

ADDRESS: Gillett Square Car Park, Gillett Street, London, N16 8JH	
WARD: Dalston	REPORT AUTHOR: Nick Bovaird
APPLICATION NUMBER: 2025/2513	VALID DATE: 14 November 2025
DRAWING NUMBERS: Location Plan, 1.83-GS-P-00-001, 1.83-GS-P-00-002, 1.83-GS-P-00-050, 1.83-GS-P-00-100, 1.83-GS-P-00-101, 1.83-GS-S-021, 1.83-GS-S-021, 1.83-GS-S-022, 1.83-GS-S-200, 1.83-GS-S-201, 1.83-GS-S-202, Design and Access Statement.	
AGENT: Nicole Ng, muf architecture/art, 72 - 74 Mare Street, Hackney, London, E8 4RT	APPLICANT: Regeneration and Economic Development Climate, Homes and Economy, London Borough of Hackney, Hackney Service Centre, 1 Hillman Street, Hackney, London, E8 1DY
PROPOSAL: Relocation of existing retail container units to the edges of the existing car park on the northern part of square, with hard and soft landscaping to facilitate the change of use from a car park (Sui Generis Use Class) to a multi-use play and retail space (Sui Generis) as an extension to the square.	
POST SUBMISSION REVISIONS: <ul style="list-style-type: none">• None	
RECOMMENDATION SUMMARY: Grant planning permission, subject to conditions.	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	No

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Substantial level of objections received	No
Council owned scheme for change of use	Yes

ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	Yes	
Conservation Area	Dalston	
Listed Building (Statutory)		No
Listed Building (Local)	Yes	
Priority Employment Area		No

LAND USE:	Use Class	Use Description	Floorspace Sqm (GIA)
Existing	E (Flexible/Retail)	Non-Residential	75m ²
Proposed	E (Retail)	Non-Residential	75m ²

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	14	2	9
Proposed	0	0	9

CASE OFFICER'S REPORT

1.0 SITE CONTEXT

- 1.1 The application site is the car park in the northern part of Gillett Square, an area of open space situated within Dalston. To the south, 3-10 Bradbury Street comprises ground floor retail and restaurant uses that front onto Bradbury Street, and offices at upper levels let out by Hackney Co-operative Developments as affordable

workspace. The Vortex jazz club sits on the south eastern portion of the square. To the north lies Stamford Works, a mixed use commercial building that is a site allocation in the Local Plan, and the rear of a three storey residential block on Gillett Place. To the east of the square are residential terraces that front onto Kingsland High Street, while to the west are residential properties and the Cholmeley Boys Club.

- 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 centre of the square, adjacent to the car park to the south, contains a number of retail pods that 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 site is located in close proximity to Dalston Kingsland Station and to the east of Ridley Road Market.

2.0 Conservation Implications

- 2.1 The property is located within the Dalston Conservation Areas, is adjacent to locally listed Cholmeley Boys Club and 3-10 Bradbury Street is considered of townscape merit.

3. Planning History

Gillett Square

- 3.1 2004/1202
Use of the existing car park as landscaped new public space.
Granted 11-11-2005
- 3.2 2009/2513
Installation of a container for storage of play equipment for the square.
Granted 18-12-2009
- 3.3 2010/3187 - Installation of additional steel container (6.05x2.44m by 2.59m high) for the storage of play and performance equipment for use.
Granted 14-02-2011

3 Bradbury Street (Facing Square)

- 3.4 2018/0792 - 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.
Granted by Committee 07-08-2018

- 3.5 2019/3332 - 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.
Granted 20-07-2021
- 3.6 2021/2842 - 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.
Granted at Committee 18-01-2022

4.0 Consultation

- 4.1 Date Statutory Consultation Period Started: 18 December 2025
- 4.2 Date Statutory Consultation Period Ended: 10 January 2026
- 4.3 Site Notices: Yes
- 4.4 Press Advert: No

4.5 Neighbours

562 neighbour notification letters were sent and 3 site notices were erected. To date (13 January 2026) the application has received 2 letters of objection.

