

Application Number	PA/2023/0277
Location	Hothfield Service Station, Maidstone Road, Hothfield, TN26 1AP
Grid Reference	Easting 596908, Northing 146630
Parish Council	Hothfield
Ward	Upper Weald
Application Description	Single-storey side extension to accommodate 'food to go' (Sui Generis).
Applicant	Motor Fuel Group
Agent	Julian Sutton
Site Area	0.3214 hectares

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Clair Bell.

Site and Surroundings

2. The application site comprises Hothfield Service Station on the A20 Maidstone Road. The site is located on the south side of Maidstone Road, near the junction with Ram Lane. The site lies approximately 370m south of the M20 motorway and approximately 1 kilometre from the centre of Hothfield, which is to the south. The site lies outside of the Hothfield village confines and is therefore considered to be in a rural setting.
3. The site comprises a petrol filling station forecourt with an overhead canopy in the centre of the site. The petrol filling station operates under the Esso fuel brand and provides 12 pumps. There is a single-storey sales building adjacent to the forecourt. To the north west of the site there is an area of open land which comprises trees and vegetation. This is outlined in blue within the Site Location Plan.

4. The site has two separate access points on Maidstone Road – one for entering and the other for exiting (adjacent to the entrance to Ram Lane). The boundary is demarked by a close boarded boundary fence and a brick wall to the rear of the site. The site is open to the front and comprises a grassed landscaping area. To the south and south-east are the residential properties of Chapel Row, four of which share a boundary with the site and the nearest dwelling (6 Chapel Row) is set approximately 40m from the site. There are further residential properties to the north-west of the site, on the opposite side of Ram Lane (70m). Opposite the site to the east, on the other side of Maidstone Road (A20), is a Premier Inn Hotel and The Woolpack Inn, which is a Grade II Listed Building.
5. The site lies within Charing Heath Farmlands Landscape Character Area where the overall guidelines are to conserve and improve the landscape. The site is also with an archaeological notification area where KCC should be notified of any major developments.

