

Access Statement

GAIL's Bakery
204 Kentish Town Road
London
NW5 2AD

Access Statement/Disabled Access management Plan



Prepared by

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On behalf of
GAIL's Bakery (204 Kentish Town Road)

1. Introduction

1.1. The scheme

The GAIL's Bakery story began in the early 1990s, when GAIL Mejia and her bakers started serving London's top restaurant chefs. Today, baking for top chefs continues to be the main focus. In 2005, they opened their first neighbourhood bakery in Hampstead. Their aim is to make world-class craft bread a part of every community. They want to reinvent the way Londoners think about bread – fresh and handmade – and their neighbourhood bakery – local and beautiful.

GAIL's Bakery opened at 204 Kentish Town Road on 19th April 2018 and has been trading there since.

204 Kentish Town Road is a corner property with the main pedestrian approach on Kentish Town Road. There is also a fire exit from the side of the property on Gaisford Street.

There is a single step to the front entrance and two steps to the side fire exit door, this has the effect of making the current premises potentially inaccessible to anyone who is unable to manage steps without assistance i.e. independently. It was agreed with Camden council on their approval for the shopfront alterations that a call point and portable ramp could be provided to the main entrance on Kentish Town Road to afford access for anyone unable to use the step.

Once inside there is level access throughout and an accessible toilet facility has been provided to the rear of the premises.

1.2. Purpose of the report

This Access Statement has been prepared to assist in the application for a Change of Use for the project at 204 Kentish Town Road (the application for shopfront alterations, signage, extraction and outdoor seating having been previously approved) and is based on the information provided by GAIL's Bakery, Planning Potential, Holland Harvey Architects as well as email correspondence from London Borough of Camden (the Planning Authority) and has also taken into account relevant Building Regulations, good practice guidance and also where possible any potential obligations or duties under the Equality Act 2010 (formerly the Disability Discrimination Act 1995 and 2005 (DDA)).

The purpose of this Access Statement is therefore to try to address the requirements of the London Plan and Camden Local Plan as well as the Building Regulations for Change of Use at 204 Kentish Town Road, London to provide a GAIL's Bakery facility and the council's requirement for an additional entrance (currently a fire exit) on Gaisford Street with a further call point and portable ramp.

It will demonstrate that reasonable access is being provided in accordance with the requirements of Planning Policy, the Building Regulations and current disability

legislation and justify why it is not considered reasonable to provide an additional entrance in Gaisford Street (currently a fire exit).

It should be noted that there are no technical standards for the Equality Act 2010 (formerly the Disability Discrimination Act), however it is generally accepted that compliance with Approved Document M is 'reasonable' provision.

This Access Statement cannot ensure compliance with the Equality Act 2010, nor can it fully protect from potential claims of discrimination.

The former Disability Rights Commission (now part of the Commission for Equalities and Human Rights) issued guidance in which it was stated that 'An Access Statement is a way of demonstrating that design, refurbishment and product selection decisions have, or will, address the obligations of reasonableness introduced by the Disability Discrimination Act 1995 (DDA)'. It should be noted that the DDA is now part of the Equality Act 2010.

Approved Document M of the Building Regulations (2004), which came into effect in May 2004 had previously introduced the concept of Access Statements, which should be provided when plans are submitted for approval, when a building notice is given, or when details of a project are given to an Approved Inspector. An Access Statement can also be useful when:

- ◆ Constraints within a site or an existing building require a proposed design to demonstrate that it is the best, or most appropriate, solution available.

London Plan Policy 7.2 A states that *'The Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments:*

a can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances

b are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment

c are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways

d are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.'

The Policy also goes on to state *'Design and access statements submitted with development proposals should explain how, following engagement with relevant user groups, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether*

relevant best practice standards such as British Standard BS 8300:2009 + A1:2010 have been complied with, and how inclusion will be maintained and managed.'

Camden Local Plan 2017, Policy C6 also states that 'Good access and inclusion benefits everyone. However many people are disadvantaged by poor access to facilities and buildings and many vulnerable and disadvantaged groups, such as disabled people, older people and others who experience a barrier to the built environment can be particularly affected. Poor access can also be caused by difficulties in using the specific facilities themselves.'

The Equality Act 2010 gained Royal Assent on 8th April 2010 and once Regulations and Codes of Practice were produced replaced the duties of the DDA. The main focus of the legislation is to end the discrimination which many disabled people still face and give disabled people rights in the areas of employment, access to goods, facilities and services, as well as education and transport.

The Act brought together, harmonised and in some respects extended the existing equality law. It aimed to make it more consistent, clearer and easier to follow in order to make society fairer.

The Equality Act 2010 introduced protection from three new forms of disability discrimination:

- Direct discrimination because of a disability in relation to goods, facilities and services
- Indirect discrimination, and
- Discrimination arising from disability

Direct discrimination is where a disabled person is treated less favourably than someone else because they have a disability. Indirect discrimination could apply when a policy, criterion or practice is applied or introduced to all individuals; but it has an effect that particularly disadvantages disabled people e.g. requiring a specific type of ID or a medical certificate. The Act also introduces a new form of discrimination, known as discrimination arising from disability. This occurs when a disabled person is treated unfavourably because of something connected to the disability e.g. lack of provision of information in accessible formats.

The new duties came into force on 1st October 2010 and replaced the Disability Discrimination Act 1995 and 2005 (DDA).

GAIL's Bakery will have potential duties under Part 5 (employment) and particularly Part 3 (access to goods, facilities and services).

With regard to the Part 5 duties they do not need to anticipate what existing or potential employees may need but rather they should not dismiss or refuse to appoint a person on the grounds of their disability. If a member of staff acquires a disability or a disabled person applies for a position at the premises, help and advice is readily

available from the Disability Employment Advisers (DEA's) who can be contacted through the Access to Work scheme. The DEA's also have access to funds and can potentially fund up to 80% of any identified 'reasonable adjustment'.

Part 3 (access to goods, facilities and services) covers all organisations that provide goods, facilities or services to the public, whether paid for or free.

It is for the service provider (in this case GAIL's Bakery) to decide what is reasonable in their case.

According to literature provided by the Commission for Equalities and Human Rights several factors have a bearing on whether a change is a reasonable one, particularly for physical adjustments to premises. These include:

- the type of service provided
- the size of the business and the annual turnover,
- the cost of the adjustment
- the amount of any disruption to the business while the work is being carried out
- practicality of carrying out the adjustment
- potential benefits to the customer/end user

In addition it is important to consider the numbers of disabled people on whom this may have an effect to be able to judge whether it is reasonable or not. In the UK statistics indicate that 20% of the population have some form of disability, however wheelchair users are the smallest category within this 20% and figures indicate that there are a total of approximately 750,000 wheelchair users in the UK. This compares to a potential 5 million who have some form of mobility impairment (not including wheelchair users), approximately 4 million people who are deaf or hearing impaired, approximately 2 million who are blind or visually impaired as well as a further 3.9 million who have difficulty learning or understanding (Office for the Deputy Prime Minister now Department for Communities and Local Government).

The Equality Act 2010 (formerly the DDA) does not override any other legislation and that there are exemptions – Health & Safety, making contracts, providing a service to others, charging more, protecting the fundamental nature of a business or service.

It should also be noted that a new building which complies with the minimum standard requirements of Approved Document M of the Building Regulations has an additional 10 years from the date of the issue of the completion certificate to comply with the physical barriers requirements of the DDA (now part of the Equality Act 2010).

Due to the nature of the size of service being provided by GAIL's Bakery access will be provided as far as reasonably and practicably possible within the practical constraints of the site and bearing in mind what is currently provided.

1.3. Instruction

GAIL's Bakery consulted Karen Ross and Terry Warren – access and inclusive design consultants, for further guidance with regard to this provision and requested that this Access Statement be drawn up to demonstrate the commitment to providing reasonable access for disabled people within the existing building constraints and cost considerations.

Karen Ross & Terry Warren (Kross (Consulting) Ltd) provide specialist advice on achieving accessible and inclusive environments.

