

Miss Opoku-Gyamfi
Savills (UK) Limited
Belvedere
12 Booth Street
12 Booth Street
Manchester
M2 4AW

For: McDonald's Restaurants Limited

**The Town and Country Planning (Development Management Procedure) (England) Order
2015**
Grant of Planning Permission

Application Number: APP/24/00557

Site Address: McDonalds Restaurant, Larchwood Avenue, Havant, PO9 3BF

Proposal: Variation of Condition 9 of Planning Permission APP/11/00993 relating to hours of operation.

Further to your application received on 12 July 2024 (which was valid from 07 August 2024) Havant Borough Council, as Local Planning Authority, **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 1 This permission shall be for a limited period expiring on 1st November 2025, on or before which date the extended opening hours for the drive through restaurant shall revert to those set out in condition 9 of Planning Permission APP/11/00993 unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: To enable a review of the operation of the site on a 24 hour basis to be reviewed over a period of time to assess any impacts resulting from the operation of longer hours over a period of time on antisocial behaviour, noise 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 extended opening hours hereby permitted shall not commence unless and until details of a new kitchen extract which includes a 2.1 m long discharge silencer and a full acoustic enclosure has been submitted to and approved in writing by the Local Planning Authority, and such approved extract has been installed on the premises. The kitchen extract approved shall thereafter be retained and maintained in

Our Ref: APP/24/00557

accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that noise levels have an acceptable impact on the character of the area and to residential properties particularly in the overnight period having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Letter from Savills Ltd dated 4th July 2024

Noise Impact Assessment Report No. 14-0167-93 R02 dated 3rd July 2024

Technical Note Plant Noise Project Ref: 8001 Rev 1 Dated 7th May 2024

Reason: - To ensure provision of a satisfactory development.

- 4 The site shall operate in accordance with the Noise Impact Assessment by Savills Report No. 14-0167-93 R02 dated 3rd July 2024 Appendix C Premises Noise Management Plan and Appendix F McDonald's Guidance on Anti-Social behaviour.

Reason: To ensure that the site operates in a appropriately to minimise noise and antisocial behaviour at the site particularly in the overnight period having due regard to policies CS8, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The extended 24 hour opening hereby permitted shall apply in relation to the Drive Through Restaurant only. The main restaurant shall continue to be open to the public only during the times set out in Condition 9 of Planning Permission APP/11/00993.

The hours applicable for the period of this temporary consent are:

Drive Through Restaurant - 24 hours for 7 days per week.

Main restaurant - shall not be open to the public before 06:00 hours or remain so open after 23:00 hours on any day.

Reason: To accord with the details set out in the supporting information and to avoid additional potential noise and anti-social behaviour issues having due regard to policies CS8, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The use hereby permitted shall be carried out in accordance with the McDonald's Litter Management Plan previously approved under condition 21 of planning permission APP/11/00993 under discharge of condition application APP/12/01096. All components of the agreed details and scheme shall remain in place and be retained for their intended purpose.

Reason: In the interests of the amenity of occupiers of nearby properties and 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 use hereby approved and occupation of the building shall operate using the turning, loading and unloading of vehicles and the parking of vehicles areas approved under planning permission APP/11/00993 and the areas of land so provided shall not be used for any purpose other than the turning, loading and unloading and parking.

Reason: In the interests of highway safety and local amenity having due regard to policies CS16, CS20 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The CCTV equipment approved under condition 10 of planning permission APP/11/00993 shall be retained and maintained in full working order, in accordance with the details approved under discharge of condition application APP/12/01099 and all components of the approved scheme shall remain in full working order so long as the use continues.

Reason: To ensure the safety and security of staff and customers and safeguard the amenities of the locality and having due regard to policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The lockable barrier and kerb detail to the car park to prevent access into the car park when the restaurant is closed, approved under condition 11 of planning permission APP/11/00993 in discharge of condition permission application APP/12/01098 shall at all times be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and CS8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The development hereby permitted shall be operated in accordance with the Exterior Car Park Lighting Plan (22-6-12 Rev A) and Supporting Information (McDonalds Havant 14-09-11 Rev A) approved under conditions 12 and 13 of planning permission APP/11/00993 in discharge of condition application APP/12/01100 and there shall be no external or internal lighting that can be seen outside the premises on the site other than as thereby approved.

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

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Development Control Service at the Plaza or by telephoning 023 9244 6015.
- (1) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and

- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You were updated about issues after the initial site visit.

Alex Robinson

Alex Robinson
Executive Head of Place

08 October 2024

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL
PLANNING AUTHORITY REFUSE PLANNING PERMISSION
OR GRANT IT SUBJECT TO CONDITIONS**

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Southern Gas advisory note

In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.