

G A I L ' s
ARTISAN  BAKERY

Planning, Design and Access Statement

21 Swain's Lane, N6 6QX
Change of Use from A1 to Mixed A1/A3
(Bakery/Café) at Ground Floor Level



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Executive Summary

This Statement is submitted in support of a planning application for the 'Change of Use from A1 to Mixed A1/A3 (Bakery/Café) at Ground Floor Level' at No.21 Swain's Lane, N6 6QX. The application is made on a 'without prejudice' basis to allow Gail's to offer additional menu items requiring preparation via a hob.

The unit has been occupied by Gail's Bakery since 13 January 2016. When first occupied, vacancy within the Neighbourhood Parade stood at 38% and the presence of Gail's had a positive impact on the vibrancy and diversity within the centre. Gail's are currently operating strictly in accordance with the A1 use class of the unit however, the purpose of this application is to allow for addition menu items to be prepared and sold on site. These items include the cooking of eggs, pancakes, porridge, the reheating of bacon, and may include similar levels of cooking such as the preparation of Shakshouka (baked eggs with a tomato based sauce) and Mushroom Ragu in the future.

This statement clearly demonstrates that the proposals will not reduce the provision of retail floorspace, the retail function of the unit, or remove the presence of an active window display. The proposed use simply seeks for the existing preparation area to also be used for the preparation and sale of cooked items. The sale of which would not reduce the provision or popularity of Gail's sweet and savoury baked produce (considered to be the A1 element of the unit). None-the-less, the proposals have been assessed against the Camden Local Plan (2017) Appendix 4 and CPG5 policy requirements for Neighbourhood Centres.

The assessment shows that atleast 50% of the 14 existing units will be retained within retail use as a result of the proposals. It is also considered that the redevelopment of the 7 lost units on the corner of Swain's Lane/Highgate Hill West will create 8 new units, of which a minimum of 50% must be in retail use. Given that, prior to demolition, only 43% of the 7 units were in retail use, this guarantees that the retail function of the centre will be improved in the future.

Additionally, the proposals would only lead to 2 consecutive units being within non-retail use. The policy requirement for consecutive non-retail units (no more than 3 allowed) is also therefore met. Overall, it is considered that the proposed change of use is compliant with the relevant policies.

No operational changes are required as a result of the change of use with the exception of the use of a hob. There will therefore be no adverse impacts on residential amenity as a result of the proposals, which will operate during daytime hours, only.

An application for use of the installed extraction system is pending (Application Reference: 2015/3268/P). Consideration of the system should therefore be considered separately to the principle of the change of use.

In conclusion, this Statement demonstrates that the proposals are entirely acceptable, and critically, will allow for the continuation of the vitality and viability of the centre.

