mitigated and a temporary consent would allow these impacts to be tested during operation. Should Burger King seek to continue the use beyond a year of operation a further planning application would be required where any potential impacts could be considered further.

Temporary Planning Permission is recommended.

1 Site Description

- 1.1 Burger King is located on a corner plot to the western side of Park Road South and to the north of Solent Road. Vehicular access is from Park Road South and with an additional pedestrian access from Solent Road.
- 1.2 The site includes a restaurant and outside seating together with a drive through take-away. There is parking to the north, east and south of the building.
- 1.3 The wider area is mixed in terms of uses, with retail and restaurant outlets together with residential properties to the east and north-east of the site including Dolphin Court (Accommodation for persons who require nursing or personal care) and flats at South Park Court.

2 Relevant Planning History

00/61718/003 - Erection of a single storey building to be used as a fast food outlet and drive thru' (class A3 food and drink) car parking and landscaping (to include footpath/cycleway links), PERM,23/01/2001

This planning permission imposed the following hours:

15. The premises hereby permitted shall not open to the public before 0600 hours or remain so open after 2400 hours.

Reason: *To protect the amenities of nearby residential properties and of the locality.*

3 Proposal

- 3.1 Variation of Condition 15 of planning permission 00/61718/003 is sought, in order to extend trading hours as follows:

Internal Restaurant area:

05.00 hours to 24.00 hours 7 days a week

Drive-through facility:

00.00 hours to 02.00 hours and 05.00 hours to 24.00 hours Monday to Thursday inclusive

00.00 hours to 24:00 hours Friday, Saturday, Sunday (24 hours)

4 Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS4 Town, District and Local Centres

CS16 High Quality Design

DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses

DM10 Pollution

DM12 Mitigating the Impacts of Travel

Havant Borough Local Plan (Allocations) July 2014

Policy AL1 Presumption in Favour of Sustainable Development

Policy AL3 Town, District and Local Centres

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Liz Fairhurst – Bedhampton

I think this needs to come before the planning committee.

The objections have some merit and need to be heard in public.

Councillor Michael Lind

No comments received.

Councillor Phillipa Gray

No comments received.

Environmental Health HBC

Final Comments

Thank you for forwarding the response, I am satisfied with the consultant's explanation regarding the residual noise level being higher than the ambient and the use of L90 for the ambient, residual and specific noise levels in the plant noise calculation. I can confirm that my concerns have been addressed. Previous comments including concerns for noise from scooters/mopeds movements carrying out deliveries still remain, and therefore Environmental Protection recommends that a temporary permission for 12 months is granted initially to determine whether adverse noise impacts to residents shall result from proposed variation of hours.

Further Comments

Having reviewed the document entitled 'Noise Assessment of Proposed Extension to Operating Hours | Project Reference: 93225 | Revision: 1 (dated 20th June 2025) [prepared by NSL], I am satisfied that noise from plant, activities associated with the drive thru and car parking have been assessed with consideration to appropriate guidance. I generally agree with the findings, however the following points require clarification.

Appendix D includes the plant noise assessment, the table includes L90 values for ambient, residual and specific noise levels.

To my understanding, this is not in accordance with BS4142 methodology, whereby L90 is only used to determine the background noise levels. Ambient, residual and specific noise levels should be presented as LAeq, T.

The table also presents the residual noise level to be higher than the ambient noise level in the ventilation plant noise assessment. The residual noise level is the resultant [ambient] noise level when the specific noise is suppressed to such a degree that it does not contribute to the ambient sound.

I have made a calculation with the presumption that this is a typo, and the two values were swapped when entered. By logarithmically subtracting 51 dB from 52 dB the resultant specific noise level was 45 dBA, which is 3dB higher than the assessed figure in the report, and brings the specific noise rating level (with façade correction applied) over the threshold of 5 dBA below background noise level.

The applicant is requested to provide information addressing the above concerns.

Original Comments

Please note this response relates to noise only. We note the application seeks to vary condition 15 regarding trading hours as opposed to condition 4 as referred to above.

We acknowledge the concerns regarding odour from the premises but note condition 6 of the current permission exists to control odour emissions from the site.

We do not have any concerns regarding plant noise from the site.