The letters of objection were submitted on the following grounds:

- Loss of disabled parking (all spaces in the existing car park are free for blue badge holders).
- The car park helps support the Vortex Jazz Club on Gillett Square which relies on the car park for musicians, staff and audience.
- No detailed plans have been provided with regards to improved lighting in the square, which would help improve public safety.
- The container with the glass mirrors should be positioned so both sides are visible as they were originally on the south west of the square.
- Asphalt should be reconsidered as a ground surface, this should be the stone paving seen through the rest of the square.
- There seems to be no mention of restoring the ground strip lights - an important feature of the square - nor the restoration of the Dalston Culture House facade lights that have not been maintained properly.

The issues raised here are considered in the report that follows.

4.6 Statutory / Local Group Consultees**4.6.1 Dalston Conservation Area Advisory Group (CAAC):**

The CAAC is in support of this application in principle. However, we strongly suggest that the planted buffer zone should be landscaped professionally and maintained periodically to ensure suitability of the planting to this particular location and its long term sustainability. We would also suggest the inclusion of a bike rental rack at the east side of the square.

4.6.2 Historic England Archaeology (GLAAS):

No objection. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: [78267] Area: Roman Road Ermine Street (Kingsland Road) but the proposed groundworks are minimal and are unlikely to impact upon significant archaeological remains. No further assessment or conditions are therefore necessary.

4.6.3 Secure by Design Officer:

No objections subject to a condition to ensure SBD guidance is fully carried out.

4.7 Council Departments

4.7.1 Drainage Team: The site is shown to have a "high" risk of surface water flooding as stated on the "Long Term Flood Risk Map for England- GOV.UK", and has an increased potential for elevated groundwater. It is noted that rain gardens and tree pits with permeable resin-bound have been proposed for this development.

4.7.1 Pollution (Air): No objection. The applicants have confirmed that the retail pods will be connected to the mains network and will not rely on generators. The removal of the car park - a source of vehicle emissions - is positive in terms of air quality.

4.7.1 Pollution (Land): No objection but this site is within one of the Councils prioritisation reports, which identify areas that may require conditions in relation to contaminated land due the previous land uses. As such we request attaching the following comments and conditions:

5.0 POLICIES**5.1 Hackney Local Plan 2033 (2020)**

- PP1 Public Realm
- PP2 Dalston
- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets

- LP4 Non Designated Heritage Assets
- LP6 Archaeology
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP10 Arts, culture and Entertainment Facilities
- LP31 Local Jobs, Skills and Training
- LP33 Hackney Central and Dalston
- LP37 Small and Independent Shops
- LP38 Evening and Night Time Economy
- LP39 Over-concentration of Uses
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport and Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating
- LP55 Mitigating Climate Change
- LP57 Waste
- LP58 Improving the Environment - Pollution

5.2 London Plan (2021)

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- S1 Developing London's social infrastructure
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- S6 Public toilets
- HC1 Heritage conservation and growth
- HC5 Supporting London's culture and creative industries
- HC6 Supporting the night-time economy
- G1 Green infrastructure
- G4 Open space
- G5 Urban greening
- G6 Biodiversity and access to nature

G7	Trees and woodlands
SI 1	Improving air quality
SI 2	Minimising greenhouse gas emissions
SI 4	Managing heat risk
SI 12	Flood risk management
SI 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.3	Retail parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
DF1	Delivery of the Plan and Planning Obligations
M1	Monitoring

Mayor of London Sustainable Design and Construction SPG

London Borough of Hackney Dalston Plan

London Borough of Hackney Sustainable Transport SPD

London Borough of Hackney Dalston Conservation Area Appraisal

5.3 National Planning Policies/Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

5.4 Legislation

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 COMMENT

6.0.1 Planning permission is sought for the relocation of existing retail container units to the edges of the existing car park on the northern part of square, with hard and soft landscaping to facilitate the change of use from a car park (Sui Generis Use Class) to a multi-use play and retail space (Sui Generis) as an extension to the square.

6.0.10 The main considerations relevant to this application are:

- 6.1 Principle of the development of the site, land uses and amount of development
- 6.2 Design of the proposed development

- 6.3 Impact on Nearby Residential Amenity
- 6.4 Transport and Servicing
- 6.5 Energy and Sustainability
- 6.6 Trees and Biodiversity
- 6.7 Other planning matters
- 6.8 Planning contributions and Community Infrastructure Levy (CIL)
- 6.9 Equalities Considerations

Each of these considerations is discussed in turn below.