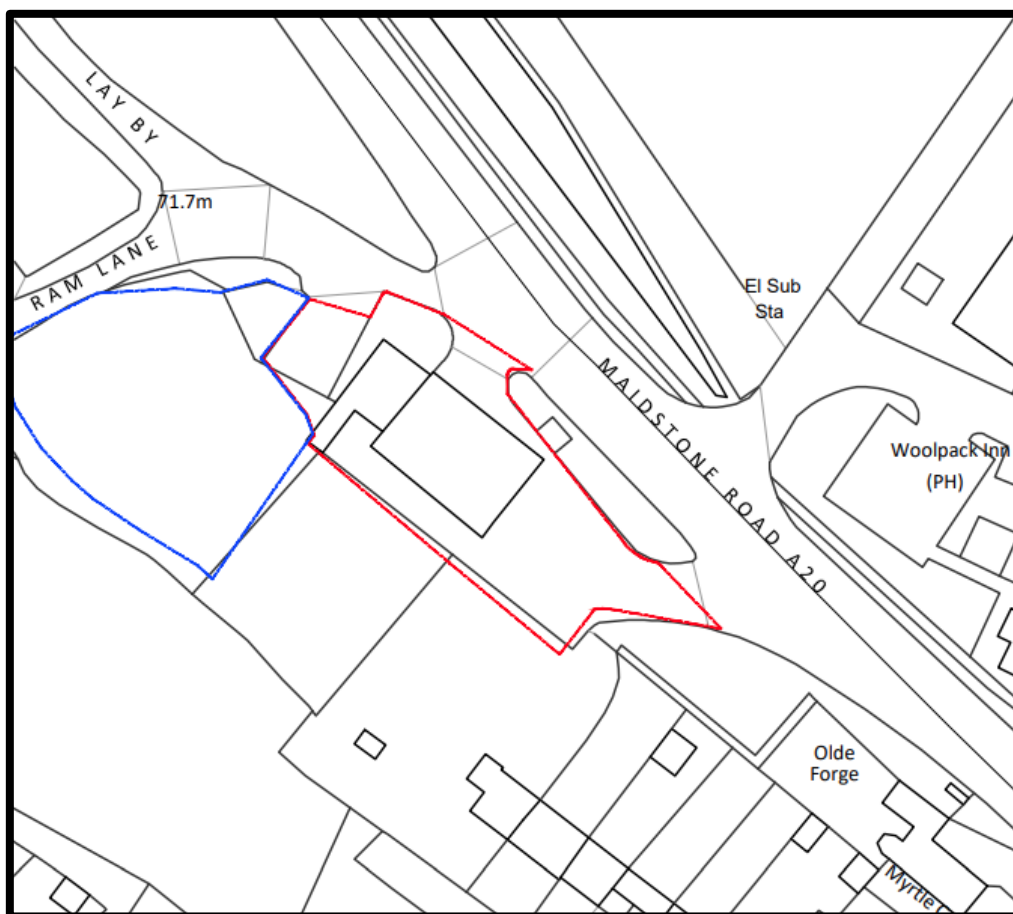


Figure 1 - Site Location Plan

Proposal

6. The application seeks planning permission for an extension to the existing sales building on the site of the existing bin store to allow the introduction of a 'food to go' service for motorists and surrounding residents. The proposed building would be single-storey and would comprise a flat roof design with a total floor area of 51 sqm. It would have masonry brick external walls and a glazed shopfront with an auto sliding door. Also proposed is the re-decoration (internally and externally) of the existing shopfront in Grey RAL 7016.
7. A new bin store would be located to the rear of the new sales building – this would be enclosed by boarded timber fencing and would be accessed by 2.4m high double metal framed gates externally.
8. Parking provision would amount to 2 customer parking spaces on the existing forecourt adjacent to the southern boundary and 3 staff and 1 customer parking space to the rear of the building.
9. The new 'Food to Go' (FTG) unit would require a maximum of 3 employees on site at any one time. The existing shop has a total of 6 employees with 1 on site at any one time, except when there is a retail delivery (2 retail deliveries per week) where an additional person is on site for a couple of hours. The FTG staff would assist with the delivery so a maximum of 4 employees would be on site at any one time.
10. The proposal has been amended during the course of the application to relocate the bin store to within an existing area of hardstanding.

