

DELEGATED OFFICER REPORT

PROPOSAL	Variation of Condition 11 of Planning Application APP/16/00875 relating to hours of operation.
LOCATION:	KFC Drive Thru, Larchwood Avenue, Havant, PO9 3BF
REFERENCE NO:	APP/25/01023
APPLICANT:	c/o agent
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	05/02/2026
APPLICATION EXPIRY DATE:	09/02/2026
WARD:	Bedhampton
SUMMARY RECOMMENDATION:	Grant subject to conditions

1. Site Description

- 1.1 The site lies at the end of Larchwood Avenue, to the south of McDonalds and north of Asda car park.
- 1.2 KFC is a modern fast food restaurant and Drive-through with parking to the south and east. The drive-through access runs to the east and south of the building and with the collection point to the west of the building.
- 1.3 The closest residential properties are located to the east of the access road to Asda in Willowdene Close and Chestnut Avenue. These properties are located approximately 121m from the KFC building to residential dwelling. There is a wooded bank between the access road to Asda and the residential properties.

2. Planning History

Is there any planning history relevant to the current application?

Yes/~~No~~

Relevant Planning Applications

APP/21/00042 Erection of two rapid electric vehicle charging stations within the car park. Two existing parking spaces will become EV charging bays, along with associated equipment. Permitted 18th February 2021

APP/17/00599 Application for non-material amendment to Condition No.21 of Planning Permission APP/16/00875 relating to request to update plans and reports. Permitted 3rd July 2017

APP/16/00875 The erection of a drive-thru restaurant (Use Class A3/A5), car parking, access, servicing, landscaping, engineering works and ancillary works Permitted 17/02/2017.

Officer Comment: This is the original planning permission.

Adjacent Site McDonalds

APP/11/00993 Construction of freestanding restaurant with drive-through, car parking and associated landscaping. Permitted 15th October 2012

APP/13/00560 Installation of a pedestrian crossing with dropped kerbs, tactile paving, beacons and associated engineering works. Permitted 21st August 2013

APP/22/00610 Minor alterations to elevations with the construction of a 1.6 sqm extension to form an additional drive thru booth for fast forward ordering with new glazing, stone work and tresa cladding to match existing. A new access door and window to be installed adjacent the entrance lobby. New road markings within the drive thru lane and associated works to the site. Permitted 25th August 2022

APP/24/00019 Installation of 2No rapid electric vehicle charging stations within the car park. 3No existing parking spaces will become 2No EV charging bays, along with associated equipment. Permitted 10th April 2024

APP/25/00527 Proposal for the installation of three rapid electric vehicle charging stations and ancillary equipment within the car park of McDonalds, Havant. This planning application will overwrite the previous, ref PP-12722617 (APP/24/00019) due to a change of location within the car park. Permitted 8th August 2025

APP/24/00557 Variation of Condition 9 of Planning Permission APP/11/00993 relating to hours of operation (08.10.24). Temporary Planning Permission 8th October 2024

Officer Comment: Temporary consent expired 1st November 2025

APP/25/00031 Installation of a new 'Open 24 hours' appendage (illuminated) to existing freestanding totem. Granted Advert Consent 7th March 2025

Officer Comment: Conditioned to be removed when 24 hour opening ends.

APP/25/00527 Proposal for the installation of three rapid electric vehicle charging stations and ancillary equipment within the car park of McDonalds, Havant. This planning application will overwrite the previous, ref PP-12722617 (APP/24/00019) due to a change of location within the car park. Permitted 8th August 2025

APP/26/00151 Application to develop land without compliance with Condition 1 of planning permission: APP/24/00557, to enable the drive-thru lane of the restaurant to operate 24 hours a day, seven days a week, on a permanent basis. **Officer**

Comment: This is a current application.

3. Proposal

Variation of Condition 11 of Planning Application APP/16/00875 relating to hours of operation.