6.1 Principle of the development of the site, land uses and amount of development

Land Use

- 6.1.1 The place policy for Dalston in the Local Plan (PP8) states that development opportunities to extend and improve Dalston's public realm, green and public open spaces should be explored. The Dalston Plan references the opportunity to reduce car parking on Gillett Square, increase accessibility and reduce anti-social behaviour through increased commercial activity. This public realm project is P1 within the Dalston Plan. As such, the principle of the development is accepted.

6.2 Design of the proposed development

Urban Design

- 6.2.1 Policies D1-D4 of The London Plan 2021 require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context. LP33 Policy LP1 states that all new development must be of the highest architectural and urban design quality. Development must respond to local character and context having regard to the boroughwide Characterisation Study, and be compatible with the existing townscape and local views.
- 6.2.2 Policy HC1 of The London Plan 2021 requires development proposals affecting heritage assets, and their settings, to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. LP33 Policies LP3 (Designated heritage assets) and LP4 (Non designated heritage assets) require the Council to conserve designated and non-designated heritage assets (including their settings).
- 6.2.3 The Council is under statutory duties contained within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Significance of Area and Buildings

- 6.2.4 The site is located within the Dalston Conservation Area and although not listed, is adjacent to locally listed Cholmeley Boys Club which, although located on Boleyn Road, backs onto square and can be seen from it. Therefore, any proposal must

preserve or enhance the character and appearance of the Conservation Area, and should conserve or enhance and reveal the significance of the locally listed asset and their setting.

- 6.2.5 Gillett Square is defined by a flexible, yet industrial space for community use. Originally developed by Hawkins\Brown from a derelict car park into an open urban container, the design prioritises adaptability over ornamentation. The square is anchored by the Dalston Culture House (home to the Vortex Jazz Club) and the row of perimeter pods/kiosks that provide low-cost retail space and activate the edges of the square.
- 6.2.6 Most recently, the Bradbury Works project by [Y/N] Studio has visually redefined the square's southern edge by wrapping the existing Victorian terrace in a transparent polycarbonate facade which has added workspace and further commercial use to the site. The square is a successful example of a permeable public space and unlike more corporate spaces that police or control behaviour, Gillett Square is designed to be welcoming to a wide mix of users.
- 6.2.7 The site is tucked away to the west of Kingsland Road and is enclosed from this major thoroughfare but is also permeable enough to draw footfall from it from both east and west. The proposed design relies heavily on eyes on the street from the surrounding workshops and cafés to maintain safety, however the space can feel underutilised due the siting of the containers, the presence of the existing/retained carpark, and a disproportionate amount of open hard surfaces.
- 6.2.8 The proposed relocation of existing retail container units to the edges of the existing car park on the northern part of the square, with hard and soft landscaping to facilitate the change of use from a car park to a multi-use play and retail space would help bring footfall and is considered acceptable in design and heritage terms

Siting, Scale and Mass

- 6.2.9 The proposed works involve adaptation of the existing car park to extend the Gillett Square open space, an intervention that is acceptable in its approach to scale and massing. This is achieved primarily through the thoughtful relocation of the two double and six single retail container units, which are carefully sited along the extended perimeter. The siting has been designed to avoid negative impact on existing residential amenity, with containers placed away from the residential balconies on the northeast corner of the site. Furthermore, the introduction of four semi-mature trees and a fenced strip of planting serves as an effective visual and acoustic buffer to the Gillett Place balconies. The design is carefully considered with no foliage or branches below 2-3m to preserve clear sight lines across the square, which is a key safety and urban design consideration.

Urban Design and Play

- 6.2.10 The urban design and play elements enhance the quality and accessibility of the public realm, making the overall scheme acceptable in design terms. The project significantly extends the usable open space, thereby increasing public amenity and a sense of security. This improved safety is achieved directly by the introduction of a continuous secure boundary and the purposeful removal of existing blind spots that

were associated with the former car park use and existing container placement. The relocation of the Pop-Up playground container to the centre north edge of the site formalises a dedicated play area, complementing the design's emphasis on foregrounding space for informal play, such as the new paved circle with its inset chessboard. Social inclusivity is addressed by increasing the quantity of accessible seating, including benches to better serve social resilience and older residents with mobility issues, ensuring the square remains a welcoming space for all ages.

