

Application: 20240932

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Motor Fuel Group Ltd
C/O Mr Graham Adcock, Adcock Associates
Elta House
Birmingham Road
Stratford upon Avon
CV37 0AQ**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Petrol Filling Station
Morrisons
Coldharbour Road
Northfleet
Gravesend
Kent
DA11 8AB**

and being **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.** Your application dated 15th October 2024 is permitted subject to the following:-

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

Planning Application Form;
Drawing No. PA01a - Location Plan; and
Noise Impact Assessment (A161MF 002) - Infinity Acoustics.

and pursuant to any conditions contained herein after and there shall be no deviation therefrom, save with the prior written consent of the Local Planning Authority having first been obtained.

Reason: In order to ensure the development proceeds on the basis of the scheme as submitted, the permission needs to be substantially tied to the details assessed and in the interests of proper planning.

2. The extent of the retail element (Use Class E(a)) of the premises as hereby extended shall operate only as ancillary to the existing sui-generis petrol filling station use, and for no other purpose, unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied about the details of the proposal due to the particular character and location of this proposal in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

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.

INFORMATIVES:-

1 STATUS OF SUBMITTED PLANS AND DOCUMENTS

Plans and Documents submitted for Approval

For the avoidance of doubt the following plans and documents were submitted in support of the application for approval and were taken into account in making the decision:

Planning Application Form;
Drawing No. PA01a - Location Plan; and
Noise Impact Assessment (A161MF 002) - Infinity Acoustics.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

5 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6 SOUTHERN WATER

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Please read their New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

7 EXTERNAL ALTERATION

The applicant is advised that planning permission is likely to be required for any addition or proposed alterations to the external appearance of the petrol filling station. The applicant is advised to contact the Local Planning Authority with any proposals they may have under the Pre-application Enquiry procedure in order to ascertain if consent is required.

8 SHOPFRONT AND ADVERTISEMENTS

The applicant is advised that planning permission and/or Advertisement Consent may be required for any proposed alterations to the shopfront and for any proposed advertisements. The applicant is advised to contact the Local Planning Authority with any proposals they may have under the Pre-application Enquiry procedure in order to ascertain if consent is required.

9 EXTENT OF THE PERMISSION

For the avoidance of doubt this permission has been granted under section 73 of the Town and Country Planning Act 1990 to vary the conditions and amend the permission relating to the original grant of planning permission granted under reference 20161113. Either the amended planning permission or the original planning permission for the development or any other amended applications that may also have been granted permission may be implemented but the conditions on the permission chosen to be implemented must be fully complied with.

10 DISCHARGE OF PLANNING CONDITIONS

The applicants are advised that in respect of the amended permission hereby granted and the various planning conditions contained herein the Local Planning Authority will not expect the submission for discharge of any pre-commencement conditions relating to the development or relevant part of the development or pre-occupation conditions attached to this permission where such similar planning conditions have previously been approved and discharged relating to either the original grant of planning permission or any other amended applications that may also have been granted permission.

Dated: 10 December 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTIFICATION TO APPLICANT

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 **householder application*** which has been refused 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**.
- For all other applications, refused or permitted, if 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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.