The existing condition 11 of planning permission APP/16/00875 included the following hours:

11 The premises shall only be open for trade or business between the hours of 06.00 hours and 23.00 hours on any day.

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

The current application seeks the following amended hours:

To enable the premises to remain open to customers until 02:00 on Friday and Saturday nights and until 00:00 every other night of the week.

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

Chichester Harbour Management Plan 2024-2025 N/A

Havant Borough Council and Chichester District Council Joint SPD - Chichester Harbour Area of Outstanding Natural Beauty N/A

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS3	(Skills and Employability)
CS8	(Community Safety)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020 N/A

Listed Building Grade: N/A

Conservation Area: N/A

5. Statutory and Non Statutory Consultations

Environmental Health

Further Comments (relating to third party comments)

The complainants' allegations regarding odour should not be addressed via consideration of the planning application to extend hours. Complainants should be referred to Environmental Health to investigate for statutory nuisance if odours from KFC are impacting them at their property.

Speeding/antisocial driving and noise from loud exhausts are matters for the police.

The littering is unlikely to result exclusively from patrons of KFC and occurs off-site beyond control of the applicant.

The proposed extension of hours does not introduce any of the issues subject to complaint and are typically beyond the control of the applicant - excluding the odour issue which can be investigated under statutory nuisance legislation if odour is causing interference with the use of property.

Given that the matters complained about do not result from the proposed extension of hours, Environmental Health finds no evidence of amenity impacts arising from the proposed extension of hours.

Original Comments

Thank you for consulting Environmental Health (pollution) regarding the above application to enable the premises to remain open to customers until 02:00 on Friday and Saturday nights and until 00:00 every other night of the week. The document entitled 'Acoustic Assessment at KFC Bedhampton, Larchwood Avenue Bedhampton | Document Ref: 472526' (dated 30/11/25) [prepared by Ned Johnson Acoustic Consultants Limited] has been reviewed. I am satisfied that the assessment has considered appropriate guidance and that the report, methodology, calculations and findings are reliable. Noise from activities at the drive through are not anticipated to result in adverse impact at the nearest sensitive receptor during the proposed extended hours of operation. Environmental Health (pollution) has no objection to the proposals based on noise concerns.

Ecologist

No comments received

County Highways Team

Thank you for the consultation on the above application to vary condition 11 of Planning Application APP/16/00875. The reason placed on the condition is in relation to neighbouring amenity and not a requirement for the management of vehicular traffic from the site. Therefore, the Highway Authority raise no objection to the proposed extension of opening hours.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
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Site Notice	Site Notice 15.1.26	15/01/2026	05/02/2026	Is advertised in the public interest
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Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 33

4 objections received

<p>The Smell of dirty oil with the prevailing winds does not need to be lengthened any further. This is known to be KFC, not McDonalds.</p>
<p>The smell of dirty rancid oil that comes across from KFC is awful now! This makes me wonder how often it is changed!! With longer opening this smell is going to be worse!</p> <p>I also need to comment on noise! Why do they not inspect the vehicles the delivery drivers use! Some days/nights it sounds like they are driving around and around with loud exhausts. This also needs addressing. Those of us that work, or are light sleepers are woken through the night with the noise also.</p>
<p>Why extend the hours, this place should have never been aloud to open in the first place.</p> <p>Extending the hours will only increase the late night boy racers that the local residents have to put up with, the roundabout and purbrook way is like a race track at times, late night opening of these drive though food places is a magnet for trouble.</p> <p>It's about time Havant Council think of there residents first NOT fast junk food, it's the residents that pay the most to the council.</p> <p>Don't give permission</p>
<p>The changes to this roundabout access / exit is getting worse by the day. With the new lidl about to open as well the local neighbourhood is going to get gridlocked. And I can see it affecting the exit / access entries to the motorway. The amount of traffic is abominable at certain times of days, and this is also the main route to various colleges, schools etc in the area. And where do all the kids stop via their destination?? So much for promoting healthy eating.</p> <p>As far as the restrictions on the KFC they should not be expanded, especially at night. The traffic late at night especially heading up the hyper market access road is a rat race. The speed and noise is typical of inconsiderate type of road user (cars and motorcycles). It's also know for car meet-ups at the week end ... where's the police to do random checks? Another incitement to gather.</p> <p>The rubbish is another issue, evidence along Purbrook Way heading to Purbrook and Waterlooville which is thrown out of the car windows is getting worse. Go for a walk! Look over the barriers! It's everywhere.</p> <p>These types of establishments just push the boundaries for profit NOT the community. Do they really think an extra few hours are going to increase their</p>