Layout and Landscape

- 6.2.11 The landscape design is robust and acceptable, demonstrating a modern approach to environmental and safety factors while improving the aesthetic quality of the square. The layout introduces a new speckled asphalt surface across the car park and an objection has been submitted over the use of asphalt. where the rest of the square has Yorkstone paving. It is considered that the proposals represent an improvement from the existing situation and it is recognised that there are limited funds available to the project, that would not cover the cost of Yorkstone paving throughout the square. Decorative stone paving features will create visual interest and help define the space and this aspect is considered acceptable.
- 6.2.12 The level strategy is an appropriate intervention, designed to direct water runoff towards the lower east west edge into new rain gardens. As per the section on Biodiversity, below, the chosen selection of new trees will assist with biodiversity and shade and their planting designed to reduce concealed places that can lead to antisocial behaviour.

Architecture and Materials

- 6.2.13 The architectural and materials palette is pragmatic and acceptable, focusing on practical durability and new lighting while managing site constraints. The architecture of the relocated containers is maintained, with no changes to the interior or exterior face of the two double and six single units, and their orientation towards the east-west route of Gillett Street ensures active frontages.
- 6.2.14 The use of asphalt for the majority of the floor surfacing is considered acceptable, despite a submitted objection in this regard. While it would not match with the rest of the square, despite the introduction of grey speckled elements, it would nevertheless represent an improvement from the existing situation and it is recognised that there are limited funds available to the project, that would not cover the cost of Yorkstone paving throughout the square. Nevertheless, a patterned stone paving is proposed for the central area of the design.
- 6.2.15 An objection from a neighbouring business owner notes that existing lighting has not been effectively maintained in the Square, including ground strip lights and the facade lighting on Dalston Culture House. The Regeneration Team have confirmed that there are ongoing issues with the ground strip lights, which become defunct quickly and are difficult to maintain. Parts of this have already been removed and were damaged by water ingress shortly after installation. Implementation of the new design will enable the council to install new lighting to replace the old defunct lamp columns where the existing containers are currently located. The new lamp columns are not included in the planning application as they are already procured and outside of the scope of this project as they were purchased by Streetscene 18 months ago.

- 6.2.16 Facade lighting to the Dalston Culture House is mentioned as a possibility in the submitted Design and Access Statement, alongside the rest of the lighting strategy. Overall, this aspect of the scheme is considered to be a significant improvement, providing a more secure, well lit environment. A condition is recommended to ensure final details are provided for consideration at the post-planning stage.

Design and Heritage Conclusions

- 6.2.17 The proposal is considered to adequately preserve the character of the Dalston Conservation Area and no harm to the Conservation Area is identified.
- 6.2.18 The proposed development, by virtue of its siting, scale, form, mass and architectural features is considered to result in architectural and urban design quality and is acceptable in design and heritage terms and complies with LP1 and LP3 and LP4 of Hackney's Local Plan LP33, in addition to The National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.3 Impact on Nearby Residential Amenity

- 6.3.1 London Plan policy D3 states that development should have regard to the form, character and function of an area, through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and that they should deliver appropriate outlook, privacy and amenity. Policy D6 requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Local Plan 2033 policy LP2 is concerned with the amenity of neighbouring occupants.
- 6.3.2 It is considered that the scale and positioning of the proposal ensures that there would be no significant impacts with regard to daylight, sunlight, overshadowing, sense of enclosure or outlook.
- 6.3.26 Since this portion of Gillett Square is already public space, there would be no significant increase in overlooking of residential windows. The potential noise impacts from the change of use are also considered acceptable. A new lighting scheme is to be introduced and, though the final details are to be considered by condition, this is considered acceptable as presented in respect of light pollution for neighbouring windows.
- 6.3.35 With regard to odour from primary cooking on site, this is already a feature of the square, albeit that the pods would be moved around 11m closer and be positioned under residential windows and balconies of the properties at Gillett Place. On balance, this aspect of the scheme is considered acceptable.
- 6.3.36 For these reasons, the proposed development is considered acceptable in terms of its impact on neighbouring amenity, subject to the conditions recommended in this report..