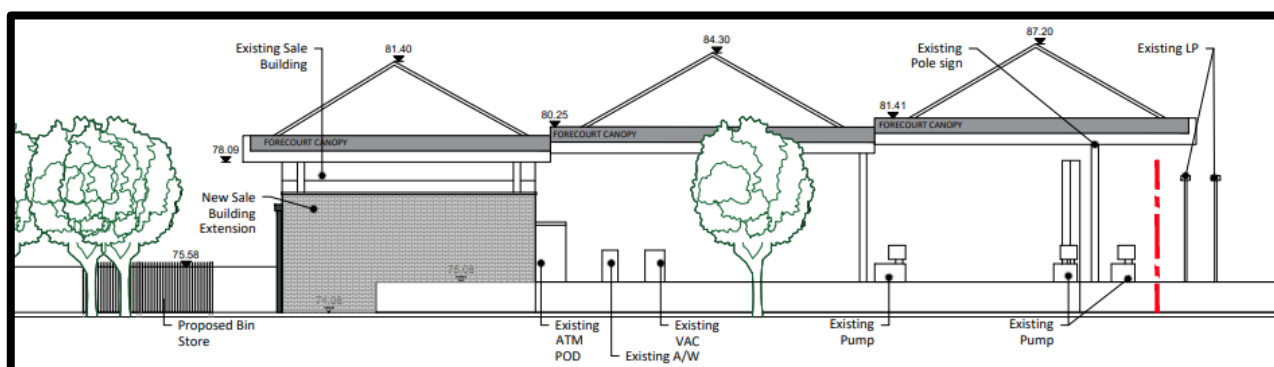


Figure 2 - Proposed Southwestern Elevation

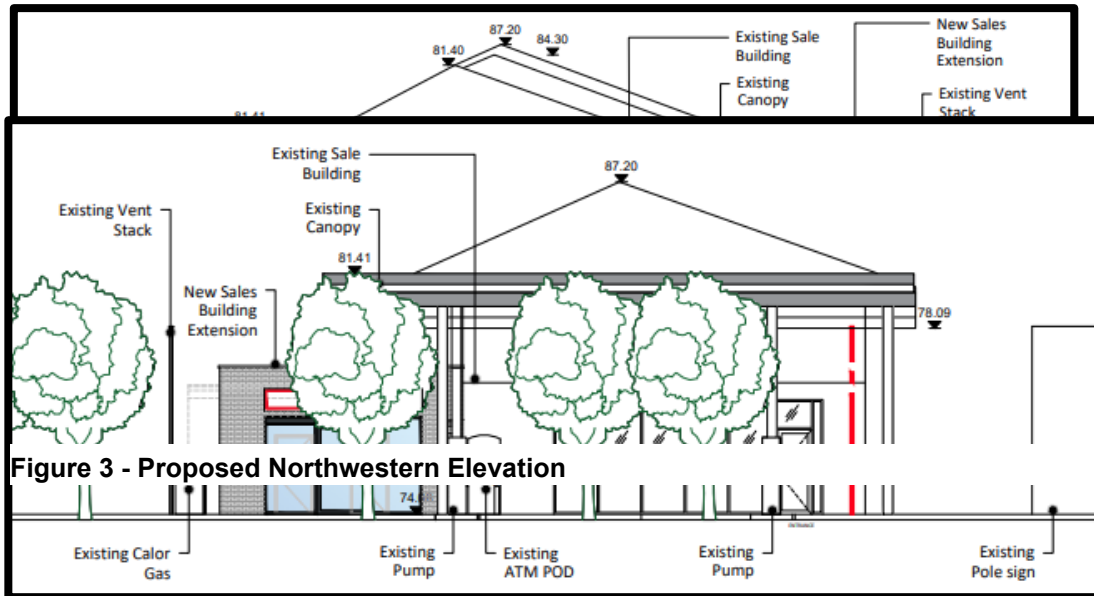


Figure 3 - Proposed Northwestern Elevation

Figure 4 - Proposed Southeastern Elevation

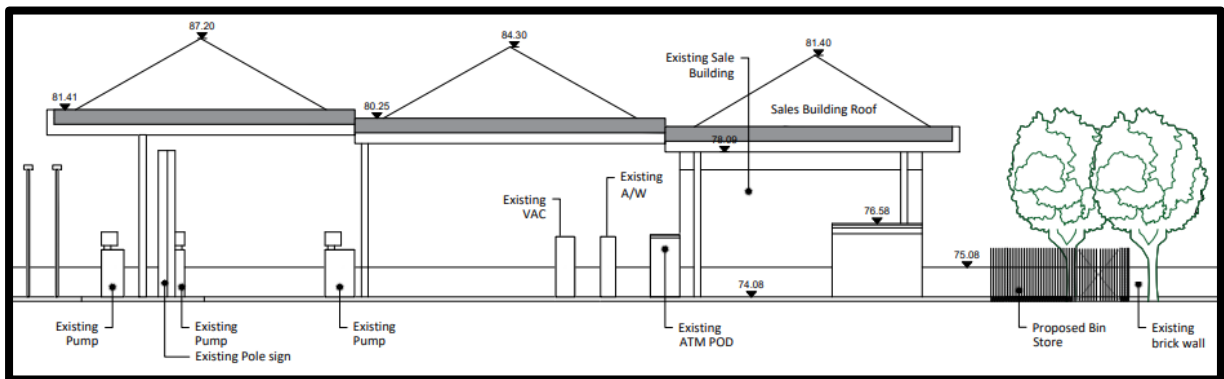


Figure 5 - Proposed Northeastern Elevation

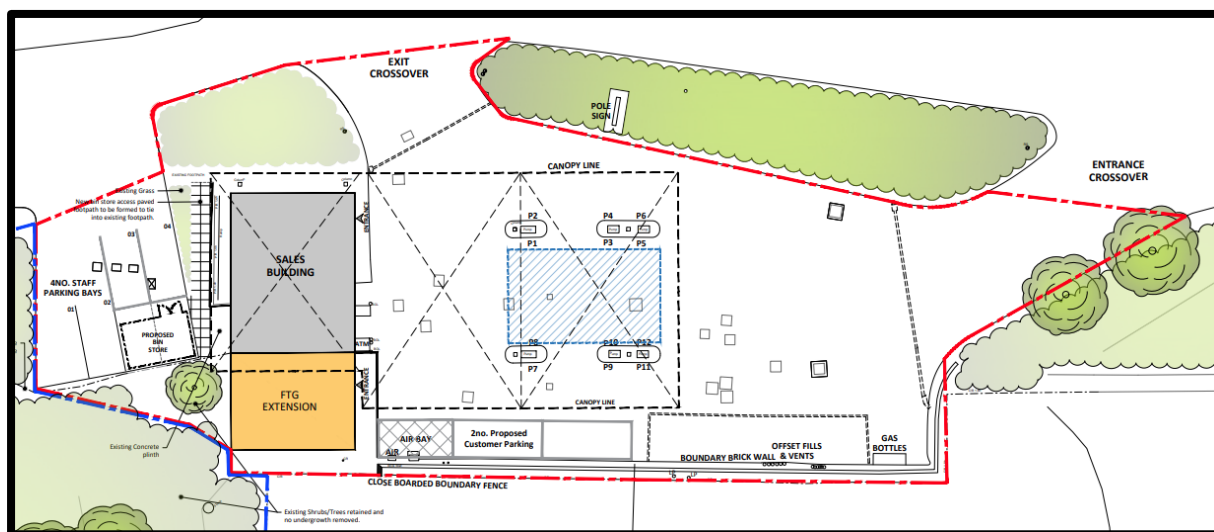


Figure 6 - Proposed Site Plan

Planning History

11. The following is relevant relating to the application;-

- 81/01057/AS was for the proposed redevelopment of the existing service station and was approved.
- 21/01532/AS proposed the installation of 2 no. self-service car wash bays and screens and was withdrawn following local objections.
- 21/01616/AS proposed the redevelopment of the existing petrol filling station comprising the demolition of the existing building and canopy and erection of a new sales building and canopy, along with provision of EV charging bays and associated plant. It also proposed erection of a new substation and a new GRP LV enclosure, 2 no. new jet wash bays, a new bin store, new boundary treatment and associated works. The application was withdrawn following local objections.

Consultations

12. The application has been subject to formal statutory and non-statutory consultation comprising a press notice and notification letters sent to the properties in the vicinity of the application site.

- Hothfield Parish Council - Objects to the application.

With 2 existing food outlet businesses on the opposite side of the main A20 within easy walking distance of the garage, the Parish Council question whether there is need for another outlet. The layout raises highway safety concerns. Traffic exiting the service station regularly cause dangerous, near-miss accidents and altercations with the road users from Ram Lane & the A20. Current positioning of garage infrastructure means that there is not a clear sight line at the boundary. The increase in traffic would worsen existing road safety issues. Safety concerns for pedestrians who have to walk across the exit of the garage when walking to Ram Lane or along the A20. Ram Lane poor road condition needs to be addressed. Insufficient parking allocated for the longer duration customers. The application does not address the additional business waste generated from the increased activity. Increased light and noise pollution is a cause for concern. Boundary trees offer screening but these may be removed. These trees also host wildlife and endangered species. Redevelopment of the site should pay particular attention to any possible impact it may have on nearby listed properties.

- KCC Highways

The development proposal does not meet the criteria to warrant involvement from the Highway Authority.

- KCC Ecological Advice Service

These comments were received prior to the application being amended so that no areas of the woodland will be affected by the proposal. Whilst they are no longer applicable to the current scheme, they have been retained in the report for consistency. Notwithstanding this, given that no areas of woodland would be affected, the additional information is no longer required.

