

Delegated Report

Full Planning Application

Planning Application No: 20260657

Location: 12 Milton Road Gravesend Kent DA12 2RE

Description: Replacement and upgrade of the commercial kitchen extraction system, comprising new internal filtration/ESP units, external ductwork, and a high-level discharge cowl to the rear elevation.

Applicant: Mr Dinesh Arjal

Site Visit Date: 21 July 2026

Submitted Documents/Plans

Application form
Location Plan
Block Plan
Drawing no. DOC 01 (Existing Plan)
Drawing no. DOC 02 (Existing Elevations)
Drawing no. DOC 3 (Proposed Plan)
Drawing no. DOC 04 (Proposed Elevations)
Heritage Statement
Extraction System Mechanical Specification
Initial Ambient Noise Test Summary
Exhaust Air Purification System
Drawing code AMC5400VTA
Cooking Profile and Extraction Design Statement
Air Flow Plan
Kitchen Extract ESP Range Details
Suggested Maintenance Schedule for Proposed Extraction System at 12 Milton Rd

Supplementary Documents:

Full Noise Impact Assessment by First Priority M UK Ltd

Relevant Planning History

Reference	Description	Decision	Decision Date
20070992	Installation of new shop front incorporating new entrance door to flat above and replacement of first floor window on front elevation.	Permitted	24.01.2008
20070022	Conversion of first and second floors into a three bedroom flat involving installation of new shopfront.	Refused	19.03.2007
19830313	Display of internally illuminated projecting box sign	Consent	22.06.1983
19820804	Conversion of dwelling house into flat at ground floor level	Refused	31.01.1983

	with maisonette over		
19820080	Display of an illuminated fascia sign	Permitted	27.04.1982
19780561	Installation of a new shop front	Permitted	10.07.1978
19780038	The display of an illuminated fascia sign	Consent	30.05.1978

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 3 – Decision-making policies
- Section 4 – Achieving sustainable development
- Section 5 – Meeting the challenge of climate change
- Section 14 – Achieving well-designed places
- Section 17 – Pollution, public protection and security
- Section 20 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- King Street Conservation Area Character Appraisal (2009)

The Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals,

relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan. The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Internal Consultees

GBC Licensing

No comments.

GBC Environmental Protection 17 August 2026

In terms of odour control/level of filtration, the submitted scheme appears acceptable in that initial filters, carbon filtration and ESP are all included.

However, there are some concerns with regards to the submitted noise information. The assessment does not amount to a BS4142 assessment which is what is required for this type of installation. Although noise measurements have been undertaken over 2 different days, measurements have only taken place for 2x6 hour periods between 10:00 and 16:00. Proposed opening hours are cited as being 12:00 to 22:30 Monday to Saturday and 12:00 to 22:00 Sunday. Although these hours fall within what is generally considered to be the 'daytime' (07:00 to 23:00), these hours are usually broken down further for noise assessments, particularly when there are residential premises nearby, to 07:00 to 19:00 daytime and 19:00 to 23:00 evening. It would have therefore been appropriate to carry out measurements for the representative time

that the plant/equipment will be in use.

The noise information also advises that the nearest residential premises is 6m away. This is not agreed with – there are flats next door at number 13-14 that are currently under conversion and if not completed as yet, will be soon. Some widows from these flats are only c.3m away from the flue. Looking at the plans, the closes window to number 11 at the rear 1st floor is in fact a bedroom. It's understood that the window to the right of the flue is residential.

In addition, we have had complaints about the existing kitchen extract system, so it is imperative that any new system does not result in further complaints. Having been asked for an urgent response to this consultation today, there hasn't been the opportunity to discuss the matter with the case officer dealing with the complaints. Looking back at some of the correspondence, the location of the equipment and flue has in fact been altered from where it had been proposed by the applicant in that correspondence.

No information appears to have been submitted regarding anti-vibration mounts or flexible couplings - these will definitely be required in order to minimise case/equipment radiated noise and vibration

I would advise that bearing in mind the history of complaints, the fact that the noise measurements did not cover the whole time period the premises is planned to be open and the closeness of the adjoining residential premises, that a full BS4142 assessment is carried out prior to any decision being made. It should also be highlighted that our standard practice is for noise levels of new plant/equipment to be 10dB below the existing background noise levels and not equal to/not exceeding as cited in the applicant's noise information document.

To assist, I've included below our standard conditions for odour and noise that are usually recommended and the applicant has already been emailed details of these by the case officer on 29/01/2026. For odour, part 1 has been complied with in the submitted details. We would however still advise that condition relating to part 2 is attached to any permission.

