



Delegated Report

Variation of Condition Application

Planning Application No: 20240932

Location: Petrol Filling Station Morrisons Coldharbour Road Northfleet

Description: 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.

Applicant: Motor Fuel Group Ltd

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

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

Relevant Planning History

Reference	Description	Decision	Decision Date
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
20180151	Variation of condition 6 attached to planning permission reference number 20161113 for the erection of single storey side extension to the existing petrol filling station kiosk; To allow the extension of the trading hours to 24 hour trading.	Withdrawn	19.12.2018
20170937	Application for the removal of conditions 4a, 4b, 4c and 4d attached to planning permission reference number 20161113 for the Erection of a single storey side extension to the existing petrol filling station kiosk; to allow details of external facing materials, details of flues and ventilation, landscaping and lighting details and sight line details.	Withdrawn	30.08.2017
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

19940695	Installation of satellite dish antenna on roof of the petrol filling station.	Permission	27.02.1995
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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 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

KCC Highways and Transportation

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

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.

GBC – Environmental Protection

There is no objection to this application. The Noise Assessment by Infinity Acoustics which includes a BS4142 assessment. The assessment concludes that the noise levels caused by the facility operating during the extended hours will not result in any noise problems. This is agreed with.

Section 4 provides some noise control measures to ensure disturbance by the extended hours is as low as possible. These include no operating beyond the requested hours, fuel deliveries etc to take place within the same hours and the car wash/hovering etc facility is only to be used during the existing permitted hours and not the extended hours. It is recommended that reference is made to these in any permission.

Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to 39 surrounding properties with an overall expiry date of 18th November 2024. 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.

A subsequent application was submitted under reference number 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; to allow the petrol filling station to operate between the hours of 06.00 and 22:00 daily, which was approved on 23rd August 2024.

This current application seeks to vary condition 6 to allow a change of the opening hours to 06:00 - 23:00 daily.

Condition 6 states:

The petrol filling station as hereby extended shall operate only between the hours of 06:00 and 22:30: on Monday to Friday, 06:00 and 00:00 on Saturdays, and 08:00 and 20:00 on Sunday, Bank or Public Holidays.

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 6 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, 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 two hours earlier on to 06:00 instead of 08:00 and close three hours later to 23:00 instead of 20:00 on a Sunday and Public Holidays . It is considered reasonable that the premises would want to close later than it currently does on a Sunday and

would be in line with similar opening hours of petrol stations and as the supporting statement says, would support key or shift workers. Furthermore, the change in hours mainly only really relates to Sundays and Bank Holidays, with the currently weekday and Saturday opening hours being 06:00 to 22:30 and 06:00 to 00:00 respectively. Therefore the proposed closing time is only 30 mins later than already permitted Monday to Saturday. As such there is a reduction in opening hours overall. It is therefore considered that the change in opening hours from 08:00 to 20:00 on Sunday and Bank or Public Holidays to 06:00 to 23:00 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).

A noise assessment has been submitted and having been reviewed by Environmental Protection, they have confirmed that the extended hours will not have a detrimental impact on neighbour amenity in terms of noise. No neighbour representations have been received.

The application is considered to safeguard neighbour amenity in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

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.

The 2023 NPPF revisions do not affect this application.

With the exception of the Condition 1 (time limit) and 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, all other conditions attached to planning permission 20161113 shall be reinstated and any reference to the NPPF being updated to the 2023 version and amendments to the Use Class Order, and the inclusion of the following two informatives:

14 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.

15 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.

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:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	6 th December 2024	Dated:	10 December 2024