

Delegated Report

Variation of Condition Application

Planning Application No: 20260140

Location: Petrol Filling Station Morrisons Coldharbour Road Northfleet

Description: Application for variation of condition 3 (Hours of Operation between 06:00 and 23:00 daily) attached to planning permission reference number 20240932 for application for variation of condition 6 attached to planning permission reference number 20161113 for Erection of single storey extension to the existing petrol filling station kiosk; to allow the petrol filling station to operate between the hours of 06.00 and 23:00 daily to allow the petrol filling station to extend the operational hours to 24 hours daily.

Applicant: Motor Fuel Group

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Planning Statement;
Drawing No. PA01 – Location Plan; and
Noise Impact Assessment (A161MF 003) – Infinity Acoustics.

Relevant Planning History

Reference	Description	Decision	Decision Date
20251235	Retrospective application for the consent to display advertisement; Erection of internally illuminated EV Canopy.	Permitted	05.02.2026
20250060	Advertisement Consent for the installation of 7m illuminated EV totem sign.	Permitted	21.03.2025
20240932	Application for variation of condition 6 attached to planning permission reference number 20161113 for Erection of single storey extension to the existing petrol filling station kiosk; to allow the petrol filling station to operate between the hours of 06.00 and 23:00 daily.	Permitted	10.12.2024
20240594	Application for variation of condition 6 attached to planning permission reference number 20161113 for Erection of single storey extension to the existing petrol filling station kiosk; to allow the petrol filling station to operate between the hours of 06.00 and 22:00 daily.	Permission	23.08.2024
201710944	***REVISED***Application for the approval of condition 4 attached to planning permission reference no. 20161113 relating to details of external facing materials, landscaping and lighting and sight line details for the additional access providing exit from the car wash.	Approval of Details	30.10.2017

20161113	Erection of single storey side extension to the existing petrol filling station kiosk.	Permission	19.01.2017
19940703	Application for the approval of a programme of archaeological work as required by condition (xi) of planning permission ref. GR/91/697	Approval of details	01.12.1994
19940695	Installation of satellite dish antenna on roof of the petrol filling station.	Permission	27.02.1995
19940262	Display of 2no. internally illuminated pylon signs without complying with condition <vi> granted permission under GR/93/482 to illuminate pylon signs while the store and petrol filling station is open for business on Sunday.	Consent for Advert	16.06.1994
19940261	Display of illuminated lettering and sign without complying with condition <vi> of planning permission ref. GR/93/491 to illuminate lettering and sign while the store is open for business on Sunday.	Consent for Advert	16.06.1994
19940144	Application for variation of condition (ii) attached to planning permission ref no. GR/94/19W to allow car wash to operate between 08.00 and 20.00 hours on Sundays.	Permitted	17.05.1994
19940143	Application for variation of condition (ii) attached to planning permission ref no. GR/94/33W to allow petrol filling station to operate between 08.00 and 20.00 hours on Sundays.	Permitted	17.05.1994
19940033	Application for removal of condition < x > attached to planning permission ref.no.GR/91/697 to allow goods to be sold within the store on sundays.	Permitted	07.03.1994
19940019	Application for the removal of condition (iv) attached to planning permission Ref No. GR/93/359 to allow car wash to operate on Sundays.	Permitted	14.03.1994
19930491	Display of internally illuminated lettering on the roof fascia on the west and north elevation, illuminated roof mounted lettering on the north east elevation and an illuminated sign within the screen on the main entrance elevation.	Consent for Advert	21.10.1993
19930482	Display of 2 no. internally illuminated pylon signs.	Consent for Advert	05.11.1993
19930211	Details pursuant GR/91/697 for erection of a retail store and petrol filling station with associated car parking, access and highway works.	Approval of details	01.10.1993
19910697	Outline application for erection of retail store and petrol filling station with associated car parking, access and highway works.	Permitted	01.06.1993

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS11 – Transport
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – New Accesses onto 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 9 – Promoting Sustainable Transport
- Section 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

KCC Highways and Transportation

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

GBC – Environmental Protection

The previous application for variation of hours allowed the use between 06.00 and 23.00 – there have not been any noise complaints regarding that extension of hours.