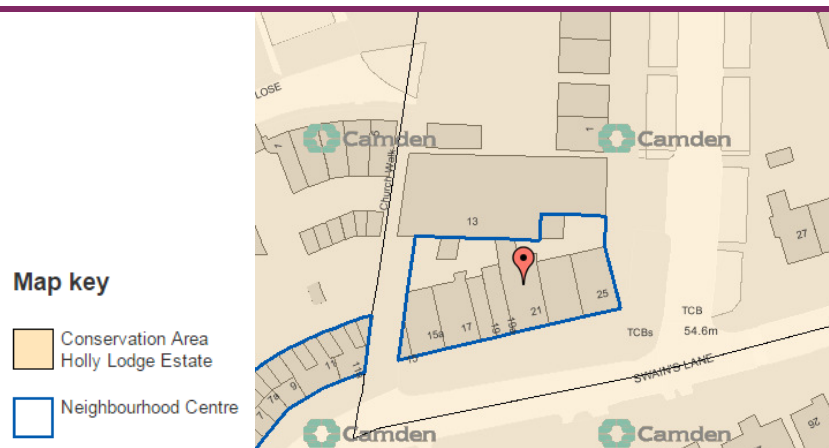
1. Introduction

- 1.1. The purpose of this report is to examine the principal issues associated with the change of use of the ground floor of the existing Gail's unit at No. 21 Swain's lane from A1 (retail) to a mixed A1/A3 (bakery/café) sui generis use.
- 1.2. Gail's was established in 2005 as an artisan bakery and its produce has proven to be popular. Using the finest ingredients and time-tested methods, Gails' neighbourhood bakeries put great, fresh bread back into the heart of local communities.
- 1.3. Prior to Gail's occupying the unit, the unit had been used as 'Elite Meats', an A1 butcher. Gail's trade as A1 bakery operators, however, in this instance, on a without prejudice basis Gail's are seeking planning permission for change of use of the ground floor to A1/A3 to allow for the preparation and sale of additional menu items to expand their successful bakery operation.
- 1.4. Gail's are currently operating from the unit with a reduced menu, as agreed by the council's enforcement team, and have removed their hob from the unit in order to comply with the lawful A1 use of the unit. The proposals will allow reinstatement of the hob and enable full operation by Gail's Bakery.
- 1.5. The notion that an A1 bakery cannot use an extract is strongly contested however, the existing extract is currently not in use at the site. An application is pending in relation to the built extract and AC units; the outcome of which is anticipated once a decision on the change of use has been issued. It is therefore requested that the change of use is considered on its own merits.
- 1.6. This statement will provide an assessment of the proposals in relation to the relevant national and local planning policies and demonstrates that the proposals are entirely acceptable and, critically, do not harm vitality and viability of the neighbourhood centre. The proposals will allow Gail's to make a significant contribution to the health of the centre.

2. Site Area and Description

- 2.1. The application site comprises a three-storey building with a high pitched roof. The roof also incorporates a terrace for the use of residents on the upper floors. Class A1 retail is located on the ground floor with residential use above. The unit has a rear extension as approved under planning application reference (2015/3266/P) which provides a small seating area for customers. Access to the residential floors is via a door on the right-hand side of the shopfront.

Proposals Map with Site Identified



Source: LB Camden

- 2.2. The unit forms part of a parade of shops within a designated Neighbourhood Centre. The building, designed in sympathy with the remainder of the estate, displays mock Tudor applied timber on the upper levels. The unit is located between Tesco Express (A1) and Fitzroy's estate agents (A2).
- 2.3. The application site is within the Holly Lodge Estate Conservation Area. The upper floors of this parade are particularly attractive, as discussed, and the extension to the rear has significantly improved the appearance of the rear yard for the overall benefit of the conservation area.
- 2.4. The parade comprises of a mix of A1, A2 and A3 units at ground floor, typical of neighbourhood centres. Approximately 7 of the 21 units within the centre were vacant at the time of Gail's occupation of the unit. This was due to permission being granted for the demolition of the corner plot between Swain's Lane (No. 1-13) and Highgate West Hill (109-110). This permission is now evidently being implemented with the previous building having already been demolished.
- 2.5. A condition has been added to the permission for the site which requires a minimum of 50% of the 8 proposed ground floor units to be within A1 retail use. As only 3 of the 7 previous units were in A1 use before being vacated, the new units will guarantee that the percentage of A1 units in the centre is increased by at least 1 unit.
- 2.6. The building is neither Listed nor Locally Listed. It is also not an Asset of Community Value.

Figure 1: View of the Unit from Swain's Lane



Source: Planning Potential

- 2.7. The neighbourhood bakery has had a strong impact on improving the vitality and viability of the Neighbourhood Centre, encouraging wider use of the centre and encouraging daytime activity within the wide-open pavement immediately outside the unit.

Figure 2: Internal View of the Front Counter of the Unit



Source: Planning Potential

- 2.8. The front of the unit is dedicated to bread and cake sales, with an active window display and large number of sweet and savoury baked products displayed on the counter as customers enter the unit. The purpose of which is primarily for retail sales.

Figure 3: Customer View When Entering the Unit



Source: Planning Potential

Figure 4: Customer View of the Retail Counter



Source: Planning Potential

- 2.9. The unit has a modest amount of ancillary seating which is focused down the right-hand side of the unit. There is also a preparation area towards the rear of the unit. It is here that the preparation of 'additional' menu items will be prepared. As such, it is considered that the A1 element of the unit is clearly focused towards the front of the unit, with ancillary seating to one side. The preparation area for the proposed A3 element will be located at the rear of the unit (See Figure 7).

Figure 5: Ancillary Seating Located to One Side



Source: Planning Potential

Figure 6: View of the Food/Drink Preparation Area



Source: Planning Potential

Figure 7: View of the Food Preparation Area



Source: Planning Potential

3. Planning History

3.1. A summary of the planning history at the subject site is as follows:

- 2015/3268/P – Installation of a steam extract and terminal vent to rear outbuilding roof level, and addition of a door to existing outbuilding and associated alterations in connection with retail unit (Class A1). PENDING.
- 2015/5219/P – Alteration to residential entrance door part of the shopfront approved under planning permission (reference: 2015/3267/P). GRANTED on 10/11/2015.
- 2015/5225/A – Illuminated signs. GRANTED on 28/09/2015.
- 2015/3266/P – Erection of a single storey rear conservatory following the demolition of existing outbuilding in connection with retail unit (Class A1). GRANTED on 26/08/2015.
- 2015/3267/P – Erection of a new shopfront and awning to retail unit (Class A1). GRANTED on 26/08/2015.
- 2015/3340/A – Display of externally illuminated fascia sign. GRANTED on 17/08/2015.

4. Application Proposals

Proposed Use

- 4.1. Gail's are seeking planning permission for use of the ground floor of No.21 Swain's Lane as an A1/A3 (bakery/café) use in order to provide their standard menu which includes minimal cooking with use of a hob.
- 4.2. Although Gail's normally operate under A1 retail use, issues specific to this location have led to our client making a 'without prejudice' application for A1/A3 use. The A3 element of the operation, where a limited amount of primary cooking will take place, will be contained towards the rear of the unit with the kitchen closing at 3pm. The A3 element will be subordinate to the main function of the unit as an A1 retail bakery, which will continue to operate until 7pm.
- 4.3. The unit is currently operating strictly in accordance with the provisions of an A1 retail unit. The proposals include for the standard Gail's bakery chain model with the addition of 22 covers for customers who wish to eat within the unit. This is a typical number of covers provided at a Gail's bakery, and given that 70% of sales are for consumption off site, this element is considered to be comfortably ancillary to the A1 retail function of the unit. Camden Council have made it clear that it is only the element of primary cooking that would fall within the A3 use class.
- 4.4. The ground floor of the unit has a net tradable area of 78 sqm. Only the right-hand side of the unit and rear conservatory have been designated as seating areas, and combined, these areas constitute approximately 25% of the total floorspace. The remaining 75%+ of floorspace will be retained as retail counter, bakery and merchandise window display.
- 4.5. The philosophy of Gail's is to provide good value and high quality organic produce in a convivial rustic setting. Gail's believe that additional food items to their artisan bakery reflects the character of the setting of the centre and will allow for the continuation of an attractive addition to the street that enhances the vitality and viability of the local area.

Operational Details

Retail

- 4.6. The proposals principally seek to retain the retail element of the unit by providing a bakery and shop. The Gail's operation revolves around the principle of a high-volume turnover of a range of set products, consistent through all of Gail's shops.
- 4.7. The bakery has retained a local A1 convenience frontage following the closure of Elite Meats, a local butcher. The bakery is at ground floor level and is therefore visible from the street, providing an active retail frontage and window display. The premises look and feel like a shop, and provide for the sale of retail goods.
- 4.8. The proposals will not alter this situation and this look and feel of a shop with retail sales and an active window display will continue. The proposed element of A3, via limited primary cooking, will not reduce the amount of A1 floorspace nor will it reduce the amount of retail sales.
- 4.9. Consequently, the proposals will not reduce the percentage of ground floor premises within retail use. None-the-less, the proposals have been assessed against the relevant policies set out within **Appendix 1** of this Statement, including

Camden Planning Guidance 5 ('Neighbourhood Centres Outside of the Central London Area') and recently adopted Camden Local Plan (2017).

