

ADDRESS: 3 Bradbury Street, Hackney, London, N16 8JN	
APPLICATION NUMBER: 2021/2842	
WARD: Dalston	REPORT AUTHOR: Nick Bovaird
DOCUMENTS: DWG_00_413_P1, DWG_00_413_C2, Letter “RE: Discharge of Condition 9 of the granted permission at 3-10 Bradbury Street, Hackney” from Brindle & Green Ecological Consultants Ltd, Bradbury Street Workspaces Toilet Statement December 2021	VALID DATE: 19/09/2021
APPLICANT: Hackney Co-operative Developments Community Interest Company, 3 Bradbury Street, Hackney, London, N16 8JN	AGENT: Alex Smith ([Y/N] Studio), 1a Autumn Yard, 39 Autumn Street, London, E3 2TT
PROPOSAL: Submission of details pursuant to conditions 4 (enlarged bin store/public w.c. facility) and 9 (Bird and Bat Boxes) of planning permission 2018/0792 dated 07/08/2018	
POST SUBMISSION REVISIONS: None	

RECOMMENDATION SUMMARY: Discharge Conditions
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REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	Yes

ANALYSIS INFORMATION

ZONING DESIGNINATION: (Yes) (No)

CPZ	Dalston	
Conservation Area	Dalston	
Listed Building (Statutory)		X
Listed Building (Local)		X
POA/PIA		X

LAND DETAILS:	USE	Use Class	Use Description	Floorspace Sqm
Existing		E	Retail (Market Pods)	95
		E	Office	917
Proposed		E	Retail	107
		E	Office	1588

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The application site is comprised of 3-10 Bradbury Street, a mixed use mid-Victorian terrace, Gillet Square, an area of open space situated within Dalston and part of the car park in Gillet Square. Works are ongoing at the site, following the planning approval under 2018/0792 but prior to development 3-10 Bradbury Street comprised ground floor retail and restaurant uses that front onto Bradbury Street, and offices at first and second floor levels let out by Hackney Co-operative Developments as affordable workspace. The offices are accessed via a single stair core at the eastern end of the terrace and via external decks on the rear elevation of the building.
- 1.2 Gillett Square is a predominantly hard landscaped public square immediately to the north of Bradbury Street, and is identified as a protected open space under the Hackney Local Plan. The square comprises a number of retail pods immediately to the north of 3-10 Bradbury Street, facing into the square, which include retail and food and drink uses. Gillett Square also includes a bin store used by HCD, a temporary urinal and a range of benches and planters associated with the use of the square as a public space. The northern side of the Square is defined by a Council owned car park and Stamford Works, an office development. To the east of the square are residential terraces that front onto Kingsland High Street. The site is located in close proximity to Dalston Kingsland Station and to the east of Ridley Road Market.

2. CONSERVATION IMPLICATIONS

- 2.1 The property is located within the Dalston Conservation Area and 3-10 Bradbury Street is considered of townscape merit.

3. HISTORY

- 3.1 Planning Ref: 2018/0792
Development Description: Construction of roof extension, three storey rear extension and mezzanine to provide additional workspace (B1) floor space, formation of roof terrace, various refurbishment works to building, temporary re-provision of the existing 'market pod ' units (A1) within Gillett square, permanent re-provision of existing 'market pod' units (A1) within the rear ground floor of 3-10 Bradbury Street, extension to existing bin store and other associated works.
Decision Level: Committee
Decision Date: 07/08/2018
Decision Type: Granted
- 3.2 Planning Ref: 2019/3332
Development Description: Non material amendment to planning permission 2018/0792 dated 07/08/2018, to allow the following changes to the approved design: - Amended roof material; - Terrace meeting rooms omitted on 1F + 2F, including omission of associated doors and windows - Drum roof no longer in use as terrace, removal of associated decking and curved balustrade; - Bi-folding shutters to retail pods substituted for outward opening double doors with cladding to match ground floor; - Replacement of expanded metal mesh on underside of terrace with white render. - Fewer rooflights on southern side.
Decision Level: Delegate
Decision Date: 20/07/2021
Decision Type: Granted

3.3 No appeal or enforcement history.

4. CONSULTATION

- 4.1 Site Notice: No. Public consultation is not required for Approval of Details applications.
- 4.2 Press Advert: No. Public consultation is not required for Approval of Details applications.
- 4.3 **Neighbour Consultation**
- 4.3.1 No consultation responses have been received.
- 4.4 **External Consultees**
- 4.4.1 **Secure by Design Officer:** Whilst I do appreciate the issue of Public toilets is a complicated one with vastly contrasting viewpoints I am of the opinion the cons outweigh the pros at Gillett Square. Historically we have seen high levels of Anti-Social Behaviour (ASB), drug use and violence at

the locality. Police, Local authority and other stakeholders continue to work hard to address the issues and we have to think carefully about the effect that more toilets would have on our progress.