The Noise Assessment by Infinity Acoustics version 003 considers the proposed 24-hour operation. The BS4142 assessment concludes that the noise levels caused by the facility operating overnight will not result in any noise problems at the nearest dwellings with the impact deemed as 'not significant'.

It's noted that the Planning Statement advises that there will be no deliveries or servicing during the night-time hours. In addition, there will be no use of the car wash, jet wash or car valet/hovering facilities at night. This is re-iterated in section 4 of the noise assessment. It is recommended that servicing/deliveries and the use of the other facilities are restricted by way of a condition placed on any variation.

Neighbouring properties

Consultation was by way of individual letters sent to 39 surrounding properties with an overall expiry date of 4th March 2026. No comments have been received.

Officer's Analysis

The application site consists of an existing petrol filling station kiosk on Coldharbour Road and is located next to the main Morrisons supermarket. The area is characterised by a mix of residential and commercial.

Immediately to the south is Morrisons, to the west is Lidl and modest industrial estate. To the north is Ellenor Hospice and residential properties. Further south is Cyclopark.

Planning permission was granted under reference number 20161113 for the 'erection of single storey side extension to the existing petrol filling station kiosk' on 19th January 2017 and which was subject to a number of conditions.

Subsequent applications have been submitted under reference number 20240932 and 20240594 for the variation of condition 6 attached to planning permission reference number 20161113 for Erection of single storey extension to the existing petrol filling station kiosk; with the most recent application (20240932) applying to allow the petrol filling station to operate between the hours of 06.00 and 23:00 daily, which was approved on 10th December 2024.

This current application seeks to vary condition 3 of this most recent planning permission (20240932) to allow a change of the operational hours to 24 Hours daily.

Condition 3 states:

3. *The petrol filling station as hereby extended shall operate only between the hours of 06:00 and 23:00 daily.*

Reason To safeguard the interests of occupiers of adjoining and nearby residential properties and in accordance with Policy CS19 Development and Design Principles.

It is only matters relating to condition 3 which can be considered in the assessment of this application and no others.

Design, Character and Appearance

The application site is located within an existing commercial site and the proposed change of operating hours will result in no external changes to the building and therefore there would be no impact in terms of character and appearance. In respect of this, the proposal is therefore compliant with Policy CS19 (LPCS).

Neighbouring Amenity

When the original planning application was submitted (App. Ref 20161113), there was not considered to be any significant impact from the proposal in respect of neighbouring amenity. It was stated in the Delegated Report that *It is not considered that they or any other neighbouring properties would be impacted by any further activity on site.*

In this application the applicant is seeking to open the premises for 24 Hours Daily, however within their supporting Planning Statement, together with the submitted Noise Impact Assessment, it is proposed to restrict deliveries to daytime hours only. This, if deemed acceptable, can be conditioned. It is considered reasonable that the premises would want to provide a 24 hour service, similar to other petrol stations within the Borough and would support key or shift workers. Taking into consideration the commercial use of the area, the distance to residential properties and imposing a condition restricting deliveries to daytime hours, the change in opening hours from 06:00 to 23:00 to 24 Hours daily would not cause any undue impact on the neighbouring premises. In respect of neighbouring amenity the proposal is therefore considered compliant with Policy CS19 (LPCS).

No neighbour representations have been received.

Parking and Highways

The proposed change in open hours of the premises would not lead to any undue impact. In respect of parking and highways the proposal is therefore considered compliant with Policy CS11 (LPCS) and saved

Policy P3 (LPFR).

Conclusion & Recommendation

The proposal to extend the opening hours will not result in any undue harm in terms of character or appearance, amenity of neighbouring properties or parking or highway safety and as such this proposal is therefore compliant with local and national planning policy, subject to a condition or restricting delivery times.

The proposal complies with local and national planning policy and permission is recommended.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	1st April 2026	Dated:	1st April 2026