The proposal will result in a loss of an area of woodland which has been identified within the ecological report as priority habitat. Impacts to habitats of principal importance, or 'priority habitats', which are listed under section 41 of the NERC Act (2006), are capable of being a "...material consideration in the... ..making of planning decisions" (Paragraph 84, Government Circular (ODPM 06/2005))._The ecological report was carried out in 2020 and since the survey was carried out the footprint of the proposal has reduced quite significantly. However, due to this limited information has been provided about the area of woodland proposed to be impacted by the works.

Please provide the following information, prior to determination, to enable us to fully consider the impact of the proposed development:

- *Size of the area of woodland to be lost and demonstrated on a plan.*
- *Photos of the area of woodland to be lost*

- *Confirmation from the applicant that they are willing to actively manage the area of retained woodland that is within their ownership.*

- Ashford Borough Council Environmental Protection

The applicant proposes to construct a single-storey side extension to the existing building to operate as a food premises. Depending on the final design, type of premises and positioning of the plant, there is the potential for odour from kitchen extract systems for hot food cooked on site and noise from the associated plant.

Conditions are recommended for:

- *Extraction/Treatment of Fumes/Odours*
- *Noise and Vibration of Plant*
- *Reporting of Unexpected Contamination*
- *External lighting*
- *Construction informative*

- Neighbours

6 representations were received. 5 are objecting and 1 is in support of the planning application. The following matters have been raised:

Objection

- Harmful impact on setting of listed buildings.
- Loss of trees and vegetation detrimental for wildlife.
- Impact on protected species (bats).
- Potential increase in noise.
- Additional light disturbance to neighbours and nocturnal wildlife.
- Increased litter.
- Dangerous road junctions in/out of the garage and also onto Ram Lane.
- Lack of onsite parking could lead to forecourt parking overflowing onto the A20.
- Extractor fans needed for cooking could be unacceptable for local residents.
- Discrepancies in application.
- Opening hours not mentioned.

13. Following the submission of amended plans (received on 20/02/2024), the application was again subject to formal statutory and non-statutory consultation, comprising a press notice and notification letters sent to the properties in the vicinity of the application site.

- Hothfield Parish Council – objects;
“Hothfield Parish Council considered the application at their recent meeting and it was felt that our comments from the original application

PA/2023/0277 were still very much valid and our objections which detailed areas including the layout of the site. The access onto Ram Lane and the A20 and light and noise pollution in the area and other concerns were not addressed in this application. Also the fact that the application did not include any details of types of food to be provided or indeed hours that the food would be available was also of concern to our residents. With this in mind Hothfield Parish Council would continue to hold their position of objecting to the application”.

- KCC Highways – re-consultation not required – no further information required.
- KCC Ecology – re-consultation not required – no further information required.
- Ashford Borough Council Environmental Protection –
The applicant proposes to construct a single-storey side extension to the existing building to operate as a food premises. Depending on the final design, type of premises and positioning of the plant, there is the potential for odour from kitchen extract systems for hot food cooked on site and noise from the associated plant.

Conditions are recommended for:

- *Extraction/Treatment of Fumes/Odours,*
 - *Noise and Vibration of Plant,*
 - *Reporting of Unexpected Contamination,*
 - *External Lighting,*
 - *Construction Informative.*

 - Neighbours
- 4 representations were received, all of which raised objection. The following matters were raised;
- Potential impact on the setting of the listed building sited on the adjacent side of Ram Lane,
 - Potential light pollution,
 - Potential impact on protected species (nesting bats),
 - Potential increase in traffic,
 - Potential increase in litter,
 - Potential insufficient parking,
 - Insufficient information regarding opening hours,
 - Potential harm to highway and pedestrian safety.