I have visited the site and confirm that speech from the external drive-thru ordering point can be heard at a distance of approximately 58m to the east-north of the site and agree that this could be even more problematic should the drive-thru operate 24-hours. If permission is granted, the volume control of the ordering point will need to be reduced in volume and/or relocated in order to reduce the likelihood of annoyance and sleep disturbance to nearby residents. Further details of how the applicant will achieve this must be provided before the development commences, and post monitoring carried out to ensure the Tannoy is inaudible at nearby residential facades.

We note there are bedroom windows that face directly on to Park Road South. As the development is in a high-volume traffic area, the dwellings were developed to provide acceptable internal noise levels with windows closed and an alternative means of ventilation provided. The windows are openable to provide purge ventilation only.

The noise report calculates that vehicle noise associated with the drive-thru should not be problematic. However, we do have concerns that the noise produced by scooters/mopeds late at night could be a problem due to the character of the noise. This could arise from uber deliveries for example. We also note the concerns regarding patron noise and anti-social behaviour. For these reasons we recommend that temporary permission is given for a 12-month period, so that any problems can be reviewed at the end of the period.

Commercial Team

There are no adverse comments to the above application from E Health Commercial Team.

Hampshire Highways

The Highway Authority have reviewed the application and would make the following comments.

The application seeks to vary the condition pertaining to operational hours within Decision Notice 00/61718/003 dated 23rd January 2001.

The current wording of this condition is as follows:

'The premises hereby permitted shall not open to the public before 0600 hours or remain so open after 2400 hours.'

Reason: to protect the amenities of nearby residential properties and of the locality.'

The application seeks to vary the wording to the below: 'The restaurant premises hereby permitted shall not open to the public before 0500 hours or remain so open after 2400 hours. The drive through restaurant shall operate 24 hours daily.'

This would represent an additional six hours of operation for the drive through, and one hour for the restaurant. As the additional opening times would occur during periods where vehicle trips are likely to be low, the Highway Authority would not deem the additional trips generated during these hours to be detrimental to highway safety.

In light of the above, the Highway Authority recommend **no objection**.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 47

Number of site notices: 2.

Statutory advertisement: Not applicable.

Number of representations received: 7 Objections

Objections:

Noise/smell:

- Do not think extending opening hours for overnight/24hr operation of Burger King is good for Havant.
- Anyone living in the Town Centre will be affected by drivers collecting food all through the night.
- Will lead to noise disturbance to residents of South Court and possibly to residents of planned Bulbeck Road site.
- Also problems with noise from the mechanical extraction which keeps people awake and also food odour overnight.
- When less traffic noise, residents of South Park Court can hear the staff member over intercom very clearly.
- Not huge problem in winter, however summertime when windows and doors open do not want to hear this.
- Sound and light pollution will increase.
- Strongly oppose 24 hour drive through.
- Noise of the drive through during daytime can be heard and smell of cooking can be smelt if the wind is in the direction of the building (South Park Court).
- Intercom noise during the night unacceptable.
- Ability of food to be available 24 hours will increase the noise of people hanging around the car park.
- To sell food only using a loud outside intercom is unacceptable with a residential property opposite.
- We already hear orders being given through the Tannoy system.
- Noise and traffic during the night
- More cooking smells during the night.
- Detrimentially affect area.
- Increased noise pollution.
- Impact quality of life for nearby residents.

Precedent:

- This is effectively a 'dark kitchen' and would open the door for all fast food operators to apply for the same.

Officer Comment: *Each application is treated on its merits and different sites will have differing impacts on residential amenity and other considerations.*

- Precedent for overnight opening of take-away shops along Park Road South

close to residential accommodation in West Street.

Anti-social behaviour:

- Would amplify already high levels of anti-social behaviour (ASB) & would almost certainly attract loud vehicles & late night joy riders who continuously rev engines.
- ASB and drug dealing will increase (already problem in Town Centre).
- Only offering drive through, however the drivers will remain in car park, no doubt revving their engines, smoking weed and making nuisance, this occurs in the evening so can't imagine it not happening later.
- HBC have just demolished Bulbeck multi-storey car park, with one of the main reasons being ASB – hypercritical to then allow burger joint to trade 24hrs.
- Increased activity in car park overnight will cause disturbance to people living in South Park Court property.
- 'Boy racers' driving up and down Park Road South would be attracted to area later into night.