4.4.2 It is my belief that if additional toilets were installed we would see ASB rise in the area, as seen in other parts of Hackney these toilets would likely be used for illicit activities such as drug misuse, prostitution, a place to stash weapons and criminal damage. I believe the toilets would quickly have their doors broken and as a result would have a minimal impact of people urinating/defecating in the street, For example, in Stamford hill when the toilet doors were repeatedly damaged and locks disabled, reports of urination/defecation in residents gardens and doorways actually increased and the toilets were themselves used for drug use.

4.4.3 **Dalston Conservation Area Advisory Committee:** Whilst the CAAC supports the inclusion of bird boxes into the development, we have the following comments about these proposals:

1. The timber bat boxes are not sufficiently durable and we would recommend better quality bat boxes to be incorporated within this public building.
2. The swift boxes are located on the west elevation which is not appropriate due to heat gain.
3. The swift boxes are located too close to the adjacent roof.

4.5 Other Council Departments

4.5.1 **Area Regeneration:** Area Regeneration supports Hackney Cooperative Developments in this proposal to provide a free of charge publicly accessible managed toilet facility within the redeveloped 2a-10 Bradbury Street building.

This approach is supported and deemed necessary to prevent and manage additional impacts of ASB and crime that could derive from the provision of an unmanaged toilet facility in Gillett Square. ASB and crime is currently observed and evidenced at the borough's unmanaged public conveniences.

4.5.2 **Community Safety, Enforcement and Business Regulation Service:** We note that the square is used for events (and we are trying to encourage use by activity groups) so it is certainly desirable to have public toilets / facilities for members of the public to use. This might even mean that more people are confident to visit and make use of the space in a positive way.

The main question is how to prevent misuse. There have been problems with drug supply and substance misuse in and around the square, and the concern is that toilets will be misused, or end up controlled by drug dealers to avoid detection from CCTV. We are also aware that at an event

earlier in the year the portable toilets that were hired were vandalised, which suggests that a portable installation might run into similar, and expensive, difficulties.

A management solution would therefore be required, to keep the toilets clean and free from vandalism but the cost of this is noted, since it would involve the use of an attendant, or some other form of place management (caretaker, regular maintenance / cleaning schedule on a daily basis). We also note that a lot of the urination happens overnight when the toilets would be locked.

5. POLICIES

5.1 The following details the adopted policies of relevance to the determination of the application:

5.2 Hackney Local Plan (2020)

PP1	Public Realm
PP2	Dalston
LP1	Design Quality and Local Character
LP2	Development and Amenity
LP38	Evening and Night Time Economy
LP47	Biodiversity and Sites of Importance of Nature Conservation

Child Friendly SPD
Draft Dalston SPD

5.3 London Plan (2021)

D4	Delivering good design
D8	Public realm
D11	Safety, security and resilience to emergency
S6	Public toilets
G5	Urban greening
G6	Biodiversity and access to nature

5.4 National Planning Policies

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6. COMMENT

- 6.1 The application is to discharge conditions 4 (enlarged bin store/public w.c. facility) and 9 (Bird and Bat Boxes) of planning permission 2018/0792 dated 07/08/2018.
- 6.2 The development description under 2018/0792 states “Construction of roof extension, three storey rear extension and mezzanine to provide 564 sq. m additional workspace (B1) floor space, formation of roof terrace, various refurbishment works to building, temporary reprovision of the existing 'market pod ' units (A1) within Gillett square, reprovision of existing 'market pod' units (A1) within the rear ground floor of 3-10 Bradbury Street on a permanent basis, extension to existing bin store and other associated works.”
- 6.3 Condition 4
- 6.4 Condition 4 of planning permission 2018/0792 dated 07/08/2018 states:
- Notwithstanding the details shown on the approved document ‘Design and Access Statement February 2018’ full details of the enlarged bin store/public w.c. facility shall be submitted to the local planning authority for approval prior to the first use of the development hereby approved. The Bin Store/W.C. shall be built in strict accordance with the details as approved and shall be retained as such thereafter.*
- 6.5 At the time the application to which condition 4 relates (2018/0792) was heard at committee, it was requested that this condition be brought back for consideration. The minutes of the meeting make clear that there was a discussion about whether a public toilet should form part of the scheme (the ‘maximum’ option within the approved Design and Access Statement), or just a bin store (the ‘minimum’ option).
- 6.6 The current application does not include a standalone public toilet within the square and it is considered that this is allowed by the wording of the condition, which is flexible so that either a Bin Store, or a W.C, or both, could be provided, so long as the details are submitted for consideration. It should be noted that toilets are not indicated on the approved drawings associated with the planning permission, but do appear as an option in the design and access statement.
- 6.7 The application instead proposes the public use of two internally located ground floor W.C’s, each with one toilet, located within the Bradbury Street building. One of these is located behind the reception desk, entered from the eastern end of the buildings. The other is a larger WC, accessible by disabled persons, in a new cafe at ground floor level in a retail pod facing the square. The toilet behind the reception desk would be

accessible between 8.30am and 7:30 pm Monday to Fridays. The cafe toilet would be accessible to between 8.30am and 8pm Monday to Saturday and would be accessible to anyone who falls within the following categories:

- Visitors and organisers of small scale events licenced by Hackney Cooperative Developments;
- Disabled customers using the square;
- Children with accompanied adults;
- All customers of the cafe operator;
- All other access would be at the discretion of the cafe operator.

- 6.8 The applicants have stated within the submission to discharge this condition that £400 will be paid by them to the cafe operators each year to ensure this access and that it will be made a condition of occupation for any future cafe operators within the unit.
- 6.9 Obvious limitations of the proposed approach are that the toilet would not be available on Sundays or outside of the cafe's opening hours each day. It is also clear from correspondence received from neighbouring residents and a local Councillor that there is a considerable problem with urination and defecation in the areas around the square. These problems seem to have increased since the existing urinals were removed from the square in the summer of 2020. The cafe solution would not alleviate this issue at all. It is noted that the Child Friendly SPD, along with the draft Dalston SPD, encourage the provision of toilets in public spaces.
- 6.10 During the course of this application, advice has therefore been sought from the Council's Area Regeneration team and the Community Safety, Enforcement and Business Regulation Service. It has been made clear that there are considerable issues with providing a standalone public toilet in this location. Their advice regarding anti-social behaviour has been strongly supported by a Secure by Design officer. The issues identified include vandalism, misuse of the facilities for Anti-Social Behaviour (ASB) and the need for regular cleaning to ensure that they remain in a suitable state for use by the general public.
- 6.11 The above problems are not insurmountable but the solutions, such as an attendant, or CCTV and a regular maintenance schedule, are notably expensive, and the logistics of this developer providing toilets and their plumbing in this location are unclear. As such, there is a question of whether it is appropriate to expect this development and application to deliver public toilets. London Plan policy S6 (Public Toilets) requires public toilets only of larger scale development than that approved under 2018/0792. Similarly, Local Plan policy LP9 (Health and Wellbeing) only requires public toilets of large-scale commercial developments in major Town Centres. 2018/0792 is a minor development from a not for profit organisation and, in the circumstances, it is considered unreasonable to require that a public toilet be required, particularly given the issues

identified above.

6.12 The bin store that is proposed is a simple extension to the existing bin store constructed of similar materials to the existing store. It provides space for an additional two bins, in line with the original approval and is considered acceptable.

6.13 For these reasons, the application to discharge condition 4 is recommended for approval.

6.14 Condition 9

6.15 Condition 9 of planning permission 2018/0792 dated 07/08/2018 states:

Details, including justification of proposed quantum, of bird and bat, specifically swift and house sparrow, boxes shall be submitted to and approved in writing by the local planning authority. The approved birds and bat box details shall be implemented in accordance with the approved plans, prior to occupation of the development hereby approved.

6.16 The submitted drawings and covering letter show the positioning of three Bat boxes and two Swift boxes in suitable locations on the building. The quantum of provision is consistent with the scale of the development and the justification provided in the submitted document is considered to be acceptable. It is noted that the materiality of the new facades of the building prevents the use of integrated swift/bat bricks and that the design of the boxes proposed is as recommended by ecology groups. As such, the discharge of condition 9 is recommended.

7. CONCLUSION

7.1.1 The details submitted are considered sufficient and acceptable to discharge conditions 4 (enlarged bin store/public w.c. facility) and 9 (Bird and Bat Boxes) of planning permission 2018/0792 dated 07/08/2018. The application is recommended for approval.

RECOMMENDATION

RECOMMENDATION A:

That details pursuant to conditions 4 (enlarged bin store/public w.c. facility) and 9 (Bird and Bat Boxes) of planning permission 2018/0792 dated 07/08/2018 be approved.

8. INFORMATIVES

No informatives necessary.

Signed..... Date.....

ALED RICHARDS – DIRECTOR, PUBLIC REALM

NO	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Submission documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.	Nicholas Bovaird Planning Officer Ext. 8291	2 Hillman Street, Hackney, E8 1FB
2.	Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies		
3.	Other background papers referred to in this report are available for inspection upon request to the officer named in this section.		

Site Photographs



Gillette Square, looking east:



Looking North: The location of the bin store can be seen on the eastern side of the square, adjacent to the rear of the terraced properties.



Existing bin store:



Bradbury Street elevation of the building, with cafe to right: