



Delegated Report

Full Planning Application

Planning Application No: 20260380

Location: 149 Parrock Street Gravesend Kent DA12 1EY

Description: Replacement of existing extraction flue with extraction system including carbon discarb, fan and silencer.

Applicant: Okkes Omalar

Site Visit Date: 3rd July 2026

Submitted Documents/Plans

Planning Application Form;
Design & Access Statement;
Drawing No. 600 Rev R1 – Location Plan;
Drawing No. 601 Rev R1 – Block Plan;
Drawing No. 100 Rev 1 – Existing Floor Plan;
Drawing No. 120 R1 – Existing Elevations & Section;
Drawing No. 200 Rev R2 – Proposed Floor Plan received 15th June 2026;
Drawing No. 220 Rev R2 – Proposed Elevations & Section received 14th May 2026;
Supporting Information: Plant Noise Impact Assessment Report (Ref. NIA-DA12-149-R00);
Supporting Information: GigaBox Centrifugal Fans Technical Specifications;
Supporting Information: Airclean Filers Technical Specifications;
Supporting Information: Cylindrical & Splitter Silencers Technical Specifications;
Supporting Information: Guidelines for Parry Extraction Canopies;
Supporting Information: Airclean Baffle Grease Filters; and
Supporting Information: Asbava Duct & Ventilation Cleaning Schedule.

~~Drawing No. 200 Rev R1 – Proposed Floor Plan received 14th April 2026;~~
~~Drawing No. 200 Rev R2 – Proposed Floor Plan received 14th May 2026;~~
~~Drawing No. 220 Rev R1 – Proposed Elevations & Section received 14th April 2026.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20241048	Retrospective change of use from a barber shop to a cafe with outdoor seating area	Application Refused	10.06.2025
20250163	Consent to display advertisement(s): retention of a illuminated 3D lettering signage with LED lighting, constructed from AluPanel with vinyl cut stickers and mounted using nylon locators.	Advert Permitted	10.06.2025
19881059	Change of use of the ground floor from offices to retail.	Permitted	20.01.1989
19840861	Continued display of internally illuminated fascia sign	Consent for Advert	18.12.1984

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- S7 - Hot Food Shops and Restaurants and other A3 uses (now Class E)

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 4 – Decision-making
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according 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 consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

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 (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). 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

Consultees

GBC Environmental Protection

I've reviewed the additional submitted information and comments as follows:

An odour risk assessment hasn't been submitted, but I've undertaken one based on the information provided and the Risk Assessment score comes out at 22 which just falls into the high level of odour control needed. This is mainly due to the proximity of the nearby receptors. The proposed system which includes baffle filters and carbon filters meets this requirement, so is acceptable.

The maintenance details/schedule is acceptable.

Based on this, the proposed system should provide adequate odour control.

Due to the proximity of sensitive receptors, I would still advise that an installation/commissioning report is submitted and this can be dealt with by condition:

Restaurant/Takeaway Odour

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.

Neighbouring properties

The application was advertised by the displaying a site notice and individual letters sent to two surrounding properties with an overall expiry date of 22nd May 2026. No comments have been received.