profits? At the few hours peace for the neighbourhood verses a those who think a quick grub grab is a quick fix.

Material planning considerations are addressed in Section 7.

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) Ecological impacts
- (vi) Business and employment

(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 control criteria. In addition the area is mixed containing business premises, retail and restaurant outlets together with residential properties. The KFC restaurant and drive through was granted planning permission on the 17th February 2017. The permission included the following restriction on opening hours:

Condition 11:

The premises shall only be open for trade or business between the hours of 06.00 hours and 23.00 hours on any day.

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

7.3 The original condition was therefore aimed at protecting the amenities of nearby residents and in this respect the application has been accompanied by an Acoustic Assessment. The proposal relates to allowing 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.

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

7.4 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. It is noted that the current opening hours of the adjacent Asda Store are advertised on their website as:

Monday 07:30hrs - 12:00hrs (midnight)
Tuesday Open 24 Hours
Wednesday Open 24 Hours
Thursday Open 24 Hours

Friday Open 24 Hours
Saturday 12:00 (Midnight) - 22:00hrs
Sunday 10:00hrs - 16:00hrs

- 7.5 The nearby store is therefore open overnight for 4 nights a week. It is not considered likely that an extended opening for the KFC store would be likely to attract large additional levels of traffic and is unlikely to lead to unacceptable changes in relation to the character and appearance of the area.

(iii) **Impact upon residential amenity**

- 7.6 The nearest residential properties to the site within Chestnut Avenue and Willowdene Close are located a minimum of approximately 108m from the building (to the residential curtilage) and 83m from the drive through route (to the residential curtilage), these are located to the east of the access road to the Asda store and a belt of trees. The main potential impacts in terms of neighbouring residents are considered to be in relation to the following:

Traffic Noise
Plant Noise
Antisocial Behaviour
Litter
Odour

These are considered further below:

Traffic Noise

In terms of traffic noise, the Noise Impact Assessment states that:
The predictions for noise from traffic movements are based upon the information provided by the client for the site. Car park noise and drive thru noise predictions are based on data collected at this location.

The nearest residential properties are on Chestnut Avenue, which are 128 metres from the site and screened by 50 metres of woodland. In Chestnut Avenue (it was not possible to access the rear gardens) the dominant sound was road traffic on the local road network and the A3(M) in particular.

At the site cars enter KFC from Larchwood Avenue and due to the site layout, drive slowly to the car park and round to the ordering point, which is 127 metres from the receptor. The cars then drive up to the collection area, which is 138 metres away and screened from the receptor by the building itself.

While stood at the boundary of the woodland in the Asda car park there was no sound audible from KFC.

The context of the site is that it is a busy location where there are regular vehicle movements on the local road network.

The noise from the site operations will have a BS4142 rating of at least 5dB below background sound levels. It is considered that a rating level below background is a low impact.

The survey was conducted over a 3.25-hour period on November 22nd to November 23rd 2025.

The results of the survey show that the typical measured background for the period 23:00 – 02:00 was 45dB LA90 The typical ambient noise level during the same period was 47dB LAeq.

The combined noise level of all the activities associated with vehicles and plant at the receptor is predicted to be 18dBA. This is 27dB below the typical background sound level and 29dB below the typical ambient sound level and will have no impact at the receptor.

The Councils Environmental Health Officer comments:

I am satisfied that the assessment has considered appropriate guidance and that the report, methodology, calculations and findings are reliable. Noise from activities at the drive through are not anticipated to result in adverse impact at the nearest sensitive receptor during the proposed extended hours of operation.

Given the assessment and the Environmental Health Officer response it is not considered that an objection to the proposed extended hours could be substantiated.

Plant Noise

The acoustic report confirms that:

The sound from the mechanical plant is lower than the background noise levels during the proposed extended hours at the façade of the nearest residential properties.

No objections have been received in relation to plant noise from the Councils Environmental Health Officer.

Antisocial Behaviour

Whilst general concerns have been raised by third parties in relation to noisy racing vehicles on the highway network, there is not an established link to the site. The Environmental Health Officer has commented that: Speeding/antisocial driving and noise from loud exhausts are matters for the police.

Litter

This has been raised as an issue by third parties. A condition on the original planning consent included litter control associated with the restaurant and ongoing requirements are required by recommended condition 10. It is not considered that the extended hours are likely to result in unacceptable littering.

Odour

Concerns in relation to smells have been raised by third parties. The planning Agent has stated that:

In response to the concerns raised by 2 third parties relating to odours, I can confirm that KF regularly clean, maintain and, if necessary, replace their mechanical plant system, including the grease extraction systems, and to that end I attach the most recent (dating from December 2025) post-clean verification report relating to the store that is the subject of this application.

The Environmental Health Officer comments as follows:

The complainants' allegations regarding odour should not be addressed via consideration of the planning application to extend hours. Complainants should be referred to Environmental Health to investigate for statutory nuisance if odours from KFC are impacting them at their property.

7.7 Overall the impacts on residential amenities are considered acceptable and limited.

(iv) **Highway impacts**

7.8 In relation to the highway network, the extended hours are at a time when the network is likely to have low levels of vehicular movements. The Highway authority raise no objections to the proposals.

(v) **Ecological impacts**

7.9 It is not anticipated that the extended opening hours in this busy and lit location are likely to impact on ecological issues.

(vi) **Business and employment**

7.10 The application would support business activity at the site and the night time economy. The Planning Agent has provided the following comments in relation to employment:

In terms of employment opportunities, my client cannot confirm that the proposed extended hours will result in the creation of additional employment opportunities, it is of course possible, but the additional shifts created might be distributed amongst existing employees.

It is likely that the proposal would result in additional employment hours and is supported on that basis.

8 **Conclusions**

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.

The impact on the highway network is likely to be limited and acceptable as is any impact on ecology. The proposal would also provide employment opportunities for extended hours and boost business at the site.

Overall, the proposal is considered acceptable

9. **RECOMMENDATION:**

That the Development Manager be authorised to **GRANT PERMISSION** for application APP/25/01023 subject to the following conditions:

Conditions:

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

Plans:

Proposed Site Plan for Planning (Fixtures & Fittings and Trees and Shrubs) Drawing No. 0000/2011/B122/14-0062 Rev N
Proposed Site Plan Site Details for Planning (Ramps/Walkways etc) Drawing No. 0000/2011/B129/14-0062 Rev A
Proposed Site Plan with new Pedestrian Access Drawing No. 0000/2011/B126/14-0062 Rev D
Proposed Site Plan and External Elevations with signage Drawing No. 0000/2011/B211/14-0062 Rev N
Proposed Landscape Plan Drawing No. 0000/2011/B215/14-0062 Rev B
Site Plan and External elevations with Signage Drawing No. 0000/2011/B211/14-0062 Rev J
Proposed Section A-A KFC-McDonald's Drawing No. 0000/2011/B214/14-0062 Rev C
Proposed General Arrangement 0000/2011/G212/14-0062
Plan (Floor Plan) Drawing Proposed Secure Cycle Stand Drawing No. 0000/2011/B127/14-0062 Rev A
Proposed Lighting Layout Rev 02
Existing Drainage Drawing No. 1536-4
Trial Hole Locations Adjacent to Existing Retaining Wall Drawing No. 1536-4/1

Documents:

Acoustic Assessment Doc. Ref. 472526 dated 30/11/2025
Carb'n off Post Clean verification report
Planning Statement August 2016
Design and Access Statement Ref: 14-0062 July 2016
Travel Assessment August 2016
Measures Only Travel Plan August 2016
Mechanical Ventilation & Environmental Control Equipment Project Ref: 80722 12th May 2016
Site Investigation Report No. CCL02834.CA81 March 2016
Pre-Development Arboricultural Survey and Impact Assessment Ref No. RT-MME-122638-02 Rev A Revised October 2016
Arboricultural Method Statement Report No.: RT-MME-122638-03 Rev B May 2017
Tree Protection Plan Drawing No: C122638-03-01_Rev B
Pre-Development Arboricultural Survey and Impact Assessment Report No: RT-MME-122638-02 Rev B
Drainage Statement Ref. 1536-4/GS/AJR May 2016
Environmental Noise Assessment Project No. 1616156 20th June 2016
Preliminary Ecological Appraisal Report No. RT-MME-122638-01 June 2016
Letter Savills dated 24th October 2016
Installation: Exterior Lighting Dated 10th August 2016
Response to Havant Highways - Peter Evans Partnership October 2016
CNSB Bypass Separator Commissioning and Maintenance Guide
Conder CNSB Bypass Separator Ref UTG9503
Details of AquaCell Prime Attenuation and Infiltration System
Statement of Community Involvement June 2016

Reason: - To ensure provision of a satisfactory development.

2. The premises shall only be open for trade or business between the hours of:

06:00 hours and 00:00 hours (midnight) on Monday – Thursday inclusive;

06:00 hours and 00:00 hours (midnight) on Sunday

06:00 hours Friday until 02:00 hours Saturday

06:00 hours Saturday until 02:00 hours Sunday

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

3. The Mechanical Ventilation and Environmental Control Equipment shall be operated and maintained in accordance with the report by Ashworth Project Ref. 80722 dated 12th May 2016 as approved in relation to planning permission APP/16/00875. No additional such equipment shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and/or occupiers of nearby property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
4. The car parking, servicing and other vehicular access arrangements shown on the approved plans in relation to planning permission APP/16/00875 to serve the development shall be retained for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
5. No article of any description shall be stored outside the building(s) approved under planning permission APP/16/00875 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
6. Landscaping shall be maintained in accordance with the Landscape Maintenance and Management plan approved under condition 15 of Planning Permission APP/16/00875.
Reason: To ensure that due regard is paid to the continuing enhancement, management and maintenance of landscaping at the site in the interests of the character and visual amenities of the area and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
7. The lighting at the site shall conform to the details shown on the Proposed Lighting Layout Rev 02 and Installation Exterior Lighting document dated 10th August 2016 approved under planning permission APP/16/00875 unless otherwise agreed in writing by the Local Planning Authority. There shall be no other external lighting at the site other than as previously approved.
Reason: In the interests of amenity and ecology having due regard to policies CS11, CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. The staff and customer cycle parking shall be retained and maintained as approved under planning permission APP/16/00875.
Reason: To encourage the use of non-car based travel options in the interests of the sustainability of the development having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
9. The provisions of the Travel Plan approved under planning permission APP/16/00875 shall be maintained as approved under planning permission APP/16/00875 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To encourage the use of non-car based travel options in the interests of the sustainability of the development and to reduce traffic entering and leaving the site having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
10. The scheme of litter control/picking in relation to takeaway and drive-through litter emanating from the restaurant approved under planning permission APP/16/00875 condition 20 shall be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To control litter emanating from the development in the interests of the character and amenity of the area having due regard to policies CS16 and DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

Informative:

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:

Your application was acceptable as submitted and no further assistance was required.