6.5 Transport and Servicing

- 6.5.1 The proposal raises a number of issues relating to transport and servicing.

Car parking

- 6.5.2 The proposed development is car-free, aligning with the requirements of the London Plan and local policy LP33, which mandates car-free status for all new developments to reduce car use and promote active travel (refer to policy LP45 for details).
- 6.5.3 While the objection from the Vortex Jazz Club in respect of the loss of car parking is noted, and that the car park is used by staff and performers, the loss is in line with the objectives of local and regional policy and is considered acceptable. Loading of gear can be carried out from on-street bays that are equally close to the Vortex as the existing car park. The site is close to multiple public transport opportunities that can be used by staff, including the Overground stations.
- 6.5.3 A second point of objection is that there would be a loss of disabled parking because all the spaces in the existing car park are free for blue badge holders. Officers also note that the submission shows two existing disabled parking bays in the car park. While it is the case that blue badge holders can use the car park for free, this is also the case for the surrounding on-street car parking spaces. It is considered that there would be no significant impact on disabled motorists from the removal of the existing car park.
- 6.5.3 Considering the public benefits of the scheme against the ease of access for car users, it is concluded that the loss of car parking should not form a reason for refusal of the development.

Cycle parking

- 6.5.4 The submission relocates 12 existing cycle parking spaces. These would continue to be Sheffield stands and would be relocated to similar positions to the existing. This is considered to be acceptable, subject to a condition requiring the cycle parking spaces to be provided in line with the submission documents.

Construction Management Plan (CMP)

- 6.5.5 Construction movements are a key concern for the application. Pedestrian, cyclist and vulnerable road user safety must be prioritised at all times. Given the nature and location of the proposed development a Construction Management Plan (CMP) is recommended by condition to mitigate the negative impact on the surrounding highway network. In addition, in response to Highways Officers' feedback, the applicants have agreed to provide a Construction Logistics Statement that can be reviewed prior to the date of Committee. The findings of this statement will be considered in the Addendum to this report/

Delivery and Servicing

- 6.5.6 LP33 states that new development must incorporate designated spaces for deliveries within the boundary of the development, where appropriate. The proposal does not increase the number of retail pods and there is no loading bay in the existing car park.

It is considered that Delivery and Servicing can carry on as before and the application is acceptable in this regard.

Essential Highways Works and Public Realm

- 6.5.7 Since the application is to improve the local public realm, it is considered that no additional payment is necessary in respect of Highways Works or for Public Realm works.

Refuse Strategy

- 6.5.8 The collection strategy will remain the same, given that the number of retail pods is not increasing.

Transport Summary

- 6.5.9 The proposed development is considered acceptable in respect of its impacts on local highways and parking, subject to the recommended conditions in relation to cycle parking and construction management.

6.5 Energy, Sustainability and Drainage

- 6.5.1 Sustainability policies were significantly bolstered in 2020 by the adoption of Local Plan 2033, the London Plan and the corporate announcement within LB.Hackney of Climate Emergency. The development must meet the requirements of policies LP54 (Overheating) and LP55 (Mitigating Climate Change) of Local Plan 2033, as well as the requirements of London Plan policies SI 2 (Minimising greenhouse gas emissions) and SI 4 (Managing heat risk). Hackney Council has declared their climate emergency and committed to become net zero carbon by 2040.
- 6.5.2 The scale of the development is small and would contribute to a reduction in local car use and provide additional local open space for residents. Electricity would be provided for the retail pods. While the material choices have not been fully explained within the submission with regards to sustainability, this is acceptable for this scale of development and the retail pods would be reused from the existing pods on the site.
- 6.5.3 The site has a high risk of surface water flooding and has an increased potential for elevated groundwater. At present the site is hard surfaced but rain gardens and tree pits with permeable resin-bound have been proposed to help mitigate these issues.
- 6.5.4 For these reasons, the sustainability, energy use and drainage provisions on the site are considered acceptable.

6.6 Trees and Biodiversity

- 6.6.1 Policy G7 (Biodiversity and access to nature) and G7 (Trees and Woodland), along with Local Plan 2033 policies LP47 (Biodiversity and Sites of Importance of Nature Conservation) and LP51 (Tree Management and Landscaping) stress the importance of trees and biodiversity.

