

5 March 2026
L260305 SAV Cover Letter



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SUBMITTED VIA PLANNING PORTAL REF: PP-14756146

Dear Sir/ Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION TO DEVELOP LAND WITHOUT COMPLIANCE WITH CONDITION 1 OF PLANNING
PERMISSION: APP/24/00557
MCDONALD'S RESTAURANT, LARCHWOOD AVENUE, HAVANT, PO9 3BW
MCDONALD'S RESTAURANTS LIMITED**

Introduction

We write on behalf of our client, McDonald's Restaurants Limited, to apply for permission to develop land without compliance with Condition 1 of Planning Permission: APP/24/00557, at Larchwood Avenue in Havant (the 'Site'), to enable the drive-thru lane of the restaurant to operate 24 hours a day, seven days a week, on a permanent basis.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), we enclose the following documents which comprise the application.

- This covering letter;
- The completed application forms; and
- Planning Permission: APP/24/00557.

As the application has been submitted electronically via the Planning Portal website (**PP-14756146**), payment for the application fee of £586 has been made electronically.

Relevant Planning History

On 15 October 2012, Planning Permission was granted for the 'construction of freestanding restaurant with drive-through, car parking and associated landscaping' (App Ref: APP/11/00993)(the '**2012 Permission**').

The 2012 Permission was granted subject to 26 conditions. Condition 9 of the 2012 Permission controls the operating hours of the unit and 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."

On 8 October 2024, planning permission was granted for the 'variation of Condition 9 of Planning Permission APP/11/00993 relating to hours of operation' (App Ref: APP/24/00557) (the '**2024 Permission**'). Condition 5 of the 2024 Permission enabled the restaurant to trade 24 hours a day, seven days a week, as follows:

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“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.”

Condition 1 of the 2024 Permission limited the 24 hour trade to a temporary period, as follows:

“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.”

The reason for imposing Condition 1 was:

“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...”

The Proposal

This application seeks permission for the removal of Condition 1 of the 2024 Permission, to enable the restaurant's drive-thru to operate 24 hours, seven days a week, on a permanent basis. The main restaurant will remain restricted to between 06:00 – 23:00, and there are no other changes to the established operation of the restaurant as a result of this application.

Justification for the Proposed Development

Background

Since the grant of the 2024 Permission, the restaurant has been trading 24 hours a day from the drive-thru facility. Unfortunately, the restaurant's management team had overlooked that the temporary period of 24 hour trade expired in November 2025, and so the restaurant has been trading in breach of condition 1 since that time. On 3 March, the Council's Planning Enforcement Officer contacted the restaurant, identifying that non-compliance and requesting that the breach be remedied. As a result, the restaurant has acted immediately to change the opening times back, to align with the 2012 Permission, and this application is submitted in order to re-establish that the 24 hour operation of the Site is acceptable.

As set out in the 2024 Permission, the reason for imposing Condition 1 was to ensure that the 24 hour trading of the restaurant did not result in any significant adverse impacts upon residential amenity for existing residents living in proximity to the Site.

As the LPA will be aware, the National Planning Policy Framework ('NPPF') states that planning permission should only be refused on noise grounds where adverse impacts are categorised as 'significant'. During the temporary period of 24 hour trade, we are not aware of any new disturbance or formal complaints that have been raised at the Site as a result of the additional trading hours. The proposed hours of operation are now 'tried and tested' at the site, and the evidence shows that the additional hours of operation for the restaurant has not resulted in any significant impact on residential amenity. As a result, it is clear that the reason given for the temporary imposition of Condition 1 is no longer relevant.

As stated within the Planning Practice Guidance entitled 'Use of Planning Conditions':

“... it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so”.

Economic Benefits

The proposed 24 hour operation of the restaurant will have a series of positive impacts that contribute towards meeting the local and national policy objectives relating to economic growth and job creation. The extension of operating hours for the restaurant will create additional employment positions and additional working hours for existing employees at the site. These positions help to reduce unemployment and increase earnings and disposable income which benefit other businesses.

Further, the increased hours will enable the restaurant to better meet the demands of customers, and allow more opportunities to generate sales leading to increased revenue, which will contribute to Havant's local economy.

Summary and Conclusion

This application seeks permission to develop land without compliance with Condition 9 of Planning Permission: APP/24/00557, to enable the drive-thru lane of the restaurant to trade 24 hours a day, seven days a week.

As there are no unacceptable impacts, we respectfully request that this application will be approved and that planning permission is granted.

We trust that the information provided above is sufficient for the Council to register and consider this application. We will endeavour to contact you within the next few days to establish your timetable for decision making. In the meantime, should you require any clarification or additional information, please do not hesitate to contact Brad Wiseman at these offices.

Yours faithfully,

A solid black rectangular box used to redact the signature of the representative.

Savills (UK) Limited
Planning