Karen Ross holds current professional indemnity insurance. No liability shall attach to the Consultants in respect of the duties executed except such liabilities as are covered by that insurance. The insurance policy may be inspected on request. The Consultants do not accept any responsibility for any loss occasioned by reason of non-compliance with the Disability Discrimination Act 1995 and 2005, Equality Act 2010, The Special Educational Needs and Disabilities Act 2001 or any subsequent amendments.



1.4. Method of review and scope

This report is based on a review of the information provided by GAIL's Bakery, Planning Potential, Holland Harvey Architects as well as email correspondence from London Borough of Camden (the Planning Authority) and has also taken into account relevant Building Regulations, good practice guidance and also where possible any potential obligations or duties under the Equality Act 2010 (formerly the Disability Discrimination Act 1995 and 2005 (DDA)).

The Access Statement focusses on the main entrance to the building (Kentish Town Road) as well as the fire exit on Gaisford Street. It describes the level of access provided to the premises and can form the basis of an access management plan.

Whilst there are potential physical constraints on what the applicant (GAIL's Bakery) is able to do, the intention is to comply as fully as reasonably possible with current regulations, legislation and good practice.

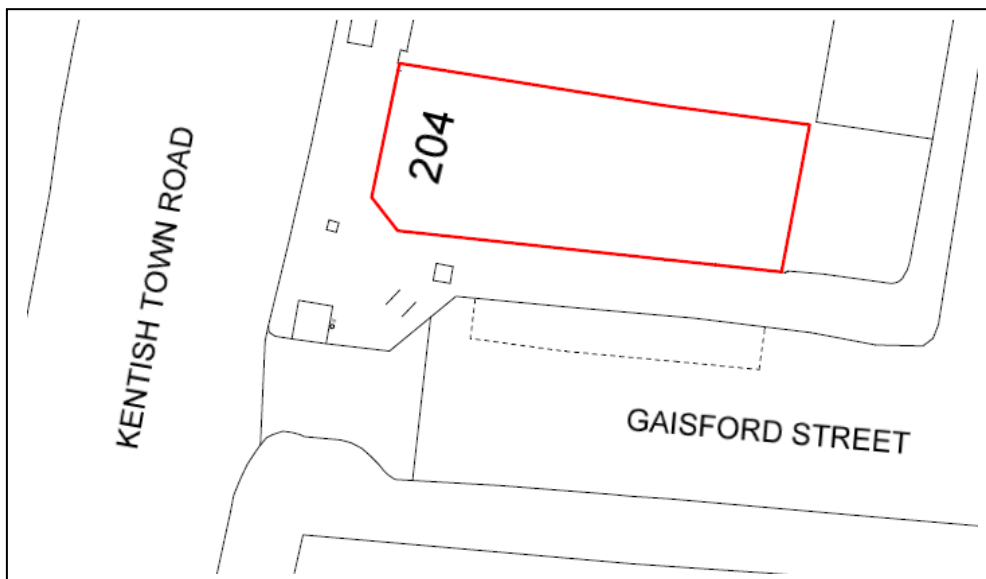
1.5. The standards

-  Approved Document M: 'Access to and use of buildings', 2004 edition, (ISBN 0117539015)
-  BS 8300-1:2018 & BS8300-2:2018 Design of an accessible and inclusive built environment, British Standards Institute www.bsi-global.com
-  The London Plan 2016
-  Camden Local Plan 2017
-  Disability Discrimination Act 1995 (The Stationery Office, 1995)

- 📖 Disability Discrimination Act 1995 Code of Practice: Rights of Access, Goods, Facilities, Services and Premises (The Stationery Office 1995)
- 📖 Equality Act 2010: What do I need to know? A summary guide for businesses who sell goods and services – Government Equalities Office, July 2010 (JN401727)
- 📖 Equality Act 2010: What do I need to know? Quick-start guide for businesses who sell goods and services – Government Equalities Office, July 2010 (JN401727)
- 📖 Equality Act 2010: What do I need to know? A summary guide to your rights – Government Equalities Office, July 2010 (JN401727)
- 📖 Equality Act 2010: What do I need to know? Disability quick start guide – Government Equalities Office, July 2010 (JN401727)
- 📖 Equality Act 2010: Code of Practice – Services, public functions and associations – Equality and Human Rights Commission (ISBN: 9780108509728)

2. The proposal

204 Kentish Town Road is on the corner of Kentish Town Road (the main pedestrian approach) and Gaisford Street, London NW5 2AD .