Opening hours

- 4.10. The hours of opening are 7.30am - 7pm Monday to Sunday and bank holidays which constitute standard hours for a retail unit. We consider that, given the unit is within a designated Neighbourhood Centre, the proposed opening hours are entirely acceptable.
- 4.11. It should be noted that the opening hours are not as extensive as the opening hours of many other premises in the surrounding area. For example, Kalendar is open from 8am to 10pm weekdays and 9am to 10pm at weekends. Bistro Laz is open from 7am to 10pm Mondays to Saturdays, and Al Paco Pizzeria is open between 11.30am and 11pm daily.

Cooking/Menu and Ventilation/Extraction

- 4.12. In recent times, many high street operators have been struggling to survive and have been forced to introduce additional services to their primary function (e.g. Gregg's now serving coffee). As discussed in The Portas Review (2011) of Britain's high streets, retailers are having to do much more and high streets need to adapt to ensure survival and fight the decline.
- 4.13. At present, no cooking from raw takes place at the premises. The warming of breads and pastries is compliant with the A1 bakery function of the premises. Gail's sell mainly bread, cakes and pastries, in addition to a small amount of pre-prepared hot food and hot drinks. The proposals will allow for a hob to be reinstated to allow for limited cooking to take place, including the cooking of eggs, warming of bacon in a pan, cooking of pancakes and preparation of porridge. It is this diversity in their offer that customers have come to know and enjoy, and has made Gail's successful.
- 4.14. The premises currently have a kitchen extract installed which has been designed to deal with the level of cooking proposed on the premises. An application (Reference: **2015/3268/P**) was submitted on 09 June 2015 in relation to the extract. This application was supported by a noise assessment and odour assessment however, no decision has been issued. It is understood that this application will be progressed following the outcome of this change of use application. It is therefore respectfully requested that the change of use is considered on its own merits, with consideration of the extract deemed to be a separate issue to be dealt with under **2015/3268/P**.

Seating

- 4.15. The nature of the bakery activities at Gail's allows for them to normally operate as an A1 use. Gail's bakeries always incorporate a number of ancillary seating areas where customers who wish to eat/drink on site can do so. This does not mean to say that Gail's operate as a cafe as the number of covers is limited and the primary function of the bakery remains as A1.
- 4.16. Due to the size of the unit, 22 internal covers are provided for customers who do not wish to take their produce away with them to allow them to eat within the unit. The menu does not alter for eat in/take away and so it is the customer's choice if they decide to eat within the unit.

- 4.17. It is noted that similar operators within Camden operate as A1. Itsu at 199 Camden High Street, for example, offers an extensive hot food menu and considerably more seating than Gail's.

Servicing and Refuse

- 4.18. There will be no change to the servicing arrangements for the site.

Deliveries

- 4.19. The number and type of deliveries generated by retail bakeries/cafes is typically dependant on the nature of the operation, with Gail's serving fresh, organic products.
- 4.20. Gails' operation, which focuses on baked bread products and patisserie, generates few deliveries. Deliveries are generally by Transit-sized vehicles. Neither the number of deliveries or size of vehicle will be required to be changed as a result of the A1/A3 proposals.

Traffic Management

- 4.21. The traffic (including cars, taxis and service vehicles) currently generated by the existing use is negligible and in line with other operators within the centre. The proposed change of use, which will reinstate the menu previously offered, will not increase traffic. Traffic will continue to be light and fall within the day to day variation that one might reasonably expect in the area.
- 4.22. The availability of car parking spaces is often considered to be a major contributing factor to the number of trips generated by any given site or land-use. Given that no new car parking spaces are proposed in relation to the planning application proposal, we would expect few, if any, car borne trips to be generated by the proposals.
- 4.23. The arrival/departure profile of retail bakery and cafe premises is such that there tends not to be a surge of people arriving or departing at any particular time with, typically, peak occupancy rates occurring between 12.00pm and 2.00pm and with lesser numbers present towards the end of the day. The bakery/cafe is not a 'destination' venue where people are likely to travel a significant distance to visit and ultimately primarily serves the local residents and workers within the area.

5. Planning Assessment

- 5.1. The main considerations in assessing this application are:
- The principle of A1/A3 use in this location and impact on the character of the area; and
 - The impact of the A3 element on the amenity of local residents and local environmental quality.
- 5.2. These matters will be assessed fully in accordance with the relevant national and local policies and it will be demonstrated that the proposals are acceptable.

