



Delegated Report

Removal or Variation of Condition

Planning Application No: 20250997

Location: ASDA Chalk Service Station, 179 Rochester Road, Gravesend, Kent DA12 4TN

Description: Application for variation of condition 4 attached to planning permission reference number 19940706 for the redevelopment of the petrol filling station including the erection of a sales shop and office, forecourt canopy, jet wash and a refuse area and the laying out of associated car parking spaces; to allow a variation of trading hours.

Applicant: Mr D Gardner

Site Visit Date: 14/11/25

Submitted Documents/Plans

Application form
Covering letter
Noise assessment

Relevant Planning History

Reference	Description	Decision	Decision Date
20210345	Approval of conditions 2, 3 and 4 of 20191158 relating to refuse storage, boundary fence details and external materials	Approved	29/04/21
20200277	Approval of conditions 2, 3 and 4 of 20191158 relating to refuse storage, boundary fence details and external materials	Refused	22/04/20
20191158	Retrospective application for the erection of single storey side and rear extensions, installation of a container and a fence enclosure	Permitted	28/01/20
20010622	Demolition of existing sales building and erection of a replacement sales building; external air conditioning and refrigeration plant and trash area; relocation of jet wash; relocation of air, water and vacuum facility; erection of 2.5m high close boarded boundary fence and laying out of 10 car parking spaces	Refused	04/03/04
20010554	Display of internally illuminated fascia sign above proposed ATM	Refused	30/08/01
20010553	Single storey rear extension	Refused	30/08/01
20010376	Installation of 30,000 litre underground storage tank	Permitted	10/07/01

20000458	Installation of a 4t lpg tank dispenser with walls, railings and gates enclosure	Withdrawn	17/07/01
19970326	Variation of condition 4 of 19940706 to extend the hours of opening to 06:00 to 24:00 daily	Refused	20/08/97
19940706	Redevelopment of the petrol filling station including the erection of a sales shop and office, forecourt canopy, jet wash and a refuse store and laying out of associated car parking area	Permitted	21/02/95

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development the Hierarchy of Centres
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a Strong, Competitive Economy
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Environmental Protection

The application is for an extra hour of trading in the morning which would mean opening up at 06:00 instead of the current hours of 07:00. The application is supported by a noise assessment undertaken by Bureau Veritas which has included on-site ambient and background noise measurements, sound data from expected activities at other petrol filling stations along with actual measurements of the air compressor on-

site as this is quite close to the nearest house. There is no jet wash at the petrol filling station.

The hour of 06:00 – 07:00 falls within the nighttime period (cited as 23:00 to 07:00 for noise purposes) and this has been considered in the assessment by reference to appropriate and expected noise levels inside dwellings at night.

Both noise modelling and a BS4142 assessment indicate that noise at the nearest houses (adjacent and opposite) will be at levels unlikely to result in any noise problems even with windows open for ventilation in warmer weather. Noise levels internally are predicted to be compliant with those given in BS8233: 2014.

Based on this, there is no objection to the granting of the variation to open an hour earlier at 06:00.

Neighbouring properties

23no. surrounding properties were consulted and the application was advertised by means of a site notice. The expiry date was 28/10/2025. 7 letters of objection have been received;

- Additional and earlier noise from engines idling and revving and loud music playing;
- Disturbance to local residents' sleep and harm to their health and wellbeing;
- The current opening time of 7am is a fair balance between commercial needs and residential amenity: the proposed opening time would harm this balance;
- Precedent;
- Additional headlight glare;
- Longer opening hours may encourage late- night or early- morning fuel and stock deliveries, with additional noise impacts;
- Additional noise and light from the jet wash;
- Harm to the residential character of the area;
- Increased anti- social behaviour;
- Increased highway safety issues and potential for vehicular accidents;
- Increased littering;
- Increased use of quad bikes may be encouraged by the longer hours of opening; and
- Increased pedestrian safety issues.

Officer's Analysis



Background

Planning permission reference 19940706 for the redevelopment of the petrol filling station including the erection of a sales shop and office, forecourt canopy, jet wash and a refuse store and laying out of associated car parking was granted on 21 February 1995. The Local Planning Authority has therefore

judged the principle of the development as acceptable.

This application seeks permission for a variation of condition 4 of 19940706 to allow a variation of trading hours to opening at 6am rather than at 7am as is currently the permission. For the purposes of the application, no fresh issues can be introduced into the determination, as only the issues relating to the variation of the condition are relevant.

