

Application ref: 2022/3404/P  
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Date: 17 January 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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AVIM Consultancy Ltd  
227 Preston Road  
Wembley  
HA9 8NF  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**317 Gray's Inn Road**  
**London**  
**Camden**  
**WC1X 8PX**

Proposal: Erection of ventilation flue on rear elevation, increase in the height of the existing ground floor rear extension and installation of two rooflights to rear extension flat roof.

Drawing Nos: Site Location Plan, Block Plan, FUL-01 CANOPY Rev B, Design and Access Statement, Acoustic Report (prepared by KP Acoustics dated 03/08/22)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of use, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 5 Prior to commencement of use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposals involve the installation of an aluminium extraction flue on the rear elevation. There are a number of other extraction flues of a similar design along the rear elevations of this terrace and so it would not appear to be out of

character and it would read as subordinate to the rear elevation.

It is proposed to increase the height of the existing rear extension by 0.4m. This would represent a minor addition and the rear extension would remain subordinate to the host building. Two rooflights are proposed on the roof which would protrude by 0.12m. These would be a minor alteration which would preserve the appearance of the building and this part of the conservation area.

The existing use of the unit is a grocery shop and the proposed use is a restaurant which is permitted under Class E. As such, the change would not constitute development, and planning permission is not required for a change of use. Should the site be used as a hot-food takeaway, this would require planning permission and is not permitted as part of the current application. An informative is attached to advise the applicant as such. Likewise, alterations to the shopfront would likely require advertisement consent and a further informative is attached advising this.

Overall, the proposal is considered to preserve the character and appearance of the Kings Cross conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposals are not considered to cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light, outlook or privacy. The increased height of the rear extension and the two rooflights are minor alterations which would not materially impact neighbouring amenity. An acoustic report has been submitted with the proposals which has been reviewed by the Council's Environmental Health team who confirm the proposals are acceptable subject to the attached conditions.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020

7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 You are advised that the lawful use of the site is retail and a change of use to restaurant is allowed under Class E and is thus not classed as development. A restaurant within Use Class E does not include the sale of hot food for consumption mostly off the premises, or significant levels of distribution to non-visiting customers. If a significant level of hot-food takeaway or distribution is introduced to the property, this is likely to result in a material change of use and further planning permission would be required.
- 6 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully



Daniel Pope

Chief Planning Officer