Restaurant/Takeaway Odour

Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:
 - a) Plans and details of all duct work (internal and external) and equipment.
 - b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
 - c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
 - d) Details, including manufacturer's specification/data sheets of the fan.
 - e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
 - f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used.

Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update))

- .2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the LPA to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Restaurant/Takeaway Noise

Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:
 - a) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
 - b) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
 - c) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound". The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014
- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

GBC Environmental Protection 10 September.2026

The updated Noise Impact Assessment by First Priority M UK Ltd has been reviewed. This now provides noise measurements for the evening period (19:00 to 23:00) which represents the premises proposed evening opening hours. The report also acknowledges the advised target of 10dB below background noise level at the nearest noise sensitive premises (being 3 m away). The use of anti-vibration mounts and flexible couplings has also been confirmed.

The evening background noise level has been measured and confirmed at 45dB(A), so the proposed plant noise level has been set at 35dB(A), with final compliance confirmed by a post-installation noise measurement at the nearest noise sensitive premises. This is acceptable.

The following conditions are therefore recommended:

Restaurant/Takeaway Odour

Install and commission the extract system using a competent ventilation engineer in accordance with the submitted details. Provide a commissioning report to the LPA to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Restaurant/Takeaway Noise

Install and commission the extract system using a competent ventilation engineer in accordance with the submitted details and the updated 'Noise Impact Assessment' by First Priority M UK Ltd. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion

noise levels to demonstrate that noise levels are 10dB(A) below the measured background noise levels at the nearest noise sensitive premises. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Neighbouring properties

The application has been advertised by individual neighbour letters to 8 properties, on site and in the press. The overall consultation period expired on 30 September 2026.

No letters of representation have been received.

Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

This application seeks permission for the replacement and upgrade of the commercial kitchen extraction system, comprising new internal filtration/ESP units, external ductwork, and a high-level discharge cowl to the rear elevation.

The restaurant at the premises will serve traditional Nepalese cuisine. Cooking activities will include the preparation of curries, sauces, and spiced dishes using simmering, sautéing and pan-cooking techniques, together with tandoori and fried dishes. The kitchen will be equipped with the following primary cooking appliances:

- 1 No. commercial gas cooker range (6–9 burners)
- 1 No. commercial deep fat fryer
- 1 No. traditional tandoor oven

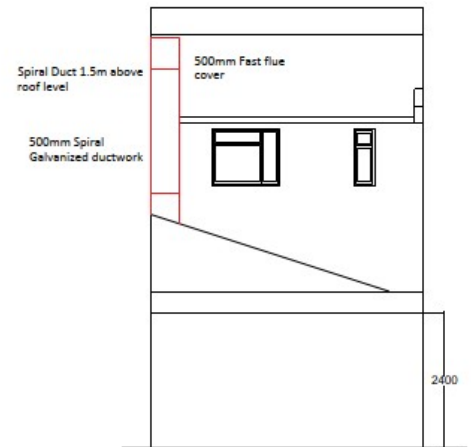
The kitchen extraction and ventilation system has been designed to accommodate the cooking processes and equipment detailed above. Due to the inclusion of a commercial deep fat fryer and traditional tandoor oven, together with the preparation of spiced curries and other hot food items, the cooking operations have the potential to generate elevated levels of grease, smoke, and cooking odours. Accordingly, the extraction system has been designed in accordance with the *EMAQ Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, 2018 Update)* and has been specified to manage a high to very high grease loading, very high odour potential, and high to very high smoke generation potential.

The extraction system incorporates appropriately sized canopy extraction, grease filtration, ductwork, fan selection, and odour control measures to capture, contain, and discharge cooking emissions.

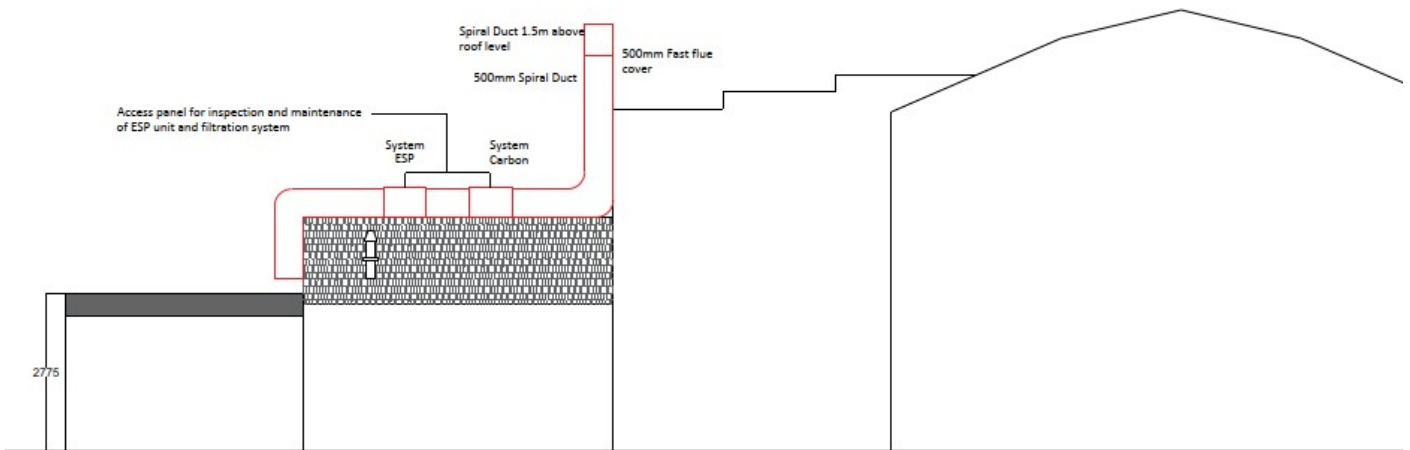
Proposed Elevations:



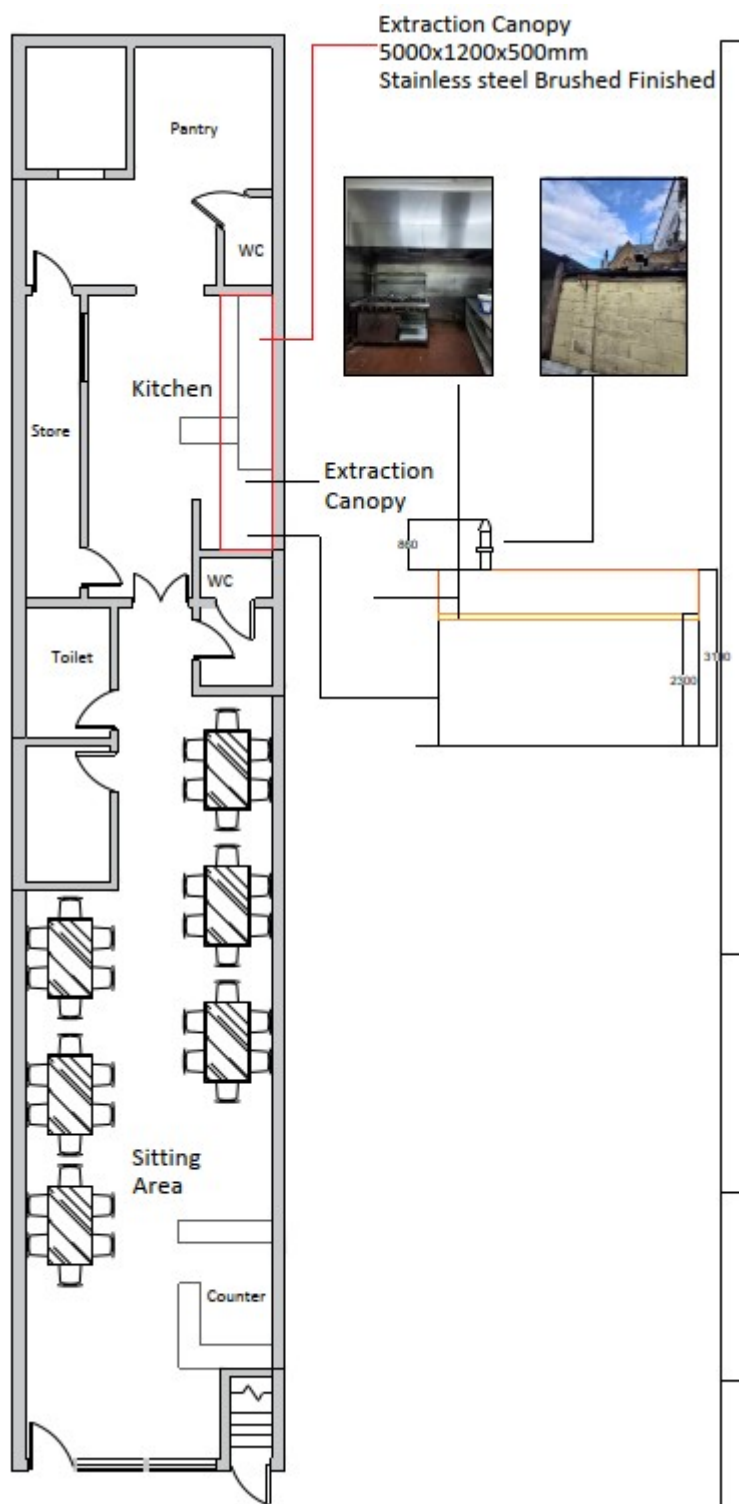
Proposed Front
Elevation



Proposed Rear
Elevation



Proposed Floor Plans:



Site Description

The site lies to the north of Milton Road and is a two storey mid terrace building with accommodation in the roof. There is currently a restaurant on the ground floor with flats above. This arrangement is typical of the terrace. At the rear there is a part two/ part single storey flat roof addition that extends to the rear of the plot.