Principle of the Land Use and Character of the Area

- 5.3. Gail's occupied the ground floor of No.21 Swain's Lane on 13 January 2016. The unit benefits from A1 consent and was previously occupied by a local butcher, 'Elite Meats'.
- 5.4. Although Gail's usually operate under Class A1 use, Camden Council have queried the preparation of certain menu items which require a hob to be used in order to be served fresh for customers. It is on a 'without prejudice' basis that this application seeks A1/A3 use of the unit.
- 5.5. When Gail's opened within the Neighbourhood Centre, 8 of the 21 total units were vacant. With 38% vacancy in the centre, the area was visibly lacking vitality, vibrancy and competition which are essential ingredients for a healthy centre. Gail's provided the centre with a neighbourhood bakery that was instantly popular with locals. Despite the high vacancy and poor appearance of the public realm which resulted, Gail's brought excitement and great quality produce to the area. The positive impact on vitality and viability remains evident.
- 5.6. The A3 element solely relates to the type of cooking undertaken on site and so there will be no loss of A1 floorspace associated with the change of use. The change of use will have no impact on the number of seats offered within the unit, which is notably less than similar operators such as Pret-A-Manger and Itsu who operate under the A1 Use Class throughout the borough. The space allocated for preparation of what is deemed 'primary cooking' is already used as a general preparation space.
- 5.7. **Appendix 4** of the Camden Local Plan (Centre Frontages) and **Paragraph 3.60** of CPG 5: Town Centres, Retail and Employment state that "as a guide", the Council will resist schemes that result in:
- less than 50% of ground floor premises being in retail use; or
 - more than 3 consecutive premises being in non-retail use.
- 5.8. Planning Potential undertook a survey of the Neighbourhood Centre on 07 July 2017 and can confirm that 7 units have been demolished (1-13 Swain's Lane and 109-110 Highgate West Hill). It is understood that these 7 units will be replaced by 8 units of varying sizes between 38sqm and 95sqm as approved under Planning Permission Reference **2013/6674/P**. Condition 13 of the permission requires a minimum of 50% of the ground floor flexible retail/restaurant floorspace to be provided as class A1 retail. Prior to their demolition, just 3 of the 7 units

(43%) were operating as A1 retail units. An increase in retail space is therefore guaranteed in the future.

- 5.9. In relation to the other 14 units that form part of the centre, 8 (57%) of these are within A1 use at present with 6 (43%) in A2 or A3 use. Number 4 Highgate West Hill has been counted as an A2 unit despite being vacant since approximately May 2012.
- 5.10. The proposed change of use to A1/A3 could be considered in two ways; either as a reduction in straight A1 units from 8 to 7.5 (due to the retention of A1 function) or to 7 (due to the new use being Sui Generis). Either way, the number of non-A1 units would not go beyond 50% of the total number of units. On that basis, it is clear that the change of use is compliant with the retail threshold provision contained within **Camden Local Plan Appendix 4**, and **CPG 5**.
- 5.11. The requirement for a minimum 50% A1 use within the 8 units that are being built in place of No. 1-13 Swain's Lane and 109-110 Highgate West Hill are a material consideration due to the fact that once the development is complete, up to 8 new retail units will enhance the retail function of the Neighbourhood Centre further. The proposed A1/A3 use clearly therefore offers no threat to the retail function of the centre.
- 5.12. In relation to the second consideration of the policy and resistance to more than 3 consecutive premises being in non-retail use, it is clear from the survey that the when considered as a sui generis use, the proposals would result in 2 non-retail units in a row, as demonstrated in Table 1, below:

Table 1: No.19 to 23-25 Swain's Lane

Address	Use	
23-25 Swain's Lane	Tesco	A1
21 SL	Gail's	A1/A3
19 SL	Fitzroy's	A2
19 SL	Theo's Hair Studio	A1

Source: Planning Potential

- 5.13. Of course, the proposed use will retain the same retail floorspace, function and active window display as existing. It is therefore considered that the proposals also comply with this element of the policy.
- 5.14. Paragraph 3.62 of CPG5 states that Neighbourhood Centres will be considered suitable locations for food and drink uses of a small scale that serve a local catchment, provided they do not harm the surrounding area. It is evident that a popular A1/A3 operator can help to enhance the viability and vitality of the centre and the continued success of the unit will certainly encourage occupation of the 8 new units that are forthcoming.
- 5.15. In line with paragraph 23 of the NPPF, the proposals create an active frontage, attracting customers to the centre, enhancing the vitality and viability of the centre, whilst also increasing competition in the area by introducing a high-quality bakery and high quality food offer.