Littering:

- Littering will increase. Havant one big litter bin most of the time MCD, BK & KFC should be committing to clearing up our town not adding to it.
- Huge litter issue in Havant
- Littering with no overnight cleaning

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway Impacts
- (v) Business and employment
- (vi) Biodiversity Net Gain (BNG)
- (vii) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. In addition, the area is mixed containing business premises, retail and restaurant outlets together with residential properties to the east of the site including Dolphin Court (Accommodation for persons who require nursing or personal care) and flats at South Park Court.

7.3 The Burger King restaurant and drive through was granted planning permission on the 23rd January 2001. The permission included the following restriction on opening hours:

15. *The premises hereby permitted shall not open to the public before 0600 hours or remain so open after 2400 hours.*

Reason: *To protect the amenities of nearby residential properties and of the locality.*

7.4 The original condition was therefore aimed at protecting the amenities of nearby residents and in this respect the application has been accompanied by a Noise Assessment of Proposed Extension to Operating Hours.

7.5 The proposal relates to allowing the following opening:

Internal Restaurant area:

05.00 hours to 24.00 hours 7 days a week

Drive-through facility:

00.00 hours to 02.00 hours and 05.00 hours to 24.00 hours Monday to Thursday inclusive

00.00 hours to 24:00 hours Friday, Saturday, Sunday (24 hours)

7.6 It is noted from displays at the premises that the site is currently operating as follows:

Monday to Sunday

Restaurant (Dining Room) 10.00 hours to 24.00 hours

Drive- through 08.00 hours to 24.00 hours

7.7 The acceptability of the extended opening hours in this town centre context has been assessed below.

(ii) Impact upon the character and appearance of the area

7.8 The proposal would not alter the building or external areas and therefore any additional traffic is the main potential impact in terms of the character of the area. The Highway Authority raise no objection to the proposals.

7.9 It is noted that the site is located within Havant Town Centre and on the busy Park Road South which is a four/five lane road in this location. The extended opening hours are therefore not considered to have a harmful impact on the character and appearance of the area (the impact upon local amenity being addressed separately below).

(iii) Impact upon residential amenity

7.10 The nearest residential properties to the site on Park Road South are located to the east in Dolphin Court approximately 45m from the building and approximately 36 metres from the Drive Through route, together with flats at South Park Court to the north-east which are approximately 43m from the building and 33m from the Drive Through Route. Both these residential sites are located on the opposite side of the four/five lane wide Park Road South. The main potential impacts in terms of neighbouring residents are considered to be in relation to the following:

Traffic Noise

Other Noise for example from intercom / plant noise

Odour

Antisocial Behaviour

Litter

These are considered further below:

Traffic Noise

- 7.11 The submitted noise report states that as a result of a noise assessment and assessment of similar sites:

It can be seen that noise from the use of the drive-thru lane and associated order and collection points will be significantly below the existing ambient sound level at all times.

- 7.12 The report continues:

As detailed in BS 8233:2014, a partially open window can be assumed to provide approximately 15dB overall noise reduction from external to internal. Assuming open windows for natural ventilation, internal noise levels resulting from drive-thru activity are predicted to be 16dBA inside Receptor R1. These levels are significantly below the guidance on desirable internal noise levels given in BS 8233:2014.

The most affected noise sensitive properties, identified as Receptor R1, are the flats in South Park Court, at the junction of Bulbeck Road and Park Road South.

- 7.13 The Council's Environmental Health Officer has commented that: *The noise report calculates that vehicle noise associated with the drive-thru should not be problematic.*

Notwithstanding this Environmental Health also comment that: *However, we do have concerns that the noise produced by scooters/mopeds late at night could be a problem due to the character of the noise. This could arise from uber deliveries for example.*

This could only readily be fully tested in real operating conditions and a Temporary Consent is therefore recommended (see further comments below re Temporary Consent).

- 7.14 Given the location of the site at a busy road junction it is not anticipated that the proposed extended opening hours are likely to negatively impact the nearest residents resulting from increased vehicle movements but this needs to be tested via a Temporary Consent which would allow for a further assessment after a year of operation.