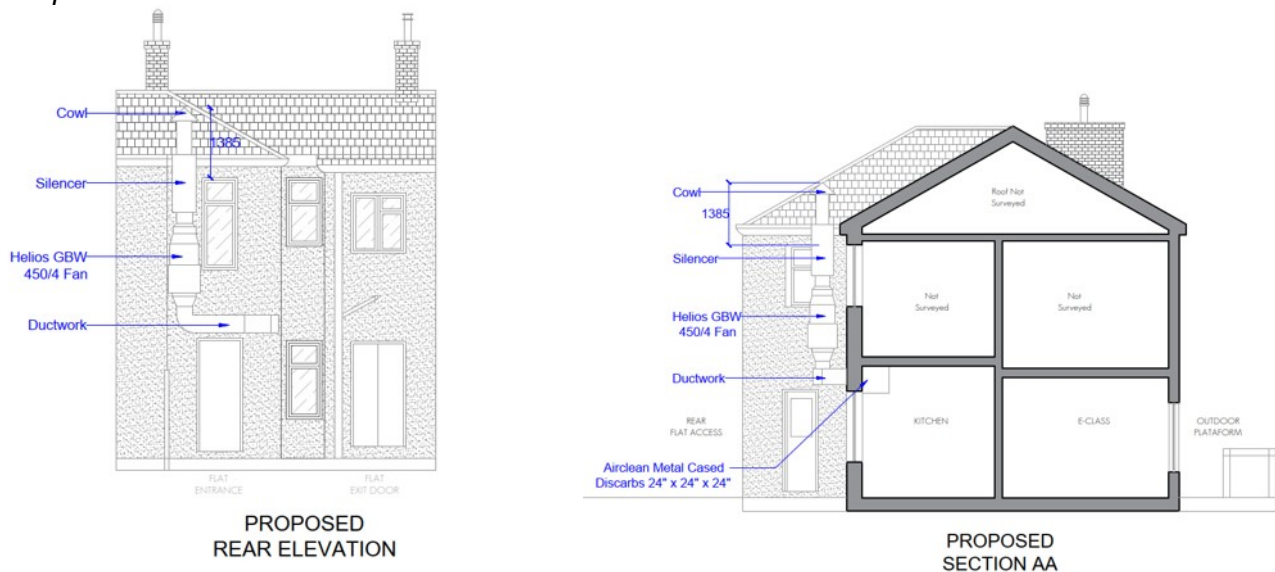
Officer's Analysis

Proposal

The proposal is for the replacement of existing extraction flue with extraction system including carbon

discarb, fan and silencer. The new system is to facilitate the use of the premises as a café.

Proposed Elevations



Site Description

The application site relates to the ground floor of a two-storey building, which forms part of a terrace of Victorian properties in mixed residential and commercial use. The property is situated on the junction of Parrock Street and Edwin Street, in the Town Centre Opportunity Area, as defined in the Gravesham Local Plan Core Strategy (2014). The ground floor of the unit was previously a barbers; the upper floors contain a self-contained flat and do not form part of this application. The current lawful use of the ground floor is Use Class E (Commercial, Business and Service).

Preliminary Matters

The unit is currently within Use Class E (Commercial, Business and Service). The lawful use as a barber's shop and the proposed use as a café both fall within the same use class. Specifically, a barber's shop falls within Use Class E(c)(ii), while a café falls within Use Class E(b). As both uses are encompassed by Use Class E, the proposed change does not constitute a material change of use and planning permission for a change of use is therefore not required.

Design, Character and Appearance

Policy CS19 of the Gravesham Core Strategy 2014 states that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards.

The proposed flue would be located to the rear of the shop and would be set below the ridge height of the building and as such would not be highly visible from public vantage points. The area is characterised by a mix of commercial and residential and would facilitate the use of the existing Class E commercial unit with its operation as a café. In addition, it is similar to other flues within the immediate area and as such there are no objections. Therefore it is considered that the proposed flue would be in keeping with the surrounding built form and other flues to facilitate the existing commercial uses.

The proposed replacement flue would accord with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework 2024.

Amenity

The proposal relates to an existing shop within a mixed-use area. The shop is staying within Use Class E and therefore no formal change of use, however the installation of the flue needs to be considered on the amenities of neighbouring properties.

There are similar flues to the rear of the commercial units and the submitted odour risk assessment has been assessed by the GBC Environmental Protection Officer who has confirmed that it accords with the standards, subject to the installation, commissioning and maintenance of the extraction system, which can be conditioned.

Therefore, subject to the aforementioned condition, the proposed development would have no significant adverse impacts on the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014), Saved Policy S7 of the Gravesham Local Plan First Review (1994) and paragraph 135f of the National Planning Policy Framework 2024.

Parking and Highways

Paragraph 115(b) of the NPPF 2024 requires new development to ensure that safe and suitable access can be achieved for all users and paragraph 115(d) requires any significant impacts on the transport network or on highway safety to be cost effectively mitigated to an acceptable degree. Paragraph 116 sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy CS11 of the Gravesham Local Plan Core Strategy (2014) requires new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Saved Policy P3 of the Gravesham Local Plan Core Strategy (2014) requires development to make provision for vehicle parking in accordance with adopted parking standards unless justified as an exception and states that parking provision should normally be provided on the development site.

Saved Policy S7 of the Gravesham Local Plan First Review (1994) seeks to ensure that hot food shops are located where there is sufficient car parking available to ensure that the proposal will not harm highway safety.

The unit is located opposite the Parrock Street Car Park and therefore adequate parking is available. The proposal does not incorporate a change of use of the unit, as the café use falls within the same use class (Class E) as the barbers. Therefore no planning permission is required for the change of use and it is not considered that the proposed flue would have any impact on parking or highway safety.

As such and considering the existing use, the proposed flue would not have any further impact. The proposal would therefore be in accordance with paragraphs 109 to 114 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Conclusion

The proposed replacement flue will have no detrimental impact on the character and appearance of the area, amenity, parking or highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	
Signed:	<i>A Cue</i>	Signed:	
Dated:	24 th July 2026	Dated:	