There is an existing step to the front entrance and two steps to the fire exit on Gaisford Street. Once inside there is level access throughout and an accessible toilet facility has been provided to the rear of the building.

GAIL's Bakery recognise their duties within the Equality Act 2010 (formerly the Disability Discrimination Act 1995 & 2005) and are keen to provide good access as far as is reasonably practicable within the constraints of the existing building and the site.

A previous Planning Application for shopfront alterations, signage, extraction and outdoor seating was approved by Camden Council with access to the premises from Kentish Town Road only and by means of a call bell to summon staff who would then provide a portable ramp for anyone unable to manage the single step.

Camden Council suggest that internal ramps with direct pavement access or external fixed ramps are the preferred options, however a fixed external ramp in this location would obstruct the highway and an internal ramp was ruled out on the grounds of existing space constraints.

Once inside there is level access throughout and an accessible toilet facility has been provided to the rear of the premises.

Following this approval and subsequent Building Regulations approval GAIL's Bakery opened at the premises and has been trading there since 19th April 2018. (A copy of the Building Regulations Final Certificate can be provided on request).

It should be noted that there have been no direct complaints to the management regarding access, although Camden Council have reportedly received a complaint from a local resident who is a wheelchair user regarding the lack of easy access to some of the commercial units on Kentish Town Road (one of which was 204).

The provision of an internal ramp (as suggested by Camden Council) was not considered feasible or reasonable to the Kentish Town Road approach (any internal ramp would need to be a minimum 1500mm wide and to overcome the 180mm step and comply with the gradients in Approved Document M would need to be 1:12½ over a length of 2.25m, this would therefore take up almost 4m² and would render much of the front 2 – 2.5m of the premises unusable as either seating or a serving area). There would also be landings and handrails which would take up further space and limit the location on chairs and tables or serving facilities.

It was therefore decided to provide a portable ramp and a call bell for anyone unable to use the step. Staff will also have disability awareness training and management will ensure that they respond promptly to any request for assistance.

The display and serving counter is located just inside the entrance and affords staff a good view of the entrance so that they will also be able to see anyone waiting and will be able to respond promptly.

It is of course accepted that this does not provide independent access for those unable to use the step but is felt to offer reasonable access within the existing building constraints. This was accepted by Camden Council as reasonable provision at the time. (email correspondence from the planning officer states that 'external ramps do provide a reasonable level of easy access and can therefore be used instead of a 'no access' scenario').

Internally the new facility has been laid out to ensure ease of access as far as is reasonable for all potential users.

A new fully accessible WC has also been provided and which fully complies with the provisions and design guidance of Approved Document M.

On submission of the Planning Application for change of use, Camden Council also requested the provision of an access ramp and call point for the Gaisford Street fire exit on the grounds that 'using the Kentish Town entrance would entail going through the front part of the premises and tight passage to gain access to the rear part of the shop where the disabled toilet is located'.

GAIL's Bakery do not consider this to be a reasonable request on the basis that this is a fire exit and is only meant for emergency egress out of the premises, not for access.

If this fire exit is to become an entrance for disabled people it should be open to all to ensure that disabled people do not feel they are being sent to an inferior or 'tradesmen's' entrance. The provision of a secondary entrance would potentially create security issues in that staff would have two entrances to observe (something not recommended by security experts or the police). It should also be noted that this 'entrance' would not be easily observed from the main counter at the front of the premises.