Planning Policy

14. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
15. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination stage in the plan making process.
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination stage in the plan making process.
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
16. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 Strategic objectives
 - SP3 Strategic approach to Economic Development
 - SP6 Promoting high-quality design
 - ENV1 Biodiversity
 - ENV3a Landscape character design
 - ENV4 Light pollution and promoting dark skies
 - ENV9 Sustainable drainage

- ENV15 Archaeology
- EMP3 Extensions to employment premises in the rural area
- TRA3b Parking standards for non-residential development
- TRA7 The Road Network and Development

17. The following are also material considerations to the determination of this application.

- (i) Ashford Borough Council Climate Change Guidance for Development Management

Supplementary Planning Guidance/Documents

- (iv) Landscape Character Assessment SPD 2011
- (v) Sustainable Drainage SPD 2010
- (vi) Dark Skies SPD 2014

Government Advice

- (vii) National Planning Policy Framework (NPPF) 2023
- (viii) Planning Practice Guidance
- (ix) National Design Guide 2021

18. National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 7 of Chapter 2 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states the 3 overarching objectives are 1) building a strong, responsive and

competitive economy, 2) to support strong, vibrant and healthy communities and 3) to protect and enhance our natural, built and historic environment

Paragraph 88(a) of Chapter 6 states that decisions should enable “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.”

Assessment

19. The key areas for consideration in the assessment of this application are:

- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Impact on Highways
- Impact on Ecology and Trees

Principle of development

20. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
21. Government guidance in the National Planning Policy Framework (NPPF) supports the sustainable growth and expansion of business and enterprise in rural areas. Local Plan Policies relating to enterprises in the countryside are in line with government guidance. As such, in principle, the Council encourages and supports proposals for rural employment opportunities, subject to meeting the criteria of the development plan policies, which are up to date and NPPF compliant, and as such hold full weight in the planning decision process.
22. The proposal is for a new building to be attached to the existing building to provide a food takeaway where any consumption of that food would be undertaken off the premises. No internal seating is proposed. The proposed unit would operate as ‘food to go’ and it is understood that it would be run by Greggs. This would operate in a similar fashion to the existing service station shop where people would be able to buy sandwiches and drink to go. It is relevant to note that the proposed unit would not be linked to the existing shop and would have a separate entrance/exit. Notwithstanding this, given the limited footprint of the extension and the proposed nature of the use, it is considered to be ancillary to the existing use.

23. The unit would therefore be classed as an extension to an employment premises in the countryside and it falls to be considered under policy EMP3 of the local plan, which sets out the criteria that would be acceptable. The proposal is therefore acceptable in principle subject to the relevant criteria, which are:
- a) The development can be integrated sensitively into its context, respecting the character of the landscape, existing historic and or architecturally important buildings and sites of biodiversity value;
 - b) The proposal does not involve an extension to a previously converted building where that building has character that would be seriously affected;
 - c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

Criteria a), c) and d) are discussed in the sections below. Criteria b) is not considered relevant to this proposal.

Visual amenity

24. The proposed building would be sited on an area of existing area of hardstanding within the site that is currently used for outside storage and also indoor storage within a small building attached to the main building. The proposed extension would be set in line and adjacent to the existing building. It would be considerably lower in height than the adjacent building, with the general form and scale of the proposed building not being prominent in the setting. Whilst there would be views from public vantage points, and from the highway, these would not be visually intrusive or harmful, nor would the extension have a harmful impact on the street scene.
25. The bin store is also considered to be acceptable as it would be located on an existing area of hardstanding to the rear of the building. The enclosure would amount to an area of fencing within the existing parking area and is therefore considered acceptable.
26. Members will note that, following initial concerns, the applicant has confirmed that the waste would be managed by a private company, with weekly collections. To support this, the applicant has also provided a Refuse Management Plan, which provides additional information on the proposed waste storage and collection details.

27. Overall, the proposed development is considered well sited and designed and would not detract from the character and appearance of the street scene or the wider surroundings. It would therefore accord with policy EMP3 criteria a) and paragraph 135 of the NPPF.