- 6.6.2 The new trees and rain gardens are a welcomed addition to the square. During the course of the application, the applicants have confirmed that a mix of Tree species is agreed that is supported by both Planning and Streetscene Tree Officers. This ensures that suitable species have been chosen in line with future climate predictions, in what is an exposed and potentially heat stressed location.
- 6.6.3 The submission also provides a small sites BNG metric to demonstrate a net gain of 29.08% has been proposed, exceeding the 10% minimum requirement, even without the inclusion of the rain gardens in the metric. BNG does not apply to this site, so a formal legal agreement and/or condition is not recommended.
- 6.6.4 For these reasons, the biodiversity impacts of the scheme are considered acceptable. A condition is recommended in respect of the soft landscaping, to capture the aforementioned discussions over tree species and the submission itself.

6.7 Other Planning Matters

Ground Contamination

- 6.7.1 The site is of potential concern with regard to contaminated land and the submission has been reviewed by Contaminated Land officers. They are satisfied that the proposals are acceptable, subject to two conditions (covering land contamination and Unexploded Ordnance) to ensure the safety of the construction period and final development. On this basis, the proposal is considered to be acceptable with regards to land contamination.

Air Pollution

- 6.7.2 Air Pollution officers have confirmed that the loss of the car park will be positive in terms of air quality. The application is considered acceptable in this regard.

6.8 Planning contributions and Community Infrastructure Levy (CIL)

- 6.8.1 No additional floorspace is being created and no CIL payment is necessary.
- 6.8.2 No other planning obligations are proposed and no legal agreement is considered necessary.

6.9 Equalities Considerations

- 6.9.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 6.9.2 Having regard to the duty set out in the S149 Equality Act 2010, the development proposals do not raise specific equality issues other than where discussed in this report.

7.0 CONCLUSION

- 7.1 The principle of the development is in line with the objectives of local and regional policy, including the Dalston Plan where redevelopment of this car park was a specific aim. The design and detail of the proposal is considered acceptable.
- 7.2 The proposal is, on balance, therefore deemed to be in line with pertinent local, regional and national planning policies, and the approval of planning permission is recommended.

8.0 RECOMMENDATIONS

8.1 Recommendation A

That planning permission be GRANTED, subject to the following conditions:

8.1.1 - Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

8.1.2 - Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

8.1.3 – Soft Landscaping

Prior to the use of the development, detailed drawings and plans for the soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- 1) A planting plan including species which are known to have value to wildlife;
- 2) Soil volumes for proposed tree planting, planters and rain gardens;
- 3) Projected mature height and crown spread of proposed new trees;
- 4) Tree pit specifications and planter specifications for above ground planting;

- 5) Methods of tree support - e.g. staking or underground guying and protection - e.g. tree guards, grilles etc;
- 6) A diverse and varied planting plan and distribution of plant species to avoid block planting;
- 7) A maintenance and management plan to ensure the long-term success of the planting scheme, including details on watering, mulching, weeding, young tree maintenance, removal of guys, stakes and ties when no longer necessary, monitoring, and replacement of failed plants;
- 8) Areas to be grass seeded or turfed (if applicable).

All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any trees or plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To ensure that the site protects and enhances biodiversity, in accordance with LP47 and LP51 of the Hackney Local Plan as well as Section 15 of the National Planning Policy Framework.

8.1.4 - Drainage Measures

Prior to superstructure works, detailed specification, a drainage layout and a management & maintenance plan (where applicable) of the rain gardens and tree pits with permeable resin-bound shall be submitted to, and approved by the LPA, in consultation with the LLFA. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

REASON: To ensure that the proposed drainage measures are acceptable for this site at risk of surface water flooding when shown in sufficient detail.

8.1.5 - Land contamination

Prior to commencing the works a scheme including the following components to address the risks associated with site contamination shall be submitted to, and approved in writing by, the LPA.

- a) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses (including asbestos, landfill gas, vapours and ground water contaminants); a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
- b) A generic and detailed quantitative risk assessment based on (a) that identifies the risk to all receptors potentially affected, including those off site;
- c) In the event that remediation measures are deemed necessary following the results of (b), an options appraisal identifying feasible remediation options, detailing evaluation of options, and selecting the most appropriate remediation option(s);
- d) A remediation strategy focused on the remediation option(s) selected in (c) setting site specific monitoring objectives and criteria, providing details of monitoring and maintenance, and containing full details of the remediation measures required, and how they are to be undertaken.