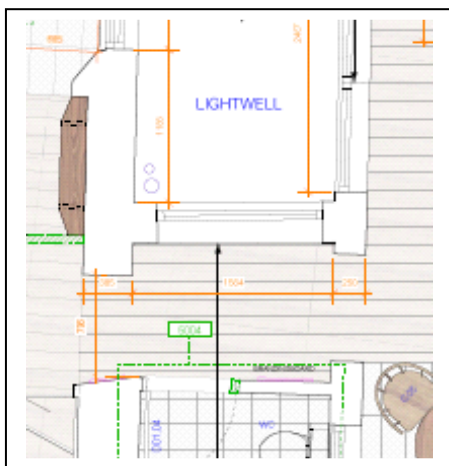
To provide an internal ramp at the Gaisford Street location which has a rise of over 300mm would require a gradient of 1:14½ over a length of 4350mm and be at least 1500mm wide - which would take up approximately 6.5m² of the available commercial space of the already relatively limited customer seating in this area. There would also need to be level landings at the top and bottom of the ramp and handrails to both sides further reducing potentially usable space.

It should also be noted that current best practice guidance suggests that portable ramps should also, as far as possible, meet the gradient requirements of Approved Document M of the Building Regulations so this would require a portable ramp over 4m long and which is unlikely to be feasible on the pavement (Gaisford Street has a depth at the fire exit door of approximately 2.6m (space will also be need to the wheelchair user to be able to approach

the ramp – usually 1500mm. If a shorter ramp is provided this would be likely to have a gradient far steeper than the recommended maximum of 1:12 (which would need to be over 3½m long). A ramp 1m long would have a gradient of 1:3, 1½m long would have a gradient of 1:5 and 2m long would be 1:7. These gradients would more than likely mean that any wheelchair user using it would require assistance. This would potentially introduce a health and safety concern (it should be noted that the duties and requirements of the Equality Act 2010 would not override other legislation such as health and safety).

The Kentish Town Road entrance has a step of 160mm (average) and the pavement depth is approximately 3290mm. A 1500mm long ramp at this entrance would have a gradient of approximately 1:10 and have sufficient room for the wheelchair user to approach the ramp. A 2000mm ramp would have an ADM compliant gradient of 1:12.

It should also be considered that longer ramps are more difficult to manage and may be heavier for staff to manoeuvre.



The route from the front of the shop to the rear, where the wheelchair accessible toilet is located, narrows for a short distance to approximately 750mm - 790mm which should be suitable for many disabled people to manage. The research carried out for Annex G, Section G2 of BS8300-2:2018 (Design of an accessible and inclusive built environment) provides ergonomic data for wheelchair users as well as other disabilities including the space allowances for wheelchair manoeuvring:

- a self propelled wheelchair has a width of between 560mm – 800mm (occupied) and 560mm – 750mm (unoccupied)
- an electrically propelled wheelchair has a width of between 560mm – 800mm (occupied) and between 560mm – 750mm (unoccupied)
- an attendant pushed wheelchair has a width of between 580mm – 700mm (occupied) and 550mm – 660mm (unoccupied)
- an electric mobility scooter has a width of 630mm – 700mm (occupied) and 620mm – 640mm (unoccupied)

Some wheelchair users may therefore find this route narrow; however it is not feasible to alter this due to existing building constraints and supporting walls. From the ergonomic data a potentially small number of self propelled and electrically propelled wheelchairs may have difficulty (if they are the maximum occupied width of 800mm) but could get through with assistance if required. The table below is taken from BS8300:2009+A1:2010 (Design of buildings and their approaches to meet the needs of disabled people – code of practice) and is also in the current (2015 edition) Approved Document M of the Building Regulations which accepts a door width of 750mm in an existing building (and these are effectively doorways).

Table 2 Effective clear widths of doors

Direction of approach of wheelchair	Minimum effective clear width of door leaf (mm)	
	New buildings	Existing building
Straight-on (without a turn or oblique approach)	800	750
At right angles from an access route at least 1 500 mm wide	800	750
At right angles from an access route at least 1 200 mm wide	825	775
At right angles from an access route at least 900 mm wide	N/A	800
External doors and internal lobby doors at the entrance of buildings used by the general public	1 000	775 ^{A)}

Customers using GAIL’s enter from Kentish Town Road and immediately come to the product display counter followed by the till points and drinks server. They make their purchases at the counter and then find a seat. Customers are given a number and then staff deliver their order to their table. If customers can also enter on Gaisford Street this will bypass the counters and tills and they will still have to make their way to the front of the store to make their selections.