- 5.16. The A3 operation in conjunction with the main bakery function is a reflection of the economic climate and it is common place for similar A1 operators to Gail's to incorporate additional functions into their business in order to meet customer requirements. The evolving nature of Gail's is governed by operational and customer needs. The additional menu items included in the proposals simply increase the unit's offer and encourage additional footfall in the centre, causing no harm to primary retail function. These are important benefits which contribute to the health of the Neighbourhood Centre.
- 5.17. It has been demonstrated that the principle of an A1/A3 use in this location is compliant with the council's policies. In addition, it is considered that the proposals are consistent with the London Plan and NPPF desires for the maintenance of centre's vitality and viability, competitiveness, quality and diversity.
- 5.18. It has also been demonstrated that the proposals will not reduce the A1 floorspace of the unit or retail provision within the centre. As such, the retail character and function of the centre will not be undermined and the proposals will simply allow for additional menu items to be prepared on site. On balance, no harm to the centre can be identified as a result of the proposals and it is considered that the use is consistent with the relevant policy requirements.

Impact on Amenity and Environmental Quality

- 5.19. Policy A1 (Managing the Impact of Development) states that the council will grant permission for development unless this causes unacceptable harm to amenity. As described in the Operational Details, the unit will continue to operate primarily as a retail unit and there will be no changes to the hours of opening, traffic generation, parking facilities, deliveries, refuse collection or servicing of the premises. Clearly, in relation to the consideration of those factors, the use is appropriate to the centre and the impact will be negligible.
- 5.20. The operational element that will change is the type of cooking undertaken on site. Cooking from raw does have the potential for smells to be generated and these must be dealt with accordingly via odour filtration and an adequate extraction system. Gail's have installed a system capable of dealing with the level of cooking proposed.
- 5.21. This system will allow for the cooking of eggs, pancakes, porridge, the reheating of bacon, and similar levels of cooking such as Shakshouka (baked eggs with a tomato based sauce) and Mushroom Ragu. Planning permission was sought for a kitchen extract in June 2015 (Application Reference: **2015/3268/P**). The system has been designed to deal with noise and odour and it is considered that any associated issues should be dealt with via the pending application rather than this application.
- 5.22. Gail's operate in the same manner as a shop with very similar opening times and with no alcohol served. The proposed closing time of the premises is 8pm which is in unity with, or in fact earlier than, many of the other premises in the street. The proposals would not increase the concentration of late night uses and would have a low impact on residential amenity given that all activity is generated within daytime hours.

Design and Access

5.23. There are no design or access considerations associated with the change of use proposals.

6. Summary

- 6.1. In summary, we consider that the proposals are entirely acceptable and are compliant with local and national policy.
- 6.2. The high quality of Gail's operations contributes to the character and function of the local area and provides an important convenience service to residents, workers and visitors.
- 6.3. The proposed use will allow for the continuation of Gail's to offer a wider menu to customers and ensure that the higher footfall and enhanced vitality and viability of the centre that has been experienced since Gail's opened, will continue.
- 6.4. The proposals seek to retain the same retail floorspace as existing with the proposed A3 element constituting the level of cooking sought. None-the-less, it has been demonstrated that the proposed A1/A3 use would comply with the policy requirements contained within the Local Plan (2017) and CPG.
- 6.5. In relation to residential amenity, the proposed A1/A3 use has been demonstrated to have a negligible impact given that there will be no operational changes as a result of the proposed A1/A3 use. The only additional requirement will be the use of the installed extraction system. The extract is covered by a live application **(2015/3268/P)** and should be considered separately to the change of use proposals.
- 6.6. As such, we submit that the proposals are entirely acceptable and in accordance with the relevant local planning policies. We therefore respectfully request that planning permission for the proposed change of use be granted.