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Submitted via Planning Portal

Planning and Building Control
Camden Council

14 January 2024

Our Ref: 7782

Dear Sir / Madam,

S.73 Variation of Condition 12 of Planning permission Ref. PE9900623 – 42 Gloucester Avenue, London, NW1 8JD

On behalf of our client Gail's Ltd (Gail's), please find enclosed an application pursuant Section 73 of the Town and Country Planning Act 1990 (As Amended) seeking to vary condition 12 of planning permission ref. PE9900623 at the above address.

In summary, the above permission was granted in 2000 for erection of the building located at 42 Gloucester Avenue, comprising office, residential, retail and café floorspace. The retail unit (no. 42a) is now vacant, and Gail's are now seeking to occupy the floorspace as a bakery (Use Class E). It is therefore necessary to seek the variation of conditions relating to operating hours to meet Gail's particular operational requirements, and reflect the flexible nature and needs of modern Class E operators. This will allow the successful re-occupation of a vacant commercial unit by a popular brand seeking representation in Primrose Hill.

Application Site

Site Description

The application site comprises a ground floor commercial unit, forming part of a four-storey mixed-use building with residential and commercial office space above. The commercial floor space is currently vacant, having most recently been occupied by an artisan grocery store and café (Use Class E). The surrounding area is predominantly terraced residential housing, with commercial uses occupying a few ground floor units nearby.

The site itself is not statutorily or locally listed, but nearby buildings such as The Engineer Public House and Camden Incline Winding Engine House are both Grade II listed. The site is situated within the Primrose Hill Conservation Area: Central Area.

Relevant Planning History

Planning permission was granted in 1999 for the redevelopment of the site by the erection of two three/four storey linked buildings to provide B1 offices, residential, retail and café floorspace (Ref: PE9900623). Condition 12 attached to this permission restricted use of retail and café floorspace to 8.00 am to 11.00pm on Mondays – Saturdays and 8.00 am to 10.30 pm on Sundays or Bank Holidays. Further, no customers or members of staff were to be on the premise outside the hours of 8.00 am to 11.30 pm Mondays – Saturdays, and 11.00 pm on Sundays and Bank Holidays.

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Application Proposals

Gail's are seeking the variation of condition 12 of permission Ref: PE9900623, in order to facilitate the requirements of a modern Class E operator and allow Gails to successfully operate a bakery use from the site. The proposed variations to conditions are set out below:

Variation of Condition 12

Condition 12 is currently worded as follows:

"No food or drink shall be consumed on the premises outside the hours of 8.00am to 11.00pm on Mondays to Saturdays and 08.00am to 10.30pm on Sundays or Bank Holidays. No customers or members of staff shall be on the premises outside the hours of 08.00am to 11.30pm on Mondays to Saturdays and 11pm on Sundays and Bank Holidays."

It is requested that Condition 12 is amended to read:

"No customers shall be on the premises outside the hours of 07.00 to 23.00 on Mondays to Saturdays and 07.00 to 22.30 on Sundays."

It must be considered that this condition was imposed on the basis that a retail or late night operator use would be occupying the site, who can typically rely on later operating hours than bakeries and more general commercial operators. Gail's offer is reliant on their bakeries opening earlier on in the day, and preparing the store with fresh bread, cakes and confectionary prior to opening business in the morning. Gail's typically open their bakeries between 7.00am and close at 8.00pm, and it is these hours they wish to operate in Primrose Hill. The proposed extension of one hour to the morning opening hours will bring this site in line with both trading hours at Gail's bakeries nationwide and align them with other operators nearby.

The proposed additional hour will not give rise to any significant amenity impacts, and instead will result in an operator with a notably earlier closing time to occupy the unit instead, with Gail's stores typically closing by 8.00pm. Considering the location of this commercial unit, with predominantly residential surroundings, the earlier operating hours will be better suited to the character of the area and amenity of the nearby residents.

The removal of the condition restricting staff on the premises is required to allow staff time to prepare the store before opening. This will not in practice result in an increase of impactful early morning activity, but will instead allow for additional time for staff to open the store before customers are permitted to be on site. Indeed, it is a typical requirement for a commercial operator that they rely on staff opening a store prior to arrival of customers.

It is critical to consider that this model for Gail's is currently in operation nationwide, and with effective in store management and coalition with local authorities, complaints of noise related to morning operations are very rare. The proposals to vary the condition and extend operational hours will be entirely supportive of the principles of Camden Local Plan Policy A1, which supports proposals which seek to ensure that the amenity of communities by "*balancing the needs of development with the needs and characteristics of local areas and communities*". Policy A4, which seeks to ensure that development will not adversely affect the amenity of local residents, particularly with regard to noise and disturbance, will also be complied with.

Summary

Gail's are seeking to make minor material amendments to permission Ref: PE9900623 in order to extend permitted opening hours at the site, to meet the operational requirements of a bakery. These minor alterations will be respectful of surrounding residential amenity, and fully coherent with the principles of the Camden Local Plan.

In support of the application, please find enclosed the following:

- Application Fee of £293.00
- Site Location Plan

I trust that this is satisfactory, and I look forward to receiving confirmation of validation in due course. Should you have any queries in the meantime, please don't hesitate in contacting the undersigned.

Yours sincerely,

James Baker

Planner

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London

Enc.