Camden Council have requested an access ramp and call point from the Gaisford Street fire exit on the grounds that ‘using the Kentish Town Road entrance would entail going through the front part of the premises and ‘narrow’ passage to gain access to the rear part of the premises where the accessible toilet is located’. However in reality the provision of an entrance on Gaisford Street would still not achieve full accessibility to goods and services for those who could not negotiate the ‘pinch point’ route as they presumably would have to leave the shop by the Kentish Town Road entrance and then go round into Gaisford Street and then into the proposed alternative/additional entrance.

Whilst this could be alleviated by GAIL’s offering a full table service for disabled people, this would mean that disabled people cannot choose their own purchases but would have to rely on staff or companions.

A full reconfiguration of the commercial floor layout would be required to make an additional entrance on Gaisford Street work for whichever entrance people choose to use. At this stage of operations this is unlikely to be considered reasonable or feasible.

Literature provided by the Commission for Equalities and Human Rights outlines that several factors have a bearing on whether a change is a reasonable one, particularly for physical adjustments to premises. These include:

- the type of service provided
- the size of the business and the annual turnover,
- the cost of the adjustment
- the amount of any disruption to the business while the work is being carried out
- practicality of carrying out the adjustment

- potential benefits to the customer/end user

Many of those above would come into play with disruption, practicality and potential benefits far outweighing any benefits for GAIL's and their customers.

In addition it is important to consider the numbers of disabled people on whom this may have an effect to be able to judge whether it is reasonable or not. As previously mentioned UK statistics indicate that 20% of the population have some form of disability, however wheelchair users are the smallest category within this 20%. It should also be borne in mind that the ergonomic research conducted to inform BS8300 and thereby Approved Document M of the Building Regulations indicates that some wheelchair users are able to use a width of 750mm.

It is also important to remember that the Equality Act 2010 (formerly the DDA) does not override any other legislation and that there are exemptions – Health & Safety, making contracts, providing a service to others, charging more, protecting the fundamental nature of a business or service.

Conclusion

The intention is to comply as fully as reasonably possible with the requirements of the London Plan, Camden Local Plan and Building Regulations relating to change of use.

The specific provisions relating to the project and which are achieved are:

- ✓ A call point and portable ramp to the main entrance of the building on Kentish Town Road
- ✓ The accessible WC complies with the provisions of Approved Document M of the Building Regulations 5.10 f – r and diagrams 18, 19 & 20

It should be noted that the premises has been approved as compliant with the provision of the Building Regulations with a Final Completion Certificate having been issued on the 19th April 2018. A copy of the certificate can be provided on request.

In view of all the circumstances it is felt that providing a further entrance to the premises on Gaisford Street will in fact create security issues for staff and management who will have to monitor both entrances (one of which would not be in view of the serving counter) as well as potential complications for queuing (requiring anyone using the Gaisford Street entrance to go through the shop to join any queue at the front of the bakery and that this far outweighs any potential benefit.

In addition, as the council have stated that a further call point and portable ramp should be provided at the Gaisford Street entrance, staff would need a means of knowing which entrance people are requesting access to which could delay their response (a single entry point would mean that staff can respond immediately to the relevant entrance).

It is recognised that this type of 'managed' entrance does not afford some disabled people e.g. wheelchair users independent access, however the council have accepted this as being a better option than no access at all. On this basis if a disabled person needs assistance within the facility this could also be provided if required/requested e.g. through the narrow route and would form the basis on any good customer service.

In addition GAIL's Bakery will ensure that staff have training in disability awareness to ensure that they are well equipped for provide excellent serviced to all customers.

It is therefore felt that 'reasonable' provision is being made at this moment in time in accordance with the London Plan, Camden Local Plan and Approved Document M of the Building Regulations as they relate to a change of use and the relevant duties and requirements of the Equality Act 2010 (formerly the Disability Discrimination Act 1995 & 2005 (DDA)).

GAIL's will of course continue to review the access to and around the premises and will take any and all opportunity to improve access into and around the bakery wherever and whenever possible.

In addition GAIL's Bakery will ensure that staff have training in disability awareness to ensure that they are well equipped for provide excellent serviced to all customers.

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