Residential Amenity

28. The nearest dwellings are a terraced row of six dwellings to the southeast. Objections have been received due to concerns over increased noise from the extended building, additional light disturbance, extractor fan disturbance and hours of business.
29. Given the siting and scale of the proposed extension and the relationship to the nearby residential properties, it is considered that there would be no unacceptable harm to the amenities of the adjacent occupiers in terms of overshadowing, loss of outlook or loss of privacy.
30. In terms of noise and activity, the proposal is for an extension of the existing shop unit, and the additional building is not considered to pose any undue additional harmful impacts in terms of activity/noise. The site already attracts vehicles and customers to the site, and it is not anticipated that the proposed takeaway food extension would significantly increase the number of vehicles visiting the site. Furthermore, whilst it is noted that the site is currently open 24-hours a day, the applicant has confirmed that the takeaway food extension would be open between the hours of 05:00-19:00 only. As such, it is considered reasonable that a condition could be imposed to secure these opening hours.
31. In relation to external lighting, no additional external lighting is proposed under the current scheme. Notwithstanding this, a condition would be imposed on any grant of permission to ensure that any additional external lighting shall be first approved in writing, in the interests of preserving the neighbour's residential amenities.
32. Similarly, any extractor fans and cooking plant/equipment would be conditioned, thus requiring the submission of appropriate details to ensure that their position and noise output are properly assessed and that there would be no adverse impacts to the nearest residential properties.
33. In light of the above, it is considered that, subject to appropriately worded conditions, the proposal would comply with policy EMP3 criteria c) in terms of the impact on the amenities of the neighbouring residential occupiers.

Highway Safety

34. The neighbour and parish council comments about the existing access/exit being unsafe are noted, however the development is not proposing any new or altered access arrangements, with the food-to-go unit proposed to utilise the existing access.
35. Furthermore, it is of significance that it is considered that a development of this scale would not generate traffic that would be prejudicial to the highway safety of users of the highway, with it anticipated that customers to the proposed premises would be customers who already attend the existing site. It is relevant to note that KCC Highways were consulted on this application and have raised no objection.
36. In terms of parking, there would be no loss of any parking provision, with an additional 2no. customer parking spaces proposed to the south of the site, and 4no. staff parking bays located to the west of the site. Furthermore, it is noteworthy that the majority of customers would park at one of the existing 12 pumps when filling up their vehicle, as with the existing situation.
37. In light of the justification outlined above, it is considered that the additional parking provision would ensure that adequate parking is retained throughout the site to accommodate additional staff and customers. Overall, the parking provision for the site is therefore considered to be acceptable and complies with policy EMP3 criteria d).

Trees and Landscaping

38. No trees or vegetation are shown to be removed on the submitted plans, and the applicant has separately confirmed this. No other landscaping is proposed and the existing landscaping throughout the site would remain unaffected. Therefore, the proposal is considered acceptable in terms of the impact on the trees.

Ecology

39. Given the scale of physical works on an area of existing hardstanding, the development would not result in the loss of habitats of protected species. Conditions will be added for ecological enhancements and a lighting design strategy will also be conditioned to ensure any impacts from external lighting are minimised on the adjacent woodland habitat. This is in accordance with local plan policy ENV1. As such, it is considered that the proposal would not cause harm to the local ecology.

Drainage

40. There are no water drainage or flooding problems associated with the site. The moderate scale of the proposed building on an existing area of hardstanding is considered not to pose a risk of significantly increasing the water run-off from the site. This is in accordance with local plan policy ENV9.

Human Rights Issues

41. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

42. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

43. Having regard for the merits of this case, it is considered that the extension at the site for a 'food to go' outlet would provide an ancillary benefit to the customers of the site and the community. The proposal would not cause harm to the character and appearance of the area. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

1. 3-year standard condition
2. Approved Plans
3. Submission of Material Samples
4. Construction Management Plan
5. Provision and Retention of Permanent Parking Spaces
6. Reporting of Unexpected Contamination
7. Extraction/Treatment of Fumes/Odours
8. Noise and Vibration of Plant
9. Scheme of Biodiversity Enhancements
10. Lighting Design Strategy
11. Hours of Operation

Informatives/Notes to Applicant

1. Working with the Applicant
2. Construction informative

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0277AS)

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