The site lies within the King Street Conservation Area and an Air Quality Management Area.



Taking the designations of the site into account, the main issues for consideration in the determination of this application are as follows:

- Design and impact on character and appearance of King Street Conservation Area
- Residential amenity

Design and Impact on Conservation Area

Section 14 of the NPPF 2026 relates to promoting high quality places and sets out the Government's requirements in relation to design issues. Policy DP3 sets out the key principles for well-designed places, including that development proposals should respond to their context, so they integrate with and enhance their surroundings. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Section 20 of the NPPF 2026 aims to conserve and enhance the historic environment. Policy HE6 sets out that substantial weight should be given to the conservation of a designated heritage asset. This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved and enhanced. Saved Policy TC3 of the Local Plan

1994 also states that development is expected to make a positive contribution to the conservation area.

The site is located within the King Street Conservation Area boundary. In this regard, the main consideration for this proposal would be the proposed changes to the elevations of the building and whether they would be acceptable in terms of the impact on the character and appearance of the Conservation Area.

The King Street Conservation Area Appraisal (2009) notes that No. 12 is part of the six terraced (former) houses Nos. 9-14 Milton Road, which are some of the earliest structures along the stretch between New Inn and Harmer Street/Berkley Crescent, built in the early 19th century. The Appraisal states that the appearance and contribution of the terrace to the character of the area is somewhat diminished by the many unsympathetic alterations that have been made.

There is an existing flue at the rear of the premises, on the roof of the existing single storey rear addition. The proposed flue will also be at the rear. Due to the site layout there are no public views of the rear elevation of No. 12; it is enclosed on all sides.

The new flue will be much larger than the existing one, but as it will be at the rear and will not project above the main ridgeline of the property, it would not be detrimental to the character and appearance of the Conservation Area. On this basis, the proposal would respect the character and appearance of the area and would comply with the design requirements of Policies CS19 and CS20 of the Core Strategy 2014 and Sections 14 and 20 of the NPPF 2026.

Residential Amenity

Section 12 of the NPPF 2026 seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, Section 14 seeks to promote high quality, healthy, inclusive and sustainable places, and Section 17 focuses on the new development being appropriate for its location, taking into account the risks and impacts of pollution and other hazards. Policy P3 sets out that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.

The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land, and avoid adverse environmental impacts from pollution.

The application details have been reviewed by the Council's Environmental Protection Team. In terms of odour control/level of filtration, the submitted scheme appears acceptable in that initial filters, carbon filtration and ESP are all included.

There were some initial concerns with regards to the submitted noise information. The original assessment did not amount to a BS4142 assessment, which is what is required for this type of installation. Furthermore, the noise information, which advised that the nearest residential premises were 6m away, was not agreed with as there are flats next door at Nos. 13-14, where widows are only around 3m away from the flue. In addition, there have been complaints about the existing kitchen extract system, so it would be imperative that any new system does not result in further complaints.

The updated Noise Impact Assessment by First Priority M UK Ltd was reviewed by Environmental Protection. This provides noise measurements for the evening period that covers the evening opening hours. The report also acknowledges the advised target of 10dB below background noise level is met at the nearest noise sensitive premises (being 3m away). The use of anti-vibration mounts and flexible couplings has also been confirmed.

The evening background noise level has been measured and confirmed at 45dB(A), so the proposed plant noise level has been set at 35dB(A), with final compliance confirmed by a post-installation noise measurement at the nearest noise sensitive premises. This is acceptable, subject to conditions to install and commission the extract system using a competent ventilation engineer with a commissioning report.

On this basis, the proposal would not harm the amenities of neighbouring properties in terms of environmental impacts. It must also be noted that there have been no objections from neighbouring properties. As such, the proposal would comply with the requirements of Policy CS19 of the Core Strategy 2014.

Conclusion

The proposed extraction system is considered to be acceptable in terms of the impact on the character and appearance of the King Street Conservation Area, and with regards to residential amenity matters. The proposal would therefore comply with the requirements of Policies CS19 and CS20 of the Core Strategy 2014 and Sections 14 and 20 of the NPPF 2026.

Recommendation

Permission with conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:	<i>K. Parkin</i>	Signed:	<i>F Walsh</i>
Dated:	6 October 2026	Dated:	07 October 2026