- e) A verification plan explaining how the effectiveness of the remediation works set out in (d) will be measured, and how data will be collected and assessed to demonstrate that the remediation objectives and criteria will be met.
- f) A verification report demonstrating that remediation objectives and criteria identified in (e) have been met, assessing the remediation performance, and creating a final record of the land quality whilst providing a plan for long term monitoring and maintenance (if required).

Any investigation and risk assessment must be undertaken in strict accordance with the requirements of the Environment Agency's Land Contamination Risk Management (LCRM).

If additional significant contamination is found at any time when carrying out the approved development, it must immediately be reported in writing to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

REASON: To protect human health and the environment by ensuring no harm is caused by land contamination, in line with paragraphs H, I and J, LP 58 of the Hackney Local Plan 2033 and the Hackney contaminated land strategy 2022/2030.

8.1.6 - Unexploded Ordnance

Prior to the commencement of any excavation works, the findings of a preliminary UXO assessment must be provided to the main contractor responsible for Health & Safety matters on and off site under the CDM Regs 2015.

REASON: To ensure that the construction process is carried out safely in respect of unexploded ordnance.

8.1.7 - Secured by Design

The proposed development shall achieve Secured by Design principles to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation/ use/ opening of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

REASON: To ensure safe and secure development and reduce crime.

8.1.8 – Public Realm Lighting Strategy/ External Lighting

Prior to the commencement of the relevant works, a public realm lighting strategy is to be submitted and approved by the Local Planning Authority. No external lighting related to the development hereby permitted shall be installed unless it is in full accordance with details which have been previously submitted to, and approved in writing by, the local planning authority. Such details shall include location, height, type, colour and direction of light sources and intensity of illumination, with a lux levels plan. Any lighting that is so installed shall not thereafter be altered.

REASON: In the interests of public safety and private residential amenity.

8.1.26 - Cycle Parking

At least nine (9) Sheffield Stands for the use of cyclists shall be provided on the site prior to the commencement of the use and shall thereafter be retained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles is made for occupants and visitors.

8.1.29 - Demolition and Construction Management Plan

No development shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire construction period.

1) A demolition and construction method statement. It will include details of all noise and vibration (including noise from ancillary or temporary power supplies, details and locations of noisy activities including mobile plant machinery) and details of the best practicable means of mitigation employed against noise and vibration in accordance with British Standard Code of Practice BS5228 and measures to control dust and preserve air quality (including a risk assessment of the demolition and construction phase);

2) A detailed demolition and construction logistics plan to include the following: the construction programme/ timescales; the number/ frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period;

3) A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during the construction project;

4) Procedures for maintaining good public relations including complaint management, public consultation and liaison. Arrangements for liaison with the Council's Community Safety Team;

REASON: To avoid hazard and obstruction being caused to users of the public highway and Gillett Square as a result of the proposed development, in the interests of public safety and amenity and the sustainable use of materials.

8.2 Recommendation B

That the Sub-Committee grants delegated authority to the Assistant Director of Planning & Building Control (or in their absence either the Growth Team Manager or DM and Enforcement Manager) to make any minor alterations, additions or deletions including to the recommended conditions as set out in this report, provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

9.0 INFORMATIVES

A reason for approval is required quoting all the Local Plan and London Plan policies listed at sections 5 of this report. In addition the following informatives should be added:

SI.2 Work Affecting Public Highway
SI.3 Sanitary, Ventilation and Drainage Arrangements
SI.6 Control of Pollution (Clean Air, Noise, etc.)
SI.25 Disabled Person's Provisions
SI.27 Fire Precautions Act
SI.28 Refuse Storage and Disposal Arrangements
SI.34 Landscaping
SI.45 The Construction (Design & Management) Regulations 1994

Signed..... **Date**.....

Natalie Broughton - Assistant Director of Planning & Building Control

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	Nick Bovaird x8291	Hackney Service Centre, Hillman Street, London E8 1FB