Other Noise for example from intercom / plant noise

- 7.15 The noise report states in relation to the intercom operation:

The sound pressure levels associated with vehicle movements and the use of a drive-thru intercom system have been measured previously at similar premises (note – the intercom system on site was not working during NSL's evening attendance on 3rd April 2025). The sound pressure levels were normalised to a distance of 10m from the area of movement and have been converted to Sound Exposure Levels (SEL) for ease of comparison/ calculation. Typical LAmax levels were also established.

The report concludes that:

Assuming open windows for natural ventilation, internal noise levels resulting from drive-thru activity are predicted to be 16dBA inside Receptor R1. These levels are significantly below the guidance on desirable internal noise levels given in BS 8233:2014.

- 7.16 The Council's Environmental Health Officer has commented on intercom/Tannoy noise as follows:

I have visited the site and confirm that speech from the external drive-thru ordering point can be heard at a distance of approximately 58m to the east-north of the site and agree that this could be even more problematic should the drive-thru operate 24-hours. If permission is granted, the volume control of the ordering point will need to be reduced in volume and/or relocated in order to reduce the likelihood of annoyance and sleep disturbance to nearby residents. Further details of how the applicant will achieve this must be provided before the development commences, and post monitoring carried out to ensure the Tannoy is inaudible at nearby residential facades.

The noise report states that:

It is recommended that, in the first instance, the operation of the intercom speaker be checked to ensure that noise levels produced are not excessively high, particularly late at night. Any volume controls should be set as low as possible while still remaining audible at the order point.

It is recommended that a condition is imposed to require that a noise report is submitted and approved before the operation of extended opening in order to demonstrate that noise relating to the intercom/Tannoy drive through operation is inaudible at nearby residential facades. The condition also requires that the intercom/Tannoy remains inaudible at residential facades (see condition 4).

- 7.17 In relation to plant noise, the noise assessment states:

Noise Solutions Ltd attended site between 22.00 and 23.00 hours on Thursday 3rd April 2025 to measure noise emissions from the existing plant.

It was noted that plant noise levels were comparatively low when compared to prevailing environmental noise. Plant tended towards inaudibility at the residential boundaries. Therefore, it was necessary to measure noise levels closer to the plant and then extrapolate for distance to determine levels at the nearest receptors.

Measurements were taken of the following scenarios:

- *All plant off.*
- *Roof plant in isolation*
- *2No. refrigeration units in isolation*

'On' measurements were taken with the equipment operating at maximum design duty.

A plant noise survey has been undertaken to determine existing plant noise emissions. An assessment has been undertaken to determine the impact of the existing equipment operating 24 hours a day. The assessment has determined that noise levels will meet Havant Borough Council's usual emissions criteria and will be of 'low impact' in accordance with BS 4142:2014, with no specific mitigation measures required.

- 7.18 The Council's Environmental Health Officer has confirmed, *We do not have any concerns regarding plant noise from the site.* It is also noted that additional information provided in relation to noise satisfied any remaining issues with regard to residual and

specific noise levels in the plant noise calculation.

Odour

- 7.19 In relation to odour the Council's Environmental Health Officer comments:

We acknowledge the concerns regarding odour from the premises but note condition 6 of the current permission exists to control odour emissions from the site.

- 7.20 The original planning permission for the development contained the following condition:

6. No development hereby permitted shall commence until a detailed scheme for filtration and extraction of fumes generated (by cooking processes) at the premises has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the implementation of such approved filtration and extraction scheme has been completed in full accordance with all detailed components of such scheme. At all times thereafter, all elements of that scheme shall be maintained in a wholly efficient and effective working order.

Reason: *To safeguard the amenities of the locality and/or occupiers of neighbouring property.*

Given the condition and its ongoing requirements it is considered that odour concerns can be suitably addressed.

Antisocial Behaviour (ASB)

- 7.21 In relation to anti-social behaviour it is noted that third parties have raised concerns with regard to potential late night gatherings, engine revving and drugs. These matters are essentially matters for the site management and in the event that such matters include criminal behaviour for the Police.

- 7.22 It is nevertheless recognised that if consent is granted for an overnight drive through there may be potential for these matters to impact residential premises, although these are noted to be across Park Road South. The Environmental Health Officer has commented as follows:

We also note the concerns regarding patron noise and anti-social behaviour. For these reasons we recommend that temporary permission is given for a 12-month period, so that any problems can be reviewed at the end of the period.

- 7.23 The planning agent has been asked about measures that Burger King operate to manage ASB and the following comments have been received:

Burger King seeks to deter and control any anti-social behaviour with bespoke policies for any site. CCTV is installed at all restaurants with the footage being easily accessible for review by the main incident room.

Incident reports are constantly monitored to understand whether any restaurants require further help. Where anti-social behaviour is not under control, BK will place guards and liaise with local police and youth workers. Indeed, conflict management training is provided for all staff, and pitched differently depending on level (i.e. crew vs manager).

StaffSafe is a safety device fitted into sites to offer support to staff and customers

within the premises. The device connects to the StaffSafe control room, where experienced operators field assistance calls 24/7, 365 days a year to deter anti-social behaviour, verbal and physical abuse, and threat of harm involving the use of weapons.

BK's team do an assessment on all new restaurants to understand crime statistics for the area, with StaffSafe then installed where the CAP Score is over 400 (i.e. 4x the national average). The team will also take a steer from the local Operations Managers if they know that an area is particularly bad for anti-social behaviour.

Please note the site has been in operation since 2001 and this issue has not been brought to their attention is this time. Should the Council require any specific details for this site, we would again be happy for a pre-commencement (of the expanded hours) condition.

- 7.24 It is considered that these measures are an appropriate response to the potential antisocial behaviour concerns, and a condition is recommended to ensure that appropriate measures are in place. Combined with the Temporary consent which would ensure monitoring over a period of time (as recommended by Environmental Health), they are considered appropriate measures to address the concerns of residents.

Litter

- 7.25 With regards to litter, it is noted that there are a number of litter bins on site. The extended drive through hours mean that packaging would leave the site in vehicles, this is already the case and the extension of drive-through hours is unlikely to significantly increase littering. The planning agent has been asked to provide details of packaging and littering policies and has provided the following details:

BK understand that litter can be a blight on society and are committed to tackling it in as many ways as it can. It is its policy that every restaurant should carry out a minimum of one litter pick per day when BK's team members pick up not just Burger King packaging but also any other litter that may have been discarded in the vicinity of the restaurant. We're not aware of any existing littering issue at the site and we cannot see how the extension of the trading hours would create any issue, over and above the existing operation.

- 7.26 It is not considered that a refusal of planning permission would be warranted in relation to littering concerns and again a condition is recommended to ensure that litter picking is in place.

Impacts on Residents Conclusion:

- 7.27 In conclusion, the proposals are considered to be unlikely to result in unacceptable impacts on neighbouring residents, nevertheless, the Council's Environmental Health Officer has identified possible issues in relation to noise and ASB which would need to be assessed over a period of time. In this case it is considered that a temporary planning permission for one year would be appropriate which would allow for any potential impacts to be assessed over the year. The extended opening would then be re-assessed should an application to make the extended opening permanent be submitted.

(iv) Highway Impacts

- 7.28 In relation to highway impacts, the vehicular access to the site is from Park Road South. The Highway Authority have commented that:

As the additional opening times would occur during periods where vehicle trips are likely to be low, the Highway Authority would not deem the additional trips generated during these hours to be detrimental to highway safety.

In light of the above, the Highway Authority recommend no objection.

- 7.29 The proposal is therefore considered to result in a limited and acceptable impact on the highway network.

(v) Business and employment

- 7.30 The proposed extended opening hours have been put forward by the applicant and it is therefore assumed that there is a business case for the operator of the site making the proposal viable. The extended hours are likely to result in increased employment or extended opportunities for existing staff, the Planning Agent has been asked for further information on this and has commented as follows:

In regards Employment the Applicant is comfortable stating that at least 5 further job roles will be created by this proposal and whilst this might be a conservative estimate, Burger King are only recently rolling out 24 hours at its sites and would not wish to overcommit on this front.

- 7.31 The proposal is considered to support the night time economy and increase employment opportunities at the site.

(vi) Biodiversity Net Gain (BNG)

- 7.32 The proposal would not increase floorspace or remove habitat and is therefore exempt from BNG.

(vii) Other matters

- 7.33 As this is a Section 73 application it effectively results in the issuing of a further planning permission (albeit on a temporary basis). It is therefore necessary to consider whether conditions imposed on the original planning consent need to be re-imposed or altered in the determination of the current application.

- 7.34 In this regard it is considered necessary to amend/re-impose conditions 5, 6, 10, 11 and 14 of the original planning permission 00/61718/003 and these are provided in conditions 7-11 below.

8 Conclusion

- 8.1 In conclusion, the principle of extending hours is considered acceptable subject to its impact on the surrounding area. Overall, the impacts on the character of the area and nearby residential properties are considered acceptable subject to conditions and a review following a period of operation.
- 8.2 The impact on the highway network is likely to be limited and acceptable. The proposal would also provide employment opportunities and boost business at the site.

- 8.3 Overall, the proposal is considered acceptable subject to conditions and on a temporary basis, enabling a review after 1 year.

9 RECOMMENDATION:

That the Development Manager be authorised to **GRANT TEMPORARY PERMISSION** for application APP/25/00126 subject to the following conditions (subject to such changes and/or additions that the Development Manager considers necessary to impose prior to the issuing of the decision):

- 1 This permission shall operate on a trial basis for a period of 12 months from the commencement of the extended opening hours. Prior to commencement of these extended hours, the Applicant must inform the Council in writing of the intended start date in order to determine the 12-month date.

Following the expiry of this 12-month period, the extended opening hours must cease and must revert to trading hours set out in condition 15 of Planning Permission 00/61718/003 unless prior written consent or alternative trading hours are agreed in writing by the Local Planning Authority.

Reason: To enable a review of the extended operation of the site over a period of time to assess any impacts resulting from the operation of longer hours over a period of time on noise, antisocial behaviour, and impacts on nearby residents and having due regard to policies CS8, CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Opening Hours table

Noise Assessment of Proposed Extension to Operating Hours Noise Solutions Ltd Project Ref: 93225 Rev 2 Revised 2nd December 2025

Email Firstplan with noise consultants comments uploaded 07.10.25

Firstplan information regarding Noise, Antisocial Behaviour, Litter and Employment uploaded 30.07.25

Also considered:

Covering Letter Firstplan dated 17th February 2025

Reason: - To ensure provision of a satisfactory development.

3. The premises shall not be open to the public except as specified below:

Internal Restaurant area:

05.00 hours to 24.00 hours 7 days a week

Drive-through facility:

00.00 hours to 02.00 hours and 05.00 hours to 24.00 hours Monday to Thursday inclusive

00.00 hours to 24:00 hours Friday, Saturday, Sunday (24 hours)

Reason: To protect the amenities of nearby residential properties having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4. Prior to the commencement of the extended opening hours a noise report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that noise relating to the intercom/Tannoy drive through operation is inaudible at nearby residential facades. The intercom/Tannoy shall thereafter be operated in accordance with the approved details and remain inaudible at nearby residential facades.

Reason: To ensure that the operation of the intercom/Tannoy does not negatively impact residential amenities and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. The operation of the site shall be in accordance with the details set out in the Firstplan information uploaded 30.07.25 in relation to Antisocial Behaviour and Litter.

Reason: In the interests of preventing antisocial behaviour and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7. The detailed scheme for filtration and extraction of fumes generated (by cooking processes) at the premises approved under condition 6 of planning permission Ref: 00/61718/003 shall at all times be maintained in a wholly efficient and effective working order.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. The footpath link to Solent Road and space for the loading, unloading and parking of vehicles approved under planning permission Ref: 00/61718/003 and condition 10 of that permission shall be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policies CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment having due regard to

policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10. The parts of the site landscaped as part of the landscaping scheme under planning permission Ref: 00/61718/003 shall be retained as an area of soft landscaping at all times and shall not be used for the outside storage of any goods, equipment or machinery nor for the purpose of vehicle parking.

Reason: To ensure that the appearance of the development is satisfactory and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- (A) Location Plan
- (B) Planning Decision Notice Ref: 00/61718/003 dated 23rd January 2001
- (C) Proposed Opening Hours
- (D) Aerial Photo with noise monitoring
- (E) Site Layout