Condition 4 of 19940706 reads as follows;

“The petrol filling station, sales shop and office shall be open for business only between the hours of 0700 and 2300 daily.

Reason: In order to safeguard the privacy and amenity of the occupiers of the adjoining dwellings”.

The new condition would read;

“The petrol filling station, sales shop and office shall be open for business only between the hours of 0600 and 2300 daily.

Reason: In order to safeguard the privacy and amenity of the occupiers of the adjoining dwellings”.

The amended hours of opening would not go beyond the scope of the original approval (ref. 19940706).

Accordingly, the development if approved would be in accordance with the original description of development.

Design, Character and Appearance

The application site is located in a predominantly residential area with dwellings to the north- east, east, south and west of the site. The proposed change of opening hours of the petrol filling station would not result in any changes to the external appearance of the building or the site. Accordingly, it would have no impacts in terms of character or appearance.

Neighbour amenity

In proposing an additional hour of opening of the premises in the early morning each day, the application would potentially expose the occupiers of the surrounding residential properties to greater noise pollution and disturbance than is currently the case. However, the Council's Environmental Protection Team have considered the application, including the submitted noise assessment, and consider that noise at the nearest houses (both adjacent and opposite) would be at levels unlikely to result in any noise problems, even with windows open for ventilation in warmer weather. Internal noise levels are predicted to be compliant with those given in BS8233: 2014.

The comments of the neighbouring and surrounding properties are noted. While it may be considered that the current opening time of 7am is a fair balance between commercial needs and residential amenity, it is not considered the earlier opening time of 6am would have a harmful impact upon residential amenity. As the Environmental Protection Team have noted, the background noise on the surrounding roads is such that the additional hour's use of the petrol filling station would not be harmful. Engines idling would not introduce significant noise and there is no reason to believe that loud music would be played between 06:00 and 07:00 in the morning. As it is considered unlikely that harmful noise impacts would arise, it is not considered harm to residents' health and wellbeing would result, therefore. Given that additional headlight glare would not affect many properties (just those on the southern side of Rochester Road, as vehicles leave the petrol filling station) and that the additional glare created by an extra hour each morning would likely be limited, it is not considered that this would be detrimental to amenity. It is not considered that the additional hour of daily opening would encourage late- night or early- morning fuel and stock deliveries, with additional noise impacts. It is also not considered that the extended opening hours would harm the residential character of the area as the extra hour of daily opening would have a limited impact upon the site itself and therefore the wider area.

There is no reason to consider that the additional hour of opening would result in increased anti- social

behaviour or littering and it is not considered that there would be a material increase in highway or pedestrian safety issues or the potential for vehicular accidents, or an increase in the use of quad bikes. As the Environmental Protection Team have commented and as confirmed by the Case Officer as his site visit, there is no longer a jet wash facility at the services station.

There is accordingly no objection to the granting of the variation to open the petrol filling station an hour earlier at 06:00.

As a variation of condition application, it is appropriate to re-impose the conditions imposed upon the original permission upon this permission (ie. those which continue to have an effect), with the exception of those which have been discharged. The 19940706 permission was subject to 14 conditions – time; the area for parking, turning, off-loading and manoeuvring space to be kept available for such purposes; landscaping; hours of opening; hours of use of the jet wash; details of the jet wash facility; details of all plant, equipment and services; no additional vehicle servicing, repairs or cleaning facilities to be provided without permission; restrictions on sound pressure levels; areas to be drained to the foul sewerage system and the surface water drainage system; details of the canopy illumination and floodlighting; which access to the site to be used for ingress and which for egress; and details of the finish for the forecourt.

Of these conditions, five required discharging – the landscaping scheme; the details of the jet wash facility; the details of all plant, equipment and services; the details of the canopy illumination and floodlighting; and details of the finish of the forecourt. However, no evidence of these having been discharged has been found in the Council's records. Notwithstanding this, the development is lawful by virtue of the passage of time. It is accordingly not necessary to impose these conditions on the new permission. It is however considered necessary to require the development to be retained as it is. Given that the jet wash is no longer present at the service station, it is not necessary to impose a condition concerning the hours of its use or the submission of details of it.

It is considered necessary to impose a modified condition regarding the access and egress points, as their retention and is necessary in the interests of highway safety.

Recommendation

The recommendation is to approve this application.

(For conditions and informatives, see draft Decision)

Case Officer:	Mr Tom Gabriel	Team Leader:	Richard Hart
Signed:	TM Gabriel	Signed:	<i>R Hart</i>
Dated:	17 th November 2025	Dated:	17th November 2025